

MINUTES OF THE MEETING OF THE CITY COUNCIL

held at the Council House, Nottingham,

on Monday 15 October 2007 at 2.00 pm

ATTENDANCES

✓ Councillor Munir	Lord Mayor
✓ Councillor Ahmed	✓ Councillor Jones
✓ Councillor Akhtar	✓ Councillor A Khan
✓ Councillor Arnold	✓ Councillor G Khan
✓ Councillor Aslam	✓ Councillor Klein
✓ Councillor Benson	✓ Councillor Lee
✓ Councillor Bryan	✓ Councillor Liversidge
Councillor Bull	Councillor Long
✓ Councillor Campbell	✓ Councillor MacLennan
✓ Councillor Chapman	✓ Councillor Malcolm
✓ Councillor Clark	✓ Councillor Marshall
✓ Councillor Clarke-Smith	✓ Councillor Mellen
✓ Councillor Collins	✓ Councillor Mir
✓ Councillor Cowan	✓ Councillor Newton
✓ Councillor Cresswell	✓ Councillor Oldham
✓ Councillor Culley	✓ Councillor Packer
✓ Councillor Davie	✓ Councillor Parbutt
Councillor Dewinton	✓ Councillor Price
✓ Councillor Edwards	✓ Councillor Smith
✓ Councillor Foster	✓ Councillor Spencer
✓ Councillor Gibson	✓ Councillor Sutton
✓ Councillor Griggs	✓ Councillor Trimble
✓ Councillor Grocock	Councillor Unczur
✓ Councillor Hartshorne	✓ Councillor Urquhart
✓ Councillor Heppell	Councillor Watson
✓ Councillor Ibrahim	✓ Councillor Wildgust
✓ Councillor James	✓ Councillor Williams
✓ Councillor Johnson	✓ Councillor Wood

26 DECLARATIONS OF INTERESTS

In respect of agenda item 9, Motion by Councillor Clark, the following members declared interests:-

Councillor Davie declared a personal interest as the owner of a property that was rented, which did not preclude him from speaking or voting on this item.

Councillor A Khan declared a personal and prejudicial interest as the owner of a house that would be classed as a house of multiple occupation and was rented, he left the chamber prior to the item being discussed and voted upon.

27 QUESTIONS AND PETITIONS FROM MEMBERS OF THE PUBLIC

Public Petitions

Councillor Klein submitted a petition to the Lord Mayor, on behalf of the residents of Hucknall Lane, Bulwell who were concerned about noise, environmental pollution and road safety along the A611 Hucknall bypass. The residents requested the City Council's Highways Department to implement a 40 mile per hour speed limit from the traffic island on Hucknall Lane/Nottingham Road along the A611 Hucknall bypass to its junction with Watnall Road, the provision of a light controlled pedestrian crossing across Hucknall Lane in the vicinity of "the Swinger" public house and the provision of appropriate signage warning of the above features.

Councillor Trimble submitted a petition to the Lord Mayor, on behalf of 415 Nottingham residents regarding the proposed closure of New Lenton Post Office. Residents urged the Council to act to keep the post office open so it could continue to play an important social and economic role in the community.

Councillor Urquhart submitted a petition to the Lord Mayor, on behalf of residents in Carrington regarding the proposed closure of Carrington Post Office. Residents urged the Council to act to keep the Post office open and keep the local community working together.

Councillor Mellen submitted a petition to the Lord Mayor, on behalf of 766 residents of Sneinton and the surrounding area objecting to the proposed closure of the Post Office on Sneinton Dale, Sneinton. Residents urged the Council to act to keep the post office open to retain it as a community facility.

28 MINUTES

RESOLVED that the minutes of the meeting held on 10 September 2007, be confirmed and signed by the Lord Mayor.

29 OFFICIAL COMMUNICATIONS

The Chief Executive informed Council that David Williams, the City Council's Duke of Edinburgh Award Scheme Co-ordinator, had been awarded an MBE in the Queens recent Birthday Honours List for his services to young people in Nottingham and Nottinghamshire.

David Williams, a former police officer in the Nottinghamshire force for 35 years, was the first dedicated co-ordinator for the Duke of Edinburgh scheme in Nottingham and joined the Council in 1998, the year after he retired as police inspector for community affairs. At that time there were 300 young people taking part in the awards. Now there was 1,200 with numbers still increasing. Working part time for the Council, Mr Williams had dedicated more than 30 years to helping young people get involved in activities and sport.

The Chief Executive also reported, with regret, the death on 5 September 2007 of former Councillor and Honorary Alderman Dr Ernest Want.

He was Deputy Lord Mayor in 1970/71 and became Britain's first Asian Lord Mayor in 1971/72.

During his time as a Councillor he represented Sherwood, Radford and Forest wards. He participated in the Nottingham Hospital Management Committee, the Local Medical Committee and Chaired Health Authority meetings. He encouraged the development of the Queens Medical Centre University Hospital which opened in 1967.

In 1973 he retired from local politics, but continued to work as a general practitioner until 1985.

Dr Want is survived by his children Tricia and Christopher Kul-Want and their families.

The Council stood in silence in tribute to his memory.

30 QUESTIONS

Signage to the New Old Market Square Toilets

Councillor Marshall asked the following question of the Portfolio Holder for Transport, Economic Development and Skills:-

Does the Portfolio Holder for Transport, Economic Development and Skills agree that the signs pointing towards the new Old Market Square toilets are still very inadequate? Will this Brian undertake to do a better job than the previous one?

Councillor Parbutt replied as follows:-

Thank you, Lord Mayor. I thank Councillor Marshall for his question. Currently there are nine signs attached to finger posts directing the public to the toilets located at Greyhound Street, plus two signs attached to lamp columns close to the entrances to Greyhound Street. There is also a temporary sign attached to the CCTV column outside Clarks; that column is temporary and will be removed within the next eight weeks.

The Council have attempted to position additional signage above each entrance to Greyhound Street but have been unsuccessful in securing permission from the owners. However, Legal Services and Highway Design intend to visit the properties concerned with a view to gaining the necessary permission at the earliest opportunity.

I don't think I agree that the signage is inadequate but I do think it poses a challenge when the toilets are in a secluded position. Signage on Greyhound Street itself may be the answer to tackling the issue of the prominence of the toilet premises.

IDeA Services - Member and Officers Clarification of Roles

Councillor Benson asked the following question of the Leader of the Council:-

Will the Leader of the Council please tell me how many meetings between himself and the Chief Executive to discuss 'the Deal' and the roles of Executive Members and Officers have been attended by a consultant from the Improvement and Development Agency, and what is the estimated cost of the IDeA's services and assistance for this purpose; and what changes in the roles of Members and Officers have been agreed so far?

Councillor Collins replied as follows:-

Thank you, Lord Mayor. Members will recall that as part of the areas for improvement identified in Nottingham's recent CPA the inspectors wrote that, and I quote, "early attention should be paid to clarifying the role of councillors and officers at all levels of the organisation".

At a meeting with the District Auditor in August, I gave a commitment to ask the IDeA to undertake a piece of work to take forward that recommendation and this they agreed to do.

So far, the Chief Executive and I have met representatives of the IDeA on three occasions and no consultants have been present, the estimated cost so far is around £900.

Finally, no changes in the role of members and officers have been agreed and since the CPA asked that, and I quote, "the roles of officers and members should be clarified, not changed", I don't anticipate any either.

Enforcement Action - Discarded Cigarette Butts

Councillor Cowan asked the following question of the Leader of the Council:-

Will the Portfolio Holder for Environment and Climate Change, or the Leader in her absence, tell me how many fixed penalty notices have been issued or other enforcement action taken since 1 April this year

against people discarding used cigarette butts on public streets in and around the Old Market Square; and whether there are any groups or classes of people who are effectively immune from enforcement action, and if so, why?

Councillor Collins replied as follows:-

Thank you, Lord Mayor and can I thank Councillor Cowan for his question. Since 1 April this year 530 fixed penalty notices have been issued for discarded cigarette butts of which around 100 of these have been for offences in and around the Old Market Square.

Since the law does not allow for fixed penalty notices to be issued to anyone under the age of 10 this group of people are “immune” although Community Protection Officers (CPOs) do have the power to confiscate cigarettes from anyone who is smoking below the legal minimum age to do so. There are no other groups that are immune from enforcement activity as far as I am aware and I would expect CPOs to treat everybody equally in this respect.

If Councillor Cowan is concerned that this isn't happening then I would suggest he raises any specific examples directly with Mr Errington who is the appropriate officer in this instance.

Area Committee Consultation

Councillor Spencer asked the following question of the Chairman of the Clifton and Wilford Area Committee:-

Will the Chairman of the Clifton and Wilford Area Committee say whether he is satisfied with the extent of consultation with the Area Committee on local issues; and what improvements should be made?

Councillor Price replied as follows:-

Thank you, Lord Mayor and may I thank Councillor Spencer for his question. As Councillor Spencer may recognise the level and effectiveness of consultation between central service departments and area committees is mixed. I do not have time to go through all such instances but believe the two examples from each end of the spectrum would be informative.

The City's Green Strategy has dovetailed nicely into a review of parks in Area 9. This has been partly inspired by local residents frustration at the closure of some parks and vandalism of others. While much still has to be done it is anticipated that at least two of our parks will benefit from central funding, a third will be developed with area resources and our most ambitious project, a park dedicated to the area's youth will require central funding and an injection of section 106 money, but the harmony achieved between the City-wide vision and the local needs is, however, rare.

The City Youth Service has a vision for Area 9 that has been opposed by the Area Committee. Lord Mayor, this is not the time or place to go into all the detailed arguments that have led to this situation, but I do believe a brief summary would be informative. The Youth Service wanted to establish a Centre of Excellence in each area and in Clifton they wanted that centre to be at Green Lane. When this was presented to Clifton and Wilford Area Committee the whole committee, including councillors of all parties were concerned about the suggested closure of our roundabout centre. This centre hosted our local scout group, audio projects and the KISS Sexual Health Project, only the latter was going to be re-housed. In order to accommodate all the areas of youth activity in Clifton the Green Lane Community Centre would have to evict the Clifton Advice Centre for older people and also we might lose the café.

Lord Mayor, the brief summary is not an attempt to convince you or other members of the Chamber that the Area Committee is right in this matter, though I believe we are, but to convince you that we had legitimate rational concerns that deserve consideration and reflection. Unfortunately, the Youth Service at that time was not that professional and it required the intervention of the Acting Chief Executive in order to get another paper on this subject to our Area Committee. The issue is still live going round central committees and I fear at some stage Area 9 may well be presented with a "fait accompli" which in itself would undermine the concept of local consultation.

Lord Mayor, I can assure you that this is not an attack on officers in the Youth Service. I have worked with many of them on many matters and they have been dedicated servants of the City Council. I view this as a systemic failure of the organisation, a failure to

anticipate the natural tensions that are bound to develop between Area Committees and central departments.

If Area Committees continue to grow organically to meet the needs of their local communities they will vary greatly from each other and this will make it hard for central departments to interact with them.

We need a formal mechanism to address disagreements between Area Committees and service departments. A forum that could seek to resolve these differences before they become entrenched and so destructive. Membership of that forum which, I think, will need to be debated another time, but might include senior officers and would definitely need councillor participation. It would need to adopt a problem solving approach. This is not about winners and losers and nor is it a virility contest between Area Chairs and Portfolio Holders.

A city the size and complexity of Nottingham needs service departments to be more sophisticated than to try and implement a one size that fits all approach and Area Committees, in the words of the Chief Executive, "must not seek to become nine mini Town Halls".

Lord Mayor, the current situation places an intolerable burden on some area based officers who are expected to meet the needs of both central service department priorities and those of Area Committees. No one can serve two masters and currently attempting to do so are some area based officers who are working more than their contracted hours.

For Area Committees to develop we need to anticipate the friction that will occur between them and those trying to implement City-wide policies. We need to legitimise this tension and not seek to blame individuals for it, but seek a transparent way of resolving the conflicts. Even if such a formal mechanism creates a hierarchy that leaves Area Committees below the Portfolio Holders with only the right to insist that policies be reviewed, it would be better than the vacuum we currently have which could potentially undermine the good work achieved by Area Committees.

Thank you, Lord Mayor.

Unlicensed Traders

Councillor Arnold asked the following question of the Portfolio Holder for Customer Services, Consultation and Area Working:-

Could the Portfolio Holder for Customer Services, Consultation and Area Working please highlight what steps the Council is taking to tackle the problem of unlicensed traders on our City's streets?

Councillor Campbell replied as follows:-

Thank you, my Lord Mayor and can I thank Councillor Arnold for her question. As you know, the crux of the problem is the total abuse of the pedlar's certificate by certain individuals, that is, the use of a wheeled stall, remaining stationary for unreasonable lengths of time and therefore not peddling but illegally street trading.

City Centre Management and Markets and Fairs appreciate the growing problems and have worked together in gaining evidence and taking forward prosecutions. Although we have been successful with numerous prosecutions the illegal street traders accept many fines as an acceptable running cost and the fact is the prosecution route is lengthy and time consuming and is not deterring most offenders who continue to operate in the City Centre.

We are looking towards a long-term solution to this problem and I can advise that Markets and Fairs are taking the lead with the full support of the City Centre Management in obtaining a Local Act. This course of action has been successful for other authorities who have changed legislation to remove the problem from their City Centre streets. It is, however, a long process to obtain the Act, taking several months (in excess of twelve months) to complete due to a strict timetable before presenting to both the Houses of Parliament and to gain Royal Assent.

The procedure requires a resolution to be passed at Full Council by at least 50% of all Council members to authorise the promotion of a Private Bill to supplement its powers relating to unlawful street trading.

The timescale, after resolution of today's report on this matter is a draft Bill deposited in Parliament by 27 November 2007, a second resolution at Full Council as soon as possible after 14 days after deposit (probably Full Council in January 2008), the progress through Parliament between January and July 2008 and then Royal Assent in Autumn 2008.

Thank you, my Lord Mayor.

31 DECISION BY PORTFOLIO HOLDER UNDER SPECIAL URGENCY PROCEDURE

The report of Councillor Collins (as set out on page 181 of the agenda) was submitted.

RESOLVED on the motion of Councillor Collins, seconded by Councillor Edwards, that:-

- (1) Portfolio Holder Decision 407, which authorised the Strategic Finance Director to place the Councils fleet insurance with Risk Management Partners (RMP) up to 31 March 2010, at a rate of £471.45 per vehicle be noted;**
- (2) the reason for urgency, namely that a decision was required by 28 September 2007, in order to obtain the discounted insurance rate offered by RMP, be noted**

32 STREET TRADING - THE PROMOTION OF A PRIVATE PARLIAMENTARY BILL

The report of Councillor Campbell (as set out on page 184 of the agenda) was submitted and its recommendations were moved by Councillor Campbell and seconded by Councillor Parbutt.

RESOLVED unanimously on the motion of Councillor Campbell, seconded by Councillor Parbutt, that:-

- (1) the City Council authorises the promotion of a Private Bill to supplement its enforcement powers relating to unlawful street trading by:-**

- (i) amending the definition of street trading to include the supplying or offering to supply any service in a street;
 - (ii) altering the Pedlars exemption so that it only applies to house to house trading;
 - (iii) enabling authorised Council officers and Police constables to seize articles being sold, offered or displayed for sale in suspected unauthorised street trading cases; and
 - (iv) enabling courts to forfeiture such articles on conviction;
- (2) the City Council join together with other local authorities to promote their own Bills with the prospect of fee sharing.

33 RIGHTS OF WAY IMPROVEMENT PLAN (ROWIP) 2006/7 TO 2010/11

The report of Councillor Parbutt (as set out on page 192 of the agenda) was submitted and its recommendations were moved by Councillor Parbutt and seconded by Councillor James.

RESOLVED on the motion of Councillor Parbutt, seconded by Councillor James that the ROWIP 2006/7 - 2010/11 be approved for publication.

34 MOTION IN THE NAME OF COUNCILLOR CLARK - PLANNING RULES IN ENGLAND

MOVED by Councillor Clark, seconded by Councillor Trimble:-

Council notes that:-

- in England a family house and a house in multiple occupation (HMO) are in the same Use Class, in planning terms, which means that planning permission is not required to use what was a family house as a HMO.

- if the planning rules in England were changed to create a separate Use Class for HMOs, it would be much easier to control their distribution and local density in the City.
- having a high density of HMOs can have a detrimental effect on local communities, for example in terms of waste, parking and noise, and can eventually lead to communities becoming unbalanced and unsustainable.

Therefore Council resolves to ask the Government to change the planning rules in England to create a separate Use Class for HMOs, and to write to all Nottingham MPs on the same matter.

Moved by Councillor Cowan by way of amendment and seconded by Councillor Benson that:-

In the final paragraph insert after 'Government' "(i)" and delete the comma and insert after 'HMOs'

"and to require planning consent for new dormer windows whether facing a highway or not, and (ii) to remove the exemption from council tax of dwellings solely occupied by students;" and substitute 'matters' for matter'.

The final paragraph will then read:

Therefore Council resolves to ask the Government (i) to change the planning rules in England to create a separate Use Class for HMOs and to require planning consent for new dormer windows whether facing a highway or not, and (ii) to remove the exemption from council tax of dwellings solely occupied by students; and to write to all Nottingham MPs on the same matter.

After discussion the amendment was put to the vote and was not carried.

MOVED by Councillor Gibson by way of amendment and seconded by Councillor Mellen:-

Amendment:

In the final paragraph insert after 'Council resolves' "(i)" and delete the comma and insert after 'HMOs'

"and to require planning consent for new dormer windows whether facing a highway or not, and (ii) to support those who are campaigning for a business tax on HMOs to be kept and spent locally"

The final paragraph will then read:

Therefore Council resolves (i) to ask the Government to change the planning rules in England to create a separate Use Class for HMOs and to require planning consent for new dormer windows whether facing a highway or not, and (ii) to support those who are campaigning for a business tax on HMOs to be kept and spent locally and to write to all Nottingham MPs on the same matter.

After further discussion the amendment was put to the vote and the Council RESOLVED to note that:-

- **in England a family house and a house in multiple occupation (HMO) are in the same Use Class, in planning terms, which means that planning permission is not required to use what was a family house as a HMO.**
- **if the planning rules in England were changed to create a separate Use Class for HMOs, it would be much easier to control their distribution and local density in the City**
- **having a high density of HMOs can have a detrimental effect on local communities, for example in terms of waste, parking and noise, and can eventually lead to communities becoming unbalanced and unsustainable.**

Therefore Council resolves (i) to ask the Government to change the planning rules in England to create a separate Use Class for HMOs and to require planning consent for new dormer windows whether facing a highway or not, and (ii) to support those who are

campaigning for a business tax on HMOs to be kept and spent locally and to write to all Nottingham MPs on the same matter.

35 MOTION IN THE NAME OF COUNCILLOR MACLENNAN - LOCAL DEMOCRACY

MOVED by Councillor MacLennan, seconded by Councillor Newton:-

In recognition of this Council's support for Local Democracy Week, Council welcomes the new powers for Local Authorities proposed in the Local Government and Public Involvement in Health Bill.

Within the Bill we particularly welcome the proposed role of Councillors as Community champions with a strategic vision for their wards as well as the City. Council recognises that, to be effective in fulfilling their role, Councillors will need to work closely with and talk to Officers at all levels of the Authority and that this principle should be safeguarded in the current governance and neighbourhood arrangements.

This Council commits itself to the creation of sustainable and democratic communities, encouraging active citizenship and democratic engagement by:

- further developing of the role of area committees;
- wide consultation on matters of local concern;
- events such as those that take place in Local Democracy Week;
- the promotion of Councillors and their key roles within their communities;
- ensuring Councillors and where appropriate ward Councillors are given the opportunity to chair all Council consultation meetings;
- notifying Councillors of all significant expenditure or activity planned and then delivered in their wards;
- committing to the inclusion of photographs on letterheads, business cards and compliments slips for every City Councillor to support their recognition and therefore accountability to their constituents;
- improving support to Councillors in dealing with casework and in their role as "place shapers".

MOVED by Councillor Price by way of amendment and seconded by Councillor Cowan:-

Amendment:

Delete the seventh bullet point

After discussion the amendment was put to the vote and was not carried.

MOVED by Councillor Foster by way of amendment and seconded by Councillor Sutton:-

At the end, add

“This Council is concerned that the proposals do not go far enough in releasing local authorities from the strait-jacket of central government control”.

After further discussion the amendment was put to the vote and was not carried.

After further discussion the Council RESOLVED that:-

In recognition of this Council’s support for Local Democracy Week, Council welcomes the new powers for Local Authorities proposed in the Local Government and Public Involvement in Health Bill.

Within the Bill we particularly welcome the proposed role of Councillors as Community champions with a strategic vision for their wards as well as the City. Council recognises that, to be effective in fulfilling their role, Councillors will need to work closely with and talk to Officers at all levels of the Authority and that this principle should be safeguarded in the current governance and neighbourhood arrangements.

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- ensuring Councillors and where appropriate ward Councillors are given the opportunity to chair all Council consultation meetings;
- notifying Councillors of all significant expenditure or activity planned and then delivered in their wards;
- committing to the inclusion of photographs on letterheads, business cards and compliments slips for every City Councillor to support their recognition and therefore accountability to their constituents;
- improving support to Councillors in dealing with casework and in their role as “place shapers”.

36 MOTION IN THE NAME OF COUNCILLOR GIBSON - NEW VISITOR COMPLEX - SHERWOOD FOREST

MOVED by Councillor Gibson, seconded by Councillor Packer:-

Further to the renewed interest in the tales of Robin Hood, this Council welcomes the bid by the County Council to establish a new visitor complex at the heart of Sherwood Forest.

After discussion the motion was put to the vote and was carried and the Council RESOLVED that further to the renewed interest in the tales of Robin Hood, this Council welcomes the bid by the County Council to establish a new visitor complex at the heart of Sherwood Forest.

The meeting closed at 7.40pm

Council Question requiring a written response

The following response was circulated to all members on 22 October 2007:-

CCTV Network

Councillor Sutton asked the following question of the Deputy Leader:-

On 13 September, the Portfolio Holder approved investment of a further £175,000 to fund development of the redeployable CCTV network. This was necessary to replace a shortfall because the money had been diverted into other CCTV schemes. £85,000 revenue money, taken from savings linked to the CCTV in 05/06, was to have been transferred to the capital fund. But this did not get carried out and the £85,000 was “lost”. Why was this? What measures were in place to ensure the planned actions happened? Did any other transfers “not get carried out”?

Councillor Edwards replied as follows:-

Requests for the carry-forward of unspent revenue budgets are generated by departments, and forwarded to the Strategic Finance Director, as the accounts closedown process is completed each year. The requests are subsequently reported to Executive Board for approval.

There is a clear officer procedure for making requests for revenue carry-forwards. Unfortunately, in this case, the carry-forward need was not identified at the time. I am advised that this probably happened due to confusion between capital and revenue carry-forward arrangements. (The CCTV programme is a capital scheme, and the management of the capital programme – which is a multi-year programme – automatically carries forward unspent resources, as often this represents a change in phasing, or actual time of carrying out the works. Specific approval has to be sought for revenue carry-forwards as they relate to a single year budget).

The Strategic Finance Director is not aware of any other cases where such transfers were not made last year. He has undertaken to review the closedown procedure notes concerning transfers to the capital fund for closedown of the 2007/08 account.