



**Castle House
Great North Road
Newark
NG24 1BY**

Tel: 01636 650000
www.newark-sherwooddc.gov.uk

Tuesday, 26 July 2022

Dear Member,

Further to the Audit and Governance Agenda, please find attached for your consideration part of item 6 that was unavailable when the Agenda was published.

Yours sincerely

Karen Langford
Democratic Services Officer

Agenda Item 6 Audit Report – London Road Municipal Buildings Letters of Representation

Letter of Representation 1

21st July, 2022

Dear John,

Thank you for your letter and attachments dated 20th July
I had already downloaded the Audit Report some weeks ago from the email we received from Lucy Pledge, as I was part of the consultation process.

I would just like to say to you, as you were present last Tuesday evening, that Cllr Lloyd's sophistry in replying to my question only makes me wonder why we, the public, the taxpayers, the people who get involved in things in Newark either as volunteers, donors, supporters or activists are often regarded as something nasty stuck on a Councillor's shoe. My interest is in how to change this state of affairs.

To be clear, my question, was not "concerned with reprisals and recriminations". Those words did not appear in my question. I simply asked who was ultimately responsible in NSDC for certain things that happened over the past 3 years (and going back to 2013) with the Old Municipal Building sale and London Road Car Park, which we don't need to go into here. Much of it is in the Audit Report. And I used examples of failures from the pages of the Audit Report in my question.

My reason for this question was that I wanted a name/names of someone in the Council that, as a resident of Newark, I could approach to talk to about how to repair the often toxic relationship between Councillors, Officers of the Council and the general public in Newark and Sherwood. The Council Chamber and London Rd/Library Garden is not the only place I have witnessed displays of this toxicity. So many people with legitimate concerns feel ignored, taken for granted, criticised, stressed or made to look stupid. This is not what a District Council is for. So, how do we seek a fair, consensual way of sorting out issues without confrontation as the only resort?

You may remember, in a meeting with me and Julia Smith (RIP) and Paul Baggaley in early 2019, we discussed with Matt Lamb and yourself having some sort of "Resident's Committee" made up of a wide cross section of people in Newark. This was proposed as a conduit between the public and the Council, which would discuss and scrutinise local issues of importance and concern. I left an outline of our idea with you.

In the ACTION PLAN evolving from the Audit Report, I see some clues in the Actions relating to:-

Principle A - Behaving with integrity, demonstrating a strong commitment to ethical values, respecting the rule of law

Principle B - Ensuring openness and comprehensive stakeholder engagement

Principle C - Defining outcome in terms of sustainable economic, social and environmental benefits

AND most importantly Principle G - parts 2.15 Effective Scrutiny training and 2.16 A review of the effectiveness of the Council's scrutiny arrangements. It seems to me that well trained scrutiny Councillors/ Officers could have avoided the disastrous "deal" before it got off the ground.

Perhaps there is a role in the Policy and Performance Improvement Committee for this.

I feel that somewhere in these four principles, some work can be done to bring together the Newark and Sherwood Community and the NSDC Councillors and Officers in a respectful way.

You as CEO will have resources available such as coaching and training and there could be some major improvements in the "us and them" attitudes which lead to confrontations of the type neither of us ever want to see again.

Yours sincerely,

Jenni Harding

Letter of Representation 2

Thank you for the opportunity to comment at this meeting as a representative of Protect Newark's Green spaces campaign group. Our full response to the audit report was made in a press release on 30th June 2022 (attached).

It is reassuring to see from the Action Plan that processes are in place to address the recommendations in the report. We would like to ask about the monitoring and scrutiny of NSDC's progress in carrying out its action plan. Will an independent body undertake that work and how will it be done?

We understand that the focus of the review was on the decisions that led up to the protest on The Library Garden in October and November 2021, rather than on the conduct of the council during those two months of our campaign and that Assurance Lincs will be looking at that period of time in September 2022. Protect Newark Green Space's made detailed written and verbal submissions to Assurance Lincs covering that period of time and we look forward to the outcome of that work.

At this meeting we ask this committee to consider the serious failings identified in the audit report in the context of the Nolan principles <https://www.gov.uk/government/publications/the-7-principles-of-public-life> and to properly assess the conduct of officers and members in that light.

We have serious concerns that the conduct of some NSDC officers and members in recent months points to ongoing failures to uphold the principles of:

Accountability: Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

We are concerned that officers and members are failing to uphold these principles when handling complaints from the public and responding to questions from the public at council meetings. For this reason, we have to ask whether lessons have been learnt by all officers and members?

PRESS RELEASE 30/6/22

Protect Newark's Green Spaces (PNGS) campaign team welcomes the outcome of the investigation by Assurance Lincolnshire set out in its detailed audit report '**Lessons Learnt. London Road Municipal Buildings**'.

This report fully vindicates the case campaigners made against the scheme since its inception. The investigation found that **Newark and Sherwood District Council (NSDC)** had failed in a number of very serious ways, including:

due diligence; public engagement and consultation; robust decision-making practices; evidence of need for the parking spaces; making a sound commercial case; consideration of the environmental impacts of the proposed scheme

All these matters were repeatedly put to NSDC by PNGS during our three-year campaign to save the Library Garden but sadly, we were not listened to.

We note that the report states that the current officers and some of the current members (elected councillors) were not in post at the time of the sale of the Old Municipal Building and the subsequent ill-thought-out deal. However, PNGS note that some members, who were the main drivers of the London Road Car Park Extension scheme, remain in post and have been fully involved since the inception of the project.

It is disappointing that the considerable evidence provided by PNGS in their submission to the Lincs Assurance investigation about NSDC's conduct during the final 2 months of the campaign was deemed out of its scope. This evidence covered, but was not limited to:

health and safety contraventions; the closing down of communication with the public; public statements by NSDC officers and members that were untrue; providing misleading information to contractors and the police which ramped up hostility towards peaceful protestors; unwarranted use of Notts Police time and resources.

In our view, NSDC's conduct undoubtedly made a difficult situation far worse than it needed to be and we echo the Chief Executive Officer's sincere hope that 'we never have a repeat of this situation'.

PNGS urge all local councils - county, town and parish - to pay close attention to this Audit report and ensure that their members and officers meet the standards of governance and conduct the public expect of their elected bodies at all times.

We understand that the report will be presented and discussed at the next Audit and Governance Committee meeting on 27 July. PNGS representatives will be attending this meeting. We look forward to hearing the details of the lessons which have been learnt and the measures which have been put in place to improve standards and governance within NSDC. We expect that NSDC officers and members will use the meeting as an opportunity to publicly and sincerely apologise to council tax payers across the district for their failures of governance and due diligence which have wasted so much of their money.

We also hope that PNGS campaigners and all our STOP THE CHOP supporters will receive a public apology at this meeting for the way they were treated by NSDC during the final two months of the campaign which caused a great deal of anxiety and distress across our community. PNGS are very proud of all our campaigners and supporters for the way they conducted themselves and came together as a peaceful, strong community, determined to stand firm and do the right thing while NSDC appeared to be ruthlessly trying to do the wrong thing. We would appreciate this being recognised at the meeting on 27th July.