

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Full Council** held in the Civic Suite, Castle House, Great North Road, Newark, Nottinghamshire, NG24 1BY on Tuesday, 16 July 2019 at 6.00 pm.

PRESENT: Councillor R Crowe (Chairman)
Councillor Mrs P Rainbow (Vice-Chairman)

Councillor Mrs K Arnold, Councillor K Walker, Councillor R Blaney, Councillor L Brailsford, Councillor L Brazier, Councillor M Brock, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor M Brown, Councillor S Carlton, Councillor Mrs R Crowe, Councillor D Cumberlidge, Councillor L Dales, Councillor Mrs G Dawn, Councillor Mrs M Dobson, Councillor K Girling, Councillor L Goff, Councillor P Harris, Councillor R Holloway, Councillor Mrs L Hurst, Councillor R Jackson, Councillor B Laughton, Councillor J Lee, Councillor D Lloyd, Councillor Mrs S Michael, Councillor N Mison, Councillor N Mitchell, Councillor P Peacock, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor T Wendels, Councillor R White and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor B Clarke-Smith (Committee Member) and Councillor M Cope (Committee Member)

16 MINUTES FROM THE ANNUAL MEETING HELD ON 21 MAY 2019

AGREED (unanimously) that minutes of the Annual Meeting held on 21 May 2019 be approved as a correct record and signed by the Chairman.

17 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED the interests declared as shown in the schedule circulated at the meeting.

18 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

In addition to the Council undertaking a video recording of parts of the meeting, Councillor L Goff declared his intention to record parts of the meeting.

19 COMMUNICATIONS WHICH THE CHAIRMAN OR THE CHIEF EXECUTIVE MAY WISH TO LAY BEFORE THE COUNCIL

The Chief Executive advised the Council of the success of the Housing Options Team and partners in being highly commended in the Municipal Journal Achievement Awards 2019 in the Transforming Lives category. This was in recognition of the innovative and impactful delivery of the Syrian Vulnerable Persons Resettlement program in Newark & Sherwood. The Chairman invited the following members to the front of the Chamber to be congratulated by the Council: Leanne Monger and Maria Brambles (Newark & Sherwood District Council); Carol Jennings (Citizens Advice); Adel Hamad (Nottingham & Nottinghamshire Refugee Forum); Tamsin Bradley (language tutor); Stacey Bradshaw, Sara Grant and Elaine Rossall (Home-Start, Newark); Michelle

Hillary and Jane Geraghty (Support for Syrian Refugees); and Kate Ludlam (Barnbygate Surgery).

The Chairman announced that a cohort of runners were taking part in the Newark Half Marathon on 11 August 2019 to raise money for the Newark Home Start charity which he was supporting.

The Chairman also reminded Members that Floss Newman's Memorial would take place on Saturday, 27 July 2019 at Newark Castle.

20 QUESTIONS FROM MEMBERS OF THE PUBLIC

In accordance with Council Procedure Rule No. 15 the Council received six questions. Details of the questions submitted by Jane Olson, Paul Moore, Liz Lainé, Donna Bowyer & Max Crow (and Roger Bell), Elena Stardust, and Esther Cropper and the subsequent replies are detailed in Appendix A to the minutes.

21 IN ACCORDANCE WITH RULE NO. 10 TO RECEIVE PETITIONS FROM MEMBERS OF THE COUNCIL (IF ANY)

In accordance with the Council's statutory petition scheme, Lucy Howson presented a petition to the Council in relation to saving the park at Cedar Avenue / Chestnut Avenue on behalf of the Winthorpe Estate Residents Group.

The petition called upon the Council to save the park for the enjoyment of children and future generations by honouring the perpetuity status which had been granted by the Gilstrap family. It was reported that the written petition and online version had 1,506 signatures.

In opening the debate, the Leader of the Council highlighted a number of inaccuracies made by the lead petitioner and advised that the land did not belong to the District Council but to the Gilstrap Trust.

Councillor D. Lloyd moved and Councillor K. Girling seconded that the petition be referred to the Planning Committee alongside any future planning application for the site. This proposal on being put to the meeting, was declared carried unanimously.

In addition the Chairman of the Council advised that a second petition 'Keep the Elm Avenue stadium as a sports ground for local people' which was due to be debated at this meeting, was to be deferred at the request of the petitioners given that the lead petitioner was unable to attend the meeting.

22 UPDATE TO CONTRACT PROCEDURE RULES

The Council considered the report of the Deputy Chief Executive/Director – Resources which sought to amend the current Contract Procedure Rules in order to reflect the current arrangements. Under the Council's Constitution the delegation for adopting and amending Contract Procedure Rules falls to the Council.

The Rules required updating to reflect that the Council's procurement services were now being provided by Welland Procurement. There had also been minor amendments to give greater clarity. Appendix A to the report set out the proposed new Contract Procedure Rules with the proposed minor changes in wording highlighted.

AGREED (unanimously) that the proposed Contract Procedure Rules, as set out at Appendix A to the report, be approved and the Council Constitution be updated accordingly.

23 NOTICES OF MOTION

(i) Climate Change

In accordance with Council Procedure Rule No 13.1, Councillor P Peacock moved and Councillor Mrs D Cumberlidge seconded a motion to the following effect:

“The United Nations Intergovernmental Panel on Climate Change have warned that we have 12 years to make the necessary changes to limit a rise in global temperatures to 1.5°C. Failure to act will see a marked increase in sea levels and flooding, extreme and abrupt changes to weather patterns, crop failures, extinctions of plant, insect and animal species and global economic disruption and crisis. The increased frequency and intensity of weather events that we have experienced locally highlight why this is such an important issue for Newark and Sherwood District Council to respond to.

At the Global Climate Talks in Poland last December the UK along with over 200 nations agreed action on climate change with a much greater role strongly implied for Local and Regional Authorities like Newark and Sherwood District Council in assisting Governments to achieve their carbon emission savings.

Newark and Sherwood District Council therefore;

- Declares a Climate Emergency;
- Notes that we need to develop measures and set targets to contribute to the challenge of keeping global temperature rises below 1.5°C; and
- Will take the following measures:
 - (a) to establish a Newark and Sherwood District Climate Change working group to respond to this challenge, that meets in public with wide representation including from all party groups;
 - (b) set a target for Newark and Sherwood District to be carbon neutral and develop an action plan by the end of 2020 that will achieve this;
 - (c) to provide a Climate Change impact assessment on every decision the council makes, within every service review undertaken and every planning application considered;
 - (d) to work with other local authorities and public, private and voluntary sector partners on carbon reduction projects;
 - (e) to lobby the Government for the necessary resources and powers so that Newark and Sherwood District Council can make its contribution to the UK's Carbon Reduction targets; and
 - (f) to provide and publish an annual review of measures taken by Newark and

Sherwood District Council and their impact on the District's carbon footprint.”

In accordance with Council Procedure Rule No. 26.4, Councillor R Jackson moved and Councillor N Mison seconded an amendment to the motion to change the wording as follows:

“The United Nations Intergovernmental Panel on Climate Change have warned that we have 12 years to make the necessary changes to limit a rise in global temperatures to 1.5°C. Failure to act will see a marked increase in sea levels and flooding, extreme and abrupt changes to weather patterns, crop failures, extinctions of plant, insect and animal species and global economic disruption and crisis. The increased frequency and intensity of weather events that we have experienced locally highlight why this is such an important issue for Newark and Sherwood District Council to respond to.

At the Global Climate Talks in Poland last December the UK along with over 200 nations agreed action on climate change with a much greater role strongly implied for Local and Regional Authorities like Newark and Sherwood District Council in assisting Governments to achieve their carbon emission savings.

Newark and Sherwood District Council therefore:

- Declares a Climate Emergency;
- Notes that we will need to develop measures to try and offset climate change and global warming; and
- Will take the following measures;
 - (a) make the Leisure & Environment Committee responsible for looking into what the District Council does in trying to mitigate carbon emissions, improve recycling and to work with the partners to improve carbon efficiencies;
 - (b) to work with other local authorities and public, private and voluntary sector partners on carbon reduction projects;
 - (c) to lobby the Government for the necessary resources and powers so that Newark and Sherwood District Council can make its contribution to the UK's Carbon Reduction targets; and
 - (d) the Leisure & Environment Committee provide and publish an annual review of measures taken by Newark and Sherwood District Council and their impact on the District's carbon footprint”.

The amendment to the motion on being put to the vote was declared carried with 35 votes for and 2 against. The amended motion then became the substantive motion, which, on being put to the vote was declared carried unanimously.

(Councillor R Jackson left the meeting following consideration of this motion).

(ii) Disclosure and Barring Service Checks

In accordance with Council Procedure Rule No 13.1, Councillor L Brazier moved and Councillor P Peacock seconded a motion to the following effect:

“All Councillors to undertake Disclosure and Barring Service Checks within 4 months of taking up office.

Newark and Sherwood District Council doesn't currently have a policy of mandatory Disclosure and Barring Service (DBS) checks for members. Whilst the role of Councillor doesn't necessarily fall under the requirements that are laid out in the Rehabilitation of Offenders Act 1974, we believe the changing role of Councillor places more demands and exposes Councillors to many more vulnerable situations.

We believe that this is one more step in making the work of councils and councillors more transparent and accountable and that Newark and Sherwood should follow the path taken by that of Nottinghamshire County Council and Ashfield District Council in adopting such a policy.

With this in mind this motion calls on Newark and Sherwood District Council to adopt the following Policy with immediate effect;

Policy on Disclosure and Barring Service (DBS) Checks for Councillors and Co-opted Members

Background

1. The effective date of commencement for this policy is 16 July 2019.
2. This Policy complies with the exception to the Rehabilitation of Offenders Act 1974 and with the Disclosure and Barring Service Code of Practice.
3. This Policy replaces all previous policies, decisions and/or precedents relating to criminal records checks for Newark and Sherwood District Councillors.

General Principles

4. In light of the fact that the Council has a duty to protect the most vulnerable in society this Policy requires all Councillors to undergo enhanced level DBS checks.

The Process

5. Within four months of taking office following election, all newly elected Councillors will be required to undergo an enhanced DBS check.
6. Checks will be processed by Democratic Services in conjunction with Human Resources following a request by the Council's Monitoring Officer.
7. The relevant Councillor will be provided with a DBS certificate issued by the DBS. The Council will be notified of the disclosure and whether the DBS check is clear. This information will be returned to the Monitoring Officer. Where a check is not clear, for instance, it contains details of an offence, the Councillor will be required to provide a copy of the DBS certificate to the Monitoring Officer within 28 days of the date of issue of the DBS certificate, unless it is the intention of the Councillor to dispute the content of the DBS certificate within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 28 days following the outcome of the dispute.

8. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a 'list' of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.
9. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
10. Records of the Disclosure Number will be kept electronically, along with the date of issue. Where Disclosure Information is made available this will be kept securely in lockable, non-portable containers and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act.
11. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for, and issue of, a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure.

Portability

12. DBS certificates are not portable other than for those individuals registered with the online DBS update service.

The Use of Disclosure Information

13. The existence of a criminal record or other information revealed as a result of a standard DBS check will not debar a Councillor from holding office.
14. In the event that the disclosure information received raises issues of concern, the Chief Executive advised by the Monitoring Officer in consultation with the relevant Group Leader, will discuss with the individual Councillor the restrictions considered necessary, to safeguard children, young people and adults, on the positions held by that Councillor.

Review of the Policy

15. This policy will be reviewed every two years and updated as and when required as a result of changes in the law.

Cost of Checks

The cost of standard DBS checks on all members would be £1,014 and enhanced DBS would be £1,716 or £26/£44 per member.”

The motion, on being put to the vote was lost with 12 votes for and 24 votes against.

24 QUESTIONS FROM MEMBERS OF THE COUNCIL

Details of the questions put forward from Councillor Mrs P Rainbow and Councillor P Harris and the replies given by the appropriate Members are attached as Appendix B to these minutes.

25 MINUTES FOR NOTING

25a POLICY & FINANCE COMMITTEE - 27 JUNE 2019

25b ECONOMIC DEVELOPMENT COMMITTEE - 19 JUNE 2019

25c HOMES & COMMUNITIES COMMITTEE - 10 JUNE 2019

25d LEISURE & ENVIRONMENT COMMITTEE - 25 JUNE 2019

25e GENERAL PURPOSES COMMITTEE - 13 JUNE 2019

25f LICENSING COMMITTEE - 13 JUNE 2019

25g PLANNING COMMITTEE - 4 JUNE 2019

25h PLANNING COMMITTEE - 2 JULY 2019

25i SHAREHOLDER COMMITTEE - 11 JUNE 2019

Meeting closed at 8.37 pm.

Chairman