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**Monday, 8 July 2019**

**Chairman: Councillor R Crowe  
Vice-Chairman: Councillor Mrs P Rainbow**

**To all Members of the Council:**

**MEETING: Full Council**

**DATE: Tuesday, 16 July 2019 at 6.00 pm**

**VENUE: Civic Suite, Castle House, Great North Road,  
Newark, Nottinghamshire, NG24 1BY**

**You are hereby requested to attend the above Meeting to be held at the time/place  
and on the date mentioned above for the purpose of transacting the  
business on the Agenda as overleaf.**

If you have any queries please contact Nigel Hill Tel: 01636 655243 Email: [Nigel.hill@newark-sherwooddc.gov.uk](mailto:Nigel.hill@newark-sherwooddc.gov.uk)

## AGENDA

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1.	Apologies for absence	
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3.	Declarations of Interest by Members and Officers and as to the Party Whip	
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8.	In accordance with Rule No. 10 to receive Petitions from Members of the Council (if any)	
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10.	Notices of Motion	
	(i) Climate Change	

In accordance with Rule No 13.1, Councillor P. Peacock will move and Councillor Mrs D. Cumberlidge, will second 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.<sup>1</sup> 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;

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<sup>1</sup> Intergovernmental Panel on Climate Change, Special Report – Global Warming of 1.5°C, October 2018

- 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.

(ii) Disclosure and Barring Service Checks

In accordance with Rule No 13.1, Councillor L. Brazier will move, and Councillor P. Peacock will second 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.

11. Questions from Members of the Council

12. Minutes for Noting

- |     |   |         |
|-----|---|---------|
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(h)	Planning Committee - 2 July 2019	123 - 131
(i)	Shareholder Committee - 11 June 2019	132 - 136

13. Exclusion of the Press and Public

To consider resolving that, under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act.

None.

NOTES:

- (1) The Conservative Group will meet at 5.00pm in Rooms F1 - F3 prior to the Council Meeting.
- (2) The Labour Group will meet at 5.00pm in Room G1 prior to the Council Meeting.
- (3) The Independent Group will meet at 5.00pm prior to the Council Meeting.
- (4) The Liberal Democrat Group will meet at 5.00pm in the Castle Room, prior to the Council Meeting.
- (5) Tea and coffee will be available in the Civic Suite.

# Agenda Item 2

## 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, 21 May 2019 at 6.00 pm.

PRESENT: Councillor K Walker (Chairman)  
Councillor R Crowe (Vice-Chairman)

Councillor Mrs K Arnold, Councillor R Blaney, Councillor L Brailsford, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor S Carlton, Councillor B Clarke-Smith, Councillor M Cope, Councillor Mrs R Crowe, Councillor D Cumberlidge, Councillor L Dales, Councillor Mrs G Dawn, Councillor K Girling, Councillor L Goff, Councillor P Harris, Councillor R Holloway, Councillor Mrs L Hurst, Councillor R Jackson, Councillor B Loughton, Councillor J Lee, Councillor D Lloyd, Councillor Mrs S Michael, Councillor N Mison, Councillor N Mitchell, Councillor P Peacock, Councillor Mrs P Rainbow, 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 M Brock, Councillor M Brown and Councillor Mrs M Dobson

### 1 APPOINTMENT OF CHAIRMAN OF THE COUNCIL FOR 2019/20

Councillor M. Cope moved and Councillor I. Walker seconded that Councillor R. Crowe be elected Chairman of Newark & Sherwood District Council for the 2019/20 municipal year.

AGREED (unanimously) that Councillor R. Crowe be elected Chairman of Newark & Sherwood District Council for the 2019/20 municipal year.

(Councillor R. Crowe signed the Declaration of Acceptance of Office and received the Chain of Office from the Retiring Chairman).

### 2 PRESENTATION OF PAST CHAIRMAN'S BADGE

Councillor R. Crowe presented the past Chairman's badge to Councillor K. Walker and thanked him for the way he had carried out his duties as Chairman of the District in 2018/19.

(As the newly elected Chairman, Councillor R. Crowe took the Chair for the remainder of the meeting).

### 3 APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL FOR 2019/20

Councillor Mrs S. Michael moved and Councillor B. Loughton seconded that Councillor Mrs P. Rainbow be elected Vice-Chairman of Newark & Sherwood District Council for the 2019/20 municipal year.

AGREED (unanimously) that Councillor Mrs P. Rainbow be elected Vice-Chairman of Newark & Sherwood District Council for the 2019/20 municipal year.

(Councillor Mrs P. Rainbow signed the Declaration of Acceptance of Office and received the Vice-Chairman's Chain of Office).

4 MINUTES FROM THE MEETING HELD ON 7 MARCH 2019

AGREED that that minutes of the meeting held on 7 March 2019 be approved as a correct record and signed by the Chairman.

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

There were no declarations of interest.

6 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

In addition to the Council recording in accordance with usual practice, Councillor L. Goff declared his intention to record parts of the meeting.

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

The Chief Executive advised of the mandatory training which had been arranged for the Members appointed to the Licensing/General Purposes Committee and the Planning Committee as part of the Members induction programme.

8 QUESTIONS FROM MEMBERS OF THE PUBLIC

In accordance with Council Procedure Rule No. 15 the Council received three questions. Details of the questions submitted by Jennifer Harding, John Samye, and Wendy Baird and the subsequent replies are detailed in Appendix A to the minutes.

9 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, Katie Greenfield presented a petition to the Council in relation to 'Saving the Trees bordering the site of the Bearings and Lime Grove, Newark'.

The petition called upon the developers to reverse their decision to cut down these trees in respect of the recently approved planning permission 18/00973/FULM for the erection of 62 residential dwellings at the site. The written petition, containing 56 signatures, was presented to the Council. This was supported by an online petition which had 689 'signatures' at the latest count.

In opening the debate, the Leader of the Council welcomed the content of the petition, acknowledging the flaws in the statutory process for consulting on planning applications and frustration with work taking place to remove trees outside of the



planning permission. In respect of the unauthorised removal of trees he advised that the Council had issued a Temporary Stop Notice to stop all works and it was likely that replacement would be secured. He added that a revised planning application was likely to be submitted to the Planning Committee on 4 June 2019 which would contain the full detail of the enhanced ecology likely to be proposed for the site.

Councillor D. Lloyd moved and Councillor K. Girling seconded that 'the petition be referred for consideration alongside the planning application which was likely to be considered by the Planning Committee on 4 June 2019'. Thus proposed, on being put to the meeting, was declared carried unanimously.

AGREED (unanimously) that the petition be referred for consideration alongside the planning application which was likely to be considered by the Planning Committee on 4 June 2019

In accordance with Council Procedure Rule No. 10, Councillor Mrs G Dawn presented a petition to the Council on behalf of the residents of the Winthorpe Road Estate. This petition called for the installation of permanently fitted CCTV for the safety and security of the community. The petition, signed by 141 people, was presented to the Chairman.

AGREED that the petition be referred to the Planning Committee alongside consideration of the planning application.

*Councillor P. Harris left during the consideration of this item.*

10 POLITICAL COMPOSITION OF THE COUNCIL AND ALLOCATION OF SEATS ON COMMITTEES TO POLITICAL GROUPS

The Council considered the report of the Chief Executive concerning the allocation of seats on Committees to Political Groups, as required by Council Procedure Rule No. 17.6, following the District Council elections held on 2 May 2019.

Section 15 of the Local Government and Housing Act 1989 required the Council to consider the political composition of the Council at each Annual Meeting. This Act, together with the Local Government (Committees and Political Groups) Regulations 1990, required the Council to allocate seats on committees on a proportional basis in accordance with the number of seats held on the Council by each political group. The proposed allocation of seats was set out in Appendix B to the report.

AGREED (unanimously) that the allocation of seats to Political Groups (as set out in Appendix B to these minutes) be approved.

11 APPOINTMENTS FOR 2019/20

The Council considered the report of the Chief Executive which sought to make the appointments of the Leader and Deputy Leader of the Council, Chairmen and Vice Chairmen of Committees, Major Opposition Spokespersons, Members and Substitute Members to Committees.

AGREED (unanimously) that the appointments as set out in the schedule, at Appendix C to these minutes, be approved.

12 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES AND COUNCIL OWNED COMPANIES

The Council considered the report of the Chief Executive which sought to make appointments to Outside Bodies for the 2019/20 municipal year. The Newark and Sherwood Health Forum and Patrol Adjudication Joint Committee had been removed from the schedule as representation of these bodies was no longer required.

AGREED (unanimously) that the appointments of representatives on outside bodies for 2019/20, as set out in the schedule at Appendix D to these minutes, be approved.

13 RULE NO. 4.8 - APPOINTMENT OF A PANEL

The Council considered the report of the Chief Executive concerning Council Procedure Rule No. 4.8, which required Council to appoint a panel of at least four Members in order to be in a position to call an Extraordinary Meeting of the Council should the offices of the Chairman and Vice-Chairman of the Council be vacant, or if both the Chairman and Vice-Chairman were unable to act for any reason.

AGREED (unanimously) that the Leader of the Council, Deputy Leader of the Council, together with the Leaders of the Labour, Independent Group and Liberal Democrat groups, be appointed to the Panel established in accordance with Council Procedure Rule No. 4.8.

14 APPOINTMENT OF INDEPENDENT PERSONS

The Council considered the report of the Monitoring Officer, Director of Governance & Organisational Development which sought to approve the appointment of Paul Cox and Sarah Britton as the Independent Person to Newark and Sherwood District Council.

The appointments for the two current Independent Persons, Richard Dix and Sharon Jones came to an end as from this meeting. Following advertisement for the role, applicants were shortlisted by the Monitoring Officer, Deputy Monitoring Officer and the interview panel. Following interview, the interview panel had unanimously recommended the appointment of Paul Cox and Sarah Britton as the Council's two Independent Persons. Suitable references had also been received for both applicants.

AGREED (unanimously) that:

- a) the Council approve the appointments of Paul Cox and Sarah Britton as Independent Persons to Newark & Sherwood District Council pursuant to Section 28 of the Localism Act 2011 be approved, with immediate effect for a four year term until May 2023; and

- b) a letter of thanks be sent to the retiring Independent Persons, Richard Dix and Sharon Jones.

15 MINUTES FOR NOTING

15a POLICY & FINANCE COMMITTEE - 4 APRIL 2019

15b ECONOMIC DEVELOPMENT COMMITTEE - 27 MARCH 2019

Minute No 60- Protecting and Enhancing England's Trees and Woodlands- Consultation response

Councillor Mrs Y. Woodhead raised concerns about what she perceived to be the private sale of woodland in the District. Councillor K Girling agreed to seek further information regarding parts of this.

Councillor Mrs G. Dawn also sought clarification as to the purpose of the discs place on various trees around the Bridge Ward. Councillor K Girling stated that he believed that these related to Tree Protection Orders but he would seek further clarification.

15c HOMES & COMMUNITIES COMMITTEE - 11 MARCH 2019

Minute No. 59 – Homelessness Prevention Strategy 2019-2024

Councillor L. Goff requested figures as to the current number of homeless people in the District. Councillor T. Wendels agreed to provide Councillor Goff with this information.

15d LEISURE & ENVIRONMENT COMMITTEE - 19 MARCH 2019

15e GENERAL PURPOSES COMMITTEE - 14 MARCH 2019

15f LICENSING COMMITTEE - 14 MARCH 2019

15g AUDIT & ACCOUNTS COMMITTEE - 24 APRIL 2019

The Chairman of the Audit and Accounts Committee, Mrs S. Michael, invited members of the Committee to attend a Statement of Accounts training session to be held on 5 June 2019.

15h PLANNING COMMITTEE - 5 MARCH 2019

15i PLANNING COMMITTEE - 26 MARCH 2019

15j PLANNING COMMITTEE - 2 APRIL 2019

Meeting closed at 7.57 pm.

Chairman

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

**1. Question from Jennifer Harding**

In view of Parliament's declaration of a Climate Change Emergency on 1st May, 2019, and the further declarations by other cities such as Bath, London, and Edinburgh of their own CCE's, I am very interested to know if our District Council has any plans to take the lead with a local Climate Change Emergency plan alongside the current Cleaner, Safer, Greener initiative.

Specifically, I want to understand what NSDC's view is on what the vital role of both maintaining and expanding existing green spaces, woodlands and protecting mature trees – particularly such as those at the Newark Library gardens – plays in actively reducing levels of carbon dioxide in the atmosphere. Could there be a programme of planting new trees whilst simultaneously increasing the range of recycling of plastics, adding air pollution monitors on main roads near schools and hospital, given the proximity of the A1M, A46 and A17 to our town and investing in more public transport to reduce vehicle movements?

**Reply from Councillor D. Lloyd – Leader of the Council**

As you will hopefully hear in my answers to other questions this evening this Council certainly takes the challenge of climate change seriously, having explicitly identified this risk and how to address it across a range of Council Services. It is reflected in many planning documents and the work that we do. We are clear that as a Council we can, do, and will tackle this issue. We are mindful as a Council that we cannot and will not act in isolation and will liaise with a range of partners in order to make a real difference.

One example is Nottinghamshire County Council, who themselves have recently acknowledged the challenge of this issue in their proposed Place Departmental Strategy 2019-21, which is being considered by them at their Policy Committee tomorrow (22nd). This includes, amongst other things, the promotion of improving air quality and encouraging the use of alternative modes of transport throughout the county, including the promotion of autonomous and sustainable technology onto the roads.

We also work with the County Council on waste and recycling. We collect what we can on behalf of the County Council who dispose of it. We have done a lot of work on this, with more plastics now recyclable and trying to eradicate single use plastics. There is added complexity with the need to wait for the national waste strategy being developed. We already have a green waste collection and are looking at a food waste collection which is something we are very keen to progress as it opens up options to reflect on what is collected in all other bins and significantly reduce landfill, maybe even generate heat and energy. We could collect all plastics however, the majority are not recyclable and there is no national definition of biodegradable. Mixing collections can produce gases so we must not take a knee jerk reaction to the issue but do what we can and work with our partners.

On climate change, our policy, in the form of the Amended Core Strategy adopted in March this year accepts that climate change presents probably the biggest challenge to the delivery

of sustainable development. However it goes on to correctly identify that through supporting the move to a low-carbon economy and by securing low-carbon living, the climatic impact of new development can be reduced. We make clear that this will involve initiatives such as generating renewable and low-carbon sources, including community-led schemes and maximising, where appropriate and viable, the use of available local opportunities for district heating and decentralised energy.

The Core Strategy sets out that the Council will prepare a Supplementary Planning Document on Sustainable design (both construction and operation) and Air Quality. We will additionally be producing a Greenspace Strategy and Sustainable Transport Strategy.

The above initiatives are not currently cross-referenced into the 'Greener' element of CSG, albeit they clearly form an integral part of it. The lack of linkage is of course due to the fact that the range of Council initiatives and policies to which I have already referred were already in progress at the time the CSG campaign was launched. This campaign has now become part of the Council's 'business as usual' following the adoption at the last Council of the Community Plan. There is no need to declare an emergency in the District Council's case as the seriousness of the challenge is already accepted and understood. This Council will focus its efforts and energies on dealing with this challenge.

#### **Supplementary question from Jennifer Harding**

Jennifer Harding then asked where she could find the Council's sustainable transport policy or strategy.

#### **Reply from Councillor D. Lloyd – Leader of the Council**

Details would be sent following the meeting.

#### **2. Question from John Samye**

Why are you allowing so many healthy trees to be cut down in Newark when the government says we are in a climate change emergency, and the UN says we only have 11 years to limit climate change catastrophe? Shouldn't you be keeping trees, protecting more trees and planting new trees?

#### **Reply from Councillor D. Lloyd – Leader of the Council**

Firstly can I thank Master Samye for asking the question and for raising the issue of tree loss and climate change. I can pick up the issue of climate change as part of another question also being asked this evening.

It is always pleasing when we have a younger generation interested in first: local government and asking questions of those voted in on a mandate to make a difference and second: a keen interest in protecting trees and the environment.

It is also concerning for me if a different impression is given to a young person of this Councils approach than the one we should be promoting and doing, or one that I recognise. I

apologise if the Council's approach or record has not been made clear. I will try and address this as best I can in my answer.

Where there is tree loss, we require replacement. On the whole, we prevent tree loss and the reduction of trees. But we are limited by what we can do in law. We can place a Tree Protection Order or set a Conservation Order to protect trees. There may be issues with the health of a tree but we will try and protect them. To offer some comfort I can give some facts on the issue of the Council's management of trees. In 2018 and 2019 we have planted 18 large trees and 770 whips in our parks and open spaces. Species include oak, rowan, beech, silver birch, hawthorn and field maple, planting on a scale that many other Councils don't. Sometimes there may be conflict with neighbours and we can't promise to protect all of those. Colleagues in Planning Policy and on the Planning Committee do a lot of work with trees and hedgerows.

The Council is working in partnership with the RSPB and Sherwood Forest, the Woodland Trust and the Forestry Commission to try and work towards a massive tree planting exercise to extend Sherwood Forest. We have also raised opposition to Nottinghamshire County Council Highways Policy of resisting trees in new development. We should be aim for a minimum percentage of tree canopy to protect trees and so new developments can enjoy trees. We have protected 32 trees on the Highfields site with Tree Protection Orders, and undertaken enforcement action at Beacon Hill and Hutchinson Road. The development of the municipal carpark was arrested to protect trees.

To conclude, I agree that we should always look to keep trees, replacing them if their loss is necessary or required. I equally agree that we should look to plant more, either as a Council or in encouraging others. We have been doing all of this, I can assure you. We will need to strive to always do more, assessing each and every case carefully.

#### **Supplementary question from John Samye**

John Samye asked when the Council last made a Tree Protection Order.

#### **Reply from Councillor D. Lloyd- Leader of the Council**

I believe that this was in relation to the municipal car park but we can confirm this.

#### **3. Question from Wendy Baird**

What is the Council's Environmental policy and where can I get a copy?

#### **Reply from Councillor D. Lloyd – Leader of the Council**

The Council does not have a separate Environmental Policy because there are so many different ways in which we do this in different services. There would be too much to put in a single strategy. It is at the heart of Council policy across, albeit it is sat across a range of service areas and disciplines. Its definition encompasses our own approach corporately (such as the way we manage our operations, buildings and assets) but that we expect from others. It includes issues such as ensuring sustainable developments, reducing or mitigating

environmental impacts, improving environmental and construction performance, preventing pollution, reducing and recycling waste, increasing sustainable energy, and promoting sustainable transport.

In terms of our own operations we strive to ensure we have efficient buildings and energy. The building we are in is a new build, itself offering significant reductions in heating and lighting requirements. The building will also soon be the subject to proposals to install solar panels to the roof, again reducing demand on the wider grid.

With respect to developments by others you may be aware that in March 2019 we adopted an Amended Core Strategy, which set out the Council's vision up to 2033 on, amongst other things, environmental protection policies, sustainable development, climate change, and the natural and built environment.

Likewise, with respect to the public health and the environmental protection agenda the council has many regulatory responsibilities designed to protect the environment. The council has a programmed regime to monitor air quality at a number of sites across the district to ensure that the local air quality complies with national objectives. The controls also cover the investigation and remediation of contaminated land and the monitoring and control of air pollution from local industrial processes. The protection of the natural environment is also important and the council will investigate all reports of fly tipping and remove the waste as soon as possible. Where evidence is available it will seek to prosecute the perpetrators.



**ALLOCATION OF SEATS TO  
POLITICAL GROUPS**

<b>Committee</b>	<b>Conservative</b>	<b>Labour</b>	<b>Independent</b>	<b>Liberal Democrats</b>	<b>Total seats by Committee</b>
Policy & Finance	6	1	0	0	<b>7</b>
Homes & Communities	8	2	1	1	<b>12</b>
Leisure & Environment	8	2	1	1	<b>12</b>
Economic Development	9	2	1	0	<b>12</b>
Planning Committee	10	3	1	1	<b>15</b>
General Purposes	10	3	1	1	<b>15</b>
Licensing	10	3	1	1	<b>15</b>
Audit & Accounts Committee	4	1	1	0	<b>6</b>
Shareholder Committee	4	1	0	0	<b>5</b>
Mansfield & District Crematorium Joint Committee*	2	0	1	0	<b>3</b>
<b>Total seats by Group</b>	<b>71</b>	<b>18</b>	<b>8</b>	<b>5</b>	<b>102</b>

\* (includes other local authority members)

**MEMBERS APPOINTMENTS – 2019/20**

**COUNCIL**

Chairman of the Council	Councillor Rob Crowe
Vice Chairman of the Council	Councillor Penny Rainbow
Leader of the Council*	Councillor David Lloyd
Deputy Leader of the Council*	Councillor Keith Girling

**CONSERVATIVE GROUP**

Leader	Councillor David Lloyd
Deputy Leader	Councillor Keith Girling

**LABOUR GROUP**

Leader	Councillor Paul Peacock
Deputy Leader	Councillor Neal Mitchell

**INDEPENDENT GROUP**

Leader	Councillor Gill Dawn
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**LIBERAL DEMOCRAT GROUP**

Leader	Councillor Peter Harris
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\* Council Procedure Rule 17.7 provides that the Leader of the Council will be appointed ex-officio as a member of the Economic Development, Homes & Communities and Leisure & Environment Committees and will be entitled to attend and speak at those committees. He will not be entitled to vote unless expressly appointed as a voting member of the Committee.

The Deputy Leader will be entitled to attend the Economic Development, Homes & Communities and Leisure & Environment Committees in an ex-officio capacity in the absence of the Leader except where the Deputy Leader is already a member of that Committee.

## MEMBERSHIP OF COMMITTEES

<u>POLICY &amp; FINANCE COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Brendan Clarke-Smith	1. Paul Peacock*		
2. Keith Girling (VC)			
3. Roger Jackson			
4. David Lloyd (C)			
5. Tim Wendels			
6. Ronnie White			
SUBSTITUTES	SUBSTITUTE		
1. Roger Blaney	1. Neal Mitchell		
2. Neill Mison			
<u>HOMES &amp; COMMUNITIES COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Betty Brooks	1. Kath Arnold*	1. Irene Brown	1. Malcolm Brock
2. Michael Brown	2. Laurence Goff		
3. Scott Carlton			
4. Linda Dales			
5. Rhona Holloway (VC)			
6. Johnno Lee			
7. Sue Saddington			
8. Tim Wendels (C)			
SUBSTITUTES	SUBSTITUTES	SUBSTITUTE	SUBSTITUTE
1. Lydia Hurst	1. Neal Mitchell	1. Gill Dawn	1. Peter Harris
2. Sylvia Michael	2. Paul Peacock		
<u>LEISURE &amp; ENVIRONMENT COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Louis Brailsford	1. Yvonne Woodhead*	1. Gill Dawn	1. Peter Harris
2. Scott Carlton	2. Donna Cumberlidge		
3. Max Cope			
4. Lydia Hurst			
5. Roger Jackson (C)			
6. Bruce Laughton			
7. Johnno Lee			
8. Neill Mison (VC)			
SUBSTITUTES	SUBSTITUTES	SUBSTITUTE	SUBSTITUTE
1. Mathew Skinner	1. Laurence Goff	1. Irene Brown	1. Malcolm Brock
2. Tom Smith	2. Neal Mitchell		
<u>ECONOMIC DEVELOPMENT COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Roger Blaney	1. Neal Mitchell*	1. Maureen Dobson	
2. Louis Brailsford	2. Lee Brazier		
3. Brendan Clarke-Smith			
4. Rita Crowe			
5. Keith Girling (C)			
6. Neill Mison			
7. Penny Rainbow (VC)			
8. Mathew Skinner			
9. Ronnie White			
SUBSTITUTES	SUBSTITUTES	SUBSTITUTE	
1. Scott Carlton	1. Donna Cumberlidge	1. Gill Dawn	
2. Keith Walker	2. Yvonne Woodhead		

<u>PLANNING COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Roger Blaney (C)	1. Lee Brazier	1. Maureen Dobson	1. Malcolm Brock
2. Michael Brown	2. Laurence Goff		
3. Linda Dales	3. Yvonne Woodhead		
4. Rhona Holloway			
5. Johnno Lee			
6. Penny Rainbow			
7. Mathew Skinner			
8. Tom Smith			
9. Ivor Walker (VC)			
10. Keith Walker			
<u>LICENSING COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Max Cope	1. Kath Arnold	1. Irene Brown	1. Peter Harris
2. Rita Crowe (C)	2. Lee Brazier		
3. Scott Carlton	3. Yvonne Woodhead		
4. Betty Brooks			
5. Roger Jackson			
6. Sylvia Michael			
7. Sue Saddington			
8. Ivor Walker			
9. Keith Walker			
10. Ronnie White (VC)			
<u>GENERAL PURPOSES COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Max Cope	1. Kath Arnold	1. Irene Brown	1. Peter Harris
2. Rita Crowe (C)	2. Lee Brazier		
3. Scott Carlton	3. Yvonne Woodhead		
4. Betty Brooks			
5. Roger Jackson			
6. Sylvia Michael			
7. Sue Saddington			
8. Ivor Walker			
9. Keith Walker			
10. Ronnie White (VC)			
<u>AUDIT &amp; ACCOUNTS COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Rob Crowe	1. Donna Cumberlidge	1. Maureen Dobson	
2. Michael Brown			
3. Betty Brooks			
4. Sylvia Michael (C)			
<u>SHAREHOLDER COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Brendan Clarke-Smith	1. Paul Peacock		
2. Louis Brailsford			
3. Keith Girling			
4. David Lloyd (C)			
<u>MANSFIELD AND DISTRICT CREMATORIUM JOINT COMMITTEE</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Lydia Hurst		1. Gill Dawn	
2. Tom Smith			

<u>COUNCILLORS' COMMISSION#</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Roger Blaney (C)	1. Paul Peacock	1. Gill Dawn	1. Peter Harris
2. Louis Brailsford			
3. Linda Dales			
4. Lydia Hurst			
5. John Lee			
<u>BOARD OF TRUSTEES OF THE GILSTRAP CHARITY AND W.E. KNIGHT TRUST#^</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Betty Brooks			
2. Rita Crowe			
3. Keith Girling			
4. Mathew Skinner			
5. Ivor Walker			
<u>INVESTMENT ADVISORY BOARD#</u>			
CONSERVATIVE	LABOUR	INDEPENDENT	LIBERAL DEMOCRATS
1. Roger Blaney	1. Neal Mitchell		
2. Brendan Clarke-Smith			

**Notes:**

1. C = Chairman
2. VC = Vice-Chairman
- # The Councillors' Commission, Gilstrap Trustees and Investment Advisory Board do not need to reflect political balance
- \* Major Opposition Group Spokesperson
- ^ To include at least one local Member for the area of benefit of the said Charities (Newark as its boundaries existed in 1883 – Castle Ward)

**LEADER/DEPUTY LEADER APPOINTMENTS**

Title of Organisation	Political Split				Representation until May 2020	Purpose of Organisation	Role of Council Members on Body / Member Comments	Relevant Committee
	Con	Lab	Ind	LD				
East Midlands Councils (1 & substitute)	1				Cllr Roger Blaney (Cllr David Lloyd)	To promote local government in the East Midlands to deliver better outcomes for people living and working in the region.	Meeting has no decision making powers.	Policy & Finance
LGA – General Assembly (1)	1				Cllr David Lloyd	Key element of the LGA – acts as the ‘parliament’ for local government. Once a year conference covers a wide range of topics connected with local governance.	All member authorities are entitled to a minimum of one vote and to appoint at least one representative to the General Assembly. Voting and representation at the General Assembly is on the basis set out in the Constitution.	Policy & Finance

**LOCAL BODIES**

Title of Organisation	Political Split				Representation until May 2020	Purpose of Organisation	Role of Council Members on Body / Member Comments	Relevant Committee
	Con	Lab	Ind	LD				
Southwell Leisure Centre Trustees (6)	6				Bruce Ashworth Cllr Roger Blaney Andrew Gregory Paul Handley Cllr Penny Rainbow Cllr Tim Wendels	To manage the Centre (a registered charity) in accordance with its Scheme of Administration.	Appointed members become Trustees with a duty of care to the Trust. They provide links with the Leisure Services Committee who provide the 'deficit' grant aid.	Leisure & Environment
Trent Valley Drainage Board (4)	4				Cllr Linda Dales Cllr Johnno Lee Cllr Sylvia Michael Cllr Ivor Walker	Land drainage and flood risk management.	Represent the interests of Drainage Rate Payers in the formulation of policy.	Leisure & Environment
Board of Trustees for the Rumbles Catering Project (2)	2				Cllr Keith Girling Newark area Cllr Scott Carlton Edwinstowe & Clipstone Ward		Observer status for District Council appointees	Economic Development

**OTHER BODIES**

Title of Organisation	Political Split				Representation until May 2020	Purpose of Organisation	Role of Council Members on Body / Member Comments	Relevant Committee
	Con	Lab	Ind	LD				
Municipal General Charity (1)	1				Cllr. Rita Crowe (4 year appointment which will expire in 2020)	Relief of poverty.	Trustee. To provide knowledge and experience of the area and of people who may be in need. Property owned by the Charity is visited by the Trustees annually.	Homes & Communities
Newark & Sherwood Community and Voluntary Service (1)	1				Cllr Johno Lee	Infrastructure organisation supporting the voluntary and community sector.	To bring experience, enthusiasm, skills and ideas into formulating policies which will be put into practice by CVS staff. Opportunities to be involved in recruitment and selection of CVS staff when vacancies arise.	Leisure & Environment
Newark and Sherwood CCG Stakeholder Reference Group Subcommittee (1 & substitute)	1				Cllr Neill Mison (Cllr Linda Dales)			Leisure & Environment



**REPRESENTATIVES ON OUTSIDE BODIES 2019/20**

**APPENDIX D**

Nottinghamshire Health and Wellbeing Board (Nottinghamshire County Council) (1 & substitute)	1				Cllr Neill Mison (Cllr Linda Dales)	To oversee and review health and wellbeing issues within the County.	Currently the District Council has one member on this Committee.	Leisure & Environment
Nottinghamshire Police and Crime Panel (1)	1				Cllr Scott Carlton	To oversee the work of the Police and Crime Commissioner for Nottinghamshire.	Panel comprises of representatives from all the local authorities in Nottinghamshire.	Homes & Communities
Rural Community Action – Nottinghamshire (1) <i>(formerly known as Notts. Rural Community Council Executive Committee)</i>		1			Cllr Paul Peacock	To work with all key stakeholders to identify rural needs in Nottinghamshire.	Trustee	Policy & Finance
Sherwood and Newark Citizens Advice Bureau (2)	2				Cllr Michael Brown Cllr Penny Rainbow	To provide free, independent, confidential and impartial advice to everyone on their rights and responsibilities across the District.	Council representatives appointed as observers only	Homes & Communities
Sherwood Forest Hospitals NHS Foundation Trust (1)	1				Cllr Michael Brown	The main acute hospitals trust providing healthcare services for people in and around Mansfield, Ashfield, Newark, Sherwood and parts of Derbyshire and Lincolnshire.	To represent views of the Council, advise on the strategic direction of the Trust, oversee the development of the membership body and help to ensure that local health priorities are met.	Leisure & Environment

Upper Witham Internal Drainage Board (1)	1				Cllr Linda Dales	Land drainage and flood protection in low lying areas of the District Council.	To maintain a liaison between the Council, the public and the Board in the areas covered.	Leisure & Environment
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**Newark and Sherwood District Council Owned Companies**

Title of Organisation	Representation	Purpose of Organisation	Role of Council Members on Body/Member Comments	Relevant Committee
Newark and Sherwood Homes Limited (3 Board Members)	Cllr Keith Girling (Con) Cllr Rhona Holloway (Con) Cllr Bruce Laughton (Con)  Note – the term of office for Directors of the Board are restricted to 3 terms of 3 years (a maximum of 9 years) dependent on a satisfactory assessment at the end of each 3 year term;	The Council’s wholly owned housing company – manages the Council’s housing stock and other housing related services including development.	Significant training given to Board Members. Demanding role with many meetings. The Memorandum and Articles of the Company specify that Board Members are appointed for a three year term and can only serve a maximum of two terms.	Policy & Finance Homes & Communities
Active4Today Limited (3 Board Members)	Cllr Scott Carlton (Con) Cllr David Lloyd (Con) Cllr Mathew Skinner (Con)  Note – representatives were previously appointed for a four year term in May 2015-2019.	Wholly owned Council company set up to manage the Council’s leisure and sports development services		Leisure & Environment

Arkwood Developments Board of Directors (1 elected Member as Board Member)	Cllr Tim Wendels (Con)	Wholly owned Council Development Company to support the Council's Commercial and Investment Plans		Shareholder Committee
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## COUNCIL MEETING – 16 JULY 2019

### UPDATE TO CONTRACT PROCEDURE RULES

#### **1.0 Introduction**

1.1 Under the Council's Constitution the delegation for adopting and amending Contract Procedure Rules falls to the Council. This report seeks to amend the current Contract Procedure Rules in order to reflect the current arrangements.

#### **2.0 Background Information**

2.1 During February 2019 the Council's Procurement Manager retired and as such the Council entered into an agreement with Welland Procurement to provide procurement services.

2.2 The existing Contract Procedure Rules make reference to the Procurement Manager in various places in order to exert control. It is therefore proposed to update these rules in order to reflect the current arrangements in place with Welland Procurement who now exercise that control function.

2.3 There have also been minor amendments made to the existing rules in order to further clarify the rules.

#### **3.0 Proposal**

3.1 Appendix A sets out the proposed new Contract Procedure Rules with the proposed minor changes in wording highlighted.

#### **4.0 RECOMMENDATION**

**That the proposed Contract Procedure Rules, as set out at Appendix A to the report, be approved and the Council Constitution be updated accordingly.**

#### Background Papers

Nil.

For further information please contact Nick Wilson – Business Manager – Financial Services on Extension 5317.

Sanjiv Kohli  
Deputy Chief Executive/Director - Resources

**A BRIEF GUIDE TO CONTRACT PROCEDURE RULES (July 2019 revision)**

**SECTION 1: SCOPE OF CONTRACT PROCEDURE RULES**

1. BASIC PRINCIPLES
2. OFFICER RESPONSIBILITIES
3. PROCUREMENT OPTIONS
4. EXEMPTIONS
5. RELEVANT CONTRACTS

**SECTION 2: COMMON REQUIREMENTS**

6. STEPS PRIOR TO PURCHASE
7. RECORDS
8. ADVERTISING

**SECTION 3: CONDUCTING PURCHASE AND DISPOSAL**

9. COMPETITION REQUIREMENTS: PURCHASE, DISPOSAL AND PARTNERSHIPS
10. PRE-TENDER MARKET RESEARCH AND CONSULTATION
11. CONTRACT AWARD CRITERIA
12. INVITATIONS TO TENDER/QUOTATIONS
13. SHORTLISTING
14. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS
15. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION
16. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES
17. INCOME GENERATING CONTRACTS

**SECTION 4: CONTRACT AND OTHER FORMALITIES**

18. CONTRACT DOCUMENTS
19. BONDS AND PARENT COMPANY GUARANTEES
20. PREVENTION OF CORRUPTION & COLLUSION
21. DECLARATION OF INTERESTS

**SECTION 5: CONTRACT MANAGEMENT**

22. MANAGING CONTRACTS
23. RISK ASSESSMENT
24. CURRENCY OF CONTRACT PROCEDURES
25. POST CONTRACT PROCEDURES

**SECTION 6: DEFINITIONS**

All costs stated in these Contract Procedure Rules are exclusive of VAT, staff costs and fees.

## **A BRIEF GUIDE TO CONTRACT PROCEDURE RULES**

These Contract Procedure Rules (issued in accordance with section 135 of the 1972 Local Government Act) are intended to promote good purchasing practice and public accountability and deter corruption. They are designed to safeguard the interests of the Council, its Members and its employees. Following the rules is the best defence against allegations that a purchase has been made incorrectly or fraudulently.

These rules should be read in conjunction with the Council's Financial Regulations and Purchasing Card Procedure (as appropriate).

They apply to all activities of the Council, and where the Council is a lead authority in any joint procurement, shared service, partnership or collaborative arrangement.

All Officers (including temporary or agency workers) and Members must comply with these Contract Procedure Rules for all relevant contracts (see Rule 5 Relevant Contracts). They lay down minimum requirements and a more thorough procedure may be appropriate for a particular contract. Any breaches will be considered to be a disciplinary matter.

In accordance with the Constitution, Council shall have the power to make amendments from time to time to these Contract Procedure Rules.

If, after reading these Contract Procedure Rules, you require further guidance or clarification, or you are not sure how best to comply with the Rules, then please contact your Line Manager, the Business Manager – Financial Services or Welland Procurement.

Terms used in this document are defined in the Definitions Appendix at the end of this document.

## **SECTION 1: SCOPE OF CONTRACT PROCEDURE RULES**

### **1. BASIC PRINCIPLES**

1.1 All purchasing and disposal procedures must:

- (i) Achieve [Value For Money](#) for public money spent
- (ii) Be consistent with the highest standards of integrity
- (iii) Ensure fairness in allocating public contracts
- (iv) Comply with all legal requirements
- (v) Ensure that [non-commercial considerations](#) do not influence any contracting decision
- (vi) Support the Council's corporate and Business Unit vision and priorities

### **2. OFFICER RESPONSIBILITIES**

#### **2.1 Contract Officers**

2.1.1 Contract Officers responsible for purchasing or disposal must comply with these Contract Procedure Rules, Financial Regulations, Standing Orders, Officers Code of Conduct and with all UK Government legislation and European Union binding legal requirements. Contract Officers must ensure that any agents, [consultants](#) and contractual partners acting on their behalf also comply. It is the responsibility of officers to ensure that they are aware of and fully understand these requirements.

2.1.2 Prior to any procurement exercise, Contract Officers must:

- (i) Check the Council's register of recurring contracts to see if a suitable corporate contract exists before seeking to let another contract; where a suitable corporate contract exists, this must be used unless there is an auditable reason not to
- (ii) Advise Welland Procurement of their intention to let or re-let a contract with a Total Value in excess of £75,000 a minimum of six months in advance of placing an advertisement to invite tenders

During any procurement exercise, Contract Officers must:

- (iii) Keep relevant records
- (iv) Seek and follow all necessary legal, financial and professional advice
- (v) Be able to demonstrate the achievement of [Value for Money](#)

2.1.3 When any employee either of the Council or of a service provider may be affected by any transfer arrangement, Contract Officers must ensure that the Transfer of Undertaking (Protection of Employment) (TUPE) issues are considered and obtain legal and HR advice before proceeding with inviting tenders or quotations.



## 2.2 Chief Officers

### 2.2.1 Chief Officers must:

- (i) Ensure that their staff (including temporary and agency staff) comply with these Contract Procedure Rules and are suitably trained
- (ii) Ensure that details of all current contracts are recorded on the Council's corporate register of recurring contracts
- (iii) Ensure that all completed contracts are passed to legal for safe keeping
- (iv) Ensure that any Contract Procedure Rules exemptions provided for under Rule 4 are duly recorded using the form on the [Procurement Intranet Pages](#)

## 3. PROCUREMENT OPTIONS

- 3.1 Officers need to consider what procurement method is most likely to achieve the purchasing objectives, in consultation with Welland Procurement.
- 3.2 For all procurements of Goods, Services or Works with a total value BELOW the relevant EU Goods & Services threshold an **Open** tender procedure must be used. Advice must be sought from the Welland Procurement.
- 3.3 For all procurements with a total value ABOVE the relevant EU threshold for either Goods/Services or Works, Contract Officers must consult with Welland Procurement before making a final decision on the appropriate procurement method.
- 3.4 For purchasing where there is no on-going commitment the Council's purchasing cards should be used where possible. Such purchases will be ad hoc and with no time bound commitment. Anything other than this must be referred to Welland Procurement.
- 3.5 Regardless of the procurement option used, all EU/UK legislation must be adhered to and all statutory guidance in respect of this legislation.
- 3.6 Where it is a Capital Programme scheme, the recommendation in the Council's guidelines on project management must be adhered to.
- 3.7 Welland Procurement must be consulted prior to commencing any procurement process using framework agreements **including those** established by the Crown Commercial Service (CCS) or other Public Sector Buying Organisations (PSBOs), where the requirement is valued over the OJEU threshold or otherwise high risk or complex. The terms and conditions of contract applicable to any CCS or PSBO framework agreements, including the requirement to undertake competition between providers, must be fully complied with.

### **3.8 Collaborative Procurement Arrangements**

- 3.8.1 In order to secure [Value for Money](#), the Council may enter into collaborative procurement arrangements. The Contract Officer must consult the Section 151 Officer, the Business Manager - Legal and Welland Procurement **where collaborative procurement arrangements are proposed** with another local authority, government department, statutory undertaker or Public Sector Buying Organisation.
- 3.8.2 In order to allow the development of joint procurement, shared services, partnerships or collaborative arrangements, the Section 151 Officer shall have delegated authority to permit the use of the Contract Procedure Rules of a local authority partner. The Contract Officer must also consult with Welland Procurement and the Business Manager - Legal to ensure compliance with all legal requirements.
- 3.8.3 All purchases made via a Public Sector Buying Organisation (PSBO) (e.g. ESPO, YPO, CCS) are deemed to comply with these Contract Procedure Rules and no exemption is required. However, purchases above the EU threshold must be let under the [EU procedure](#), unless the PSBO has satisfied this requirement already by letting their contract in accordance with the [EU procedure](#) on behalf of the Council and other eligible users.

### **3.9 Private Finance Initiatives**

- 3.9.1 Contracts entered into concerning Private Finance Initiatives shall be undertaken in accordance with relevant legislation. The Contract Officer shall refer to the Legal Business Unit and the Section 151 Officer prior to a contract being entered into concerning Private Finance Initiatives.

### **3.10 [Framework Agreements](#)**

- 3.10.1 Welland Procurement must be consulted prior to commencing any process which could lead to the use of a [framework agreement](#).
- 3.10.2 [Framework agreements](#) must only be used where the Council is either a named participant or where the Council is considered a recognisable class of contracting authority under the terms of the framework agreement.
- 3.10.3 Contracts based on [framework agreements](#) may be awarded by either:
- (i) Applying the terms laid down in the [framework agreement](#) (where such terms are sufficiently precise to cover the particular call-off) without reopening competition, or
  - (ii) Where the terms laid down in the [framework agreement](#) are not precise enough or complete for the particular call-off, by holding a mini competition.

Advice must be sought from Welland Procurement.

#### 4. **EXEMPTIONS**

- 4.1 **The Contract Procedure Rules must be followed. This is to ensure open and transparent competition and protect the Council from any undue risk of challenge of anti-competitive behaviour.**
- 4.2 Where the total lifetime value of a proposed contract is likely to exceed the [EU threshold](#), a Chief Officer has no delegated powers and no exemption can be applied for.
- 4.3 For Supplies and/or Services contracts where the total lifetime value is below the EU threshold, an exemption to all or part of the requirements under section 9.1.1 may be granted with the written approval of the Council's Section 151 Officer. For Works contracts with an estimated total value below the EU threshold, an exemption to all or part of the requirements under section 9.1.1 may be granted with the written approval of the Council's Chief Executive and the Section 151 Officer. Any application for exemption is required to demonstrate valid reasons for not going through an open competition process together with a risk assessment.
- 4.4 Any contract entered into through collaboration with other Local Authorities or other public bodies, where a competitive process has been followed that complies with the Contract Procedure Rules of the leading organisation, will be deemed to comply with these Contract Procedure Rules and no exemption is required. However, advice must be sought from Welland Procurement.
- 4.5 Where an exemption is necessary because of an unforeseeable emergency involving immediate risk to persons, property or serious disruption to Council services, approval must be sought from the Section 151 Officer, or in the event of his absence the Deputy Section 151 Officer or in his absence, the Chief Executive or the relevant Business Unit Manager. Where this situation arises a report must be sent to the next Policy & Finance Committee to support the action taken.
- 4.6 All exemptions, and the reasons for them, must be recorded using the Contract Procedure Rules Exemption form which is available from the Business Manager – Financial Services. Exemptions shall be detailed by the Contract Officer and signed by the relevant Director and Section 151 Officer and a copy sent to the Business Manager – Financial Services for subsequent recording and monitoring.
- 4.7 The use of e-procurement technology does not negate the requirement to comply with all elements of these Contract Procedure Rules, particularly those relating to competition and [Value for Money](#).
- 4.8 Competitive tenders are not required in any of the following circumstances:

- (i) EU contracts or framework agreements may be modified without a new procurement procedure only in clearly defined situations as provided for under Regulation 72 of the Public Contracts Regulations 2015.
- (ii) The work to be executed or goods or materials to be supplied or the services to be provided constitute an extension of an existing **below EU threshold** contract provided that such an extension has received approval by the Section 151 Officer. Welland Procurement must be consulted and must be satisfied that the extension is in accordance with procurement legislation.
- (iii) The work to be executed or the goods or materials to be supplied consists of repairs to or the supply of parts to existing proprietary machinery or plant by the manufacturers or their agents. The Welland Procurement must be consulted and be satisfied that [Value For Money](#) is being achieved.
- (iv) The estimated expenditure is less than £10,000 provided that the appropriate Chief Officer shall take reasonable steps to secure the order at the most competitive price.
- (v) The purchase is by or at public auction, including online auction facilities (e.g. eBay) and the total value of the procurement is below the prevailing EU threshold.

## 5. **RELEVANT CONTRACTS**

5.1 All relevant contracts must comply with these Contract Procedure Rules. A relevant contract is any arrangement made by, or on behalf of, the Council for the carrying out of works or for the supply of goods, materials or services. These include arrangements for:

- (i) The supply or disposal of goods
  - (ii) The hire, rental or lease of goods or equipment
  - (iii) The delivery of services, including (but not limited to) those related to:
    - (a) The recruitment of non direct employees/agency staff
    - (b) Land and property transactions\* (also covered by [Financial Regulations](#))
    - (c) Financial and consultancy services
- \*(these are exempt from the EU Rules and corresponding UK Regulation)**

5.2 Contracts for the sale of land and property must be conducted in accordance with these Contract Procedure Rules or a process approved by the Section 151 Officer and with the approval of the Policy & Finance Committee.

5.3 Relevant contracts do not include:

- (i) Contracts of employment which make an individual a direct employee of the Council
- (ii) Treasury management deals for borrowing or investment which will be dealt with in accordance with the latest Treasury Management Strategy approved by Council.

## SECTION 2: COMMON REQUIREMENTS

### 6. STEPS PRIOR TO PURCHASE

6.1 The Contract Officer must appraise the purchase, in a manner commensurate with its complexity and value, and taking into account any guidance contained on the Welland Procurement website, by:

- (i) Ensuring there is sufficient time to complete the purchase process
- (ii) Appraising the need for the expenditure and its priority
- (iii) Assessing the feasibility of the proposed order/tender
- (iv) Ensuring there is sufficient budget
- (v) Assessing and managing risks identified with the procurement process; financial risks should be assessed in consultation with the Section 151 Officer
- (vi) Considering which procurement method is most likely to achieve the purchasing objectives in consultation with Welland Procurement
- (vii) Consulting users as appropriate about the proposed procurement method, contract standards, contract performance (refer to Rule 19) and user satisfaction monitoring
- (viii) Preparing a robust specification of requirements
- (ix) Consulting, where appropriate, with a suitable Technical Officer(s) Drafting the terms and conditions that are to apply to the proposed contract. Consultation must take place with legal services prior to the terms and conditions being finalised
- (xi) Setting out these matters in writing per Rule 7. Records
- (xii) Considering project management arrangements, including [nominating a suitable officer to manage the contract once awarded](#)
- (xiii) Considering the requirements for [construction contracts](#)
- (xiv) Considering how the procurement of above EU threshold public Services contracts may improve the economic, social and environmental well-being of the District in order to demonstrate compliance with the Public Services (Social Value) Act 2012. Well-being considerations must be relevant and proportionate to the subject matter of the contract and enforceable within the constraints of existing EU legislation.
- (xv) Confirming that there is Member or delegated approval for the expenditure and the purchase accords with the approved scheme of delegation as set out in the Constitution

### 7. RECORDS

7.1 Where the [total value](#) of the procurement is less than £75,000, the Contract Officer must ensure an appropriate audit trail exists in the form of written &/or electronic records to evidence that the procurement process has been carried out in compliance with the Council's Contract Procedure Rules and secures Value for Money.

- 7.2 Where the total value of the procurement exceeds £75,000 the Contract Officer must record and keep:
- (i) Documented work undertaken pre tender as detailed in Rule 6. Steps prior to Purchase
  - (ii) The method for obtaining bids and the basis for the selection of tenderers
  - (iii) Any contracting decision and the reasons for it
  - (iv) Any exemption under Rule 4 together with the reasons for it including a copy of the exemption form. See 4.5
  - (v) The award criteria in descending order of importance
  - (vi) Tender documents sent to and received from candidates
  - (vii) Pre-tender market research
  - (viii) Supporting documentation relating to tender examination
  - (ix) Clarification and post-tender **clarification** (to include minutes of meetings)
  - (x) The contract documents
  - (xi) Post-contract evaluation and monitoring
  - (xii) Written records of communications with candidates and with the successful contractor throughout the period of the contract
  - (xiii) Contract monitoring undertaken during the life of the contract
- 7.3 All hard copy and electronic records relating to procurement activities including but not limited to tendering procedures and contracts must be retained by the Contract Officer in accordance with the Council's Retention & Disposal Policy and Retention and Disposal Schedule (Contracts & Tendering).
- 7.4 Business Unit Managers must supply the Business Manager – Financial Services with such information as is required to populate a central contracts register.
- 7.5 All signed contracts must be passed to the Business Manager – Legal Services for safekeeping.
- 7.6 The tender record log must be kept by the Business Manager - Democratic Services. A copy must be kept by the Contract Officer.

## **8. ADVERTISING**

### **8.1 Identifying and Assessing Potential Candidates**

8.1.1 Contract opportunities must be advertised in accordance with the provisions of rule 9.1.1 and in consultation with Welland Procurement.

8.1.2 Contract Officers are responsible for ensuring that all candidates for a relevant contract are suitably assessed. The assessment process shall establish that the potential candidates have sound:

- (i) Economic and financial standing
- (ii) Technical ability and capacity to fulfil the requirements of the authority.

The only exception to this process is direct purchases where the goods are received prior to payment being made.

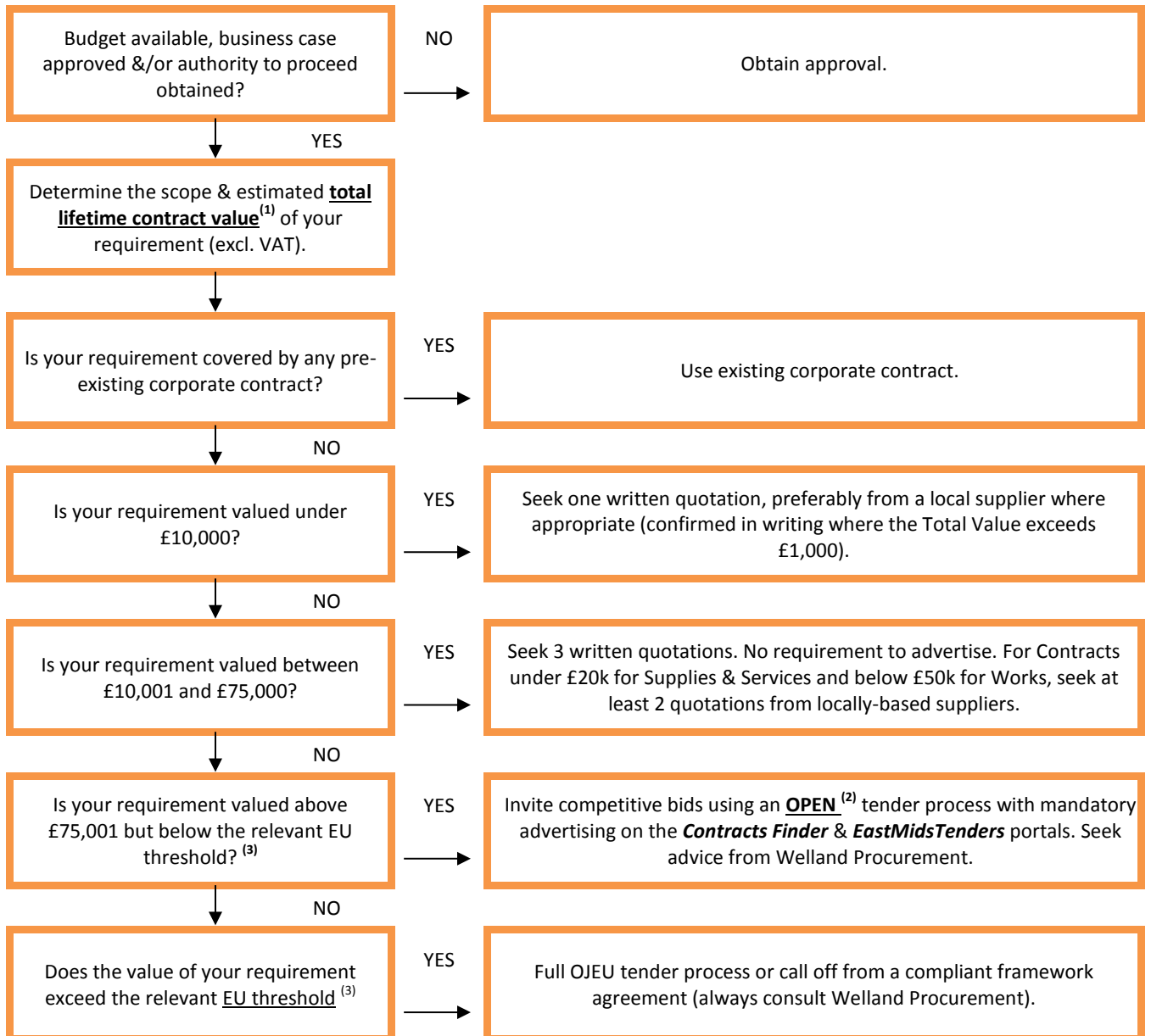
Suppliers/Contractors engaged to deliver Services and Works contracts with a total value in excess of £250,000 should be subject to financial assessment **which may include but should not be limited to an Equifax commercial credit check** in order to assess their financial viability.

### SECTION 3: CONDUCTING PURCHASE AND DISPOSAL

#### 9. COMPETITION REQUIREMENTS: PURCHASE, DISPOSAL & PARTNERSHIPS

##### 9.1 Purchasing – Competition Requirements

9.1.1 Where an option to proceed with a competitive procurement exercise has been chosen, the following flow chart will determine the appropriate procedure to use.



- <sup>(1)</sup> When calculating the total lifetime value of a contract to appoint a consultant, ALL potential phases of work must be considered.
- <sup>(2)</sup> The use of a RESTRICTED tender process with a separate pre-qualification stage is not permitted under the Public Contracts Regulations 2015 for **Supplies, Services and Works** contracts if the total value is under £181,302. However, the RESTRICTED tender process can be used for Works contracts above £181,302.
- <sup>(3)</sup> The EU thresholds applicable from 01/01/2018 to 31/12/2019:-
- Supplies & Services contracts: £181,302
  - Works contracts: £4,551,413
  - Light Touch Regime for Health, Social, Education and certain other Service Contracts: £615,278

9.1.2 The Contract Officer must calculate the total value of the contract, taking into account what scope there might be for expansion on the initial requirements.

9.1.3 Where it can be demonstrated that there are insufficient suitably qualified candidates to meet the competition requirement, Contract Officers must consult with Welland Procurement for further guidance.

9.1.4 A Contract Officer must not enter into separate contracts nor select a method of calculating the total value in order to circumvent the application of these Contract Procedure Rules or to evade EU thresholds.

9.1.5 A Contract Officer may choose to go out to tender following the procedures laid out in the flowchart at 9.1.1 above, for an amount less than that specified. However, all other relevant contract procedure rules must still be followed and the advice of Welland Procurement should be sought.

## 9.2 **Assets for Disposal**

9.2.1 Prior to disposal the surplus asset must be offered for internal use elsewhere in the Council.

9.2.2 Assets for disposal with an estimated total value of over £500 must be disposed of by competitive tender or public auction (including online auction facilities such as eBay) unless written approval is obtained from the Section 151 Officer for a different method of disposal to be used. The method of disposal of surplus or obsolete stocks/stores or assets other than land must be formally agreed with the Section 151 Officer.

9.2.3 The Contract Officer must ensure that any regulations relating to safe and proper disposal are followed.

## 9.3 **Providing Services to External Purchasers**

9.3.1 The Chief Executive, Monitoring Officer, the Section 151 Officer, Welland Procurement and Financial Regulations must be consulted where contracts to undertake work on behalf of organisations other than the Council are to be considered.



#### 9.4 Collaborative and Partnership Arrangements

9.4.1 Collaborative and partnership arrangements are subject to all UK and EU procurement legislation and must follow these Contract Procedure Rules. If in doubt, Contract Officers must seek the advice of the Business Manager - Legal and Welland Procurement.

#### 9.5 The Appointment of Consultants to Provide Services

9.5.1 Contract Officers must seek the advice and guidance of Welland Procurement prior to commencing any procurement process which could lead to the appointment of consultants.

9.5.2 [Consultants](#), including technical and management consultants, shall be selected and commissions awarded in accordance with the procedures detailed within these Contract Procedure Rules and as outlined in the flowchart under Rule 9.1.1.

9.5.3 The engagement of a consultant shall follow the agreement of a brief that adequately describes the scope of the services to be provided (inclusive of ALL potential phases of work and associated costs) and shall be subject to completion of a formal letter or contract of appointment.

9.5.4 Records of consultancy appointments shall be maintained in accordance with Rule 7.

9.5.5 Consultants shall be required to provide evidence of, and maintain professional indemnity [insurance](#) policies to the satisfaction of the relevant Chief Officer after consultation with the Section 151 Officer or in his absence the Deputy Section 151 Officer for the periods specified in the respective agreement and any subsequent liability.

9.5.6 All consultancy appointments should clearly stipulate that the copyright in any report or other work or information created as a result of the contract shall be assigned by the contractor to the Council absolutely with full title guarantee.

9.5.7 It is the responsibility of the person arranging the consultancy contract to determine whether or not payments are to be made to the consultant's employer, to the consultant directly or to a personal service company (PSC). This is a limited company owned by the consultant and is commonly used to reduce tax and National Insurance liability. If payment is to be to the contractor personally or through a personal service company, advice must be sought from the S151 Officer and the Business Manager – Human Resources OD before any appointment is made.

#### 10. PRE-TENDER MARKET RESEARCH AND CONSULTATION

10.1 The Contract Officer responsible for the purchase:

- (i) Should seek advice from Welland Procurement
- (ii) May consult potential suppliers prior to the issue of the invitation to tender in general terms about the nature, level and standard of the supply, contract

packaging and other relevant matters, **provided** this does not prejudice the objective selection of any potential candidate, but;

- (iii) Must not seek or accept technical advice on the preparation of an Invitation to Tender or Quotation from anyone who may have a commercial interest in them, if this may prejudice the equal treatment of all potential candidates or distort competition. This applies to all contracts and is especially relevant in the case of software contracts.

## **11. CONTRACT AWARD CRITERIA**

11.1 The Contract Officer must define award criteria that are appropriate to the purchase and designed to secure an outcome giving demonstrable [Value for Money](#) for the Council. The basic criteria shall be:

- (i) 'Most economically advantageous tender', where considerations other than price also apply, or;
- (ii) 'Lowest price' where payment is to be made by the authority
- (iii) 'Highest price' if payment is to be received

If the first criterion is adopted a whole life costing approach is applicable and must be further defined by reference to sub-criteria which may refer only to relevant considerations.

These may include price, service, quality of goods, running costs, technical merit, previous experience, delivery date, cost effectiveness, quality, relevant environmental considerations, aesthetic and functional characteristics (including security and control features), safety, after-sales services, technical assistance and any other relevant matters.

The extent and weighting of these sub criteria must be decided, declared and documented prior to first advertising the contract opportunity.

The Contract Officer shall ensure the weighting of non-financial criteria within a proposed contract ensures equal treatment of all potential contractors and does not preclude, or give undue preference to, any contractor, and that all dealings with contractors are undertaken on a fair and equitable basis.

11.2 Award criteria must not include:

- (i) [Non-commercial considerations](#)
- (ii) Matters that discriminate against suppliers from the European Economic Area or signatories to the Government Procurement Agreement

## **12. INVITATIONS TO TENDER/QUOTATIONS**

- 12.1 The Invitation to Tender or Quotation shall state that no tender will be considered unless it is received by the date, time and conditions stipulated in the Invitation to Tender or Quotation.
- 12.2 The conditions applying to Invitations to Tender shall include the following:
- (a) A specification that describes the Council's requirements in sufficient detail to enable the submission of competitive offers or descriptions contained in bills of quantities, including details of workmanship, health and safety and quality.
  - (b) The relevant British, European or International standards that apply to the subject matter of the contract in order to describe the required quality.
  - (c) A requirement for tenderers to declare that the tender content, price or any other figure or particulars concerning the tender have not been disclosed by the tenderer to any other party (except where such a disclosure is made in confidence for a necessary purpose)
  - (d) A requirement for tenderers to complete fully and sign all tender documents including a form of tender and certificates relating to canvassing and non-collusion.
  - (e) Notification that tenders are submitted to the Council on the basis that they are compiled at the tenderer's expense.
  - (f) A description of the award procedure and, unless defined in a prior advertisement, a definition of the award criteria in objective terms and if possible in descending order of importance, including any non-financial criteria.
  - (g) Where written tenders are to be received, notification that tenders must be enclosed in a securely sealed plain envelope or container which bears the word 'tender' followed by the subject to which it relates (but no other name or mark indicating the sender) and the date and time by which tenders must be returned and marked for the attention of the 'The Chief Executive'.
  - (h) Tenders received by fax or other electronic means (e.g. e-mail) will be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Section 151 Officer and the Business Manager - Legal.
  - (i) The method by which any arithmetical errors discovered in the submitted tenders is to be dealt with; in particular, whether the overall price prevails over the rates in the tender or vice versa.
- 12.3 All invitations to tender or quotations must specify the terms and conditions of contract that will apply (see Rule 18).
- 12.4 The invitation to tender or quotation must state that the Council does not bind itself to accept the lowest tender, or any tender (after the application of financial and non-financial criteria).

- 12.5 All candidates invited to tender or quote must be issued with the same information at the same time and subject to the same conditions. Should questions arise during the tendering period which in the Council's judgement are of material significance then Contract Officers must write to all tenderers to explain the nature of the question and our formal reply.

### **13. SHORTLISTING**

- 13.1 Shortlisting is illegal in tenders below the EU Services Threshold. All tenders below the applicable threshold, whether for goods, works or services, must follow an open procedure, meaning that all tenders must be evaluated, subject to any grounds for exclusion. These may include any specified minimum technical or professional requirements.
- 13.2 Under an EU procedure that allows shortlisting, this must be based on the published selection criteria and weightings which must have regard to the financial and technical standards relevant to the contract.

### **14. SUBMISSION, RECEIPT AND OPENING OF TENDERS/QUOTATIONS**

- 14.1 Candidates must be given an adequate period in which to prepare and submit a proper quotation or tender, consistent with the complexity of the contract requirement. Normally at least four weeks should be allowed for submission of tenders. The EU procedure lays down specific time periods (see guidance on the Welland Procurement website).
- 14.2 All tenders that are submitted in writing must be marked for the attention of and returned to the Chief Executive.
- 14.3 Tenders received by electronic means must be rejected, unless they have been sought in accordance with an electronic tendering system approved by the Section 151 Officer and the Business Manager - Legal.
- 14.4 Tenders not received by the specified time and date must not be considered unless the conditions detailed under 14.11 prevail.
- 14.5 Tenders that do not comply with the requirements of 12.2 must be rejected and recorded as such on the Tender Log Sheet.
- 14.6 The Business Manager - Democratic Services shall be responsible for the safekeeping of tenders until the appointed time of opening. Each tender must be:
- (i) Suitably recorded so as to subsequently verify the date and precise time it was received;
  - (ii) Adequately protected immediately on receipt to guard against amendment of its contents;
  - (iii) Recorded immediately on receipt in the Tender Record Log.

- 14.7 The Chief Executive must ensure that all tenders are opened at the same time when the period for their submission has ended. When written tenders are received these must be opened in the presence of a Chief Officer and one officer representing the Chief Executive. The Contract Officer or his or her representative must be present, but may not open the Tenders. Where the [total value](#) is more than the [EU threshold](#), one officer must be the Section 151 Officer or his representative. **Tenders above the EU threshold must only be received via an electronic tendering system.**
- 14.8 Upon opening, a summary of the main terms of each tender must be recorded in the Tender Record Log, i.e. significant issues that are unique to each tender submission and were not stated in the tender invitation documents such as tender sum, construction period, etc. If it is not possible to determine the total value of a bid from a bidder's Form of Tender for the purpose of recording it on the Tender Record Log, then the officers in attendance are required to initial all key tender documents in blue ink. The Tender Record Log must be signed by two officers, one on behalf of the Chief Executive.
- 14.9 The tender record log must be in a form approved by the Monitoring Officer and the Section 151 Officer.
- 14.10 Following tender opening, all tenders must be promptly passed to the Contract Officer responsible for evaluation.
- 14.11 Treatment of Late Tenders:
- (i) Any tender received after the specified date and time must not be considered, unless the Chief Officer with the approval of the Section 151 Officer and the Business Manager - Legal consider that circumstances warrant it, such as where there is evidence of posting in time for delivery by the due date and time in the normal course of post delivery (Note: in this instance, the other tenders must not have been opened). Appropriate supporting documentation must be maintained to substantiate the Chief Officer's decision.
  - (ii) Under no circumstances must any late tender be considered after the other tenders have been opened.
  - (iii) Any tender submitted after the specified date and time must be returned promptly to the tenderer by the appropriate Chief Officer unless accepted in accordance with 14.11 (i).
  - (iv) Any tender excluded from the tender opening process may be opened to enable it to be returned promptly but no details of the tender shall be disclosed.
- 14.12 The Contract Officer must not disclose the names of Candidates to any staff involved in the receipt, custody or opening of Tenders.

## **15. CLARIFICATION PROCEDURES AND POST-TENDER NEGOTIATION**

- 15.1 **Providing clarification of an invitation to tender to potential or actual candidates or seeking clarification of a tender, whether in writing or by way of a meeting, is**

permitted but must not be conducted such as to distort competition. Where a clarification is of general relevance to the procurement process, the information must be provided to all candidates.

15.2 Except when following specific procedures, negotiation is not allowed under the EU Rules or UK Regulations. Clarification is allowed and if required please seek the advice of Welland Procurement.

15.4 Where clarification results in a fundamental change to the specification or contract terms (as agreed by Welland Procurement and the Business Manager - Legal on an individual basis), the contract must not be awarded but re-tendered.

## **16. EVALUATION, AWARD OF CONTRACT, AND DEBRIEFING CANDIDATES**

16.1 Apart from the debriefing required or permitted by these Contract Procedure Rules, the confidentiality of quotations, tenders and the identity of Candidates must be preserved at all times and information about one candidate's response must not be given to another candidate.

16.2 Tenders shall be promptly examined for adequacy, completeness (including Health and Safety competence) and accuracy by the Contract Officer and/or appropriate Technical Officer.

16.3 Tenders must be evaluated and contracts awarded in accordance with the award criteria. During this process, Contract Officers shall ensure that submitted tender prices are compared with any pre-tender estimates and that any discrepancies are examined and resolved satisfactorily. Where there are significant differences, these must be reported to the appropriate Chief Officer and the Section 151 Officer immediately.

16.4 The arithmetic in compliant tenders must be checked. If arithmetical errors or discrepancies are found which would affect the tender figure (in an otherwise successful tender), they should be notified to the tenderer, who should be requested to confirm or withdraw their tender. Alternatively, if the rates in the tender, rather than the overall price, were stated within the tender invitation as being dominant, an amended tender price may be requested to accord with the rates given by the tenderer.

16.5 If the tenderer withdraws, or fails to confirm their tender within 10 working days or such period as agreed, the next tender is to be examined and dealt with in the same way. Any exception to the above procedure may only be authorised by the Business Manager - Legal or the Section 151 Officer, after consideration of a suitable report prepared by the Contract Officer, or the Technical Officer who examined the tender.

16.6 All unsuccessful tenderers shall be notified promptly and in accordance with the contract conditions, EU and English law.

**16.7 For contracts with a total value above the [EU threshold](#):**

16.7.1 The Contract Officer must contact Welland Procurement who will be responsible for drafting all such notifications.

**16.8 For contracts with a total value below the [EU threshold](#):**

16.8.1 Contract award is notified simultaneously to all bidders. Unsuccessful bidders are provided with their scores and those of the successful bidder for each award criterion and also a brief summary of the relative strengths and weaknesses of their bid. Templates for this purpose and further advice appear on the Welland Procurement website under <http://wellandprocurement.org.uk/newark-and-sherwood-district>.

**17.0 INCOME GENERATING CONTRACTS**

17.1 Contracts generating income shall only be entered into if the relevant Chief Officer is satisfied that:

- (i) The relevant power to provide a service (for a service contract) and the resources and time required have been properly identified and the proposed contract is in the best interests of the Council;
- (ii) Where the income is to be generated by the granting of a concession, e.g. the opportunity to an external provider to provide an income generating service at a Council event and the estimated value of the concession is:
  - (a) below £10,000 then a minimum of three potential concessionaires should be invited to make offers to the Council
  - (b) above £10,000 then the opportunity should be advertised in accordance with the flowchart under Rule 9.1.1.  
and the offers submitted should be evaluated to assess which offer is most economically advantageous to the Council.

17.2 The terms of any contract shall be clearly set out in writing.

**SECTION 4: CONTRACT AND OTHER FORMALITIES**

**18. CONTRACT DOCUMENTS**

**18.1 Relevant Contracts**

18.1.1 All relevant contracts shall be in writing in a form approved by the Business Manager - Legal or their nominated representative.

18.1.2 All relevant contracts, irrespective of value, shall clearly specify:

- (i) What is to be supplied (i.e. the works, materials, services, matters or things to be furnished, had or done) per the specification, bills of quantity or descriptions supplied as part of the tender process

- (ii) The provisions for payment (i.e. the price to be paid and when). The Public Contracts Regulations 2015 require that every contract a contracting authority enters into must provide that payment will be made to the contractor no later than 30 days from the date from which the relevant invoice is regarded as valid and undisputed. This provision also applies to a sub-contract awarded by the contractor and also any sub-sub-contract which the sub-contractor in turn awards
- (iii) The time, or times, within which the contract is to be performed
- (iv) The provisions for the Council to terminate the contract.
- (v) The address at which the works or services are to be undertaken
- (vi) A right of access by the Council to relevant documentation and records held by the Contractor or on their behalf, for monitoring and audit purposes if relevant.
- (vii) [Whistleblowing Policy](#)
- (vii) GDPR requirements relevant to the handling of personal data, its use, storage and disposal during the term of the contract and up to the end of the applicable statutory period of limitation of a contractor's liability.

18.1.3 Additional contractual requirements must include where relevant:

- (i) [Assignment requirements](#)
- (ii) [Nominated sub contractors and nominated supplier requirements](#)
- (iii) [Liquidated damages](#) requirements
- (iv) Any [insurance](#) requirements
- (v) [Health and safety](#) requirements
- (vi) Ombudsman requirements
- (vii) Data protection requirements
- (viii) That charter standards are to be met
- (ix) Equality and Diversity legislation requirements
- (x) Freedom of Information Act requirements
- (xi) [Consultants](#) requirements
- (xii) [Cartels and anti collusion requirements](#)
- (xiii) Necessity for security to be provided.
- (xiv) Business continuity arrangements
- (xv) Disability Discrimination Act requirements
- (xvi) Equalities requirements
- (xvii) Safeguarding requirements

18.1.4 The formal advice of the Business Manager - Legal must be sought for the following contracts:

- (i) Where the [total value](#) exceeds £75,000 or involves the purchase of application software
- (ii) Those involving leasing arrangements
- (iii) Where it is proposed to use a supplier's own terms
- (iv) Those that are complex in any other way



## 18.2 Contract Formalities

18.2.1 Agreements shall be completed as follows:

<u>Total Value</u>	Method of Completion	By
Below <a href="#">EU threshold</a>	Signature	Please refer to list of officers authorised to sign contracts
Above <a href="#">EU threshold</a>	Advice must be sought from the Business Manager - Human Resources, OD & Legal as to whether the contract should be signed or sealed	Please refer to list of officers authorised to sign contracts  Also see Rule 18.3

18.2.2 All contracts must be concluded formally in writing before the supply, service or construction work begins, except in exceptional circumstances, and then only with the written consent of the Business Manager - Legal, after consultation with the Section 151 Officer.

18.2.3 The Officer responsible for securing signature of the contract must ensure that the person signing for the other contracting party has authority to bind the company.

## 18.3 Sealing

18.3.1 Where contracts are to be sealed they must be forwarded to Legal Services for entry in the Seal Register and the affixing and attesting of the Seal. They must be accompanied by the relevant Council or Committee authority.

18.3.2 Contracts shall be sealed in accordance with the Council's Constitution.

**18.3.3 Advice must be sought from the Business Manager - Legal whether a contract should be sealed when:**

- (i) The Council may wish to enforce the contract more than six years after its end;
- or
- (ii) The price paid or received under the contract is a nominal price and does not reflect the value of the goods or services; or
  - (iii) There is any doubt about the authority of the person signing for the other contracting party, or
  - (iv) The [total value](#) exceeds the [EU threshold](#).

## 19. BONDS AND PARENT COMPANY GUARANTEES

19.1 The Contract Officer, when assessing the contractor's financial viability, shall consider whether the Council requires security for due performance of the contract.

- 19.2 The Contract Officer must consult the Section 151 Officer about whether a Parent Company Guarantee is necessary when a Candidate is a subsidiary of a parent company and the [total value](#) exceeds the [EU threshold](#).
- 19.3 Where security is considered to be appropriate and required, the Contract Officer, in consultation with the appropriate officers, shall specify in the tender the nature and amount of the security to be given. This as a minimum shall be at least 10% of the total value of the contract.
- 19.4 The security shall be obtained by the contractor in a format, and from an institution or bank approved by the Section 151 Officer.

**20. PREVENTION OF CORRUPTION AND COLLUSION**

- 20.1 The Contract Officer must comply with the Officer's Code of Conduct and must not invite or accept any gift or reward in respect of the award or performance of any contract. It will be for the Contract Officer to prove that anything received was not received corruptly. High standards of conduct are obligatory. Corrupt behaviour will lead to dismissal and is a crime under the statutes referred to in Rule 20.2 below.

- 20.2 The following clause must be put in every written Council contract:

*"The Council may terminate this contract and recover all its loss if the Contractor, its employees or anyone acting on the Contractor's behalf do any of the following things:*

- a) Offer, give or agree to give to anyone any inducement or reward in respect of this or any other Council contract (even if the Contractor does not know what has been done), or*
- b) Commit an offence under the Bribery Act 2010 or Section 117(2) of the Local Government Act 1972, or*
- c) Commit any fraud in connection with this or any other Council contract whether alone or in conjunction with Council members, contractors or employees.*

*Any clause limiting the Contractor's liability shall not apply to this clause."*

- 20.3 The Contract Officer and/or Technical Officer shall undertake periodic reviews of tenders submitted by successful tenderers to consider the potential for tenderer collusion and cartels.
- 20.4 All Officers, Members, potential and existing contractors must be made aware of the Council's [Whistleblowing Policy](#).

**21. DECLARATION OF INTERESTS**

- 21.1 If it comes to the knowledge of a Member or an employee of the authority that a contract in which he or she has a personal or prejudicial interest has been or is proposed to be entered into by the Council, he or she shall immediately give written notice to the Monitoring Officer.
- 21.2 Such written notice is required irrespective of whether the interest is direct or indirect. Interests are defined in the Members and Officers [Codes of Conduct](#).
- 21.3 A shareholding in a body less than a total nominal value of £1,000 or 1% of the nominal value of the issued share capital (whichever is the less) is not an interest for the purposes of these Contract Procedure Rules.
- 21.4 The Monitoring Officer shall maintain a record of all declarations of interests notified by Members and Officers.
- 21.5 The Monitoring Officer shall ensure that the attention of all Members is drawn to the National Code of Local Government Conduct.

## **SECTION 5: CONTRACT MANAGEMENT**

### **22. MANAGING CONTRACTS**

- 22.1 Contract management should be proportionate to the total value, risk and complexity of the contract.
- 22.2 Contract Officers must follow the procedures set out in these Contract Procedure Rules as well as the good practice guidance on contract management available on the Welland Procurement Portal.

### **23. RISK ASSESSMENT**

- 23.1 A risk register must be prepared for all contracts with a total value over the [EU threshold](#) to ensure that identified contract risks are managed by named Officers over the lifetime of the contract.
- 23.2 For all contracts with a potential value under the EU threshold, Contract Officers must, where appropriate, undertake risk assessments and, for identified risks, ensure contingency and risk mitigation measures are in place.

### **24. CURRENCY OF CONTRACT PROCEDURES**

#### **24.1 Monitoring and Review**

- 24.1.1 During the life of the contract, the Contract Officer must closely monitor and address the following areas:
- (i) Performance
  - (ii) Compliance with specification and contract
  - (iii) Cost
  - (iv) Any [Value for Money](#) requirements
  - (v) User satisfaction
  - (vi) On-going economic and financial standing of the supplier/contractor. Periodic Equifax commercial credit reports are to be sought for all suppliers/contractors linked to major programmes and projects being delivered by the Council with a total value in excess of £250,000 and for the duration of the contract.
  - (vii) On-going technical ability and capacity of the supplier/contractor
  - (viii) On-going risk assessment & risk mitigation
- 24.1.2 Contract Officers must keep management aware of progress, so that any required corrective action can be taken promptly.
- 24.1.3 Appropriate supporting documentation shall be maintained to substantiate the monitoring undertaken.

#### 24.1.4 In respect of construction contracts:

- (i) The Contract Officer shall report progress to the Capital Monitoring Group on a regular basis and in an agreed format.
- (ii) Where there is any unforeseen specification adjustments which occur during the construction phase, the Contract Officer must seek to find savings within the total project budget and advise SLT to ensure they agree the savings are realistic. Alternatively, they must seek additional funding via a report to Policy & Finance Committee where the amount is in excess of delegated authority.
- (iii) Where savings cannot be found the Contract Officer must advise SLT as soon as practicable.
- (iv) The Section 151 Officer must be kept informed of any additional costs and potential savings. The Section 151 Officer will report these to Policy & Finance Committee.

24.1.5 All contracts which have a value higher than the relevant [EU threshold](#), or which are high risk, are to be subject to periodic formal review with the contractor.

24.1.6 A risk register should be established for all contracts exceeding the EU threshold to ensure that contract outcomes are fully delivered.

#### **24.2 Certificates/Interim Payments**

24.2.1 No certificate of work performed on a contract shall be raised prior to the signing of the contract, subject to compliance with appropriate contract conditions. Any exceptions to this requirement must be approved by the Monitoring Officer and the Section 151 Officer.

24.2.2 Interim payments to contractors shall only be made by the Section 151 Officer or his nominated officer on receipt of an approved form of certificate signed by an authorised officer.

24.2.3 Where a performance bond is required for a contract, no payment is to be made until the bond has been received. Any exceptions to this requirement must be approved by the Monitoring Officer and the Section 151 Officer.

24.2.4 Any contractual retention monies shall be deducted from payments in accordance with contract conditions.

#### **24.3 Variations to the Contract**

24.3.1 EU contracts or framework agreements may be modified without a new procurement procedure only in clearly defined situations as provided for under Regulation 72 of the Public Contracts Regulations 2015.

24.3.2 In the case of contracts with a total value below the EU threshold, permissible grounds for amendment include the following:

- (i) Any variations made to the contract in accordance with the terms of the contract.
- (ii) Variations approved and authorised by the Contract Officer together with the appropriate Business Manager.
- (iii) Major variations (which result in the value of the contract increasing by more than 20% of the original contract sum or £50,000, whichever is the lesser) shall require the prior approval of the Contract Officer, or if appropriate, the Policy & Finance Committee or Council

24.3.3 Concerning construction contracts, variations to the contract shall only be made on approved forms.

24.3.4 The Contract Officer shall inform the Section 151 Officer and the Policy & Finance Committee of substantial variations likely to result in over or under-spends.

#### **24.4 Extensions of Time/ Contract Completion**

24.4.1 The Contract Officer shall ensure that extensions of time concerning constructional contracts are considered in accordance with the terms of the Contract.

24.4.2 The Contract Officer shall take due regard to actual contract progress, all appropriate supporting documentation, and all other extenuating circumstances when considering an extension of time.

24.4.3 Extensions of time shall only be awarded on the issue of approved forms by the Contract Officer.

24.4.4 The Contract Officer shall ensure that the procedures for contract completion are in accordance with the terms of the contract.

24.4.5 Approved forms shall be used for indicating contract completion by the Contract Officer.

#### **24.5 Price Fluctuations**

24.5.1 The Contract Officer shall ensure that the basis of price fluctuations, where applicable, is appropriate and properly detailed in the tender/contract documentation and shall take advice from the Section 151 Officer or his nominee.

24.5.2 The Contract Officer shall ensure that any price fluctuations are valid, in accordance with the terms of the contract, and correctly included in interim valuations where appropriate.

## **24.6 Contractual Claims**

24.6.1 The Contract Officer shall ensure that the calculation of sums due to the contractor for loss and/or expense claims is in accordance with the terms of the contract.

24.6.2 The Contract Officer shall take due regard to all appropriate supporting documentation when considering a contractor's contractual claim.

## **24.7 Cancellations (including Determinations)**

24.7.1 The Contract Officer must refer any attempt to cancel a contract or any situation where the right to cancel a contract might arise, to the Legal Section for advice before any acknowledgement or notice is issued.

24.7.2 Cancellations shall only be made in accordance with the terms of the contract, or in conjunction with offences made under the Bribery Act 2010 or section 117(2) of the Local Government Act 1972

## **24.8 Liquidations and Bankruptcies**

24.8.1 The Contract Officer shall ensure that all actions taken in the event of a contractor liquidation or bankruptcy are in accordance with the conditions of contract.

24.8.2 For construction contracts, the Contract Officer shall:

- (a) Notify the Monitoring Officer immediately.
- (b) Secure the site in question
- (c) Ensure that outstanding works are completed as soon as possible
- (d) Ensure that the remaining work is undertaken in the most economic, effective and efficient manner
- (e) Ensure that appropriate claims are lodged with the receiver/liquidator
- (f) Ensure that the appropriate bondsperson is notified
- (g) Ensure appropriate [insurance](#) is obtained

24.8.3 The Contract Officer shall take advice from the Monitoring Officer and Section 151 Officer of the procedures to be followed in the event of a liquidation or bankruptcy and ensure that such procedures are adhered to in the event of such a situation occurring.

## **24.9 Final Accounts**

24.9.1 The Contract Officer shall ensure that final account and certificate procedures are in accordance with the terms of the contract.

24.9.2 The Contract Officer shall ensure that final accounts submitted by the contractor are complete and accurate.

24.9.3 The final payment shall not be made until the Section 151 Officer has given approval following consideration of the final account and supporting documents.

24.9.4 The Section 151 Officer (or his authorised representative) shall have right of access to, and examination of, sites and supporting documentation at various stages of work, in conjunction with such explanations as required. Such visits shall be undertaken, and documentation reviewed, with an appropriate Technical Officer or the Contract Officer.

## **25. POST CONTRACT PROCEDURES**

### **25.1 Recovering Liquidated and Ascertained Damages**

25.1.1 The Contract Officer shall ensure that liquidated and ascertained damages are calculated whenever unauthorised delay occurs on contracts.

25.1.2 Liquidated and ascertained damages shall be promptly deducted in accordance with the terms of the contract. The Section 151 Officer shall be promptly notified of the existence of liquidated damages.

### **25.2 Post Contract Reporting**

25.2.1 The Contract Officer shall ensure that, where appropriate, accurate and timely management information is provided at the completion of the contract.

25.2.2 Where the [total value](#) of the contract exceeds the [EU threshold](#), the Contract Officer must make a written report to the relevant Chief Officer considering:

- (i) If weaknesses in control procedures have occurred;
- (ii) That corrective action, where necessary, has been taken;
- (iii) To what extent the original objectives of the contract have been achieved.



## SECTION 6: DEFINITIONS

**Agent:** A person or organisation acting on behalf of the Council or on behalf of another organisation.

**Award Criteria:** The criteria by which the successful quotation or tender is to be selected (see further Rules 11 and 12.2f).

**Award Procedure:** The procedure for awarding a contract as specified in Rules 9, 11 and 16.

**Best Value:** The duty, which Part I of the Local Government Act 1999 places on local authorities, to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness as implemented by the Council. This terminology has now in many instances been superseded by [Value for Money](#).

**Bond:** An insurance policy: if the contractor does not do what it has promised under a contract with the Council, the Council can claim from the insurer the sum of money specified in the bond (often 10% of the contract value). A bond is intended to protect the Council against a level of cost arising from the contractor's failure.

**Candidate:** Any person who asks or is invited to submit a quotation or tender.

**Chief Executive:** Relates to the Head of the Council's Paid Service

**Chief Officer:** Relates to the Chief Executive, Deputy Chief Executive and Directors.

**Code of Conduct:** The code regulating conduct of Officers as set out in the Council's Constitution.

**Committee:** A committee that has power to make decisions for the Council, including a joint committee with another local authority.

**Constitution:** The constitutional document approved by the Council which:

- Allocates powers and responsibility within the Council and between it and others
- Delegates authority to act to Committees and Officers
- Regulates the behaviour of individuals and groups through rules of procedure, codes and protocols.

**Contract:** Any agreement between the Council and any other party, which is intended to be legally binding. The term therefore applies to all contracts, together with all orders placed on behalf of the Council.

**Contractor:** Any company, partnership, sole trader, individual, local or public utility used in connection with the supply of goods, materials, professional or technical services, or for the supply of works.

**Consultant:** Someone employed to work to a defined project brief with clear outcomes to be delivered, who brings specialist skills or knowledge to the role, and where the Council has no ready access to employees with the skills, experience or capacity to undertake the work.

**Contracting Decision:** Any of the following decisions:

- Withdrawal of invitation to tender
- Whom to invite to submit a quotation or tender
- Shortlisting
- Award of contract
- Any decision to terminate a contract.

**Contract Officer:** The officer designated by the Chief Officer to deal with the contract in question.

**Council:** Deemed to include reference to Committees or an officer acting in accordance with delegated authority on behalf of the Council,

**Deputy Section 151 Officer:** Relates to the officer formally designated to act as deputy to the Section 151 Officer

**EU Procedure:** The procedure required by the EU where the [total value](#) exceeds the [EU threshold](#)

**EU Threshold:** The contract value at which the EU Public Procurement Directives apply at the time the contract is advertised.

**Financial Regulations:** The financial regulations specifying responsibilities for financial matters detailed in the Council's Constitution.

**Framework Agreement:** It is an agreement between one or more authorities and one or more economic operators, the purpose of which is to establish the terms governing contracts to be awarded during a given period, in particular with regard to price and, where appropriate, the quantity envisaged. Used in the case of repetitive purchases to choose suppliers who, when required will be able to meet the Council's purchasing needs. A framework does not include a commitment by the purchaser to guarantee a volume of work to a supplier. Framework agreements may be used in conjunction with any procedure. If the total value of all call offs over the life of the framework lifetime is estimated to be above the relevant EU threshold then the EU rules governing advertising and awarding the contract must be applied as if it were a contract.

**Gateway Review:** A formal evaluation of the project at the conclusion of a Key stage to determine whether or not the project should proceed to the next stage.

**High Risk:** A high-risk purchase is one that presents the potential for substantial exposure on the Council's part if it were to fail or go wrong, as determined by the Business Manager - Community Safety.

**High Value:** A high-value purchase is where the value exceeds the EU threshold values.

**Invitation to Tender:** Invitation to tender documents in the form required by these Contract Procedure Rules.

**Line Manager:** The Officer's immediate superior or the Officer designated by the Chief Officer to exercise the role reserved to the line manager by these Contract Procedure Rules.

**Monitoring Officer:** Relates to the Officer formally designated under Section 5 of the 1989 Act (designation and reports of Monitoring Officer) or, if that person is unable to act owing to absence or illness the person nominated as his/her deputy under Subsection 7 of that Act.

**Nominated Officer:** Relates to an officer given appropriate delegated authority by the Chief Officer.

**Nominated Suppliers and Sub-contractors:** Those persons specified in a main contract for the discharge of any part of that contract.

**Non-commercial Considerations:**

- a) The terms and conditions of employment by contractors of their workers or the composition of, the arrangements for the promotion, transfer or training of or the other opportunities afforded to, their workforces ('workforce matters').
- b) Whether the terms on which contractors contract with their sub-contractors constitute, in the case of contracts with individuals, contracts for the provision by them as self-employed persons of their services only.
- c) Any involvement of the business activities or interests of contractors with irrelevant fields of government policy.
- d) The conduct of contractors or workers in industrial disputes between them or any involvement of the business activities of contractors in industrial disputes between other persons ('industrial disputes').
- e) The country or territory of origin of supplies to, or the location in any country or territory of the business activities or interests of, contractors.
- f) Any political, industrial or sectarian affiliations or interests of contractors or their directors, partners or employees.
- g) Financial support or lack of financial support by contractors for any institution to or from which the authority gives or withholds support.
- h) Use or non-use by contractors of technical or professional services provided by the authority under the Building Act 1984 or the Building (Scotland) Act 1959.

Workforce matters and industrial disputes, as defined in paragraphs (a) and (d), cease to be [non-commercial considerations](#) to the extent necessary or expedient to comply with Best

Value; or where there is a transfer of staff to which the Transfer of Undertakings (Protection of Employment) Regulations 1981 (TUPE) may apply.

**Parent Company Guarantee:** A contract that binds the parent of a subsidiary company as follows: if the subsidiary company fails to do what it has promised under a contract with the Council, the Council can require the parent company to do so instead.

**Procurement Intranet Pages:** The suite of guidance documents, together with a number of standard documents and forms, which support the implementation of these Contract Procedure Rules. The guidance is available on the Council's intranet.

**Welland Procurement:** The Officer charged with providing strategic direction and advice to secure [Value for Money](#) in the Council's procurement activities.

**Quotation:** A quotation of price and any other relevant matter (without the formal issue of an invitation to tender).

**Relevant Contract:** Contracts to which these Contract Procedure Rules apply (see Rule 5).

**Section 151 Officer:** Relates to the designated Responsible Financial Officer. This is a statutory post appointed by full Council to have responsibility for the financial affairs of the Council as required by Section 151 of the Local Government Act 1972.

**Shortlisting:** The process of selecting Candidates who are to be invited to quote or bid or to proceed to final evaluation.

**Standards:** Set by professional bodies in respect of technical, engineering, environmental and quality issues.

**Technical Officer:** Relates to an appropriate officer with detailed technical knowledge of the contract in question

**Tender:** A Candidate's proposal submitted in response to an invitation to tender.

**Tender Record Log:** The log maintained by the Business Manager - Democratic Services to record details of Tenders

**Total Value:** Please refer to the Public Contracts Regulations 2015 Part 2 (6) Methods for calculating the estimated value of a procurement. When calculating the total value of a contract to appoint a consultant, ALL potential phases of work must be considered.

**TUPE Transfer of Undertakings (Protection of Employment) Regulations 2006 (SI 2006 No.246):** Subject to certain conditions, these regulations apply where responsibility for the delivery of works or services for the authority is transferred from one organisation (e.g. private contractor, local authority in-house team) to another (e.g. following a contracting-out or competitive tendering process) and where the individuals involved in carrying out the work are transferred to the new employer. These regulations seek to protect the rights of employees in such transfers, enabling them to enjoy the same terms and conditions, with

continuity of employment, as existed with their former employer. Broadly, TUPE regulations ensure that the rights of employees are transferred along with the business.

**Unforeseeable emergency:** Urgency in this instance is defined as circumstances beyond the Council's control, and not due to a lack of expeditious action being taken internally

**Value for Money:** Value for Money is not the lowest possible price; it combines goods or services that fully meet your needs, with the level of quality required, delivery at the time you need it, and at an appropriate price.

**Whole Life Costing:** Whole cost of ownership including acquisition costs, operational costs and end life costs.

### **HYPERLINK INFORMATION:**

### **CONSTRUCTION CONTRACTS**

- (i) The contract officer shall ensure that necessary action is taken to initiate appropriate contract details (such as drawings, costings etc).
- (ii) A brief, suitably authorised and approved by appropriate officers, shall be initiated, where appropriate, prior to the tender stage, which supports the project appraisal process.
- (iii) Where appropriate, a project team should be set up to ensure that all necessary processes relating to project appraisal have been considered and undertaken.

### **ASSIGNMENT**

Every formal contract either for the execution of work, or the supply of goods or materials, or the provision of services, shall contain a provision that :

The contractor shall be prohibited from transferring or assigning directly or indirectly, to any person or persons whatever, any portion of this contract without the written permission of the Council. Sub-letting of any part(s) of the work, except to the extent permitted in writing by the Council, shall be prohibited.

### **NOMINATED SUB-CONTRACTORS AND NOMINATED SUPPLIERS**

Tenders for sub-contracts to be performed, or services to be provided, or goods or materials to be supplied by nominated sub contractors or nominated suppliers, shall be invited in accordance with the methods prescribed in Rule 12.

Tenders shall be administered by the Contract officer in accordance with the arrangements prescribed in the Contract Procedure Rules

The Contract Officer shall consider the requirement for a method statement to be included in the contract, which considers the extent to which nominated sub-contractors or suppliers are used and how they are chosen.

### **LIQUIDATED DAMAGES**

Contracts which are estimated to exceed £75,000 in value or amount and which are for the execution of works (or for the supply of goods, materials or services by a particular date or series of dates), or which are for a lesser value if appropriate, shall provide for liquidated damages.

Liquidated damages shall be assessed by the Contract Officer in conjunction with the appropriate Technical Officer if applicable. Such damages shall be determined on a relevant and suitable basis, which is properly substantiated by appropriate supporting documentation.

Where liquidated or ascertained damages are not considered to be appropriate within a contract by the Contract Officer, the approval of the appropriate Chief Officer and Section 151 Officer must be obtained.

The requirement for liquidated or ascertained damages for contracts estimated to be £75,000 or less is at the Contract Officer's discretion, bearing in mind the risk that delays in the completion of small value contracts could result in the delay of more important contracts.

**INSURANCE** (employers' liability, public liability insurance, professional liability/indemnity where appropriate)

In connection with the carrying out of all works, irrespective of value, the contractor shall indemnify the Council and provide such insurance as may be required under the conditions of the contract. This shall, as a minimum, indemnify the Authority against injury and damage to persons and property. The minimum value for any one occasion or series of occasions arising out of one event shall be based upon:

- (a) Circumstances relevant to the particular contract in question, or
- (b) A minimum value periodically determined by the Section 151 Officer

The Contract Officer shall ensure that the appropriate insurance documents have been submitted by the contractor in conjunction with the contract conditions.

The Contract Officer shall ensure that the adequacy of the submitted insurance documents is confirmed by the Council's Insurance Officer.

The Contract Officer shall ensure that insurance cover is maintained throughout both the period of the contract and the maintenance period (where appropriate).

### **HEALTH AND SAFETY**

Contracts must include the requirements of work and safety management as per the guidance issued by the Risk and Resilience Section

The Contract Officer shall consider the Health and Safety aspects of all relevant contracts in conjunction with the Business Manager - Community Safety.

The Contract Officer shall refer to the Council's Health and Safety guidance for Officers regarding the Control of Contractors where appropriate.

The Contract Officer shall supply to the contractor all necessary Health and Safety information.

In connection with the carrying out of all works, irrespective of value, the contractor shall provide to the Council Health and Safety details as may be required by Statute and under the conditions of the contract.

The Contract Officer shall ensure that the appropriate Health and Safety details have been submitted by the contractor in conjunction with the contract conditions.

The Contract Officer shall ensure the adequacy of the submitted Health and Safety documents, in conjunction with the appropriate Technical Officer as appropriate.

#### **WHISTLEBLOWING POLICY**

The Contract Officer shall ensure that contract documents include the Council's [Whistleblowing](#) Policy.

**The contract documents shall state that the Contractor shall ensure that staff employed by the Contractor (including sub-contractor staff where appropriate) are aware of the Council's Whistleblowing Policy and the arrangements to be followed in the event of them having any concerns and wishing to make a disclosure.**

#### **CARTELS AND ANTI COLLUSION**

The Contract Officer shall ensure that contract documents include a declaration of non-collusion, which is a fundamental term of the contract. This declaration should cover collusion with associated or affiliated companies or subsidiaries as well as unrelated competitors.

The Contract Officer shall ensure that the contractor is aware that it is a requirement that a list of all affiliates and subsidiaries is included as part of the tender return.

There shall be a clear statement within the contract documents that:

- While returned documents will be treated in the strictest confidence, they will be made available to Trading Standards Departments, the Office of Fair Trading and other appropriate regulators where appropriate;
- The Public Register of Restrictive Agreements will be consulted where appropriate.

The Contract Officer shall ensure that a signed declaration of non-collusion is received from each contractor invited to tender.

## **ENGAGEMENT OF CONSULTANTS**

It shall be a condition of the engagement of any consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf (which may include aspects such as design and preparation of a specification), that in relation to that contract he shall:

- (i) Comply with these Contract Procedure Rules and the Council's Financial Regulations as though he were an officer, subject also to the proviso that any modification or changes to the Council's procedures (to be followed in inviting and opening tenders) be approved in advance by the responsible Contract Officer, through whom all liaison with the Council shall occur.
- (ii) At any time during the carrying out of the contract, produce to the Monitoring Officer, Section 151 Officer, or the Contract Officer, or their authorised representative(s), on request, all records maintained by him in relation to the contract.
- (iii) On completion of a contract, pass all such records to the appropriate Contract Officer; and;
- (iv) In connection with building construction or engineering schemes, appropriate "as built" drawings shall be handed over to the authority within six months of completion.

All consultants shall be engaged using, where appropriate, standard terms and conditions set by the appropriate professional body. Payment shall be in accordance with agreed schedules of service and scales of fees, or lump sum fees, modified as necessary to reflect individual circumstances.

The Contract Officer shall ensure that any consultants engaged hold appropriate professional indemnity [insurance](#), the extent of which shall be at the discretion of the Contract Officer dependent upon the complexity, scope and value of the scheme.

Ownership of intellectual property shall remain with the Authority at all times.



## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Policy & Finance Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Thursday, 27 June 2019 at 6.00 pm.

PRESENT: Councillor D Lloyd (Chairman)  
Councillor K Girling (Vice-Chairman)

Councillor B Clarke-Smith, Councillor R Jackson, Councillor P Peacock,  
Councillor T Wendels and Councillor R White

IN ATTENDANCE: Councillor L Goff

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

Councillor T Wendels, Rob Main and Sanjiv Kohli declared conflicts of interest in respect of Agenda Item No. 13 – Arkwood Developments – Bowbridge Road Development, Newark – as Directors of Arkwood Developments Limited.

Councillor D. Lloyd, Sanjiv Kohli and John Robinson declared conflicts of interest in respect of Agenda Item No. 9 – Blidworth Leisure Centre – Steam & Sauna Proposal – Active4Today – as Directors of Active4Today Limited.

2 DECLARATIONS OF INTENTION TO RECORD THE MEETING

The Chairman advised that the proceedings were being audio recorded by the Council.

3 MINUTES OF THE PREVIOUS MEETING HELD ON 4 APRIL 2019

The minutes from the meeting held on 4 April 2019 were agreed as a correct record and signed by the Chairman.

4 FORWARD PLAN OF POLICY & FINANCE ITEMS

The Committee noted the Forward Plan items to be considered by the Committee over the next 12 months.

The Chief Executive advised that a report concerning the tenant consultation in respect of the Housing Management Review would be presented to the 26 September 2019 meeting.

5 RECONSTITUTION OF WORKING PARTIES / TASK & FINISH GROUPS

The Committee considered a report regarding the reconvening of various working parties and task and finish groups established by the Committee, which were detailed in the appendix to the report. The Committee were also invited to appoint a representative for the Local Development Framework Task Group.

AGREED (unanimously) that:

- a) the Working Parties/Task & Finish Groups, as set out in the appendix to the report, be reconvened with the memberships as detailed;
- b) Councillors M. Brown, Mrs R. Holloway and R. White be the appointed as the additional Conservative Group nominations on the Member Development & Training Task Group; and
- c) Councillor P. Peacock be appointed as the Committee's representative on the Local Development Framework Task Group.

Reason for Decision

To reconvene the appropriate Working Parties / Task & Finish Groups.

6 HOUSING REVENUE ACCOUNT - FIRE DAMAGED PROPERTIES - FORSTER AVENUE, NEWARK

The Business Manager – Housing Strategy & Development presented a report which sought approval to redevelop the Housing Revenue Account (HRA) site at Numbers 38 and 40 Forster Avenue, Newark further to significant fire damage to both properties.

Due to the scale of remedial works required to return the properties to a habitable condition an appraisal by Newark & Sherwood Homes of the available options was undertaken. Option 1 was to refurbish the properties on a like for like basis; option 2 was to demolish the two existing properties and replace on a like for basis; and option 3 was to demolish the two existing properties and replace with three two bed houses. This options appraisal, including costs and timescale was detailed in the report.

Based on the options appraisal undertaken the report proposed that the Committee approve option 3. It was the intention to deliver the proposal through the 5 year HRA development programme and be delivered by Robert Woodhead. The additional HRA capital finance requirement of £171,736 would be allocated to the programme set against the potential for this sum to be reduced subject to being awarded Homes England grant funding.

The Committee sought assurance around the competitive nature of the build costs in the current market and supported option 3 as detailed, as this proposal offered the greatest value for money.

AGREED (unanimously) that:

- (a) option 3, to demolish the fire damaged units at 38 and 40 Forster Avenue, Newark and replace these with three, two bed Council homes, be approved; and
- (b) the 2019/20 Housing Development Programme Phase 3 capital budget be increased by £382,736, for the three new properties, with £211,000 to be financed by the insurers and the remaining budget to come from available Housing Revenue Account capital resources.

### Reason for Decision

To replace two fire damaged Council homes deemed to be structurally unsound and meet the Council's objective within the Community Plan to 'Accelerate the supply of new homes including associated facilities'.

## 7 HOUSING REVENUE ACCOUNT - EXTRA CARE SCHEME - BOUGHTON

The Business Manager – Housing Strategy & Development presented a report which updated the Committee on progress to develop an extra care housing scheme in Boughton and sought approval to increase the capital budget to enable the scheme to be delivered.

It was reported that due to the specialist nature of the proposed scheme a procurement exercise had been undertaken outside of the existing five year HRA development programme. Initially seven contractors had accepted to tender for this project. However, two contractors withdrew early in the process and a further three withdrew due to the risks involved with working around the high voltage overhead cables that crossed the site and ran in close proximity to the build. In addition one contractor withdrew due to being unable to tender within the timescales, leaving only one contractor to tender for the project.

The submitted tender sum for the build contract was 23% higher than that originally estimated by Newark & Sherwood Homes which had at that time been validated by an independent cost consultant. The reasons for the higher cost were detailed in the report but included changes to the market conditions and the complexities associated with the site. Subsequent to the receipt of the tender Newark & Sherwood Homes and the cost consultant had undertaken a value engineering exercise with the tenderer which resulted in a reduced tender figure now 18% above the original estimated sum. The key areas where savings had been generated were set out in the report.

It was proposed that the budget allocated to deliver the proposed new extra care housing scheme in Boughton was increased from £7,600,000 to £8,937,401.70. This sum included all pre-construction & design fees, the build contract, soft furnishings and a contingency. The scheme would be funded through the capital finances available within the HRA Business Plan and grant secured from Homes England. The Committee noted the ongoing discussions with the County Council to secure a nomination agreement for the scheme.

AGREED (unanimously) that an increase in budget of £1.337m for the extra care scheme in Boughton within the Housing Revenue Account (HRA) 2019/20 capital programme be approved, and financed through available HRA capital resources within the HRA Business Plan, to enable delivery of the scheme.

### Reason for Decision

To meet the Council's objectives within the Community Plan specifically to 'Accelerate the supply of new homes including associated facilities' and 'Improve the health and

wellbeing of local residents, with a particular focus on narrowing the gap in healthy life expectancy and other health outcomes', set against the evidenced housing, health and social care need for this locality.

## 8 BLIDWORTH LEISURE CENTRE - STEAM & SAUNA PROPOSAL - ACTIVE4TODAY

The Committee considered the report of the Director – Communities & Environment which sought approval to grant permission to Active4Today under the conditions of the current lease to build an extension to Blidworth Leisure Centre to accommodate a steam and sauna facility.

The proposal would improve the local offer for centre users and would be funded from a combination of Active4Today reserves and Section 106 monies secured from a housing development scheme (AG1040) for the improvement of leisure facilities in Blidworth. The estimated cost for the scheme was £75,000 and £30,973 Section 106 monies had been committed and allocated to the project proposal. The Active4Today business case for the proposal was attached as an appendix to the report.

The Leisure & Environment Committee, at their meeting held on 25 June 2019 recommended the proposal to the Policy & Finance Committee for approval and also discussed the potential of a similar facility at Newark Sports & Fitness Centre.

AGREED (unanimously) that:

- (a) Active4Today be granted permission to extend Blidworth Leisure Centre for the purposes of a steam and sauna facility subject to the legal position being agreed;
- (b) subject to (a) above appropriate budget provision be made in the Council's Capital Programme, financed from the relevant Section 106 monies; and
- (c) Officers be requested to put forward a business case for the provision of the steam and sauna facility at Newark Sports & Fitness Centre.

### Reason for Decision

To enable Active4Today to deliver a steam and sauna facility at Blidworth Leisure Centre which will enhance the service offer to the community.

(Having declared a conflict of interests Councillor D. Lloyd, Sanjiv Kohli and John Robinson left the meeting during consideration of this item).

## 9 FINANCIAL OUTTURN REPORT TO 31 MARCH 2019

The Business Manager – Financial Services presented a report which set out the 2018/19 financial outturn position on the Council's revenue and capital budgets including details regarding the: General Fund Revenue; Housing Revenue Account; Capital Programme; Provisions and Impaired Estimates on Debtors; Usable Reserves; Collection Fund; Balance Sheet; and Treasury Management. The accounts showed an underspend of £0.23m on service budgets with a total underspend variance of

£1.957m.

AGREED (unanimously) that:

- (a) the final outturn of revenue and capital spending for 2018/19 be approved;
- (b) the capital financing proposals as set out in Appendix C to the report, that will be passed to the external auditors as part of the 2018/19 Statement of Accounts, be approved;
- (c) the net variations of £5.614m not spent in 2018/19 on the Capital Programme, be re-profiled and carried forward into 2019/20;
- (d) the movement in Provisions and Impaired Estimates on Debtors be approved;
- (e) the creations of the new reserves, as outlined in paragraph 2.19 in the report, be approved;
- (f) the individual contributions to, and withdrawals from, the revenue and capital Usable Reserves be approved;
- (g) the contents of the Pension Fund Actuary report and the proposed assumptions to be used in the IAS19 pensions report for inclusion in the 2018/19 Statement of Accounts be approved;
- (h) the Committee receives the Annual Report on Treasury Management Activity and comments as appropriate for referral onto the Council for information, as required by the Chartered Institute of Public Finance and Accountancy's Code of Practice on Treasury Management; and
- (i) the Committee note the Treasury Management activities are consistent with the objectives identified in the Treasury Management Strategy for 2018/19.

Reason for Decision

To approve the Financial Outturn for the Council for the 2018/19 financial year.

10 COUNCIL'S ANNUAL BUDGET 2020/21 - OVERALL CORPORATE STRATEGY

The Business Manager – Financial Services presented a report which set out the Budget Strategy for 2020/2021 prior to detailed work commencing on preparation of the budget. The Council's Constitution required that the Council's Section 151 Officer present a report on the overall Budget Strategy to the Policy & Finance Committee for approval. The budget process would result in the setting of the budget and the Council Tax for 2020/21.

The strategy took into consideration agreed policies on budgeting and council tax, reserves and provisions, value for money and also a set of budget principles which set out the approach to be taken to the budget process. These policies had been reviewed and updated as appropriate and were attached as appendices to the report.

The current Medium Term Financial Plan (MTFP) was approved on 7 March 2019. The report set out a summary of the financial forecast identified within the current MTFP assuming that Council Tax at average Band D would increase by the same rate as the previous three financial years, namely 1.94%. The gap in the Council's budget in future years meant that as well as further efficiencies the Council would need to generate new revenue streams which was the task of the recently created Commercialisation and Major Projects Business Unit.

The report also set out a number of underlying assumptions which would be applied in compiling the draft budget for 2020/21 including staff costs, provision for inflation and fees and charges.

The Committee discussed the timetable for the formulation of the budget and the involvement of the operational committees and Members in the process. The Director – Resources referred to a budget workshop with Chairs and Vice-Chairs of committees to be held in September 2019.

AGREED (unanimously) that:

- (a) the overall budget strategy be approved;
- (b) budget officers continue work on the assessment of various budget proposals affecting services for consideration in setting the Council's budget; and
- (c) budget managers work with finance officers in identifying further efficiency savings, increasing income from fees and charges and in identifying new income.

#### Reason for Decision

To enable the Council's budget process to proceed encompassing agreed inflation and salaries and wages rates for 2019/20 to 2021/22.

#### 11 WRITE-OFF POLICY

The Business Manager – Revenues & Benefits presented a report which sought approval for the updated Write-Off Policy. The purpose of the policy was to establish a framework to regulate the process under which Council debts should be submitted for write off. The policy was intended to ensure that the writing off of debts was conducted in a consistent and accountable manner.

The Write-Off Policy, attached as Appendix A to the report, set out the procedure to be followed when writing off irrecoverable amounts (including credit balances) of Council Tax, Non-Domestic Rates, and Sundry Debts including Housing Benefit Overpayments. It was reported that every effort would be made to recover a debt owing to the Council before it was considered for write off. Only where all recovery action had failed, was a debt regarded as irrecoverable. In cases where the debtor was jointly and severally liable for the debt with another party, recovery action would continue against all liable individuals and only if this action failed would monies be

recommended for write off.

In response to questions from Members the Business Manager – Revenues & Benefits provided collection rate percentages for the current year, previous year and an all years' total which stood at 99%. He also provided percentage figures for the amount of Council Tax and Business Rates which had been written off. The Committee commended the Business Unit for achieving such figures.

AGREED (unanimously) that the updated Write-off Policy, as detailed at appendix A to the report, be approved.

#### Reason for Decision

To ensure that only income which is collectible is included in the Council's accounts.

### 12 ARKWOOD DEVELOPMENTS - BOWBRIDGE ROAD DEVELOPMENT, NEWARK

The Business Manager – Financial Services presented a report detailing the recommendations of the Shareholder Committee to approve the sale of the land at Bowbridge Road to Arkwood Developments (the Company), and to release the equity to the Company to facilitate the commencement of the development.

At their meeting held on 11 June 2019, the Shareholder Committee, considered and approved the business case for the Bowbridge Road development site that had been submitted by the Company. As a consequence the Shareholder Committee recommended approval of the release of equity funding to the Company in the sum of £3,321,276. There was provision within the Council's approved capital programme of £4m in respect of equity funding for the Company.

The Council commissioned an external independent surveyor, HEB Chartered Surveyors, to undertake a viability appraisal of the proposed scheme and a valuation of the development land. The surveyor had advised a residual sum of £1,970,469 based upon the proposed scheme for land acquisition value. However the Business Manager – Financial Services advised that a further certified validation had been done by the Council's in-house valuation team to give the Council assurance it was disposing of the land at best consideration, taking into account the proposed scheme. This valuation had been certified at £2,350,000 and was recommended for approval. This would impact upon the business case considered by the Shareholder Committee however, it was highlighted that the Company had confirmed that despite this impacting upon the profit margin, the scheme remained viable with a profit margin in excess of the Council's Commercialisation Strategy target of 6%.

AGREED (unanimously) that:

- (a) the sale of the land at Bowbridge Road to the Company for the sum of £2,350,000 be approved, and the Director – Governance & Organisational Development be given delegated authority to finalise the terms for the sale at this sum, to include deferred payment with interest accrued at the appropriate rate to provide the Council with additional sum(s) should the Scheme design be enhanced further and increased profitability achieved; and

- (b) the equity funding of £3,321,276 be released to the Company to facilitate the development of the Bowbridge Road site.

Reason for Decision

To enable the first development by the Council's development company at Bowbridge Road, Newark, to commence.

(Having declared a conflict of interests Councillor T. Wendels and Sanjiv Kohli left the meeting during consideration of this item).

13 JOSEPH WHITAKER SCHOOL ARTIFICIAL TURF PITCH REFURBISHMENT - SECTION 106 FUNDING REQUEST

In accordance with Section 100(B)(4)(b) of the Local Government Act 1972, the Chairman agreed to take this item as a late item of business in order to release appropriate funding as soon as possible.

The Business Manager – Parks & Open Spaces presented a report which sought approval to allocate a financial contribution to the refurbishment of the Third Generation Artificial Turf Pitch (3G ATP) at the Joseph Whitaker School from Section 106 (s106) monies held for the purposes of sports provision in Rainworth.

The current 3G ATP was an important community facility but was 11 years old and required significant refurbishment. The original ATP was funded jointly by the school and the Football Foundation with support from the Council. In receiving grant funding the school accepted the obligation to create a sinking fund for the purposes of future refurbishments. The school had met this obligation to provide its required capital contribution of £218K, however, the tender price for the project identified a shortfall of up to £43K. In order to secure the delivery of the project over the summer holiday period and reduce the impact on both the school and the community a request had been made to the Council to make a contribution from s106 receipts held for the provision of sports facilities in Rainworth.

The contribution would come from the s106 monies received from the Warsop Lane, Rainworth housing development currently held by the Council of £274K which has to be used 'for the provision, enhancement or maintenance of sports facilities in Rainworth' as defined in the Agreement AG919a 'Off-site Sports Provision Contribution'. The actual amount of the contribution would not be known until final account stage, however, the commitment from the Council was not expected to exceed £43K and may prove to be a lower contribution. It was reported that the local Ward Members supported the proposal.

AGREED (unanimously) that:

- a) the creation of a £43k capital budget within the 2019/20 Capital Programme, all to be financed from Section 106 Agreement AG919a 'Off site sports provision' be approved; and



- b) in the unlikely event that the shortfall is in excess of the £43K the Director - Resources be given delegated authority to increase the Section 106 contribution up to a further 10%.

Reason for Decision

To enable the proposed project to proceed in a timely manner in order to enhance the community leisure offer in the Rainworth locality.

14 ANNUAL STANDARDS REPORT FOR THE PERIOD 1 APRIL 2018 - 31 MARCH 2019

The Committee considered the report of the Director – Governance & Organisational Development which presented the Annual Standards Report for the period 1 April 2018 to 31 March 2019. The Monitoring Officer had received five Code of Conduct complaints during the period, two complaints resulted in no further action being taken and three were currently being investigated by the Monitoring Officer.

Register of Interest forms for Newark & Sherwood District Councillors had been issued to all Members following the elections held on 2 May 2019. These were required to be completed within 28 days of the election and were in the process of being published on the Council's website. Newly elected Town and Parish Councillors were also required to complete a Register of Interest form and these were currently being collated ahead of publishing.

AGREED (unanimously) that the Annual Standards Report be noted.

Reason for Decision

To provide Members of details of standards issues in 2018/19.

15 EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that, under Section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Paragraphs 3 of Part 1 of Schedule 12A of the Act.

16 APPROVAL OF WRITE-OFFS ABOVE £10,000

The Committee considered the exempt report presented by the Business Manager – Revenues & Benefits regarding the write-offs above £10,000.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

17 APPROVAL OF LOAN WRITE-OFF ABOVE £10,000

The Committee considered the exempt report presented by the Director – Resources regarding the write-off of a loan above £10,000.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

Meeting closed at 7.08 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Economic Development Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Wednesday, 19 June 2019 at 6.00 pm.

PRESENT: Councillor K Girling (Chairman)  
Councillor Mrs P Rainbow (Vice-Chairman)

Councillor R Blaney, Councillor L Brailsford, Councillor L Brazier, Councillor B Clarke-Smith, Councillor Mrs R Crowe, Councillor Mrs M Dobson, Councillor N Mison, Councillor N Mitchell, Councillor M Skinner and Councillor R White

### 1 DECLARATION OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 2 DECLARATION OF INTENTION TO RECORD MEETING

NOTED that the Council would undertake an audio recording of the meeting.

### 3 MINUTES OF MEETING HELD ON 27 MARCH 2019

AGREED that the Minutes of the meeting held on 27 March 2019 be agreed as a correct record and signed by the Chairman.

### 4 UPDATE ON NEWARK BEACON

The Committee considered the report of the Director – Growth & Regeneration which informed Members of the progress made at the Newark Beacon.

The report provided an update regarding staffing changes as the Centre Manager and Assistant Centre Manager were both on 12 months maternity leave which commenced in March/April 2019. The Centre Support Assistant was also on long term sick leave since April 2019. To provide cover a temporary Assistant Centre Manager was in place and a temporary placement Centre Manager would be commencing in June 2019. The staffing issues had not stopped implementation of some works which were summarised in paragraph 3.3 of the report.

The performance to date was reported as follows:

The rental surplus for 2018/19 showed an outturn for rental income which included rent, virtual and services charges, was budgeted as £365,530, the actual achieved was £366,941, a favourable variance £1,411.

Auxiliary Income which included catering, hot desking and hire charges was budgeted

as £51,600. Actual achieved was £68,249 a favourable variance £16,649.

Occupancy in the six months since the Beacon management returned in-house had increased from 31 Offices Occupied (70%) to 34 of Offices Occupied (77%). This 7% increase in occupancy indicated that the Centre was on target to meet a proposed 85% occupancy by April 2020, as per the Business Plan. Business Support had increased from 2 businesses supported before October 2018 to 4 businesses supported in the six months since October 2018.

The number of website views increased by 737 views since October 2017. The Marketing Plan for the Beacon outlined how, over the next year, social media platforms such as LinkedIn, Twitter and the website would be used to increase the centre's profile.

A Member raised concern regarding a future report being presented to the June 2020 meeting of the Committee as the Beacon would be included within the budget for 2020/21 and the Committee would not have an opportunity to review its performance. It was therefore proposed that a progress report be presented to the November 2019 meeting of the Committee.

A Member asked whether there were any specific work streams to drive the targets to work with colleges and the Department of Works and Pensions (DWP) in order to attract people wanting to start a business. The Business Manager Asset Management informed Members that he was at a meeting tomorrow to explore how the units could be marketed. It was reported that social media such as Instagram would be used to capture a wider audience and the empty units could be quickly adapted if needed.

AGREED (unanimously) that:

(a) staff be congratulated on the achievements to date and the report be noted; and

(b) a further progress report be provided to the November 2019 meeting of the Committee.

## 5 LOCAL DEVELOPMENT FRAMEWORK - PROGRESS REPORT

The Committee considered the report of the Director – Growth & Regeneration which sought approval from the Committee to recommence consultation on reviewing the Allocations & Development Management Plan Document (DPD), following the Adoption of the Amended Core Strategy by Full Council on the 7 March 2019.

The new Local Development Scheme timetable which was agreed at the Economic Development Committee on 27 March 2019 was detailed within the report and provided milestones. A summary of the contents of the proposed Issues Paper was also attached as Appendix A to the report.

A Member noted that the range of allocations proposed to be retained meant that

there was no need for additional land for housing or employment development to be identified so that overall requirements could be met. Indeed that where existing allocations were concluded to be undeliverable then there was scope for their de-allocation to occur. The Member also suggested that the reference to new affordable housing provisions within the NPPF within the consultation paper needed to make clear that the Framework required at least 10% of new dwellings which were to be made available for affordable home ownership.

Members commented on Section 7 – Open Space and stated that a review was needed regarding green space provision within the district. It was felt that homes required green spaces around them in order for health and wellbeing. It was also raised that the difference between green space provision between rural and urban areas (where access may not be as widespread) needed to be reflected in this work.

Section 5 – Open Break Review, Winthorpe, Coddington and Farndon were raised by the local ward Member and the need to keep them as three separate villages. It was felt that any flyover in connection with improvements to the A46 bypass to the north of Newark could detrimentally impact this. The recent Gypsy & Traveller appeal at Winthorpe, located within the Open Break and which was dismissed, had underlined the importance of the designation and also its ability to stand up at appeal. It was felt that there had been some good work around the technical feasibility of flood alleviation work for the Gypsy & Traveller sites on Tolney Lane. Members however raised longstanding concerns over the level of perceived need for future gypsy and traveller pitches and also their distribution between Authorities. It was felt that the district had now delivered enough pitches and whilst the level of pitch requirements the Authority were likely to need to deliver may be felt to be disproportionate, particularly in comparison to other local authorities, the reality was whether this was 10, 40 or closer to 80. The Director - Growth & Regeneration informed Members that as it stands the Council would be unable to identify land to meet them. The importance of allocating and delivering appropriate land to meet this need and providing for its future-proofing through being able to be expanded was emphasised. It was underlined that the identification of land through the Plan would be taken through this Committee and that it would be presented with the findings of the Tolney Lane flood risk alleviation work.

Section 4 – Town Centres and Retail, a Member commented that whilst he understood why the Council had focused on Newark Town Centre, the need to look at retail frontage designations in other Centres should be included in the consultation paper, as they were vulnerable and should be included in the management strategy. The Chairman commented that the emphasis on Newark may be connected to the future high streets funding bid.

AGREED (unanimously) that:

- (a) the progress towards meeting the timetable of the adopted Local Development Scheme be noted;
- (b) delegated Authority be given to the Director – Growth & Regeneration to finalise the Issues Paper in consultation with the Chairman, Vice Chairman, Major Opposition Spokesman and Local

Development Framework Task Group; and

- (c) upon agreement of the Issues Paper in accordance with (b) above that public consultation be carried out for six weeks starting in July.

## 6 SOCIAL MOBILITY - FULL REPORT

The Committee considered the report of the Director – Growth & Regeneration which advised Members on the outcome of the activities undertaken in partnership with the Department of Work & Pensions (DWP) and third sector partners in order to support individuals in the 18-24 age range into work, training or further support as appropriate. These activities followed results of the social mobility report of November 2017 which identified Newark & Sherwood as one of the least socially mobile areas in the country.

It was reported that a number of actions took place from May 2018 to begin to address and support projects for those currently in the local primary and secondary schools and in the 18 to 24 age group. This involved working with partners in both the public and private sector, including the DWP and Employment Agencies, training providers and charity organisations. The report detailed eleven schemes that were in place and their progress.

Members welcomed this work and commented that the successful schemes should be continued and that the Council needed to work smart and keep the schemes running. A Member commented that the DARE programme should be continued into Secondary schools to move the programme forward.

The Chairman commented that the YMCA were involved in dealing with disadvantaged children and asked whether Outreach could be incorporated as well. The Senior Projects Officer confirmed that as the YMCA was progressed, links would be made with other organisations going forward. The Director – Growth & Regeneration confirmed that there were ongoing discussions with YMCA, which were not just regarding sport but a wider agenda, which included health, social care, and anti-social behaviour, an update report would be presented to a future meeting of the committee regarding how this work would link into the Community Plan through the YMCA.

AGREED (unanimously) that:

- (a) the contents of the report be noted; and
- (b) future consideration of further activities to remove barriers to social mobility are considered as part of the review of the Council's Economic Development Strategy.

## 7 ECONOMIC DEVELOPMENT STRATEGY REVIEW

The Committee considered the report of the Director – Growth & Regeneration which provided an update on the progress of delivering on the Economic Growth Strategy and proposed a review of the strategy to reflect the formation of the Growth &

Regeneration Directorate and new priorities of Government and the District Council. The report detailed a number of new strategies and priorities that had emerged which would be reflected within an updated Economic Development Strategy. It was also proposed that a workshop was held with the Committee to consider in detail the contents of a new Economic Development Strategy, including an updated work programme.

Members agreed that this was a good news story and was right for review, it was also commented that the Council also needed to address smaller businesses within the district.

AGREED (unanimously) that:

- (a) the progress on meeting the detailed work programme of the current Economic Development Strategy be noted;
- (b) the review of the Economic Development Strategy be supported; and
- (c) a Member workshop be arranged to consider in detail the areas that the updated strategy should cover.

## 8 CONSERVATION AREA REVIEW

The Committee considered the report of the Director – Growth & Regeneration which provided Members on the Conservation Team’s review of the District’s Conservation Areas (CAs) and more generally on the progress to deliver conservation objectives. Members were also provided with information on the recent War Memorial designations following the Council’s survey in 2018.

A Member commented that the review initially was to focus on Ollerton, Edwinstowe and Southwell, however Ollerton and Southwell appeared to have dropped off and questioned whether all three areas should be given priority and have the necessary resources.

The Interim Business Manager confirmed that Ollerton and Southwell had not been removed, the update report provided the work achieved within the three year cycle. Initial work had been undertaken for Ollerton and issues had been raised with Ollerton & Boughton Town Council. Ollerton conservation area was on the national risk register, which was partly because of Ollerton Hall; an update report regarding that would be presented to the September meeting of the Committee. Southwell would be addressed at a later stage, however it was commented that Southwell had got a good appraisal document and an update report would also be presented to the September meeting.

AGREED (unanimously) that the work undertaken by the Conservation Team be noted and the forthcoming draft proposals for amendments to Edwinstowe Conservation Area.

## 9 HERITAGE HIGH STREET FUND



The Committee considered the report of the Director – Growth & Regeneration which informed Members of the opportunity of the Council to apply for grant and revenue funding from the Heritage High Street Fund (HHSF), which builds upon and offers complementary funding to authorities looking to address and advocate heritage-led town centre regeneration.

At the last meeting of the Economic Development Committee details were provided of the Council’s submission to the Future High Streets Fund (FHSF). A decision on this bid was expected in the summer. On 22 May 2019 the Government launched the Heritage High Streets Fund (HHSF).

The Director - Growth & Regeneration reported that he had taken the opportunity to discuss with Historic England (HE) the possibility of submitting a bid on behalf of Newark & Sherwood District Council. HE colleagues were generally supportive of a bid for Newark Town Centre, on the basis of vacant historic building, Heritage At Risk (Newark Conservation Area was ‘at risk’ given a number of vacant and dilapidated Listed Buildings) and the dangers to heritage within the town should the town centres vibrancy and viability significantly decline. Given the timescales involved it had not been possible to provide for the Committee a draft Expression of Interest (Eoi). Delegated approval was therefore sought for the Director - Growth & Regeneration, in consultation with the Chairman, Vice-Chairman and Opposition Spokesperson, to submit an Eoi if appropriate.

AGREED (unanimously) that delegated authority be granted to the Director - Growth & Regeneration, including consultation with the Chairman, Vice-Chairman and Opposition Spokesperson, to submit an Expression of Interest to the Heritage High Streets Fund.

#### 10 RECONSTITUTION OF WORKING PARTIES AND TASK & FINISH GROUPS

The Committee considered the report of the Chief Executive in relation to the appointing of representatives to the Local Development Framework Task Group.

AGREED (unanimously) that the Local Development Framework Task Group be reconvened and the Committee’s representatives for the forthcoming municipal year be: Councillors: K. Girling and Mrs P.J. Rainbow.

#### 11 FORWARD PLAN - 1 JUNE 2019 TO 31 MAY 2019

The Forward Plan was provided for Member information. Members were encouraged to submit any areas of work they wanted to address for the forthcoming year. The Chairman informed Members that work would be undertaken to ensure that the Forward Plan fitted into the Community Plan.

A Member sought clarification regarding the timescale for the Ollerton & Boughton final neighbourhood study. The Director – Growth & Regeneration confirmed that a report regarding that would be submitted to the September meeting of the Committee. He also confirmed that a report on the Town Centre Regeneration work would also be submitted to the September meeting of the Committee.

NOTED the Forward Plan.

Meeting closed at 7.45 pm.

Chairman

# Public Document Pack Agenda Item 12c

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Homes & Communities Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts NG24 1BY on Monday, 10 June 2019 at 6.00 pm.

PRESENT: Councillor T Wendels (Chairman)  
Councillor R Holloway (Vice-Chairman)

Councillor Mrs K Arnold, Councillor M Brock, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor M Brown, Councillor S Carlton, Councillor L Dales, Councillor L Goff, Councillor J Lee and Councillor Mrs S Saddington

ALSO IN ATTENDANCE: Councillor Mrs L Hurst, Councillor P Peacock and Councillor Mrs P Rainbow

Prior to the commencement of the meeting the Chairman, Councillor T. Wendels, thanked the previous Committee Chairman, Councillor R.B. Laughton, for the work he had undertaken as Chairman of the Committee over the previous 6 years, stating that he had left an outstanding legacy.

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

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 2 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that there would be an audio recording of the meeting undertaken by the Council.

### 3 MINUTES OF PREVIOUS MEETING HELD ON 11 MARCH 2019

AGREED (unanimously) that the Minutes of the meeting held on 11 March 2019 be approved as a correct record and signed by the Chairman.

### 4 PRESENTATION BY INSPECTOR HEATHER SUTTON (ATTENDANCE IS SUBJECT TO AVAILABILITY)

Inspector Heather Sutton was unable to attend the meeting in person but had submitted a written report which was circulated to all Members present.

In considering the report a Member queried why a knife arch was deployed in Newark on 25 May if, as the report inferred, there was no knife crime in the area. The Business Manager – Public Protection, who had held discussions with Inspector Sutton, advised that nationally knife crime continued to be an issue but that at present the Newark & Sherwood area were the lowest in the county. The knife arch and stop and search held on 25 May was to highlight and demonstrate the proactive approach taken to potential knife crime in the area. The above action was part of a night time economy event held jointly by the Council and the Police.

A Member referred to the recent Police action on drugs and the use of sniffer dogs, stating that when she attended neighbourhood meetings with the Police they inferred that they had little interest in low level drug crime. The Business Manager confirmed that the Police focussed more resource on dealers and suppliers but did continue to make efforts to try to tackle local low level drug abuse. Again, he confirmed that the action referred to was part of the aforementioned night time economy event.

A Member of the Committee commented that he hoped to be able to hold community events at Chatham Court and Cleveland Square in an attempt to ascertain what was needed by the community and how things could be put in place to help.

AGREED (unanimously) that the written report by Inspector Heather Sutton be noted.

## 5 COUNCIL HOUSING ALLOCATION SCHEME - ANNUAL UPDATE

The Committee considered the report of the Director – Communities & Environment which updated Members on applications to the Council's Housing Allocations Scheme and sought approval for some minor amendments to the Scheme. The report provided information on banding and lettings data and online registration. The proposed minor amendments were listed at paragraph 4 of the report.

In considering the report a Member of the Committee referred to an email he had received querying why more 4/5 bedroomed homes were not being built. The Senior Housing Options Officer advised that the findings of previous housing needs assessments had found that smaller homes were required.

A Member referred to the number of empty properties throughout the district which included flats above shops and whether any work could be carried out to bring them back into use. The Assistant Director – Housing Management & Responsible Repairs for N&SH acknowledged this concern but advised this report focussed on the allocation of social house. The Business Manager – Public Protection advised that long term empty properties were usually referred to Environmental Health due to them being in a poor state of disrepair. He added that there were numerous reasons they remained empty and that efforts were made to bring them back into use, however, there were very few meaningful powers local authorities had to encourage private owners to bring their properties back into use.

A Member of the Committee referred to the online registration and sought assurances that an application to join the housing register could still be done in paper format, noting that not all members of the public had access to a computer. In response, the Assistant Director acknowledged the comment and provided assurances that a paper application would be accepted.

AGREED (unanimously) that:

- (a) the contents of the report, which provided an annual update on the Council's Housing Allocation Scheme, be noted;
- (b) the proposed minor amendments and draft Scheme be approved;  
and

- (c) delegated authority be given to the Director – Communities & Environment, following consultation with the Chairman and Vice-Chairman of the Homes & Communities Committee, to approve any further minor amendments required, that do not require formal consultation, to ensure the Scheme continues to adhere to statutory requirements.

## 6 DISTRICT WIDE HOUSING ASSESSMENT

The Committee considered the report of the Director – Growth & Regeneration which sought approval to commission a new district wide housing assessment in order to provide an up-to-date evaluation of housing need, the wider housing market and affordability across all tenures. The report set out the background to the statutory requirement on strategic housing authorities to undertake regular assessments of future housing requirements within the district and the common themes within the assessments. Paragraph 4 of the report was in relation to the new housing assessment with the methodology being listed in paragraph 4.3.

AGREED (with 10 votes for and 1 abstention) that the commissioning of a new district wide housing assessment based on the collection of primary research and secondary data, with the budget provision for this detailed in paragraph 8.1 of the report, be approved.

*(Councillor Lee was absent from the room when the vote was taken)*

## 7 RESHAPING THE COMMUNITY SAFETY PARTNERSHIP AND SETTING NEW PRIORITIES

The Committee considered the report of the Director – Communities & Environment which set out the purpose, legislation and duties around Community Safety, the existing structure of the Bassetlaw and Newark & Sherwood Community Safety Partnership (CSP) and the proposed changes that aimed to improve the functioning of the CSP. The report provided background information as to the existing structure and priorities; governance and priorities; and funding. Paragraph 4 of the report set out the proposals for change and the revised priorities for the CSP with the rationale behind each being tabled in paragraph 4.7.

A Member of the Committee queried the omission of drug abuse from the list of priorities for the CPS and whether it could be included. The Business Manager – Public Protection advised that he would take the comments back to the CSP and acknowledged that drug abuse certainly drove many of the priorities listed in paragraph 4.6 of the report.

Whilst acknowledging that resources were in decline, a Member queried whether any information was available as to the actual cost of dealing with persistent problem individuals. She commented that working families often struggled to access help yet resources were spent on an individual case. The Business Manager advised that he would make enquiries as to the costs referred to. The Member suggested that at some point the individual in question should have a phased withdrawal of the assistance given to them.

AGREED (unanimously) that:

- (a) the Joint Strategic Group of the Community Safety Partnership move to a quarterly cycle;
- (b) it be noted that the Leader of the Council is the Council's elected representative on the Group;
- (c) the priorities for the Community Safety Partnership be endorsed; and
- (d) the Newark & Sherwood Complex Needs Outreach Worker be funded for the remainder of the year from the Community Safety Partnership reserve.

## 8 UPDATE ON THE BETTER CARE FUND

The Committee considered the report of the Director – Communities & Environment which updated Members on the schemes that had been delivered from funding within the district's allocation of the Better Care Fund (BCF). The report provided information as to the background of the BCF and that it is allocated for the statutory delivery of Disabled Facilities Grants across the district. The BCF governance arrangements and the terms of reference were listed in paragraph 3.0 of the report with details of the delivery of local schemes being listed in paragraph 4.0.

In considering the report a Member queried whether it was the case that if an adaptation was carried out at the property it resulted in it being ineligible for a 'Right to Buy' application. The Business Manager – Public Protection advised that the properties covered in the BCF were in private ownership. The Business Manager – Housing Strategy & Development advised that adaptations in Council owned properties did not automatically result in them being ineligible for 'Right to Buy'. He added that he would provide Members with the information as to the relevant criteria. The Chairman suggested that this could be an item for inclusion on the Committee's Forward Plan.

In response to how a householder would know about the scheme, the Business Manager – Public Protection advised that NSDC administered the grant following a referral from the Occupational Therapist at Nottinghamshire County Council. They would first review the property before making their referral.

## 9 APPOINTMENT OF MEMBERS TO WORKING PARTIES/TASK & FINISH GROUPS

The Committee considered the report to appoint two Members to the Local Development Framework (LDF) Task Group established by the Economic Development Committee.

AGREED (with 11 votes for with 1 vote against) that Councillor Mrs Rhona Holloway and Councillor John Lee be appointed to the LDF Task Group.

10 AFFORDABLE HOUSING DELIVERY 2018/2019

The Committee considered the report of the Director – Growth & Regeneration which sought to provide Members with the details on affordable housing delivery across the district for the 2018/19 financial year, together with a guide on future anticipated delivery, together with progress on the delivery of the approved 5 year Council housing development programme, details of which were provided in paragraph 3.0 of the report.

A Member of the Committee queried whether there was any further information available since the report had been written in relation to the proposed development at Fernwood. The Business Manager – Housing Strategy & Development confirmed that no further information was available, adding that it would be on a new housing development site.

The issue of empty properties was again raised with the Member querying whether it was possible to exercise Compulsory Purchase Orders to bring empty properties back into occupation. The Business Manager advised that the Council undertook some work on this issue in previous years and that information on the findings of that could be provided. He added that the process was costly and lengthy and was not currently a priority for the Council.

In relation to a query about progress on the Extra Care Scheme in Boughton, the Business Manager advised that the scheme was ready to be progressed and was awaiting the final financial approval from the Policy & Finance Committee. Once received, the commencement of the scheme would be imminent.

AGREED (unanimously) that the affordable housing delivery in 2018/2019, future anticipated delivery and progress with the Council's five year development programme be noted.

11 CORPORATE SAFEGUARDING ANNUAL UPDATE

The Committee considered the report of the Business Manager – Public Protection which provided Members with an update on the corporate safeguarding matters and to provide assurance that the Council's activity was in line with its safeguarding responsibilities, policies and procedures. The report set out internal structure changes to safeguarding responsibilities, noting that the Director – Communities & Environment would take on the Corporate Lead for the Council, the Business Manager – Public Protection becoming the Lead Safeguarding Officer and the Chairman of the Homes & Communities Committee becoming the lead elected Member. Paragraph 3.0 of the report set out details of the Nottinghamshire Safeguarding Children's Board, giving information as to the Strategic Leadership Team and its remit.

A Member of the Committee commented that he would wish to see face to face safeguarding training being offered to all elected Members and not those just newly elected to the Council. The Business Manager confirmed that face to face training was also available to existing Members.

AGREED (unanimously) that the report be noted.

12 ROUGH SLEEPERS - SUCCESSFUL BID

The Committee considered the report of the Director – Communities & Environment which provided Members with information as to the successful outcome of two county-wide funding bids submitted under the Government’s Rough Sleepers Initiative. Paragraph 3.0 of the report set out the amount of funding received, who the funding was for and what the next steps were.

A Member of the Committee queried whether it was possible to provide a shelter all year round and not just at set times when the temperature dropped to a certain level. The Business Manager – Housing, Health & Community Relations advised that discussions were being held with the Salvation Army with a view to the provision of a winter shelter.

The issue of accommodation provided to families when a relationship had broken down was raised with a Member stating that it resulted in fathers not being given appropriate accommodation in order for them to maintain a relationship with their child(ren). The Business Manager agreed that parental responsibility was a complex issue and advised that further information on the implementation of this under the Council’s Housing Allocations Scheme could be provided if required. The Member stated that she would welcome future updates on the matter.

AGREED (unanimously) that the report be noted.

13 WARM HOMES FUND - SUCCESSFUL BID

The Committee considered the report of the Director – Communities & Environment which updated Members on the outcome of the Warm Homes Fund (WHF) bid and the revised project delivery arrangements following the Committee’s support for the Scheme. The report set out the background to the bid and the outcome thereof together with the anticipated benefits/risks and the next steps to be taken.

AGREED (unanimously) that the report be noted.

14 URGENCY ITEM - HOME ENERGY CONSERVATION REPORT - BI-ANNUAL REPORT

AGREED (unanimously) that the Urgency Item – Minute of Decision in relation to the approval of the content of the Home Energy Conservation Act (HECA) draft report for 2019-21 be noted.

15 FORWARD PLAN FOR 1 JUNE 2019 TO 31 MAY 2020

AGREED (unanimously) that the following items be included on the Homes & Communities Forward Plan:

Councillor T. Wendels  
Review of Disabled Facilities Grant – Better Care Fund



Councillor J. Lee  
Empty Homes  
Homeless Strategy

Councillor Mrs I. Brown  
Review of the Housing Allocation Scheme and Parental Responsibility  
Criteria

Meeting closed at 7.20 pm.

Chairman

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## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Leisure & Environment Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 25 June 2019 at 6.00 pm.

PRESENT: Councillor R Jackson (Chairman)  
Councillor N Mison (Vice-Chairman)

Councillor L Brailsford, Councillor S Carlton, Councillor M Cope,  
Councillor D Cumberlidge, Councillor Mrs L Hurst, Councillor  
B Laughton, Councillor J Lee and Councillor Mrs Y Woodhead

IN ATTENDANCE: Councillor L Goff

APOLOGIES FOR ABSENCE: Councillor P Harris

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

Councillor S Carlton declared a personal interest in Agenda Item No. 5 -Active4Today – Annual Report 2018-19 and Item No. 6 – Proposed Changes to leave arrangements of the Council’s Leisure Centre with Active4Today, as he is a Board Member of Active4Today.

### 2 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

Other than the Council recording in accordance with usual practice, there were no declarations of intention to record the meeting.

### 3 MINUTES OF PREVIOUS MEETING

AGREED (unanimously) that the Minutes of the meeting held on 19 March 2019, be approved as a correct record and signed by the Chairman.

### 4 ACTIVE4TODAY - ANNUAL REPORT 2018-19

The Committee considered the report of the Director – Communities & Environment which updated the Committee on the performance of Active4Today for the financial year ending 31 March 2019.

It was reported that Company turnover had increased by a modest 1.3%, however, this should be considered positively in light of the problems the Company encountered in respect of the loss of water space at the Dukeries Leisure Centre and subsequently at South Forest and latterly Wellow House School and accordingly the efforts of the Company should be noted in respect of its efforts to maintain a positive trading position despite this setback which was not within the control or influence of the Company.

Performance overall had been maintained through a favourable growth in adult membership of 3.34% achieved through a combination of promotions, guest passes

and wider community engagement. In addition to the adult membership base, there had been considerable growth in leisure centre visits from the under 16's market, an increase in users from deprived areas and an uplift in referrals through health professionals following more focussed work by the Sports Development Team.

In light of the adoption of the Community Plan 2019-2023 a review of Active4Today's Key Performance Indicators (KPI's) had been undertaken and the proposed basket of new KPI's which reflected the priorities of both the Council and Active4Today would be reported to future Leisure and Environment Committees and was attached at Appendix 1V for member approval.

During the period 1 April 2018 to 31 March 2019, the financial statements showed that the Company recorded a net operating surplus of £22,453 factoring in the full management fee payable by the Council of which 50% (£60,610) was currently on retention. £239,987 was spent on repairs and renewals which was £87,487 over the budget provision anticipated for the year. The operating surplus therefore represented a strong financial performance from the Company in 18/19 given the level of re-investment in the Council's asset base.

It was also reported that within the accounts the provision for pension deficit was now shown as a net liability in the Balance sheet and was in accordance with generally accepted accounting treatment. The net liability had always existed, however as the company's accounts were not subject to audit in previous years, the liability was not provided for in the company's accounts and was, instead, disclosed as a note to the accounts. The company, as a wholly owned subsidiary of the Council, was now required to have an audit and therefore had accounted for assets and liabilities of the pension fund on the face of the Balance Sheet. The value of the assets and liabilities would be re-valued every 3 years with the next review being undertaken this year, however, this was an accounting protocol for member information only.

The Company's earmarked usable reserves, as at 31 March 2019 stood at £400,130 an increase of £22,453 on the balances held at 31 March 2018.

At the 22 January 2019 meeting of Leisure & Environment Committee, a decision was taken to review the Company's 2018/19 outturn position in order that Committee could form judgements on the management fee payable in 2019/20. This decision would continue to look prudent at this time given the surplus position achieved at year-end, the significant reserves held by the Company and the fact that Leisure & Environment Committee approved a three year pricing strategy 2019-22 which included some modest price increases where the Company believed there was scope to do so. Accordingly it was proposed that 50% of the management fee for 2019/20 (£60,610) be paid to A4T and the remaining 50% held in abeyance pending a review of in-year performance by A4T given the loss of the pool at the Dukeries which had resulted in a downturn in membership and income at this site.

In addition to paying a management fee to Active4Today to operate leisure and sports development services, the Council also paid a cash sum to the Company to provide strategic management support to Southwell Leisure Centre Trust, as well as 'donating' a number of central services such as human resources and ICT. The cash element the Council was due to pay Active4Today for providing strategic management support to

the Trust in 2019/20 was £80,850 and that £15,000 would now be contributed by the Southwell Leisure Centre Trustees. Southwell Leisure Centre had also seen growth in over 60's and adult membership base as well as an increase in health referrals.

A Member sought clarification regarding the work undertaken to date for the new swimming pool and the facilities available at the Dukeries Leisure Centre. The Senior Health and Community Relations Officer confirmed that the new pool was at the feasibility stage. A meeting would take place with the supplier on the 18 July 2019, which would look at the outcome of the feasibility report and if satisfactory move onto the next phase. The Managing Director Active4Today confirmed that the facilities at the Dukeries Leisure Centre were maintained to a good standard and had received some significant investment.

A Member questioned the indicative date of early 2020 for the new pool and queried why Officers were still at the feasibility stage as it was thought that stage was completed. The Director – Communities & Environment confirmed that a meeting would take place with the supplier mid-July, after that meeting the plan would go to the detailed design stage, subject to the cost being within the envelope agreed by Council and included in the capital programme. An updated programme plan provided by the contractor would also be available at this stage. A report would be presented to the 24 September 2019 meeting of the Committee. It was confirmed that information would also be circulated to Members of the Committee after the July meeting.

A Member declared an interest as his daughter was an elite sports woman and commented that the district was missing an opportunity to support elite sports persons as the current scheme only supports athletes that have reached the national level of their sport. He commented that there was a management fee of £121,000 for sports development, but the elite sports persons were not allowed to have free access to Council leisure centres due to this restriction in the Talented Athletes grant criteria. It was felt that if a sports person reached a regional level the Council should allow them to access facilities free of charge. The Senior Health and Community Relations Officer confirmed that the Grant Aid scheme criteria was being looked at in light of the Community Plan and currently did not provide free access for athletes competing at regional level. A proposed change to the scheme will be considered by review panel to allow free access to athletes competing at regional level.

AGREED (unanimously) that:

- (a) the positive performance of Active4Today in 2018/19 be noted;
- (b) the operating agreement between the Council and the Company is under review and any significant changes to the agreement will be brought to a future meeting of the Committee;
- (c) the retained management fee for 2018/19 of £60,610 be paid to Active4Today based on the year end outturn;

- (d) 50% of the management fee (£60,610) for 2019/20 be paid to Active4Today and the remaining 50% held in abeyance pending a review of in-year performance by A4T;
- (e) the Southwell Leisure Centre management fee of £80,850 be paid to Active4Today which represents the Council's contribution;
- (f) the proposed Key Performance Indicators reported be approved; and
- (g) information be circulated to Members of the Committee following the 18 July 2019 meeting with the contractors and a report be presented to the 24 September 2019 meeting of the Leisure and Environment Committee setting out the progress with the development of the pool.

5 PROPOSED CHANGES TO LEASE ARRANGEMENTS OF THE COUNCIL'S LEISURE CENTRES WITH ACIVE4TODAY

The Committee considered the report of the Director – Communities & Environment which sought approval to grant permission to Active4Today (A4T), as per the terms and conditions of the current lease, to build an extension on Blidworth Leisure Centre to accommodate a steam and sauna facility.

A4T was proposing a small extension to the Blidworth Leisure Centre to accommodate a steam and sauna facility. The proposal would improve the local offer for centre users and would be funded from a combination of A4T reserves and Section 106 monies secured from a housing development scheme (AG1040) for the improvement of leisure facilities in Blidworth. Currently the cost envelope for the proposed work was estimated to be £75,000 and £30,973.15. Section 106 funding had been secured and allocated to the project proposal. The current lease did not make provision for A4T as tenant to extend the existing buildings therefore approval was sought to enable this investment in the centre and local offer to users to proceed. The business case for the proposal was outlined in the A4T report. The Capital Programme included a budget of £30,980 to make the transfer of Section 106 monies to A4T towards the work.

A Member commented that it was good that the Authority was investing in steam and sauna facility's and asked if this facility could be brought back to Newark.

AGREED (with 9 votes For and 1 Abstention) that the Leisure & Environment Committee recommend to Policy & Finance that:

- (a) Active4Today be granted permission to extend Blidworth Leisure Centre for the purposes of a steam and sauna facility subject to the legal position being agreed; and
- (b) the creation of £75,000 capital budget within the 2019/20 capital programme, to be financed by £30,980 from S106

monies and the remainder of £44,020 to be financed from the Councils general fund capital resources subject to the conclusion of the legal discussion being finalised.

## 6 UPDATE ON THE BETTER CARE FUND

The Committee considered the report of the Director – Communities & Environment which provided an update on the schemes that had been delivered from funding from the district's allocation of the Better Care Fund.

The Business Manager Public Protection suggested an amendment to recommendation (b) and that 'subject to the feasibility of finding buildings available for adaptation' be included.

The specific element of the Better Care fund was allocated for the statutory delivery of Disabled Facilities Grants across the district. In circumstances where the DFG allocation was in excess of that required to meet the demand for DFGs the local authority was empowered to use the remaining allocation for 'wider social care capital projects'.

The terms of reference for the Better Care Fund Programme Board were contained within the report. The report also detailed the delivery of local schemes in 2018/19. The initial total allocation for 2018/19 was £946,838. In December 2018 the Government made some additional funding available and the Council was able to secure a further £106,844 towards the delivery of its mandatory improvement DFG programme. The Allocation from central government for 2019/20 was £1,021,695. The report provided the indicative costings for each of the programmes for the carry forward from 2018/19 and 2019/20 allocation.

A Member asked if Members could be provided with more information regarding the better care fund in order for them to provide the information to their electorate. It was confirmed that information would be circulated.

AGREED (unanimously) that:

- (a) Members note the schemes that are funded for 2019/20 and information packs be provided to Members of the Leisure and Environment Committee ; and
- (b) a new scheme to develop temporary adapted accommodation be supported subject to the feasibility of finding buildings available for adaptation.

## 7 THE CLEANER, SAFER, GREENER CAMPAIGN

The Committee considered the report of the Director – Communities & Environment which updated Members on the achievements from the successful Cleaner, Safer, Greener campaign which ran from July 2018 to March 2019; and the plan for embedding the work of the Cleaner, Safer, Greener Campaign into

the everyday work of the Council.

Members considered the campaign very successful but felt that at present it was very Newark central. It was felt that the campaign should be spread across the west of the district so that everyone would benefit from the scheme.

The Director – Communities & Environment informed the Committee that when the Cleaner, Safer, Greener campaign was launched earlier in the year, the Council had a day of action in Ollerton. The scheme was then rolled forward for Blidworth, Hawtonville and Bridge. The next stage of the campaign was to talk to Ollerton and Southwell and roll out the scheme into those areas.

Members were also asked if they would like to undertake a tour around the Materials Recovery Facility at Mansfield. It was confirmed that a date would be circulated to Members of the Committee

AGREED (unanimously) that:

- (a) the report be noted;
- (b) Members endorse the Cleaner, Safer, Greener Campaign being embedded into the work of the Council and extent the work throughout the district as outlined within the report; and
- (c) a date for the tour around the Materials Recovery Facility at Mansfield be circulated to Members of the Leisure & Environment Committee.

## 8 LITTERING FROM VEHICLES - CIVIL PENALTY

The Committee considered the report of the Director – Communities & Environment which sought Member approval to adopt the provisions of The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 which would facilitate the issuing of Civil Penalties to the registered keeper of a vehicle from which littering had taken place.

AGREED (unanimously) that:

- (a) Members agree to adopt the powers contained in The Littering From Vehicles Outside London (Keepers: Civil Penalties) Regulations 2018 as detailed in sections 4.3 to 4.7 of the report, to facilitate the issuing of Civil Penalties to the registered keepers of a vehicles from which littering had taken place; and
- (b) Officers of suitable experience and training be authorised in writing under this legislation to carry out such enforcement duties.



(Councillor B Laughton left the meeting at this point).

## 9 GRAFFITI POLICY

The Committee considered the report of the Director – Communities & Environment which sought approval for a new Graffiti Policy for Newark and Sherwood.

The Policy set out the approach that the Council would take to new graffiti. As stated within the report the current informal policy had allowed for the removal of certain types of graffiti but that had left a certain level of residual graffiti. It was proposed that a dedicated team be assigned the task of removing the old residual graffiti from all areas of the district. Once that was complete (it was anticipated that would be a period of 3 months) the timescales for graffiti removal as set out in the Policy would become operational.

In order to facilitate the removal of as much graffiti as possible, subject to the receipt of owner approval, the Council would remove graffiti free of charge from both privately and commercially owned domestic premises up until 31 March 2021 when that would be reviewed.

In addition, the Council would work in partnership with other organisations on diversionary art projects and workshops, particularly in relation to murals and public art which made a positive contribution to the area, reflect the community and discourage tagging.

The estimated cost of back filling posts to allow for a dedicated team to operate was £10,000. It was proposed that the funding for this be allocated from the High Street Fund.

A Member sought clarification regarding whether there was staff available to undertake this work. It was confirmed that there was a team of staff who were trained to use the cleaning equipment for the removal of graffiti.

A Member also asked what the Council was doing to prosecute the sale of spray paints to minors. The Business Manager Public Protection confirmed that the purchaser of spray paints had to be over 16 years. Trading standards had been asked to reiterate that law to shops in the district. The Council had contacted Halfords and automotive suppliers advising them of the law. The Challenge 25 scheme may also be introduced for the sale of spray paints to replicate that of the purchase of alcohol.

A Member suggested that there was a number of old bridges in Newark which were out of sight and may be used as graffiti walls with the agreement of Sustrans. The Business Manager Waste, Litter and Recycling commented that on the grounds of health and safety he was unsure whether the Council should be encouraging this as the graffiti artists may lean and fall off the bridge when working.

AGREED (unanimously) that:

- (a) the Graffiti Policy be approved; and

- (b) the use of the High Streets Community Clean Up funding for backfilling the posts to allow a dedicated team to remove old graffiti be approved.

10 HAWTONVILLE COMMUNITY CENTRE MANAGEMENT SIX MONTHLY PROGRESS REPORT

The Committee considered the report of the Director – Communities & Environment which provided an update in respect of Hawtonville Community Centre and the progress being made following the transfer of the management of the centre to Reach Learning Disability (RLD), a local charity supporting vulnerable adults in Newark & Sherwood, through the granting of a three year tenancy agreement.

The move to the Hawtonville Community Centre was reported as a huge success and the service users saw the centre as their home. The ground floor of the centre was occupied by RLD Monday to Friday 8.00am to 5.00pm and community access was available from 5.00pm to 10.00pm in three communal areas during evenings and weekends. The first floor rooms were occupied by Reach Care following improvements including the installation of air conditioning, improved security, decoration and new carpeting funded by RLD. Community use of the centre equated to 905 hours for the year which represented 41% of the available community time which was likely to increase in the future. The income from the community use was £4,996 for the year with operating costs estimated at £11,104 therefore RLD had subsidised the community use in the first year to the sum of £6,108, which had been agreed in lieu of rent payment to the Council. RLD had also reported a dramatic reduction in the levels of Anti-Social Behaviour following a change in operating procedure and improved CCTV provision and would continue to monitor the situation and liaise with Council colleagues to maintain a safer environment.

AGREED (unanimously) that the content of the progress report detailing activities and services delivered to the community through Reach Learning Disability's occupation and management of the Hawtonville Community Centre in 2018/19, be noted.

11 UPDATE ON THE NEIGHBOURHOOD WARDENS

The Business Manager Public Protection provided a verbal update regarding the Neighbourhood Wardens.

The appointments for the Neighbourhood Wardens had been approved September 2018. The first warden was appointed late October 2018 and had been a former dog warden and knew the area. The second officer was appointed January 2019 and had the associated skills. The remaining two officers were appointed May 2019. There were four neighbourhood wardens in total, all with complementary skills from different backgrounds.

A two shift system had been developed 8.00am – 8.00pm; 8.00am – 4.00pm was the morning shift, 12.00pm – 8.00pm the afternoon shift. All four wardens were on duty during the four hours in the middle. The times were also split to North/South so there was always cover.

The wardens worked closely with other agencies and the Police and there was a designated Town Centre Officer who also worked with the Police. They also worked with the Anti-Social Behaviour Officers, Park Rangers, Housing Officers and Environmental Health Officers and also reported and investigated fly tipping and were the first contact point for graffiti.

It was also reported that since January 2019 fixed penalty notices had been issued, one for fly tipping. Work had been undertaken regarding street drinkers causing disturbances in the Town Centre and anti-social behaviour and damage to parks.

Work had been undertaken regarding reported dog fouling on the Southwell trail and Officers had spoken to dog owners and dog litter bags had been handed out.

The wardens were available to talk to Town and Parish Council's and would support any litter picking schemes being undertaken in the district.

The Chairman asked that any information packs available be sent to Town and Parish Council's.

A Member commented that a lot of issues happened outside of working hours and Members needed to be able to contact someone to address those issues.

The Chairman commented that the Neighbour Wardens were working until 8pm which was a step forward. The Business Manager Public Protection commented that the Wardens also provided cover on Saturdays which was an expansion of working hours. He also informed Members that CCTV staff had a list of Officers contactable out of office hours.

AGREED that the verbal update be noted.

12 NOTTINGHAMSHIRE LOCAL AUTHORITIES CARE LEAVERS LEISURE OFFER

The Committee considered the report of the Director – Communities & Environment which updated Members in respect of the progress made for a Nottinghamshire Local Offer for Care Leavers with specific respect to the development of a countywide leisure offer following Policy & Finance Committee's approval to support this initiative at its meeting 21 February 2019.

AGREED (unanimously) that the report be noted.

13 MANSFIELD AND DISTRICT CREMATORIUM JOINT COMMITTEE - ANNUAL STATEMENT OF ACCOUNTS

The Committee considered the report presented by the Business Manager Financial Services, which presented the Annual Statement of Accounts for the Mansfield and District Crematorium Joint Committee. The relevant Minute from the 28 May 2019 meeting of the Mansfield and District Crematorium Joint Committee was also appended to the report for information.

AGREED (unanimously) that the Annual Statement of Accounts for the Mansfield and District Crematorium Joint Committee be noted.

14 URGENCY ITEM - TO APPROVE THE COUNCIL'S RESPONSE TO THE 'FUTURE ARRANGEMENTS FOR NHS COMMISSIONING ACROSS NOTTINGHAM AND NOTTINGHAMSHIRE'

The Committee noted the decision to approve the Council's response to the 'Future Arrangements for NHS Commissioning across Nottingham and Nottinghamshire'.

The Chairman requested that the Clinical Commissioning Group (CCG) be invited to the 19 November 2019, meeting of the Committee to provide an update regarding the NHS commissioning.

AGREED (unanimously) that:

- (a) the urgency item be noted; and
- (b) the CCG be invited to the 19 November 2019 meeting of the Committee to provide an update regarding the NHS commissioning.

15 LEISURE & ENVIRONMENT COMMITTEE FORWARD PLAN (1 JUNE 2019 TO 31 MAY 2019)

The Leisure & Environment Committee Forward Plan was provided for Member information. Members were encouraged to submit any areas of work they wanted to address for the forthcoming year.

The following items were requested:

- Waste Review, researching what other local authorities do regarding food waste, tetra packs, glass etc. It was confirmed that this would be addressed in the Waste Review presentation.
- Wheelie bin sizes (would like confirmation that the policy regarding bin sizes was working).
- Bulky waste collection (look at policy to see if bulky waste could be offered complementary to stop fly tipping), this would be addressed in the Fly Tipping report to be presented to the September Committee.
- Review of play parks.

NOTED the Forward Plan.

16 HEALTH & WELLBEING

The Leisure and Environment Committee Vice-Chairman informed the Committee of

the Health & Wellbeing Board meeting he had attended at the beginning of June 2019; the main agenda item was the poor air quality in Nottinghamshire and the need to strengthen the strategy for cleaner air in Nottinghamshire.

Meeting closed at 8.10 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **General Purposes Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 13 June 2019 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)  
Councillor R White (Vice-Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor M Cope, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor S Carlton and Councillor P Harris

### 1 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 2 DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED that an audio recording of the meeting was to be made by the Council.

### 3 MINUTES OF THE MEETING HELD ON 14 MARCH 2019

AGREED (unanimously) that the Minutes of the Meeting held on 14 March 2019 be approved as a correct record and signed by the Chairman.

### 4 HACKNEY CARRIAGE FARE REVIEW

The Committee considered the report of the Director – Communities & Environment in relation to the consultation proposals for a review of Hackney Carriage fares. The report set out that the last review of fares was undertaken in 2012 but that no change had been effected at that time. The last increase in fares had been some seven or eight years previously. A benchmarking exercise had been undertaken with paragraph 2.3 providing the results thereof. Appendix One of the report set out the current fare levels; those proposed by the trade together with the figures from three separate percentage increases.

In considering the report Members asked a number of questions in relation to enforcement; the cost of fares for hackney carriages and private hire vehicles; whether there was a nationally set level of fares; and the cost of fares in rural areas.

In relation to the proposed consultation on the fare increases the Director – Communities & Environment queried whether it was possible to include the public in the process. The Business Manager – Public Protection confirmed that the public could be included in the consultation. He also confirmed that the proposals already received from the trade only included a small group of individuals who were mainly Newark based. The full consultation would be undertaken throughout the district.

In discussing the figures to be consulted on Members agreed that the following figures be used: a 10% per mile increase; and a 20% flag increase.

AGREED (unanimously) that:

- (a) the proposed fare review calculations as indicated above be consulted on, these being a 10% per mile increase; and a 20% flag increase; and
- (b) the proposed method for carrying out the fare review be supported.

5 CASTLEGATE TAXI RANK

The Committee considered the verbal report of the Business Manager – Public Protection which sought to update Members on the progress in relation to the proposed change of hours for the Castlegate Taxi Rank, as previously reported to Committee.

It was reported that a request had been forwarded to Nottinghamshire County Council, concerning changing the operational hours of the rank from the current 8pm start to 6pm. The County had undertaken a consultation on the proposed change and had received 20 responses from a gymnasium located on Castlegate stating that their customers would be disadvantaged by the proposed changes. A Member stated that there was a public pay and display car park close by and suggested that checks be made as to what other alternative parking arrangements were available.

The Business Manager advised that a suggestion had been received that the new hours of operation only apply on a Friday, Saturday and Sunday but it was felt that the signage would be too complicated. Members agreed and noted that often taxis were double parked because they could not get onto the rank. In discussing the issues Members also agreed that the amended hours would only be meaningful if they were enforced. The Business Manager advised that tickets had been issued to private vehicles which had been parked in the rank during its hours of operation. He noted that most parking breaches occurred during the day but that the Civil Parking Enforcement Officers would change their operational hours if requested to do so.

AGREED (unanimously) that:

- (a) Nottinghamshire County Council be requested to amend the Castlegate Taxi Rank's hours of operation to commence at 6pm; and
- (b) a further report be presented to the September meeting of the General Purposes Committee on how the amended hours had been received.

6 GENERAL PURPOSES FORWARD PLAN - JUNE 2019 TO MAY 2020

The Committee considered the Forward Plan and suggested the following items be added:

- (i) Update on the Castlegate Taxi Rank (September 2019)
- (ii) Update on the Hackney Carriage Fares Consultation (September 2019)

AGREED (unanimously) that the aforementioned items be added to the General Purposes Forward Plan.

7 UPDATE ON PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report of the Director – Communities & Environment in relation to the activity and performance of the Licensing Team which included details of current ongoing enforcement issues.

Information contained in the report related to the number of applications for grants and renewals of licences for Hackney Carriage; Private Hire; and Ambulance Drivers together with those for Hackney Carriage and Private Hire Vehicles. A note of ongoing enforcement activity was also listed with information as to what action had been taken to-date. Also provided within the report was information relating to both street and house to house collections.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.36 pm.

Chairman



## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Licensing Committee** held in the Castle House, Great North Road, Newark, Notts. NG24 1BY on Thursday, 13 June 2019 at 6.00 pm.

PRESENT: Councillor Mrs R Crowe (Chairman)  
Councillor R White (Vice-Chairman)

Councillor Mrs K Arnold, Councillor L Brazier, Councillor Mrs B Brooks, Councillor Mrs I Brown, Councillor M Cope, Councillor R Jackson, Councillor Mrs S Michael, Councillor Mrs S Saddington, Councillor I Walker, Councillor K Walker and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor S Carlton and Councillor P Harris

### 1 DECLARATIONS OF INTERESTS FROM MEMBERS AND OFFICERS

NOTED that no Member or Officer declared any interest pursuant to any statutory requirement in any matter discussed or voted upon at the meeting.

### 2 DECLARATION OF ANY INTENTION TO RECORD MEETING

NOTED that an audio recording was to be made of the meeting by the Council.

### 3 MINUTES OF THE MEETING HELD ON 14 MARCH 2019

AGREED (unanimously) that the Minutes of the meeting held on 15 November 2018 be approved as a correct record and signed by the Chairman.

### 4 A COMMUNITY ALCOHOL PARTNERSHIP FOR OLLERTON, BOUGHTON & EDWINSTOWE

The Committee considered the report of the Director – Communities & Environment in relation to the work of the Community Alcohol Partnership (CAP) in Ollerton, Boughton and Edwinstowe (OBE) and its possible expansion into Clipstone. The report also sought a representative from the Committee on the Project Group.

The report set out the aims of the CAP stating that its core activities included: education; enforcement; and business engagement. It highlighted the specific work undertaken in OBE with the latest action plan being appended to the report. The success of the CAP had been recognised locally which had prompted the request from the community of Clipstone to join the OBE Group. It was also reported that there was potential for a CAP to be established in Newark with Members being requested to consider a specific potential area.

The Business Manager, in presenting the report, noted that the OBE CAP continued to succeed in its aims. He also noted that when a new CAP was established it attracted initial funding in the region of £2k and it was therefore suggested that Clipstone establish their own partnership.

The Business Manager updated the Committee on the possible establishment of a partnership in Newark. Inspector Heather Sutton from Nottinghamshire Police had made enquiries as to whether this would be something the Council would wish to consider but it was noted that further work needed to be undertaken to establish the most appropriate area. A Member queried whether the premises outside of Newark Town Centre would be included. The Business Manager advised that work was most undertaken with off-licences to combat underage drinking but that some work was also done with public houses.

AGREED (unanimously) that:

- (a) the establishment of an additional Community Alcohol Partnership to operate in the Clipstone area be supported;
- (b) Councillor Lee Brazier be the Committee's representative to sit on the Ollerton, Boughton & Edwinstowe Community Alcohol Partnership and the Clipstone Community Alcohol Partnership Project Groups; and
- (c) the establishment of a Newark Community Alcohol Partnership be supported in principle.

## 5 LICENSING MEMBERS TRAINING

The Committee considered the report of the Director – Communities & Environment which informed Members of the planned Licensing Act training scheduled to take place on Wednesday, 3 July 2019.

The report provided information as to the location and times of the event and the topics to be covered. Members were asked to indicate whether they would be able to attend.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) the following Members confirmed their availability:

**Attending**

Councillor Lee Brazier  
Councillor Irene Brown  
Councillor Rita Crowe  
Councillor Ronnie White

**Not Attending**

Councillor Kath Arnold  
Councillor Roger Jackson  
Councillor Sylvia Michael  
Councillor Ivor Walker

**To Confirm**  
Councillor Susan Saddington

6 BEST BAR NONE SCHEME

The Committee considered the report of the Director – Communities & Environment in relation to the proposals for the 2019/2020 county wide Best Bar None Scheme.

The report set out the background to the scheme highlighting that the rewards available to licensees who provided good management, a safe and enjoyable environment for customers, discouraging binge drinking and the prevention of alcohol related crime. Paragraph 3 of the report provided information on the Scheme to-date with details of proposed future undertakings listed at paragraph 4.

The Chairman advised that the Scheme was to be launched locally through the Pub Watch Scheme, adding that the Pub Watch was growing in strength with the number of public houses attending increasing.

AGREED (unanimously) that:

- (a) the progress of the Nottinghamshire County Best Bar None Scheme be noted; and
- (b) support be given to the Scheme in 2019/2020.

7 DRINKING IN PUBLIC SPACES

The Committee considered the report of the Director – Communities & Environment which sought Members' approval to undertake a consultation on the designation of a Public Spaces Protection Order (PSPO) in Newark Town Centre to control drinking in the street and to remove controls in other areas of the district.

The report set out the background to the introduction of the Orders in October 2014 under the Anti-Social Behaviour, Crime & Policing Act 2014 and that all the current Designated Public Places Orders (DPPO) be replaced by the PSPOs. It was reported that Newark & Sherwood currently had 14 DPPOs across the district relating to alcohol control. The responses to the initial consultation carried out were highlighted in paragraph 4 of the report which noted that there was not widespread alcohol related anti-social behaviour across the district but that there were some localised 'hot spot' areas, predominantly in Newark Town Centre and that discussions had been held with the Police and Newark Town Council about this matter. Details of the proposals were detailed in paragraph 5 of the report.

In considering the report Members discussed the proposals contained within the report in relation to the possible area to be covered by a PSPO in Newark and whether the removal of the current DPPO in Sutton on Trent would result in drinking in public spaces becoming an issue. In response, the Business Manager advised that the proposal to remove the DPPO in Sutton on Trent was following comment from the Police that they had no evidence of any nuisance in that area. If the order was removed and incidents of nuisance occurred the parish council could apply to have a PSPO put in place but that any request to do so must be supported by evidence.

AGREED (unanimously) that

- (a) the proposals listed in paragraphs 5.1 to 5.10 of the report be supported; and
- (b) a consultation period of 6 weeks be agreed.

8 LICENSING FORWARD PLAN (JUNE 2019 - MAY 2020)

AGREED (unanimously) that the following items be added to the Licensing Committee Forward Plan:

- (a) Feedback from Licensing Training
- (b) Pavement Licences
- (c) Pubwatch Update
- (d) SchemeLink Update

9 UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS

The Committee considered the report of the Director – Communities & Environment in relation to the activity and performance of the Licensing Team between 1 January and 31 March 2019 inclusive together with details of current ongoing enforcement issues.

AGREED (unanimously) that the report be noted.

10 TEMPORARY EVENT NOTICES - JANUARY TO MARCH 2019

The Committee considered the report of the Director – Communities & Environment in relation to Temporary Event Notices received between 1 January and 31 March 2019.

In response to a query raised at a Licensing Training Session held with Members of the Committee, the Business Manager – Public Protection advised that all applications for Temporary Event Notices were emailed to the relevant Ward Members for information.

AGREED (unanimously) that the report be noted.

Meeting closed at 7.10 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 4 June 2019 at 4.00 pm.

### PRESENT:

Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brock, Councillor M Brown, Councillor L Dales, Councillor Mrs M Dobson, Councillor L Goff, Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor T Smith, Councillor K Walker and Councillor Mrs Y Woodhead

IN ATTENDANCE: Councillor Mrs I. Brown, Councillor R. Crowe, Councillor P. Harris, and Councillor Mrs G. Dawn.

### 1 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillor R Blaney declared a personal interest in Agenda item No. 5 - Playing Field, Elm Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association. He advised that he had not made any predetermination and was not prejudiced in taking part in the discussion and voting on this application.

Councillor Mrs Dobson declared a personal interest in Agenda Item No. 17 – Land to the rear of 112 – 118 High Street, Collingham 19/00755/FUL as she was a friend of the parents of the applicant.

Councillor M Skinner declared, in relation to Agenda Items No. 5 and 10 (Playing Field, Elm Avenue, Newark 19/00504/OUTM and Site of the Bearings, Bowbridge Road, Newark 19/00681/FULM) that he had been Chairman of the Planning Committee at Newark Town Council when these two items had been considered but he came to this meeting with an open mind and would determine accordingly.

Councillor R Holloway declared a disclosable pecuniary interest in relation to Agenda Item No. 11 – Noble Foods Ltd, The Moor, Bilsthorpe 18/00931/OUTM as her property was near to the application site.

Councillor P Rainbow declared a personal interest in Agenda Items No. 6 - Land off Lower Kirklington Road, Southwell 18/01363/FULM as she knew the original applicant and in Agenda Item No. 19 – Grange Farm, Newhall Lane, Edingley 19/00408/FUL as she knew the applicant.

Councillor P Rainbow also advised that she would participate in the discussion and voting on Agenda item Nos. 7 and 8 – Springfield Bungalow, Nottingham Road, Southwell 19/00689/FUL and 19/00779/FULM give that the principle for the development at the site had been established.

Councillor J Lee declared a personal interest in Agenda item No. 5 - Playing Field, Elm Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association and

he also advised that he was a District Council representative on the Trent Valley Drainage Board which would be relevant when the body were making comments on applications.

Councillor L Goff declared a personal interest in Agenda item No. 5 - Playing Field, Elm Avenue, Newark 19/00504/OUTM as a member of the Newark Sports Association.

Councillor L Goff also declared an interest in Agenda Item No. 10 - Site of the Bearings, Bowbridge Road, Newark 19/00681/FULM as he had signed the petition which was presented to the Full Council asking for the tress bordering the site to be saved.

## 2 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting in accordance with the usual practice.

Councillor P Harris also declared his intention to record part of the meeting.

## 3 MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes of the meeting held on 2 April 2019 be approved as a correct record and signed by the Chairman.

## 4 ORDER OF BUSINESS

The Chairman advised that Agenda Item No. 12 – White Post Garage, White Post, Farnsfield 18/02151/FUL and Agenda Item No. 15 – The Shed, Old Epperstone Road, Lowdham 19/00492/FUL had both been withdrawn from the agenda.

## 5 PLAYING FIELD, ELM AVENUE, NEWARK ON TRENT 19/00504/OUTM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the residential development for nine detached houses and associated adopted road, private road and other external works.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. One further letter of objection from an interested party had been received. The Planning Case Officer also referred to a live petition that was being signed objecting to the residential development.

Councillor Blaney stated that the application was only being considered by the Committee for transparency given it was a District Council application. If this were not a District Council application the matter would have been delegated given that Newark Town Council were not objecting to the residential development. The Members considered the scale of the proposed development and the current disused nature of the site.

A vote was taken on deferring the application given the number of objections received and the amount of information that the new Members of the Committee had to consider. This was lost with 5 votes for and 9 against.

Cllr Skinner referred to potential changes to site layout which he would wish to come forward at reserved matters stage. However, given the outline nature of the application the principle of the redevelopment of the site was acceptable given it had not been used for many years and that the overall provision in Newark had improved in recent years with the Leisure Centre and Sports and Community Activity Village specifically.

AGREED (with 9 votes for and 5 against) that planning permission be approved subject to the conditions and reasons contained within the report.

6 LAND OFF LOWER KIRKLINGTON ROAD, SOUTHWELL 18/01363/FULM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for proposed residential development for eighty dwellings on land off Lower Kirklington Road, Southwell.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the applicant's agent; Nottinghamshire County Council as the Highway Authority; and a local resident.

Councillor Martin representing Southwell Town Council spoke objecting to the application in accordance with the Town Council representation within the report. Councillor P Harris as local Ward Member also spoke against the application referring to the concerns of local residents, the proposal for traffic lights and the location of the affordable housing provision on the site.

Members considered the application referring to the inappropriate layout of the site, which was contrary to the Southwell Neighbourhood Plan in terms of housing mix, and the location and design of affordable housing. Concerns were also raised with a traffic lights solution for the access and the intrusive form of development this would create.

AGREED (unanimously) that contrary to officer recommendation planning permission be refused on the following grounds:

- (i) the proposal for traffic lights are inappropriate for this transitional site when approaching from open countryside;
- (ii) there is a lack of smaller dwellings or bungalow provision, contrary to the Neighbourhood Plan;
- (iii) the density and layout of the site was inappropriate with a segregation of the affordable housing provision and areas of tandem car parking.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	For

7 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL 19/00689/FUL AND 19/00779/FULM

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought retrospective planning permission for variation of conditions 2, 3, 4 and 5 of planning permission 16/01369/FUL to allow the new access junction to be constructed wholly within highway land or that owned by the applicant at Springfield Bungalow, Nottingham Road, Southwell. The Committee also considered the application for variation of condition 11 at the same site (19/00779/FULM).

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. The Planning Case Officer advised of letters of representation received from local residents; a response from the County Council as Highway Authority to address resident's concerns and correspondence from NCNM, BPS Consulting and Browne Jacobson on behalf of the agent.

Councillor D Martin representing Southwell Town Council spoke objecting to both applications in accordance with the Town Council representation within the report. Councillor P Harris as local Ward Member also spoke against the application referring to the inadequate visibility splay, access and pavement provision.

Members considered the issues with access to the site, the visibility splays and the pavement construction which was felt was unsatisfactory in terms of the gradient and camber particularly for disabled and wheelchair users. However, the Committee noted the views expressed by the Highway Authority that the site was safe and accessible.

AGREED (with 10 votes for and 5 against) that both applications be deferred to the



next cycle in order to seek clarification of the specific issues of the acceptability of the kerb radii to the site, the gradient of the footpath, the cross fall of the footpath, and the visibility splay measured on site by NCC highways.

8 LAND OFF NORTH GATE, NEWARK 18/01137/OUTM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the variation of condition 25 attached to planning permission 13/00997/OUTM for the proposed erection of Retail Development Bulky Goods/Open A1/Open A1 Convenience uses and provision of car parking to serve same. The proposed submitted was to allow the use of Unit B as A1 (non-food) at land off North Gate, Newark.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the District Council's retail consultants, Lambert Smith Hampton and also Newark Town Council who were now objecting to the application given the potential adverse impact it may have on the town centre retail economy. The Director of Growth & Regeneration referred to additional condition 28 as set out in the late item schedule.

Members considered the application and the potential impact on the retail economy.

AGREED (with 14 votes for and 1 abstention) that outline planning permission be approved subject to the conditions and reasons contained within the report, including the additional condition 28.

9 SITE OF THE BEARINGS, BOWBRIDGE ROAD, NEWARK 19/00681/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought permission to vary condition 23 of planning permission 18/00973/FULM to allow amendment of house types to plots 39-42, 23-24 and 43-44 at the site of the Bearings, Bowbridge Road, Newark. The previous application was for the erection of 62 residential dwellings including new vehicular access road and removal of eight TPO trees (TPO N313).

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published. Both Newark Town Council and the County Council as Highway Authority had responded as consultees as well as further local representations.

Councillor R. Blaney referred to the petition received at the Annual Council Meeting and the numbers of trees, shrubs, plants and hedgerow plants which were to be planted to compensate for the regrettable loss of some trees on the site.

AGREED (with 13 votes for and 1 abstention) that full planning permission be granted subject to:

- (i) the conditions contained within the report; and

- (ii) delegated authority being given to the Director of Growth & Regeneration to revise the wording of conditions 3, 9, 13 and 15 should the discharge of condition application reference 19/00663/DISCON be determined before this permission was determined.

(Having declared an interest, Councillor L. Goff left the meeting during this item).

10 NOBLE FOODS LTD, THE MOOR, BILSTHORPE 18/00931/OUTM

The Committee considered the report of the Director of Growth & Regeneration, which sought outline planning permission for up to 136 residential dwellings on the former Noble Foods egg factory site at The Moor, Bilsthorpe. The scheme would provide a mix of house types and sizes including detached properties, semi-detached properties and town houses and public open spaces.

Councillor M Ward representing Bilsthorpe Parish Council spoke objecting to the application referring to the village infrastructure not being able to sustain this increase in houses and subsequent growth in population.

Members considered the application and referred to the issue of CIL not being available to support infrastructure given the relatively low house prices. Councillor R. Blaney did refer to the developer contributions detailed in the report and the Committee noted the scheme was acceptable without the full suite of affordable housing and contributions given the application was for a brownfield site.

Cllr Woodhead made reference to the issues with the wider road network.

AGREED (unanimously) that delegated authority be given to the Director for Growth & Regeneration to grant outline planning permission subject to the conditions contained within the report and the Director negotiating with the applicant to waive the affordable housing element in order to secure meaningful infrastructure contributions, in consultation with the Chairman of the Committee and the Parish Council.

(Having declared an interest, Councillor R Holloway left the meeting during consideration of this item).

In accordance with Rule No. 30.1, the Chairman indicated that the time limit of three hours had expired and a motion was proposed and seconded to extend the meeting by a further hour.

AGREED (unanimously) that the meeting continue for a further hour.

Following this item the Chairman left the meeting leaving Councillor I. Walker as Chairman for the remainder of the meeting.

11 WHITE POST GARAGE, WHITE POST, FARNSFIELD 18/02151/FUL

This application was withdrawn from the agenda.

12 COBBLERS COTTAGE, BRICKYARD LANE, FARNSFIELD 19/00168/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a second storey extension providing two bedrooms above an existing ground floor footprint at Cobblers Cottage, Brickyard Lane, Farnsfield.

Councillor B Laughton as local Ward Member spoke to object to the application referring to the proposed extension effectively doubling the size of the current property which will impact on the amenity of a neighbouring property.

Members considered the application and different options for the proposed extension including a possible cat slide roof.

A vote was taken to refuse the application but this was lost with 4 votes for, 6 against and 4 abstentions.

AGREED (with 8 votes for, 4 against and 2 abstentions) that the application be deferred in order to negotiate a revised design with the applicant with a cat slide roof.

13 SAWMILLS FARM, RUFFORD LANE, OLLERTON 19/00701/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a replacement dwelling at Sawmills Farm, Rufford Lane, Ollerton. The proposal was for an existing single storey dwelling to be demolished and replaced with a single detached two storey dwelling.

Members considered the application and the representation from Rufford Parish Council objecting to the proposal. Concerns were raised about the design and scale of the proposed new dwelling with the significant increase in square footage. Reference was also made to the fact that the dwelling has only come about through the change of use prior approval process. Cllr Brown commented that the case law is in its infancy.

AGREED (with 9 votes for and 5 against) that contrary to officer recommendation, planning permission be refused on the grounds that the replacement dwelling was too large in terms of scale and size.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	Not present
L. Brazier	Against
M. Brock	For
M. Brown	For
L. Dales	For

M. Dobson	For
L. Goff	Against
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	Against
K. Walker	Against
Y. Woodhead	Against

14 THE SHED, OLD EPPERSTONE ROAD, LOWDHAM 19/00492/FUL

This application was withdrawn from the agenda.

15 FIELD REF: 7600, NORTH SCARLE ROAD, WIGSLEY 19/00551/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the creation of a fish farming facility from agricultural land as a farm diversification business off North Scarle Road, Wigsley. The application was a resubmission of 17/02043/FULM which had been refused by the Committee in March 2019.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the applicant submitting additional supporting information. The Planning Case Officer also referred to a later letter from Nottinghamshire County Council advising of the removal of 2.5 tonnes of soil from the site as part of the proposal.

Members considered the application and the objection made by Wigsley Parish Meeting. Concerns were expressed about the proposals for permanent buildings and noise and vehicle movements. It was also considered that some of the environmental issues had not been addressed following the previous refusal of permission.

AGREED (with 13 votes for and 1 abstention) that contrary to officer recommendation planning permission be refused on the following grounds:

- (i) that the reasons for refusal of the application 17/02043/FULM in March 2019 had not been addressed;
- (ii) the extent of the material being removed from the site;
- (iii) concerns about vehicle movements; and
- (iv) the loss of agricultural land.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

Councillor	Vote
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R. Blaney	Not present
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Abstain
I. Walker	For
K. Walker	For
Y. Woodhead	For

16 LAND TO THE REAR OF 112 - 118 HIGH STREET, COLLINGHAM 19/00755/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a dwelling on land to the rear of 112 – 118 High Street, Collingham. The application was a re-submission of 18/01863/FUL which had been refused by the Committee in January 2019.

Members considered the application and largely welcomed the application welcoming the design and having the view that it would not be visible.

AGREED (unanimously) that planning permission be approved contrary to officer recommendation, subject to the imposition of appropriate conditions being delegated to officers.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	Not present
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	For

In accordance with Rule No. 30.1, the Chairman indicated that the meeting had been ongoing for a further hour so a motion was required to be proposed and seconded to extend the meeting by another hour.

AGREED (unanimously) that the meeting continue for a further hour.

17 11 MAYPOLE ROAD, WELLOW 19/00473/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a two storey rear extension, detached annex accommodation in the rear garden and associated works at 11 Maypole Road, Wellow.

Members considered the proposal for the annex which fell outside the scheme of delegation to officers and the Parish Council had raised an objection to this element.

AGREED (with 9 votes for, 4 against and 1 abstention) that planning permission be approved subject to the conditions and reasons contained within the report.

18 GRANGE FARM, NEWHALL LANE, EDINGLEY 19/00408/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the demolition and replacement of an existing dwelling and the refurbishment and conversion of a traditional stone barn building to form two holiday let accommodation units at Grange Farm, Newhall Lane, Edingley. The proposal also incorporated the partial demolition of a portal building and the demolition of a partially collapsed outbuilding.

Councillor D Poole representing Edingley Parish Council spoke in support of the application referring to the near derelict site of the existing property and this application would benefit the local economy.

Members considered the application and made reference to the structural survey which had recommended demolition of the existing building and how the proposal would support rural regeneration. Cllr Rainbow commented that the bowing of the existing building was clearly evident on site.

Members acknowledged the benefit of additional overnight tourism to the District.

The Committee also considered the proposed design and visual impact of the new dwelling. Councillor Skinner commented that the proposed dwelling was not necessarily in keeping with the barn conversion and Cllr Dobson also stated that the proposed replacement design should be more in keeping with the existing dwelling.

AGREED (with 10 votes for and 4 against) that contrary to officer recommendation planning permission be approved subject to appropriate conditions being imposed (specifically not to condition the removal of permitted development rights).

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	Not present
L. Brazier	For
M. Brock	Against
M. Brown	For
L. Dales	For
M. Dobson	Against
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	Against
T. Smith	For
I. Walker	For
K. Walker	For
Y. Woodhead	Against

19 LAND ADJACENT TO FORMER WHITE LION PUBLIC HOUSE, MAIN STREET, BLIDWORTH 19/00571/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought permission for the variation of condition 2 attached to planning permission 17/02149/FUL to amend the approved plans to allow changes to the boundary and location of the retaining wall at land at the former White Lion Public House, Main Street, Blidworth.

Members considered the application and as the local Ward Member, Councillor Y Woodhead advised she could not support the proposal and referred to the Parish Council objection.

AGREED (with 12 votes for, 1 against and 1 abstention) that planning permission be approved subject to the conditions and reasons contained within the report.

20 FOX INN PUBLIC HOUSE, MAIN ROAD, KELHAM 18/01414/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the retrospective change of use of vacant land to pub garden and permission for the placement of timber modular play equipment in the pub garden and alterations to the existing access points to the Fox Inn Public House, Main Road, Kelham.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from a neighbour raising concerns.

Members considered the application and the potential for increased noise outside of

the premises. Given that they considered it was appropriate to request the applicant to erect notices advising patrons to be mindful of residents of neighbouring properties.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and subject to requesting the applicant to display appropriate notices to respect the residential area.

## 21 CONFIRMATION OF TREE PRESERVATION ORDER - TPO N366

The Committee considered the report of the Director of Growth & Regeneration, concerning 12 individual trees on land at Priory Farm, Nottingham Road, Thurgarton which were protected by virtue of their location within the designated conservation area.

A S211 notification was submitted on 5 December 2018 to remove a total of 17 trees from the site, including a mixture of species including Ash, Horse Chestnut, Norway Spruce, Scots Pine and Sycamore. Those trees were shown to be retained in planning permissions granted for further development at the site.

Due to the number of trees proposed for removal, the Local Authority's tree officer undertook a site visit to assess the works. During the site visit, it was established that a number of trees warranted protection by Tree Preservation Order (TPO). Further discussion took place with the applicant and it was agreed with the owner to proceed with the protection of those trees.

AGREED (unanimously) that the Tree Preservation Order be confirmed for the following reasons:

1. The trees on site appear to be in good health and structural condition and provide a mature setting for the locality;
2. They provide valuable screening of the site to neighbouring properties;
3. They also form a prominent feature within the site, and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints; and
4. It is considered that the trees could be at risk from future development.

## 22 LOCAL DEVELOPMENT FRAMEWORK TASK GROUP

The Committee were asked to nominate three Members of the Planning Committee to sit on the Local Development Framework Task Group.

AGREED (unanimously) that Councillors R. Blaney, M. Skinner and T. Smith be appointed as the Planning Committee representatives on the Local Development Framework Task Group for 2019/20.

## 23 APPEALS LODGED



AGREED that the report be noted.

24 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 8.58 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Planning Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 2 July 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)  
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, Councillor M Brock, Councillor M Brown,  
Councillor L Dales, Councillor Mrs M Dobson, Councillor L Goff,  
Councillor R Holloway, Councillor J Lee, Councillor Mrs P Rainbow,  
Councillor M Skinner, Councillor T Smith and Councillor  
Mrs Y Woodhead

APOLOGIES FOR  
ABSENCE: Councillor K Walker

ALSO IN  
ATTENDANCE: Councillor R Jackson and Councillor Mrs P J Rainbow

### 25 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors R V Blaney and Mrs M Dobson declared a personal interest in Agenda Item No. 11 – 5 Oakdene Cottages, Station Road, Collingham 19/00537/FUL as the applicants were known to them.

Councillors L Dales, J Lee and I Walker declared personal interests in Agenda Item No. 11 – 5 Oakdene Cottages, Station Road, Collingham 19/00537/FUL as they were representatives on the Trent Valley Internal Drainage Board.

### 26 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

### 27 MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes of the meeting held on 4 June 2019 be approved as a correct record and signed by the Chairman.

### 28 FIELD REFERENCE 7600 OFF, NORTH SCARLE ROAD, WIGSLEY, NOTTINGHAMSHIRE 19/00551/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the creation of a Fish Farming facility at Wigsley from agricultural land as a farm diversification business (resubmission of 17/02043/FULM).

This application was presented for determination at the 4 June 2019 Planning Committee with a recommendation for approval. Members resolved to refuse the

application for the same reasons as previously refused. However following the committee meeting and before the decision was issued, it became apparent that a late item submitted by the applicant was not clearly presented to Members that could have influenced the decision. As such the matter was brought back to the Committee.

Councillor C Thompson representing Wigsley Parish meeting spoke against the application in accordance with the views of Wigsley Parish meeting as contained within the report.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Applicant.

The Chairman asked whether the noise levels for construction could be controlled by condition. The Interim Business Manager Planning confirmed that acceptable noise levels could be sought through Environmental Health.

Members considered the application and felt that the development was not suitable for that area. It was suggested that if the Committee were minded to approve the application that a construction traffic routing plan should be established. It was further suggested that a noise assessment and ecological report should also be obtained before planning permission was granted.

The Chairman commented that the noise levels could be controlled by condition and agreed with Environmental Health prior to consent and the sports fishing could also be controlled by condition. The construction traffic routing could be agreed with the Local Planning Authority in consultation with the two local ward Members to confirm the routing plan. The Interim Business Manager Planning confirmed that there were a number of conditions which related to ecology.

A vote was taken to approve planning permission, which was lost with 5 votes For and 9 votes Against.

AGREED (with 9 votes For and 5 votes Against) that contrary to Officer recommendation planning permission be refused for the following reasons.

The reasons for refusal of the application 17/02043/FULM in March 2019 had not been addressed, associated concerns about the vehicle movements, concerns regarding its implementation/phasing and impacts upon the landscape and failure to pass the sequential test in respect of flood risk.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	Against
L. Brazier	For
M. Brock	Against

M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Against
I. Walker	Against
K. Walker	Absent
Y. Woodhead	Against

29 LAND AT MEMORIAL DRIVE, SOUTHWELL 16/01900/FULM

The application was withdrawn from the agenda at the applicant's request.

30 LOWDHAM CARS, LOWDHAM ROAD, GUNTHORPE 19/00814/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought permission for the variation of condition 2 and removal of condition 7 attached to planning permission 18/00279/FUL.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from Gunthorpe Parish Council.

Councillor Mrs L Jeffery representing Gunthorpe Parish Council spoke against the application in accordance with the views of Gunthorpe Parish Council as contained within the Schedule of Communication.

Councillor R Jackson local Ward Member Dover Beck spoke against the application on the grounds that the amount of cars currently on site was not being enforced. The visitor parking that had been identified was not available and visitors were parking on the pavements creating an obstruction for pedestrians, mobility scooters and pushchairs forcing them onto the road.

Members considered the application and felt that the business had outgrown the site and any future expansion was inappropriate. The fact that the site was also in flood zone three was also taken into consideration. A Member commented that if unrestricted use was granted there would become a saturation point were the business would not have any more storage space and therefore control the amount of cars on site.

AGREED (with 13 votes For and 1 Abstention) that:

- (a) contrary to Officer recommendation full planning permission be refused on the grounds of over-intensification and design/layout and its impact on the green belt; and

- (b) enforcement action be undertaken to control the site to maximum fifty cars.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	Abstention
I. Walker	For
K. Walker	Absent
Y. Woodhead	For

31 MANOR FARM BARN, BECK STREET, THURGARTON 19/00708/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the addition of four roof lights over the kitchen area.

Councillor R Jackson local Ward Member Dover Beck spoke in support of the application on the grounds that the barn was not listed and was attached to the man house which had seventeen existing roof lights. The roof lights on the barn would not be visible from the road and would improve the light in the kitchen area as the light was restricted from the main house into the kitchen. It was commented that Manor Farm had got a satellite dish, TV aerial, security lights which did not improve the visual impact of a Grade 2 listed building. The new development to the side of Manor Farm Barn had six buildings all with roof lights.

The applicant asked and it was agreed by the Chairman that a number of photographs be circulated to the Committee.

Members considered the application and a Member commented that the new build on Priory Farm was not listed, this application was listed and whilst it was a nice to have, it was not a need to have and this barn was the conservation of an agricultural building. Other Members felt that the roof lights would not detract away from the character and appearance of the conservation area.

AGREED (with 10 votes For and 4 votes Against) that contrary to Officer recommendation full planning permission be approved subject to reasonable conditions.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

<b>Councillor</b>	<b>Vote</b>
R. Blaney	Against
L. Brazier	For
M. Brock	For
M. Brown	For
L. Dales	For
M. Dobson	Against
L. Goff	For
R. Holloway	For
J. Lee	For
P. Rainbow	For
M. Skinner	For
T. Smith	For
I. Walker	Against
K. Walker	Absent
Y. Woodhead	Against

32 MANOR FARM BARN, BECK STREET, THURGARTON 19/00709/LBC

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the addition of four roof lights over the kitchen area.

Members considered the application as contained within the above minute.

AGREED (with 10 votes For and 4 Against) that listed building consent be approved for the reasons contained within the report, subject to reasonable conditions.

33 5 PLANTATION COTTAGES, MAIN STREET, EPPERSTONE 19/00246/FUL

The application was withdrawn from the agenda at the applicant's request.

34 TECTOR LTD, 27 WOODHILL ROAD, COLLINGHAM, NEWARK 19/00242/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought outline planning permission for the demolition of existing buildings and subsequent erection of up to 16 dwellings with associated highway access off Woodhill Road.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from an interested party.

Members considered the application and one Member commented that there was no problem in principle with the development of the site; the concern was protecting the layby. It was requested that the local bus company be contacted to check that the size of the layby was significant for their needs. Sixteen properties would increase car parking, which would spill out and may restrict the access to the layby.

The Senior Planning Officer confirmed that the clearway order prevented any parking in that layby. At present there was no order of clearway on the current layby as there was no existing threat. Nottinghamshire County Council would monitor that over twelve months and if the layby was being used for parking they would enforce that.

Another Member commented that the brown field site was not large enough for sixteen dwellings and asked that be reduced to ten. It was commented that the Parish Council had objected to this development and that part of the site was in a flood zone. It was further commented that the layby would only accommodate two small sized buses and therefore would not future proof the service offered should more people be encouraged to use public transport.

The Chairman commented that the application was for outline planning permission and was a maximum of sixteen dwellings. It was also confirmed that Nottinghamshire County Highways had raised no objection in respect of the access.

A vote was taken to refuse the application on the grounds of traffic, impact and access, which was lost with 6 votes For, 7 votes Against and 1 Abstention.

AGREED (with 8 votes For, 4 votes Against and 2 Abstentions) that outline planning permission be approved subject to the conditions contained in the report and the signing and sealing of a S106 agreement to agree all matters set out within table 1 of the report.

35 5 OAKDENE COTTAGES, STATION ROAD, COLLINGHAM 19/00537/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for a new two storey house with built in garage, new driveway from the existing access off Station Road to be shared with the existing house.

Members considered the application and felt that the design was not suitable in a conservation area and too many trees would be removed.

AGREED (with 13 votes For and 1 Abstention) that full planning permission be refused for the reasons contained within the report.

36 WHITE POST GARAGE, WHITE POST, FARNSFIELD 18/02151/FUL

The application was withdrawn from the agenda at the applicant's request.

Councillor J Lee left at this point.

37 LAND TO THE REAR OF 8 MAIN STREET, SUTTON ON TRENT 19/00868/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of four dwellings and associated garages, the application, was a re-submission of 18/00599/FUL.

Members considered the application and some Members felt that the development was not suitable for bungalows being in flood zone 2 and had poor access. Other Members considered the layout with the court yard good, but felt that the access was poor. The need for bungalows was also commented upon for an ageing society and also for people with disabilities. Some Members considered that the comments of the Strategic Housing Officer on page 182 of the agenda cast doubt on whether those with a preference for bungalows would actually be able to afford these bungalows and felt that the need therefore may not be met. Consequently it was felt that the sequential test in terms of flood risk should not be restricted to just the village of Sutton-on-Trent.

AGREED (with 8 votes For, 2 votes Against and 3 Abstentions) that contrary to Officer recommendation the application be refused on the basis that very limited weight should be attached to housing ‘preference’ in the Housing Needs Survey, given the date of the survey and that the market housing was unlikely to be affordable. Given the limited weight it attached to the survey it followed that the sequential test had not been passed in terms of flood risk.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against officer recommendation, a recorded vote was taken.

Councillor	Vote
R. Blaney	For
L. Brazier	For
M. Brock	For
M. Brown	Against
L. Dales	For
M. Dobson	For
L. Goff	For
R. Holloway	For
J. Lee	Absent
P. Rainbow	Abstention
M. Skinner	Abstention
T. Smith	Abstention
I. Walker	Against
K. Walker	Absent
Y. Woodhead	For

38 LAND TO THE REAR OF 15 CHEYNE DRIVE, BILSTHORPE 19/00768/FUL

The Committee considered the report of the Director of Growth & Regeneration, following a site inspection, which sought planning permission for the erection of a



new single storey bungalow with existing access and driveway from Archers Drive and erection of a new boundary wall.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Planning Case Officer.

Members considered the application not appropriate in accordance with the Officer recommendation.

AGREED (with 12 votes For and 1 Abstention) that planning permission be refused for the reasons contained within the report.

39 UPDATE NOTE - PLANNING APPLICATION 18/00931/OUTM - NOBLE FOODS BILSTHORPE

The Committee considered the report of the Director of Growth & Regeneration, which informed Members regarding the Noble Foods application for up to 136 dwellings which had been considered at the meeting of 4 June 2019. Members resolved to approve the application but subject to delegated negotiations in respect to revising the affordable housing offer (10%) to other contributions.

For a scheme of 136 dwellings, 10% affordable housing would amount to 14 affordable units. There was a recent appeal decision in our District (February this year) which had accepted that it was reasonable to use a unit figure of £46,000 per affordable unit. That gave an overall contributions pot of £644,000 instead of the 10% affordable housing.

Following discussions between officers and the Parish Council to establish priorities etc, officers had provisionally apportioned contributions towards the following:

- Education - £332,195.29 (full amount request);
- Community Facilities (village hall including heritage museum) - £188,233.52 (full amount requested);
- Open Space (outdoor sport facilities) - £100,329.92 (full amount requested);
- Bus Stops (as requested by NCC Highways) - £17,000 (full amount requested);
- Libraries - £6,062 (full amount requested).

The above would total £643,820.73 and thereby almost exactly meet the starting point for contributions above. The residual amount of £179.27 would go towards monitoring fees associated with the legal obligation. The only required contributions missing from the above list was affordable housing and health. It was worthy of note that there was another scheme in the village (Land at Oldbridge Way approved for 113 dwellings) with recent reserved matters approval (18/01971/RMAM) that had an associated legal agreement which secured health provision. The advice of Officers was

therefore that the monies associated with the other application (acknowledging that this was completely separate to the current determination) would meet the healthcare provision shortfall in the village.

The above approach had been accepted by the agent acting on behalf of the applicant and therefore Section 106 was being drafted on this basis by the Council's solicitors.

The Local Ward Member thanked the Committee for the outcome of this application as it had a good outcome for Bilsthorpe.

AGREED (unanimously) that the report be noted

40 APPEALS LODGED

AGREED that the report be noted.

41 APPEALS DETERMINED

AGREED that the report be noted.

42 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

The Committee considered the report of the Director of Growth & Regeneration, which presented the quarterly planning enforcement performance for the quarter, from 1 January to 31 March 2019. The report provided an update on cases where formal action had been taken. It also provided case studies which showed how the breaches of planning control had been resolved through negotiation.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.56 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Shareholder Committee** held in the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Tuesday, 11 June 2019 at 5.30 pm.

PRESENT: Councillor L Brailsford, Councillor B Clarke-Smith, Councillor K Girling, Councillor D Lloyd and Councillor P Peacock

### 1 MINUTES OF THE PREVIOUS MEETING HELD ON 17 DECEMBER 2018

The minutes of the meeting held on 17 December 2018 were approved as a correct record and signed by the Chairman.

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

There were no declarations of interest.

### 3 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

There were no declarations of any intention to record the meeting.

### 4 FORWARD PLAN

The Committee considered and noted the forward plan for the Shareholder Committee.

### 5 ARKWOOD DEVELOPMENTS LIMITED - RETIREMENT OF DIRECTOR

The Projects Officer presented a report regarding the retirement of one of the Directors on the Board of Arkwood Developments. It was within the remit of the Committee to appoint and remove directors of the Board. It was proposed that the Business Manager- Asset Manager be removed from the Board to enable him to provide unfettered advice to the Council on potential land disposals to the Company.

It was not proposed that a replacement appointment be made, as there remained an adequate number of Council Officers on the Board.

AGREED That the Business Manager – Asset Management and Car Parks, Steven Syddall retire as a Director on the Board of Arkwood Developments Ltd and that at this point in time, no replacement be appointed.

### 6 EXCLUSION OF PRESS AND PUBLIC

AGREED that under section 100A (4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 3 of part 1 of Schedule 12A of the Act.

7 ARKWOOD DEVELOPMENTS LIMITED - BUSINESS PLAN 2019-2024

The Committee considered the exempt report Arkwood Developments Limited- Business Plan 2019-2024.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

8 BOWBRIDGE ROAD DEVELOPMENT, NEWARK- BUSINESS CASE

The Committee considered the exempt report regarding the Bowbridge Road Development, Newark- Business Case together with the late item 8a- Arkwood Limited- Funding of Bowbridge Road Development.

(Summary provided in accordance with Section 100C(2) of the Local Government Act 1972).

9 ARKWOOD LIMITED - FUNDING OF BOWBRIDGE ROAD DEVELOPMENT

This item was considered with item 8- Bowbridge Road Development, Newark- Business Case.

10 EQUITY FUNDING DRAWDOWN

This item was withdrawn from the agenda and replaced with item 8a- Arkwood Limited- Funding of Bowbridge Road Development.

11 MINUTES FROM THE BOARD MEETINGS OF ARKWOOD DEVELOPMENTS

The Committee noted the minutes from the meetings of Arkwood Developments Board meetings held on 24 January 2019, 21 February 2019, 29 April 2019 and 20 May 2019 (draft).

12 DATE OF NEXT MEETING

Tuesday 17 September 2019

Meeting closed at 7.00 pm.

Chairman

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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