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**Monday, 7 October 2019**

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

**To all Members of the Council:**

**MEETING: Full Council**

**DATE: Tuesday, 15 October 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   |                  |
| 2. Minutes from the meeting held on 16 July 2019   | 5 - 20           |
| 3. Declarations of Interest by Members and Officers and as to the Party Whip   |                  |
| 4. Declarations of any Intentions to Record the Meeting  |                  |
| 5. Communications which the Chairman or the Chief Executive may wish to lay before the Council   |                  |
| 6. Communications which the Leader of the Council and Committee Chairmen may wish to lay before the Council  |                  |
| 7. Questions from Members of the Public  |                  |
| 8. In accordance with Rule No. 10 to receive Petitions from Members of the Council (if any)  |                  |
| 'Keep the Elm Avenue stadium as a sports ground' – to be presented for debate by the Council by Paul Baggaley in accordance with the Council's Statutory Petitions Scheme. |                  |
| 9. Questions at Full Council Meetings  | 21 - 25          |
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| 15. Modern Slavery and Human Trafficking Statement   | 67 - 74          |
| 16. Notices of Motion  |                  |

In accordance with Rule No. 13.1, Councillor M. Brown will move and Councillor L. Dales will second a motion to the following effect:

### **The Mental Health Challenge**

"This Council notes:

1 in 4 people will experience a mental health problem in any given year with over 6000 people taking their lives through suicide. Suicide is the most common cause of death for men aged 20-49 years in England and Wales. The World Health Organisation predicts that depression will be the second most common health Condition worldwide by 2020. Mental ill health costs some £105 billion each year in England alone. People with a severe mental illness die up to 20 years younger than their peers in the UK. There is often a circular relationship between mental health and issues such as housing, Employment, family problems or debt.

This Council believes:

To sign the Time to Change is led by Mind and Rethink Mental Illness. We commit to appoint an elected member as “mental health champion” across the Council.

We will seek to identify a member of staff within the Council to act as “lead officer” for mental health.

The Council request:

That officers submit a detailed report to Policy & Finance Committee setting out what the Council will do to meet the requirements of the Time to Change Pledge from an employer perspective. Provide details of what actions the Council will take to support the mental health agenda within the wider community in accordance with the recently adopted Community Plan. On the basis of the above the Council agree to sign up to the Time to Change Pledge”.

17. Questions from Members of the Council

18. Minutes for Noting

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| (a) | Policy & Finance Committee - 26 September 2019      | 75 - 92   |
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19. 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.

## NEWARK AND SHERWOOD DISTRICT COUNCIL

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

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

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

APOLOGIES FOR Councillor B Clarke-Smith and Councillor M Cope  
ABSENCE:

16 MINUTES FROM THE ANNUAL MEETING HELD ON 21 MAY 2019

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

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

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

18 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

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

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

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

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

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

20 QUESTIONS FROM MEMBERS OF THE PUBLIC

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

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

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

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

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

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

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

22 UPDATE TO CONTRACT PROCEDURE RULES

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

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

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

## 23 NOTICES OF MOTION

### (i) Climate Change

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

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

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

Newark and Sherwood District Council therefore;

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

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

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

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

Newark and Sherwood District Council therefore:

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

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

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

(ii) Disclosure and Barring Service Checks

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

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

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



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

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

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

### **Background**

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

### **General Principles**

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

### **The Process**

5. Within four months of taking office following election, all newly elected Councillors will be required to undergo an enhanced DBS check.
6. Checks will be processed by Democratic Services in conjunction with Human Resources following a request by the Council's Monitoring Officer.
7. The relevant Councillor will be provided with a DBS certificate issued by the DBS. The Council will be notified of the disclosure and whether the DBS check is clear. This information will be returned to the Monitoring Officer. Where a check is not clear, for instance, it contains details of an offence, the Councillor will be required to provide a copy of the DBS certificate to the Monitoring Officer within 28 days of the date of issue of the DBS certificate, unless it is the intention of the Councillor to dispute the content of the DBS certificate within 3 months of the date of issue, in which case the certificate must be provided to the Monitoring Officer within 28 days following the outcome of the dispute.
8. In accordance with Section 124 of the Police Act 1997 disclosure information will only be passed to those people who are authorised to receive it in the course of their duties. The Monitoring Officer will maintain a record of the date a check was requested, the date a response was received and a 'list' of all those to whom the disclosure or disclosure information has been revealed together with other relevant information. It is a criminal offence to pass this information to anyone who is not entitled to receive it.

9. Disclosure information will only be used for the specific purpose for which it is requested and for which the applicant's full consent has been given.
10. Records of the Disclosure Number will be kept electronically, along with the date of issue. Where Disclosure Information is made available this will be kept securely in lockable, non-portable containers and destroyed within six months in line with the DBS Code of Practice and the Data Protection Act.
11. Once the retention period has elapsed, any disclosure information will be destroyed by secure means. No photocopy or other image of the disclosure or any copy or representation of the contents of a disclosure will be kept. However, as stated above, the Monitoring Officer will maintain a register of the date of the request for, and issue of, a disclosure, the name of the subject, the type of disclosure requested, the position for which the disclosure was requested, the unique reference number of the disclosure and the detail of any decision taken as a result of the disclosure.

### **Portability**

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

### **The Use of Disclosure Information**

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

### **Review of the Policy**

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

### **Cost of Checks**

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

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

## **24 QUESTIONS FROM MEMBERS OF THE COUNCIL**

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

- 25 MINUTES FOR NOTING
- 25a POLICY & FINANCE COMMITTEE - 27 JUNE 2019
- 25b ECONOMIC DEVELOPMENT COMMITTEE - 19 JUNE 2019
- 25c HOMES & COMMUNITIES COMMITTEE - 10 JUNE 2019
- 25d LEISURE & ENVIRONMENT COMMITTEE - 25 JUNE 2019
- 25e GENERAL PURPOSES COMMITTEE - 13 JUNE 2019
- 25f LICENSING COMMITTEE - 13 JUNE 2019
- 25g PLANNING COMMITTEE - 4 JUNE 2019
- 25h PLANNING COMMITTEE - 2 JULY 2019
- 25i SHAREHOLDER COMMITTEE - 11 JUNE 2019

Meeting closed at 8.37 pm.

Chairman

**QUESTIONS FROM MEMBERS OF THE PUBLIC**

**1. Question from Jane Olson**

Proposed Development of The Stadium, Elm Avenue, Newark

We are all aware of how urban green space is an essential part of urban infrastructure and vital to the wellbeing of the community it serves. This planning application aims to squeeze more housing into an area already struggling with deficiencies in green space allocation. In previous conversations with Council representatives residents from Elm Avenue and surround have been directed towards the undeniably comprehensive facilities to be provided by the YMCA Sports Village. However, these facilities will not be free, available only to those children whose families can afford to use them. Are the elected councillors satisfied that they are adequately acting as agents of the existing residents of the Elm Avenue and surrounding area, in providing accessible, and most importantly, free to use green space for their children to play on within a safe walking distance of their homes? Furthermore, would the District Council be willing to undertake a more tempered assessment of the current green infrastructure deficiencies of the area in their Neighbourhood Plan, before giving the go ahead to the loss of what has the potential to be a huge community asset?

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

Thank you for the question. The specific issues will be picked up when discussing the petition to be presented later on the agenda. However you raise the specific query with regard to assessing green space and, as you know from my comment at Newark Town Council, we will be taking forward a Green Spaces Strategy which will cover the issues raised. I must point out that you refer to a Neighbourhood Plan for Newark but that Parish had not developed one.

There was no supplemental question, however Councillor Lloyd covered issues in respect of the Elm Avenue site when he was advised that the lead petitioner was not able to attend this meeting to present.

This question gives me the opportunity to address some inaccuracies circulated. There is reference to legacy and legal covenants but none can be found despite an exhaustive search. It was suggested the land was chained up and sale prices elevated as nobody would use it which is not an allegation that can be made of the District Council. The space was used for football but has not been for a long time and given it is fenced off the land cannot be described as informal green open space. The proposal to bring forward for housing was not the District Council or the YMCA but a different organisation which had identified the land for building 23 houses. The County Council were looking to sell this land which was where the District Council became involved. Correspondence I received from Sport England advised that these were not high quality facilities which were being not being used. The District therefore sought to lever with the County Council the proceeds from the sale to be directly

reinvested in the YMCA project. This consultation was successful which secured a community dividend.

As the Ward Member I did not wish to see 23 houses on this site. Some residents were content with 9 or 11 units with some content that the proceeds would be reinvested. It is suggested that the YMCA facility will not be free to use. This is the case but the YMCA philosophy is to work through bursaries and social schemes to make the facilities accessible to all. The YMCA project will deliver first class national facilities. This will bring in others such as universities which only enhance social mobility and enhance livelihoods of those in the District. Within the scheme we have increased access to Sustrans route to open up access to other parks and open spaces and we are committed to upgrading all the sports facilities throughout the District. This proposal addresses the issues raised in this question in respect of social mobility, sporting opportunity, children's free space, economic wellbeing and investing in the future. In respect of the green agenda, to say that any area of space would be protected would be a dishonesty to the public. The Council must make a balanced decision on such issues.

## **2. Question from Paul Moore**

Have any Councillors been admonished, censured, disciplined or reprimanded in the last 10 years?

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

Such is the lexicography and avenues for misinterpretation that I am hesitant to answer without proper caveat. Have there been complaints about District Councillors that have led to formal investigations and disciplinary action in the last ten years, no. That, I believe addressed the questions of censure or discipline. Have any Councillors been admonished or reprimanded? Without clarity from Mr Moore, who is not in attendance, I can only say that all organisations have occasion whereupon it is necessary to challenge people's performance, attitudes or behaviours and Councillors and Officers are no different. One person might interpret a quiet word as a reprimand, another would see it as coaching, another as constructive criticism. Therefore, I am compelled to answer, quite probably.

## **3. Question from Liz Lainé**

Last week the UK Government's own Committee on Climate Change reported 'a substantial gap between current plans and future requirements and an even greater shortfall in action'. One of its four core recommendations was that the Government 'fully engage the public in the UK's net-zero transition'. Do the Councillors agree that the clearest way to communicate the scale of the challenge is to join Parliament and the 120 first and second tier Councils who have so far declared a climate emergency, as proposed by this motion? If not, how are they fully engaging the public in the UK's net-zero transition?

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

This question would be answered by the motion later on the agenda, as to whether we join the declaration. As your question indicates, you are aware of the motion.

### **Supplementary question from Liz Lainé**

The Home Energy Conservation Act reporting for 2019 relies upon a partnership which is no longer in place. What will replace this?

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

This will be reviewed.

### **4. Question from Donna Bowyer & Max Crow (and Roger Bell)**

We are representing the newly-formed Extinction Rebellion Newark and Sherwood, which wants Governments to tell the truth about the Climate Emergency, act on it, and do so using Citizens Assemblies to ensure decisions are made in a transparent and inclusive way. I therefore support this motion and my question is, what is the current carbon emissions target that guides NSDC decision-making in terms of scale and speed, and what is that target's scientific basis?

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

Another question referring to the motion later on the agenda. The questioners indicate support for the motion and therefore presumably already know that there are no proposals for citizens assemblies. Similarly, the motion proposes setting measures which clearly infers that there is no current target.

### **5. Question from Elena Stardust**

How as a local council can you continue to build cheap housing on brown field sites, pulling up trees, taking away green spaces for children and families to play on, continue to watch as our air quality depletes due to the major roads and factories that surround Newark. How can you watch as residents tackle respiratory issues, cancers, obesity problems due to the poor quality of food from industrialised farming? How can you sleep when the people you are here to support and to protect, are being poisoned by the money making, planet killing system that has caused the largest percentage of the emissions we see in our planet today? So I write to you to plead my final statement...for the future of the children who are not able to vote, but will feel the biggest burden of our decisions today.....a climate emergency must be push through, we need a change in the system and the policies around it, to ensure a low carbon and sustainable future. A future of fairness, not to just the 10% richest, but to us all.

It is an issue of social and economic justice as well as ecological justice. Life of every person and creature on this earth depends on this.

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

I cannot be anything but perplexed and disappointed by the extent of hyperbole in this question and the caustic inferences on all in this room. In turn: Cheap housing on brownfield sites is the preference for expensive houses on greenfield sites? As a Council, and social housing provider with a waiting list exceeding 2000, I will defend absolutely building affordable and social housing in proximity to schools, amenities and transport links. Pulling up trees. The minute of the last meeting addresses this. We have not, indeed we have planted over 600 and safeguarded trees at risk. Green spaces are addresses in later debate and in my answer to the first question. Air quality due to roads and factories. I have an empathy but we are not the highways authority nor Highways England. I would not pretend that any polluting industries do not exist but all standards are met and cannot be varied until national laws are varied. Meantime, we will protect jobs and livelihoods and encourage positive action.

I do not watch residents with the conditions you list and a greater knowledge of myself and colleagues would evidence how derogatory this remark is. However, for completeness we are not the Food Standards Agency or EU and do not have legislative powers to vary food production. Similar comment pertains to being asked how I sleep. To lay the largest percentage of emissions in our planet at our door is an exaggeration of our powers, duties and influence. The questioner pleads for a climate emergency, the later motion addresses this and that component has cross party support. Then there is reference to the 10% richest with an inference that they are our concern. As an Authority focussed on jobs, income, welfare support, fuel poverty, social housing, assisting asylum seekers, combatting homelessness, improving transport links, expanding biodiversity, ensuring standards in food and drink premises, protecting rural communities, leveraging investment into utilities and infrastructures, improving recycling rates, making communities cleaner, safer and greener. As that authority and one that evidences delivery and improvement, I rather think we work for everyone in this District without prejudice, bias or dogma.

### **Supplementary question from Elena Stardust**

Is the Council considering a park and ride scheme to address traffic congestion in Newark?

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

The District Council recognise the problem of traffic congestion in Newark and have tailored car parking charges and made infrastructure investments such as the inner ring road to address this, however it is the County Council who would need to propose such a scheme.

### **6. Question from Esther Cropper**

Are you prepared to accept that the time to make bold decisions to mitigate climate change is now, and if so, will you look back at some of your recent decisions and longer term development plans with this in mind and make changes to this end?

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

I am, the later motion will evidence this. The question is not specific to which decisions, or by whom. To that extent it is improper if I answer. Longer term plans do take climate change into account and following tonight's motion, will do so even more.

**Supplementary question from Esther Cropper**

Is Newark & Sherwood District Council prepared to take bold decisions beyond government recommendations?

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

I cannot give an affirmative yes as we have to work within our legal and cost parameters. However, we will continue to work with others, including parishes, to lobby government. We are already providing electric car charging points and we will continue to do more within the spending parcel available.



**QUESTIONS FROM MEMBERS OF THE COUNCIL**

**Question from Councillor Mrs P. Rainbow to the Chairman of the Homes & Communities Committee**

I'm sure that many Members will be aware of the recent flooding events in Southwell on 12/13th June, which affected a number of properties and required immediate and swift mobilisation of residents and flood risk responders from late at night into the early hours of the morning. Residents are understandably concerned to understand why and how this happened, and when flood defence measures will be completed in Southwell.

I would like the Chairman of the Homes & Communities Committee to set out their understanding of the reasons for the flooding, especially in relation to land at and around Springfield bungalow. Why did the flooding happen, what was done about it, and what will be done in the future?

I'm sure the Council agrees that completion of flood defence and resiliency schemes for Southwell remain critical and I'd also like to ask, therefore, whether we could seek certainty from Flood Risk Management agencies, notably the Environment Agency and Nottinghamshire County Council, as to when current flood defence proposals will be completed.

Finally, I would like to put it on record our appreciation for the help given by members of Southwell flood forum on the night, who undoubtedly saved properties from flooding. Until you have been flooded you cannot imagine the devastating effect it has on those families, we owe it to our communities to protect them.

**Reply from Councillor T. Wendels**

Thank you for your question. As Chairman of the Homes and Communities Committee, I share Councillor Rainbow's concerns regarding the recent flooding events and the continued lack of permanent flood protection in Southwell and other villages.

Specifically in relation to the flooding which took place on 12/13 June in and around Springfield Bungalow in Southwell, I am informed that the flooding occurred after the site had been stripped of topsoil ready for construction and as such there was no positive drainage on the site. The exposed subsoil layer of clay did not have the ability to absorb as much water as it would normally have done, leading to water flowing at a greater rate to lower levels. I am informed that the developer has now carried out temporary works to prevent a recurrence of the events on 12/13 June and the approved surface water design for the built development should prevent the problem recurring. I understand the County Council, as the Lead Local Flood Risk Authority have confirmed that the drainage solution will, in their opinion, adequately mitigate flood risk.

I agree that the completion of flood defence and resiliency schemes for Southwell remains critical and the District Council will continue to press the County Council as Lead Local Flood Risk Authority, the Environment Agency and other responsible flood risk management agencies to implement appropriate schemes as soon as possible and to provide certainty as to a timescale for the works.

I would like to add my thanks to the members of the Southwell Flood Forum, who worked extremely hard on the night and as Councillor Rainbow has said, undoubtedly saved properties from flooding. I am only too aware of the devastating effect of flooding on families, having suffered flooding to my family home in Lowdham a few years ago. I am also very conscious that Lowdham also suffered flooding again on 12/13 June with water ingress to the Magna Charta Pub and a number of roads and gardens and we will continue to press the Environment Agency to implement a permanent and effective flood protection scheme for Lowdham as well.

Whilst Newark & Sherwood District Council is not the responsible authority for flood defence schemes, we have over the past 5 years spent £21,350 on flood alleviation and defence work in the District, including works to defend Potwell Close in Southwell. We have also allocated £653,421 to Flood Alleviation schemes in Southwell and Lowdham. The District Council will be contributing £453,421 towards the Southwell Flood Alleviation Scheme. This is money we have secured from government grant (£233,421) and from the Council's reserves (£220,000).

#### **Supplementary question from Councillor Rainbow**

In follow up I would like to ask that you support me in requesting that planning officers make clear that at every stage of works developers take precautions to ensure the safety of the surrounding environment especially in relation to known flood risk areas. This will include enforcing planning conditions where appropriate.

#### **Reply from Councillor Wendels**

Yes, I will support this.

#### **Question from Councillor P. Harris to the Chairman of the Planning Committee**

Although a recent appeal against the refusal of planning permission in Hockerton was dismissed, there is a concerning paragraph in the inspector's letter about not having a numerical number of new houses for the villages. This presumption may mitigate other planning rationale for rejection of future plans for residential development in smaller villages. I would like to ask what plans there are for addressing this deficiency.

#### **Reply from Councillor R. Blaney**

I thank Councillor Harris for his question. The appeal decision to which he refers was for the erection of two dwellings to the rear of The Stables, Kirklington Road, Hockerton (ref

19/00041/FUL). This was refused by the Planning Committee following a site inspection on 5<sup>th</sup> March of this year, in accordance with the officer's recommendation. As Councillor Harris acknowledges, a subsequent appeal was dismissed on 1<sup>st</sup> July.

Indeed, over the past five years, the only two other appeals against refusal for residential development in Hockerton were also dismissed:

- For 6 new homes in March 2018 (ref 17/02139)
- For 4 dwellings in March 2015 (ref 15/00064)

So, the first thing to welcome is that this Council has an excellent record in resisting inappropriate development in Hockerton, as it does in similarly small communities across the District. Incidentally, Councillor Harris may not be aware that the applications subject of both this latest appeal and the one for 6 new homes in 2018 were actually supported by Hockerton Parish Meeting.

Turning to what Councillor Harris describes as a "concerning paragraph" in the Inspector's decision letter, this does state that the Council's planning policies – and I quote – "do not appear to set a numerical ceiling". That is a simple statement of fact, not that the Inspector believes our policies should or could set such a ceiling. Indeed, putting the statement in context, the Inspector's very next sentence reads "Furthermore, the government's aim is to boost the supply of new homes and significantly so".

Further, a second Inspector who examined our Amended Core Strategy DPD concluded that he would only find it sound if the Council made a Main Modification accepting that its housing targets in total and by settlement are not limits but are minimum requirements. This was agreed and formally approved at Full Council on 7<sup>th</sup> March 2019. In other words, even if it wanted to, this Council could not impose a numerical ceiling on housing development, whether in Hockerton or, indeed, in Southwell.

Spatial Policy 3 (Rural Areas) of the Amended Core Strategy allows for infill development of 1 or 2 dwellings in communities such as Hockerton. For a scheme to be considered inappropriate, there would need to be harm identified, such as location, character, impacts, etc rather than simply a numerical judgement.

In conclusion, as each application must be assessed on its own merits, I do not believe there is any cause for concern regarding the recent appeal decision – and I certainly do not accept that it implies a 'deficiency' in our planning policies. They have been found sound, are robust and are defensible and I do not consider any further action is necessary.

#### **Supplementary question from Councillor Harris**

I accept for the smaller villages there is the issue of sustainable development but is there an indicative number of houses which can be considered for small villages as part of the LDF process?

**Reply from Councillor Blaney**

Effectively the target is zero in these areas as the Development Plan is clear in allocating new development in accordance with a settlement hierarchy, with small villages being at the lowest tier. That said, our policies do accept that zero is not a maximum. In the case of villages, some infill development may be acceptable where there is no other harm and where there may be a housing need (such as affordable housing). It is crucial not to stagnate some of our communities as some do wish to see development.

## **COUNCIL MEETING – 15 OCTOBER 2019**

### **QUESTIONS AT FULL COUNCIL MEETINGS**

#### **1.0 Purpose of Report**

- 1.1 To approve proposed changes to Council Procedure Rule 14 – Questions by Members of the Council and Council Procedure Rule 15 – Questions by the Public as recommended by the Councillors' Commission at their meeting held on 30 September 2019.

#### **2.0 Background Information**

- 2.1 In response to the increasing number of questions being submitted to the Council under Rule No. 15 – Questions by the Public, the Councillors' Commission have undertaken a review of the current rules for submitting questions by both the public and Members of the Council. The increasing numbers of questions have raised a number of procedural issues, which the Councillors' Commission have now considered.

#### **3.0 Proposals**

- 3.1 One issue for both Member questions and questions from the public is the deadline for submission. Currently this is at least two clear days before the date of the meeting (excluding the day of the meeting). In practice, for example this means that for this meeting of the Council, questions were able to be submitted as late as midnight on Thursday 10 October 2019.
- 3.2 This results in late circulation to all Members of the Council and limited time to prepare appropriate responses. Another consequence is that questions are not able to be published on the agenda, which is required to be published a least 5 working days before the meeting (excluding the day of the meeting). The Commission are proposing a change to the deadline for questions to align with the current deadline for motions, which would enable these to be published with the agenda.
- 3.3 The current Rules also require that public questions appear on the agenda before 'ordinary' items of business with Member questions being considered following the ordinary business and any motions. The Commission are proposing a revision to Rule No. 7 – Order of Business at Meetings of the Council – to enable all questions to be taken together.
- 3.4 The Commission also considered the time allocated to public questions, which Rule No. 15.5 currently prescribes as 30 minutes, with no time limit being prescribed for Member questions. The Commission are proposing a maximum period of 30 minutes be given for both questions from the public and Members, but with the express provision that a minimum of 15 minutes be reserved for public questions.
- 3.5 The Commission are also recommending a change to Rule No. 15.3, which currently requires the Chairman to read the text of the question in full. The Commission felt this was unnecessary given that all questions would now be able to be published with the agenda. In addition, the proposed Rules enable the Member replying greater discretion in terms of circulating a written response, which could then be taken as read at the meeting. These proposals would introduce greater expediency into the current process for handling questions at Council Meetings.

- 3.6 The Commission are also proposing that Rule 15 be strengthened to ensure that those submitting questions only come from residents of the District.
- 3.6 Subject to the proposed changes being agreed by the Council, the Commission suggested that a review of the new arrangements be undertaken after 12 months and greater information be given on the Council's website to guide the public as to the process for asking questions.
- 3.7 The **appendix** to the report sets out the proposed wording for Council Procedure Rule 14 – Questions by Members of the Council and Council Procedure Rule 15 – Questions by the Public at full Council Meetings.

**4.0 RECOMMENDATIONS that:**

- (a) the revised Council Procedure Rules 14 and 15, as set out in the Appendix to the report, be approved;**
- (b) subject to (a) above, the Director - Governance & Organisational Development revise Council Procedure Rule No. 7 – Order of Business at Meetings of the Council in order to reflect that questions would be taken together before 'ordinary' items of business; and**
- (c) the Council's Constitution be amended accordingly.**

Background Papers

Report and appendices to the Councillors' Commission meetings held on 2 and 30 September 2019.

For further information please contact Nigel Hill on Ext 5243.

Karen White  
Director - Governance & Organisational Development

**RULE NO. 14 - QUESTIONS BY MEMBERS OF THE COUNCIL**

- 14.1\* Members of the Council may submit questions to the Chairman of a Committee at any meeting of the Council in accordance with the following procedure:
- (i) Notice of a question shall be given to the Chief Executive (or an appropriate officer) in writing or by electronic mail not later than noon on the day eight days before the date of the Council meeting;
  - (ii) if submitted by email this must be sent from the Members' official Newark & Sherwood District Council email address or one accordingly recognised and identified as being an official email address belonging to that Member;
  - (iii) the question (unless ruled out in accordance with Rule 14.2) shall be published with the summons for the meeting;
  - (iv) each question shall be taken as read and the relevant Committee Chairman will be invited to reply;
  - (v) the Committee Chairman may refer the question to any other Member who is willing to undertake to answer it;
  - (vi) the relevant Member may give an oral or written reply, unless a full reply cannot be given, but in any case a written reply will be sent to all Members as soon as practicable after the meeting, in addition to the responses to all questions being published as an appendix to the minutes for the meeting;
  - (vii) the Member shall be entitled to put a single supplementary question provided that it is relevant to the subject matter of the original question;
  - (viii) if considered expedient the relevant Member will circulate a written reply to any question at the meeting which will be taken as read;
  - (ix) each question shall be put and answered without discussion.
- 14.2\* Every question shall be relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them.
- 14.3\* A reference to any publication of the Council which contains the desired information, shall be a sufficient answer.
- 14.4\* A period not exceeding thirty minutes shall be allocated at each Council meeting for questions from Members of the Council and the public (under Rule 15) and no further questions shall be put once that time period has expired. Questions from Members of the Council will be time limited to 15 minutes where there are questions submitted from the public.

- 14.5\* Questions which have not been answered within the period referred to in 14.5 shall be referred to the relevant Member who shall arrange for a written reply to be sent to all Members of the Council.
- 14.6\* When a question is submitted in accordance with this Rule, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.

#### **RULE NO. 15 – QUESTIONS BY THE PUBLIC**

- 15.1\* Members of the public resident in the District may submit questions to Council at Council meetings in accordance with the following procedure:
- (i) Notice of a question shall be given to the Chief Executive (or an appropriate officer) in writing or by electronic mail not later than noon on the day eight days before the date of the Council meeting;
  - (ii) when submitting a question the questioner must provide their full name and address;
  - (iii) the question (unless rejected under Rule No 15.4) shall be published with the summons for the meeting;
  - (iv) each question shall be taken as read and the relevant Member will be invited to reply;
  - (v) the relevant Member may give an oral or written reply, unless a full reply cannot be given, but in any case a written reply will be sent to the questioner as soon as practicable after the meeting, in addition to the responses to all questions being published as an appendix to the minutes for the meeting;
  - (vi) if the questioner is in attendance at the meeting they will be entitled to ask a single supplementary question provided that it is relevant to the subject matter of the original question;
  - (vii) there will be no discussion of the answers given;
  - (viii) if considered expedient the relevant Member will circulate a written reply to any question at the meeting which will be taken as read.
- 15.2\* Every question shall be relevant to matters in relation to which the Council has powers or duties or which affects the area or the residents of the area.
- 15.3\* Questions shall be asked in the order in which they were received, except that the Chairman may group together similar questions.
- 15.4\* The Chief Executive shall not accept a question if it is considered that it:
- (a) is not about a matter for which the Council has a responsibility or which affects the area or the residents of the area;
  - (b) is frivolous, defamatory, vexatious or offensive;



- (c) is substantially the same as a question which has been put at a meeting of the Council in the previous 6 months; or
  - (d) requires the disclosure of confidential or exempt information when being answered.
- 15.5\* A period not exceeding thirty minutes shall be allocated at each Council meeting for questions by the public and questions from Members of the Council (under Rule 14) and no further questions shall be put once that time period has expired, save that a minimum of 15 minutes will be reserved for questions by the public.
- 15.6\* Questions which have not been answered within the period referred to in 15.5 shall be referred to the relevant Member who shall arrange for a written reply to be sent to the questioner as soon as practicable with a copy to all Members of the Council.
- 15.7\* At any one meeting no person shall submit more than one question and no more than one question may be asked on behalf of one organisation provided that the Chairman may, in exceptional circumstances, waive this rule.
- 15.8\* When a question is submitted in accordance with this Rule, significantly in advance of the deadline for submission, the Chief Executive will determine if it is more expedient to respond in writing if it is considered the question should not wait until the next scheduled Council Meeting.

## **COUNCIL MEETING – 15 OCTOBER 2019**

### **COUNCIL PETITIONS SCHEME**

#### **1.0 Purpose of Report**

- 1.1 To approve a revised Petitions Scheme for the Council as recommended by the Councillors' Commission at their meeting held on 30 September 2019.

#### **2.0 Background Information**

- 2.1 Members will be aware that at the last three meetings of the Council (March, May and July) there have been petitions that have been presented for debate under the current requirements of the Council's Statutory Petitions Scheme and a further one appears as an earlier item on this agenda.
- 2.2 Section 46 of the Localism Act 2011 repealed all of Chapter 2 of the Local Democracy, Economic Development & Construction Act 2009, which in essence removed the requirement for local authorities to have a statutory petitions scheme. Therefore, the Council now has greater discretion in how it decides to deal with citizens' petitions and officers considered it was appropriate to consolidate elements of the local and statutory scheme into a single scheme.
- 2.3 The recent increase in the number of petitions presented to the Council for debate under the provision of the statutory scheme has raised a number of issues, which the Councillors' Commission were invited to consider. Issues with the current scheme included: there being no set deadline for submitting petitions; the threshold for requiring a debate at full Council Meetings; who can present petitions for debate; and how to ensure that all those signing a petition live or work in the District, which is of particular relevance when considering the increasing number of e-petitions.

#### **3.0 Proposals**

- 3.1 The Commission considered it was essential for the Council to have a scheme for dealing with petitions in place, even if the statutory requirement has now been removed. The Commission therefore considered the consolidation and refinements to the current schemes over the course of their last two meetings and a single scheme is now being recommended to the Council for approval and adoption. The proposed scheme does address issues within the current procedures.
- 3.2 The current local scheme enables local Ward members to present petitions to the full Council where these do not have enough signatures to trigger a debate. The Commission considered that it was still appropriate for local Ward Members to be able to present such petitions, as invariably these were local issues which did still require reporting and logging by the full Council.
- 3.3 The Councillors' Commission considered the deadline for receipt of valid petitions ahead of Council meetings. Within the proposed scheme, petitions are required to be submitted at least 10 working days prior to a specific Council meeting in order for it to be presented and or debated at that meeting. This deadline would enable the wording of any valid petition to be included on the agenda for the meeting.

- 3.4 The proposed scheme also strengthens the requirements around who can sign petitions which is of particular relevance when petitions are hosted on an online platform. Signatures on petitions will only be valid for people who live, work or study in the District and a valid post code must be supplied. In the case of e-petitions each signatory must also supply a valid email address.
- 3.5 The Commission also reviewed the current threshold of 500 for the number of signatures required on a petition which would trigger a debate at full Council. Following review and comparison with other local authority petition schemes the Commission considered that 1,000 signatures would be a more appropriate threshold and this is included within the proposed scheme.
- 3.6 The proposed scheme also refines the process for when petitions are presented to the Council for debate and now enables the Council to proceed to debate a petition if the lead petitioner was not able to attend the Council meeting for any reason.
- 3.7 The Commission are also proposing that the reference in the current statutory scheme to petitions (requiring a 1,000 signature threshold) which call for an officer to give evidence at a Council meeting, be removed as this is more relevant where an authority operates a cabinet style of governance.
- 3.8 The proposed scheme also includes a provision that the Council may consider there to be a more expedient way in which to deal with a petition which did meet the threshold for requiring a debate at full Council, if this was appropriate.
- 3.9 The proposed Petition Scheme is attached as **Appendix A**.
- 3.10 There is also a need to clarify the wording within Council Procedure Rule No. 10 – Presentation of Petitions. Proposed wording for this is set out in **Appendix B**. As re-written, this Rule now encompasses both the presentation of petitions from Members and the presentation of petitions by the lead petitioner to the Council for debate.

**4.0 RECOMMENDATIONS that:**

- (a) the proposed Petitions Scheme, as set out in Appendix A to the report, be approved;**
- (b) the revised wording for Council Procedure Rule No. 10, as set out in Appendix B to the report, be approved; and**
- (c) the Council's Constitution be amended accordingly.**

**Background Papers**

Report and appendices to the Councillors' Commission meetings held on 2 and 30 September 2019.

For further information please contact Nigel Hill on Ext 5243.

Karen White



## **Newark & Sherwood District Council's Petition Scheme**

### **Introduction**

The Council welcomes petitions and recognises that petitions are one way in which people can let us know their concerns. A petition is defined as a communication in writing or using an electronic facility, which is signed by the appropriate number of qualifying people. All petitions sent or presented to the Council will receive an acknowledgement within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it is identified as being a petition, or if it seems to us that it is intended to be a petition.

Paper petitions can be sent to the Chief Executive, Newark & Sherwood District Council, Castle House, Great North Road, Newark, Notts. NG24 1BY.

Petitions can be presented to a meeting of the full Council. These meetings take place within an annual cycle of meetings, details of which can be found at [www.newark-sherwooddc.gov.uk](http://www.newark-sherwooddc.gov.uk). If you would like your petition to be presented to a full Council Meeting please contact your local Councillor asking them to present it on your behalf or contact Democratic Services on 01636 655243 or [committees@newark-sherwooddc.gov.uk](mailto:committees@newark-sherwooddc.gov.uk) at least 10 working days before the Council meeting.

If your petition has received 1,000 signatures or more from people that live and/or work in the District then this will trigger a debate at full Council. If this is the case contact will be made with the lead petitioner to discuss options for enabling this to take place.

### **What are the guidelines for submitting a petition?**

Petitions submitted to the Council must include:

- a clear and concise statement covering the subject of the petition. The subject should be relevant to some matter in relation to which the Council has functions or which affects the area or its inhabitants. It should also state what action the petitioners wish the Council to take; and
- the name and address (including postcode) and signature of any person supporting the petition.

Signatures are only valid for people who live, work or study within the District. In the case of an e-petition submitted via the Council's website or an alternative platform, a signature is not required but a valid email address, name, address and postcode must be supplied by each of the petitioners. Further details about e-petitions are given later in this petition scheme.

Petitions should be accompanied by contact details, including an address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact signatories to the petition to agree who should act as the petition organiser.

If you want to submit a petition to a specific meeting of the Council then you need to ensure that we receive a completed petition with details of the petition subject matter, number of signatures and your contact details 10 working days before the meeting to enable it to be submitted and included on the summons for the meeting.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If a petition does not follow the guidelines set out above, the Council may decide not to do anything further with it. In that case, we will write to you to explain the reasons.

The Council's Monitoring Officer will decide as to whether or not the guidelines referred to above have been met and therefore whether a petition should be accepted.

### **What will the Council do when it receives my petition?**

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let them know what we plan to do with the petition and when they can expect to hear from us again. It will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a Council debate then the acknowledgment will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take. If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures will apply.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us will be published on our website, except in cases where this would be inappropriate. Whenever possible we will also publish all correspondence relating to the petition (all personal details will be removed).

### **How will the Council respond to petitions?**

Our response to a petition will depend on what a petition asks for and how many people have signed it, but may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a Council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by a committee of the Council whose remit includes the matters referred to in the petition
- calling a referendum

- writing to the petition organiser setting out our views about the request in the petition

If your petition is about something that a different Council is responsible for or over which the Council has no direct control (for example rail services or a hospital) we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other organisation, but could involve other steps. In any event we will always notify you of the action we have taken.

### **Full Council Debates**

If a petition contains more than 1,000 signatures it will be scheduled for debate by the full Council. This means that the issue raised in the petition will be discussed at a meeting at which all Councillors can attend. The Council will endeavour to consider the petition at its next meeting, although on some occasions this may not be possible and consideration will then take place at the following meeting. The petition organiser or the Councillor acting on their behalf will be given five minutes to present the petition at the meeting and the petition will then be discussed by Councillors. If the petition organiser indicates they wish to present the petition at the meeting but they are unable to attend the meeting, the Council will continue to debate the petition without presentation. The Council may exercise their discretion to limit the debate to a maximum of 15 minutes. The Council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the matter, for example by a relevant committee. The petition organiser will receive written confirmation of this decision. This confirmation will also be published on our website.

The Council may consider there to be a more expedient way in which to deal with a petition which contains more than 1,000 signatures. If this is the case, the lead petitioner will be notified accordingly.

### **Presentation of Petitions at Full Council**

Your petition may not have the requisite number of signatures to trigger a Council debate. However, your petition can still be presented to a meeting of the full Council. When you are satisfied that your petition meets all of the criteria you should contact your local Ward Councillor or appropriate Member to make arrangements for the submission of the petition to the next full Council Meeting. Democratic Services can also approach the relevant Councillor on your behalf.

The Member being asked and wishing to present the petition should satisfy themselves that the petition meets the guidelines for petitions as set out in this Scheme and notify the Chief Executive, prior to the full Council meeting that they intend to present the petition. They have a maximum of 3 minutes in which to present the petition to the full Council meeting. The petition organiser does not have a right to present the petition to the full Council meeting and there will be no debate.

### **E-Petitions**

The Council welcomes e-petitions which are created through our website [www.newark-sherwooddc.gov.uk/epetitions](http://www.newark-sherwooddc.gov.uk/epetitions). For these the petition organiser must provide us with their name and address (including postcode) and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose a shorter or longer timeframe up to a maximum of 12 months. When you create an e-

petition it will take up to 5 working days before it is published on the website. This is because we have to check that the content of your petition before it is published online. If we feel that we cannot publish your petition for some reason we will contact you within this time to explain. You will be able to change and resubmit your petition if you wish. If you do not do this within 10 working days, a summary of the petition and the reason why it has not been accepted will be published on the website.

When an e-petition has closed for signature it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgment within 10 working days. You can see all the e-petitions currently available on the website [www.newark-sherwooddc.gov.uk/epetitions](http://www.newark-sherwooddc.gov.uk/epetitions). When you sign the e-petition you will be asked to provide your name, postcode and a valid email address.

### **What can I do if I feel my petition has not been dealt with properly?**

If you feel that we have not dealt with your petition properly, the petition organiser has the right to request a review of the steps that the Council has taken in response to your petition. It is helpful to everyone, and can improve the prospects for a review, if the petition organiser gives a short explanation of the reasons why the Council's response is not considered to be adequate.

The relevant committee will endeavour to consider your request at its next meeting, although on some occasions this may not be possible and consideration will take place at the following meeting. Should the committee determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation and arranging for the matter to be considered at a meeting of the full Council.

Once the appeal has been considered the petition organiser will be informed of the results within 5 working days. The results of the review will also be published on our website.



**RULE NO. 10 - PRESENTATION AND DEBATING OF PETITIONS**

**Presentation of Petitions**

- 10.1\* In accordance with the Council's published Petition Scheme (attached at Section 9 of these Rules of Procedure) petitions with less than 1,000 valid signatures can be presented to the Council.
- 10.2\* At a meeting of the Council any member of the Council may present a petition, signed by persons other than members of the Council, which is relevant to some matter in relation to which the Authority has functions, or which affects the area of the Authority, or part of it, or the inhabitants of that area, or some of them. The member presenting the petition shall satisfy himself/herself that the petition is proper to be received.
- 10.3\* A member wishing to present a petition shall give notice of his/her intention to do so to the Chief Executive at least six clear working days before meeting at which he/she wishes to present it.
- 10.3\* The presentation of a petition shall be limited to not more than three minutes, and shall be confined to reading out or summarising the prayer of the petition, indicating the number and description of the signatories, and making such further supporting remarks relevant to the petition as the person presenting it shall think fit. There will be no debate.
- 10.4\* Petitions shall be presented in the order in which notice of them is received by the Chief Executive.

**Debating of Petitions**

- 10.5\* In accordance with the Council's published Petition Scheme (attached at Section 9 of these Rules of Procedure) petitions with more than 1,000 valid signatures can be presented by the lead petitioner to the Council for debate.
- 10.6\* The presentation of the petition by the lead petitioner will be limited to not more than five minutes and shall summarise the content of the petition and highlight the course of action it wishes the Council to take.
- 10.7\* If the lead petitioner is unable to attend the Council Meeting to present their petition this will be debated by the Council in their absence.
- 10.8\* The Council will limit the debate on the petition to a maximum of 15 minutes and will close the debate with an agreed course of action.
- 10.9\* Petitions for debate will be taken in the order in which notice of them was received by the Chief Executive.

## **COUNCIL MEETING – 15 OCTOBER 2019**

### **MEMBERS INDEPENDENT REMUNERATION PANEL**

#### **1.0 Purpose of Report**

- 1.1 To enable Members to consider convening a Members Independent Remuneration Panel.

#### **2.0 Background Information**

- 2.1 The process for determining and setting Members' Allowances for local authorities is set out in the Local Authorities (Members' Allowances) (England) Regulations 2003. These Regulations set out the range of allowances that can be paid to Councillors and the requirement to have an Independent Remuneration Panel to make recommendations to the Council regarding Members' Allowances.
- 2.2 The current Members' Allowance Scheme was last approved by the Council on 6 February 2016, following consideration of a report of the Members Independent Remuneration Panel, which was established at that time. It is appropriate to consider Members' Allowances at the beginning of the life of the new Council, therefore, preparations have commenced in order to convene such a Panel.
- 2.3 The Panel must consist of at least three people whose purpose is to make recommendations about the allowances paid to elected members. The Council must "have regard" to the Panel's recommendations in setting its scheme. None of the panel members can be a member of the Council or one of its committees or of an authority in respect of which the Panel makes recommendations.
- 2.4 The basic role of the Panel is to make recommendations as to:
- the level of Basic Allowance for all Members
  - the categories of special responsibility for which a Special Responsibility Allowance should be paid and the levels of those allowances
  - as to whether Dependent Carers' allowance should be payable to Members and the amount of such an allowance
  - travelling and subsistence allowances
  - any annual increase

#### **3.0 Proposals - Convening the Panel**

- 3.1 There are no restrictions on eligibility for membership of the Independent Remuneration Panel other than those set out in paragraph 2.3 above. The Chairman on the Panel should have some knowledge of local government, the role of Councillors' and the relevant Members Allowances regulations, although support can be provided by the Council's officers to the Panel. It is usually the Chairman of the Panel who is tasked with drafting the final report. It is not a requirement that members of the Panel must live in the District although some local connection is often helpful.

- 3.2 At its meeting on 30 September 2019, the Councillors' Commission considered the proposed membership of the Panel and supported the Monitoring Officer's proposal that the Council's two Independent Persons, Paul Cox and Sarah Britton, be appointed. Both have indicated their willingness to support this process and it is considered that they would bring a good and appropriate mix of skills and experience required for the Panel.
- 3.3 In terms of the third Panel Member who would act as Chairman, it is suggested that it would be preferable to select someone with a local government finance background. The Commission recommended that the Monitoring Officer look to identify an appropriate Panel Member with these skills, ideally a retired senior local government officer who would be suitably qualified to act as Chair of the Panel.
- 3.4 The Commission also considered that it would be relevant to take into account the governance review, which commences on 14 October 2019. It was suggested that the commencement of the Panel's work should be determined once the recommendations from Phase 1 of the review are known, (i.e. review of the effectiveness of the current committee structure). The report from the first phase of the review is anticipated in November. This would help to avoid possible abortive work the Panel may undertake by looking at governance structures that may or may not be in place.
- 3.5 Typically, a Panel would need to meet 3 or 4 times over 2 to 3 days in order to review the current Members Allowances scheme; comparative schemes from similar local authorities; meet with a selection of Councillors; and consider any written representations.
- 3.6 In addition to expenses, the Council may pay the members of the Independent Remuneration Panel, and the Commission recommended that a fee of up to £2,000 be set for the Chairman of the Panel and an appropriate lower sum for the other two panel members to properly reflect the increased duties of the Chairman. It is suggested that the sum of £1,200 be approved as the fee for each of the other two panel members.

#### **4.0 Equalities Implications**

- 4.1 There are no equalities implications that arise from the establishment of the Independent Member Remuneration Panel, however the Panel will need to take into account any relevant equalities implications when undertaking its review of the Members Allowances Scheme.

#### **5.0 Financial Implications-FIN19-20/5163**

- 5.1 This report proposes that Members consider convening a Members' Independent Remuneration Panel and appropriate payment amounts for Panel members. If a Panel is convened and the Council pays Panel members in line with the recommendations of the Councillors' Commission meeting of 30 September 2019, it is forecasted that there would be spend of up to £5,000 in 2019-20 only. This would be paid for from the Corporate Change Management budget.

#### **8.0 RECOMMENDATIONS that:**

- (a) the appointment of the Council's two Independent Persons onto the Members Independent Remuneration Panel be approved;

- (b) the Monitoring Officer be given delegated authority, following consultation with the Leader of the Council, to appoint an appropriate Chairman of the Members Independent Remuneration Panel;**
- (c) the Council determine an appropriate payment for the Panel members, which will be financed from the Corporate Change Management budget; and**
- (d) the Monitoring Officer convene the Members Independent Remuneration Panel when appropriate to do so in view of the impending review of the Council's current governance arrangements.**

Background Papers

Local Authorities (Members' Allowances) (England) Regulations 2003.

For further information please contact Karen White on Ext 5240

Karen White  
Director - Governance & Organisational Development

## **COUNCIL MEETING – 15 OCTOBER 2019**

### **REVIEW OF SCHEME OF DELEGATION**

#### **1.0 Purpose of Report**

- 1.1 For the Council to consider the findings and recommendations following a review of the current Scheme of Delegation in relation to planning matters and amend the Constitution accordingly.

#### **2.0 Background Information**

- 2.1 This report comes before the Council following its consideration and recommendation by the Councillors' Commission at their meeting held on 2 September 2019.

- 2.2 The Commission were supportive of the proposed changes and recommendations subject to a couple of minor modifications which have been included in this version of the report and Appendix. The Commission are recommending that the Council take forward the three options as set out below:

Option 1: Minor Dwellings to be delegated contrary to Parish/Town Council response regardless of the professional recommendation subject to officers first contacting the relevant Local Ward Member(s) to allow opportunity of referral;

Option 3: More Clarity on Member referral/call in powers; and

Option 5: Removing the need to take applications (major and minor types) to the planning committee where applications relate to the proposed removal or variation of planning conditions regardless of the parish or town council's views unless the parish/town council's comments give rise to any new material planning impacts not previously considered, relevant to the condition being removed/varied.

- 2.3 The report had previously been presented to the Planning Committee on 23 July 2019 where there was a recommendation that the report be noted and where Members made a number of observations.
- 2.4 The report that follows sets out a review around the scheme of delegation and this has been updated since its presentation to both the Councillors' Commission and the Planning Committee to reflect the suggestions made.

#### **3.0 Introduction**

- 3.1 The current Scheme of Delegation (SoD) forms part of the Council's Constitution and sets out a set of criteria for committee and officer decisions.
- 3.2 The purpose of this report is to set out the findings of an internal review of the SoD in relation to planning matters and to request that Members consider amending the SoD in line with the concluding recommendations. Should the Planning Committee support the proposed changes, the matter would then be advanced to the Councillors' Commission and finally Full Council in due course.
- 3.3 The reason for the review is due to a number of factors.

- The SoD was last updated in July 2018. It is best practice to review this from time to time and it makes sense to do this early into the new Council's administrative term.
- Also of importance is to see if there is scope to reduce the size and frequency of agendas (and the length of time that these meetings last) thereby reducing Member time and officer resources. More importantly by reducing agenda sizes it would help focus attention on the more complex and strategic applications as well as improving the (perceived) quality of decision making, particularly towards the end of long committee meetings.
- Furthermore, reducing the number of planning matters that need to be reported to the Planning Committee should assist in helping to meet the stretched internal performance targets introduced in the NSDC Community Plan (adopted 2019) which aspires that 90% of all applications should be determined within a specified target date, as opposed to current national performance targets of 60%, 65% and 80% depending on the type of application.
- There are a number of application types that the SoD does not currently capture which needs to be rectified, such as the new 'Planning in Principle' and 'Technical Details Consent' application type.

#### **4.0 Scope of Review**

- 4.1 This review has focused upon the SoD which in simple terms is what effectively sets the agenda for who determines what.
- 4.2 The operational elements of how the Committee is serviced, arrangements for site inspections, the amount of debate, officer presentations and public speaking are all matters for the Planning Committee itself to review. They do not require any decision-making at a constitutional level, which this report seeks to cover. I am aware for example that public speaking has been examined previously and there was no appetite to allow this beyond the existing arrangements which allows for a representative of the Town/Parish Council and Local Ward Member to address the committee for 5 minutes each. This was on the basis, I understand, that Town/Parish Councils are elected to represent the voice of their parishioners as a whole. Additionally I understand it was concluded that allowing third party members of the public and applicants/agents to speak would be unacceptably disproportionate in terms of capturing the material planning considerations of relevance. Members are invited to review public speak as part of any operational review of the Committee once it has been operational for 6 months in the new Council cycle.

### **PART 1: REVIEW OF EXISTING COMMITTEE ARRANGEMENTS**

#### **5.0 Existing Committee Arrangements at NSDC**

- 5.1 The Local Planning Authority as a whole generally deals with over 1,000 planning and related applications a year.
- 5.2 The Planning Committee at Newark and Sherwood District Council (NSDC) is scheduled to meet once a month. Over the past few years a number of additional committee meetings have been required due to the volume and importance of applications requiring determination.

- 5.3 During 2017, an additional four committees (so 16 for the whole year) had to be scheduled due to complexities and volume of matters and during 2016 an additional 3 committee meetings were held.
- 5.4 During 2018 there were a total of 14 planning committee meetings starting at 4pm lasting on occasions for almost 4 hours. Last year alone the time spent in planning committee was 39h12m minutes, excluding site inspections, which are ordinarily conducted by bus on the morning of the planning committee.
- 5.5 This pattern has continued into 2019 (and last year's sitting time is set to be exceeded at this rate) as the number of applications being determined by the planning committee during the first quarter was 43 (a total sitting time of 10hrs46m) averaging at over 14 applications per month. The second quarter comprised of 2 committees (given purdah in May) which yielded 23 items for determination over a sitting time of 8h03m. Quarter 3 is not yet complete at the time of writing but two meetings were required in July (the 1<sup>st</sup> month of the quarter) due to the volume of business (22 items required determination) with a sitting time of 5h51m.

## 6.0 Existing Committee Arrangements at other Authorities

### *Frequency of Meetings*

- 6.1 Like NSDC, most authorities meet monthly. South Kesteven meet 3-weekly and North Kesteven District Council only meeting when required, which was 5 times during 2018. Some authorities held additional meetings (Rushcliffe and Bolsover) during 2018. The number of meetings together with the sitting time of the committee meetings is set out in the table below for comparative purposes:

*Table 1: Other Authority Committee Arrangements*

| <b>Council</b>                                | <b>Total 2018 hours</b>                                | <b>Total number of meetings 2018</b> | <b>Site visit?</b> |
|---|--|--------------------------------------|--------------------|
| Mansfield District Council                    | Not specified  | 13                                   | Not stated         |
| Bassetlaw District Council                    | 16hrs 49 mins  | 11                                   | Yes                |
| Rushcliffe Borough Council                    | 35hrs 15 mins  | 14                                   | Not stated         |
| Gedling Borough Council                       | 10hrs 16 mins  | 11                                   | Not stated         |
| Bolsover*                                     | 12hrs 6 mins (2 extraordinary meeting timings unknown) | 12                                   | Yes                |
| South Kesteven District Council               | 43hrs 28 mins  | 13                                   | Yes                |
| North Kesteven District Council               | 7hrs 53mins  | 5                                    | Not Stated         |
| West Lindsey District Council                 | 14hrs 8mins  | 12                                   | Yes                |
| Broxtowe                                      | Not specified  | 12                                   | yes                |
| <b>Newark &amp; Sherwood District Council</b> | <b>39 hrs 12 mins</b>                                  | <b>14</b>                            | <b>Yes</b>         |

(\*): Cancelled meetings on 10 January and 11 April due to lack of business. Hosted extraordinary meetings on 18 April and 26 June

- 6.2 As can be seen from the table above, the NSDC Planning Committee is amongst the council's having the longest sitting time, second only to SKDC who sat for longer, bearing in mind they meet 3 weekly. North Kesteven sat for just 7hrs 53m over the entire year, with the average sitting time for the council's where data was available being 16h 38m.
- 6.3 Also of relevance within the above figures is, for the Councils who sit for comparable number of hours (South Kesteven and Rushcliffe) both allow public speaking. Mansfield Council has also been included for comparative purposes. Those who can speak and timescales are set out below:

*Table 2: Speaking at Committee*

| <b>Council</b> | <b>Who can Speak</b>   | <b>Length of Time<br/>(each speaker)</b> | <b>Total Time</b> |
|----------------|--|--|-------------------|
| South Kesteven | <ul style="list-style-type: none"> <li>• A representation of the Town or Parish Council Statement of Community Involvement for South Kesteven Submission Consultation-October 2005</li> <li>• Objectors to the application</li> <li>• Supporters of the proposal</li> <li>• The applicant or agent for the proposal</li> </ul> | 3 minutes                                | 12 minutes        |
| Rushcliffe     | <ul style="list-style-type: none"> <li>• opportunity for the applicant to speak</li> <li>• opportunity for a representative of any objectors to speak</li> <li>• opportunity for the relevant ward councillor to speak</li> </ul>  | 5 minutes                                | 15 minutes        |
| Mansfield      | <ul style="list-style-type: none"> <li>• An applicant</li> <li>• An individual (or representative of a company) who has commented on an application</li> <li>• An agent acting for an applicant (but only where the applicant does not wish to speak).</li> </ul>  | 4 minutes                                | 8 minutes         |

- 6.4 Each application therefore will be between up to 8 and 15 minutes longer in its determination that at Newark and Sherwood, whilst also acknowledging that the times do not account for the time speakers need to set themselves up at the speakers table.

#### *Levels of Delegation*

- 6.5 In order to inform options for potential amendments to the SoD, analysis was initially undertaken on the applications considered by NSDC planning committee during the first quarter of 2019 in terms of agenda sizes which was then compared to other authorities. It was established that during the first quarter (January to March 2019) the Planning Committee at NSDC determined 43 applications (see Table 3 below), which was the highest in the sample of other authorities considered and over 3 times the average of the other authorities combined.



Table 3: Number of applications determined by committees during Quarter 1 of 2019

| Name of Authority                  | Number of Applications determined in Q1, 2019         |
|------------------------------------|---|
| Newark & Sherwood District Council | 43  |
| Mansfield District Council         | 12  |
| Bassetlaw District Council         | 10  |
| Rushcliffe Borough Council         | 16  |
| Gedling Borough Council            | 17  |
| Bolsover District Council          | 3   |
| South Kesteven District Council    | 10  |
| North Kesteven District Council    | 0   |
| West Lindsey District Council      | 10  |
| Broxtowe                           | 19  |
| <b>Average</b>                     | <b>14</b><br>(an average of 4.66 items per committee) |

- 6.6 It was also established that the level of delegation at NSDC was 88.75% in 2018 which is lower than other authorities (where figures have been provided) which the table below sets out.

Table 4: Levels of Delegation in 2018 by Council

| Name of Authority                  | % of Delegation in 2018 |
|------------------------------------|-------------------------|
| Newark & Sherwood District Council | 88.75                   |
| Mansfield District Council         | 90                      |
| Rushcliffe Borough Council         | 96                      |
| Gedling Borough Council            | 95                      |
| Erewash Borough Council            | 92                      |
| Broxtowe Borough Council           | 92                      |
| <b>Average</b>                     | <b>92.29%</b>           |

## 7.0 Existing Scheme of Delegation at NSDC

- 7.1 The existing SoD is attached for your convenience. However in simple terms the existing scheme of delegation sets out the following:
- 7.2 Applications that **WILL** be determined by the Planning Committee:
- Major applications (10 dwellings or more, floorspace of 1,000m<sup>2</sup> or greater, site area of 1 hectare or more) where officer recommendation does not align with views of Parish/Town Council, or where contrary to view of a statutory consultee\*;
  - Minor applications of between 1 and 9 dwellings including Gypsy and Traveller Sites, where the officer recommendation doesn't align with Parish/Town Council views or statutory consultee\*;
  - Applications referred by Ward Councillor or adjacent ward Councillor and there are planning reasons for this;

- They would either generate significant employment or where submitted by community or voluntary organisation and result in community benefit and would otherwise be refused;
- Applications made by Members or officers that have direct involvement in the application.  
\* provided the view is based on material planning considerations

7.3 Applications that will **NOT** be determined by the Planning Committee where:

- Major applications where the recommendation aligns with the views of the Town/Parish Council;
- All applications where recommendation is in line with representations from all consultees (but doesn't necessarily align with views of neighbours)
- All applications where the recommendation for refusal is based on Environment Agency representation regardless of others support;
- Highways England have directed refusal;
- All non-housing minor applications (including applications on sites of less than 1 hectare in size or are 999m<sup>2</sup> or less in new floorspace, householders, changes of use, listed building consents, advertisement consents, plus notifications) contrary to views of Parish/Town Council's/statutory consultee.

7.4 The existing SoD refers to Q codes (codes used to categorize the type of applications and these are used in the planning performance returns submitted quarterly to the government) which can be confusing as these have changed over time. It is therefore proposed that reference to these codes is deleted to simplify matters.

## 8.0 **Existing Schemes of Delegation at Other Authorities**

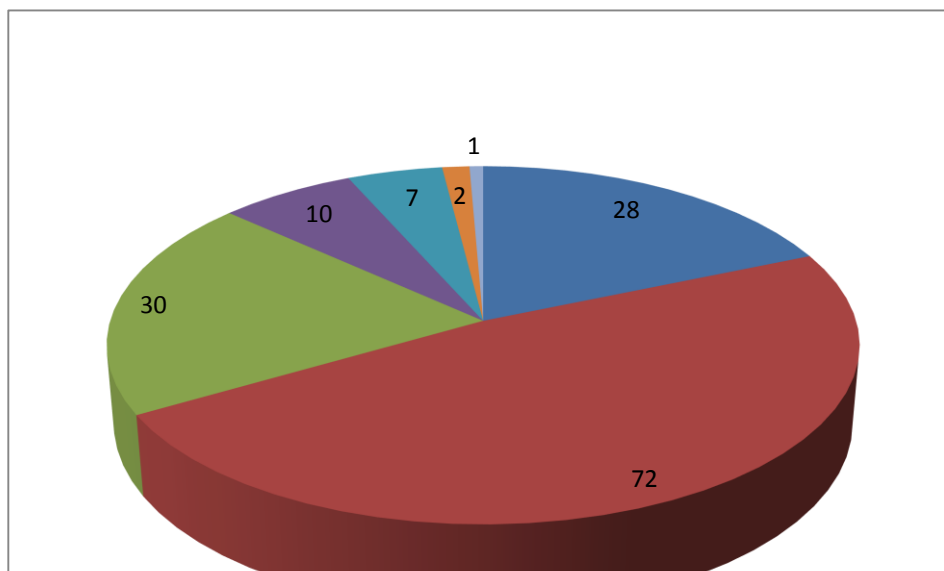
- 8.1 There are many ways in which other Authorities set out their SoD and committee arrangements.
- 8.2 For example Gedling Borough Council only take 'major' application types to the committee or those submitted by officers or members.
- 8.3 Rushcliffe Borough Council underwent a Review by the Planning Advisory Service (PAS; a peer review) in 2017 and the result made amendments to the SoD so that the main driver for what needs to be determined by the committee is now the local ward member's views rather than those of the parishes or town councils.
- 8.4 Other Authorities such as Mansfield District Council are able to delegate most non-major applications so long as there are less than three objections and this has been agreed with the Head of Services and the Chair plus another member of the planning committee. Erewash Borough Council delegate all decisions unless they receive 4 or more representations, are called in by members, are a departure to the Development Plan or are council applications or on land the council owns. These are just a few examples of how others choose service their functions.

## 9.0 **Types of Applications being considered by NSDC Committee**

- 9.1 A detailed analysis of the types of applications that are being considered by the NSDC planning committee over a sample period of one year (2018) has been undertaken.

- 9.2 As can be seen from the figure below, it was established that of the 150 applications that Members considered (it should be noted that some of these 150 applications had to be considered by the committee on more than 1 occasion for various reasons) the majority were minor dwellings (between 1 and 9 dwellings) followed by other minor applications (including non-residential applications with floor space of 999m<sup>2</sup> or less, site areas of 1 ha or less, changes of use etc) followed by majors (all types) with householders, listed buildings, advertisements and neighbouring planning authority consultations following.

*Figure 1: Type of Applications determined by Committee 2018*



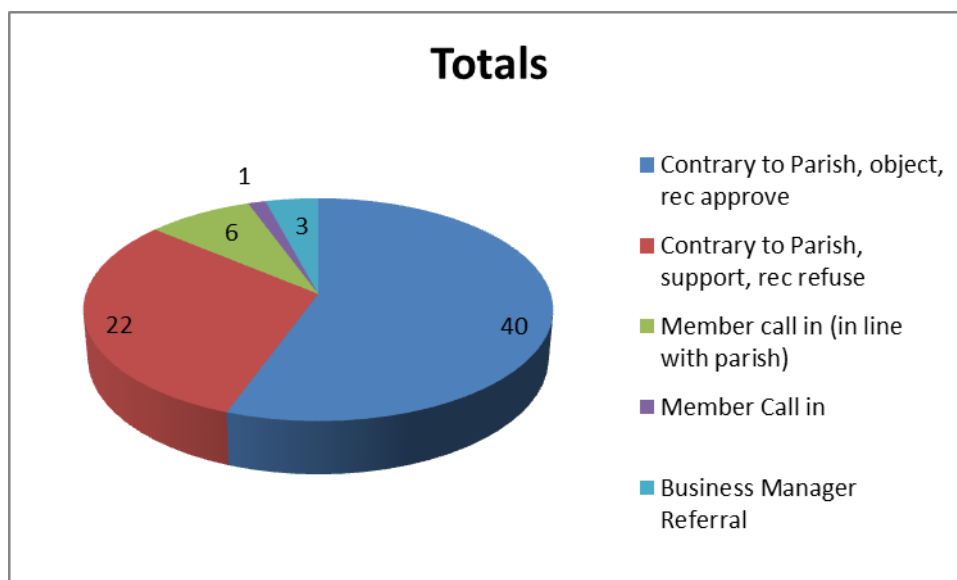
#### **10.0 Reasons why Applications were considered by NSDC Committee**

- 10.1 Having established which types of application were determined by the committee, attention was then turned by the reasons as to why these required committee consideration.

##### Minor Dwellings

- 10.2 The majority (72 in no.) of applications determined by the planning committee were for between 1 and 9 dwellings (minor dwellings type) during 2018. The reasons for this are presented in the table below:

Figure 2: Reasons for Type Minor (1 to 9) dwellings being determined by committee in 2018

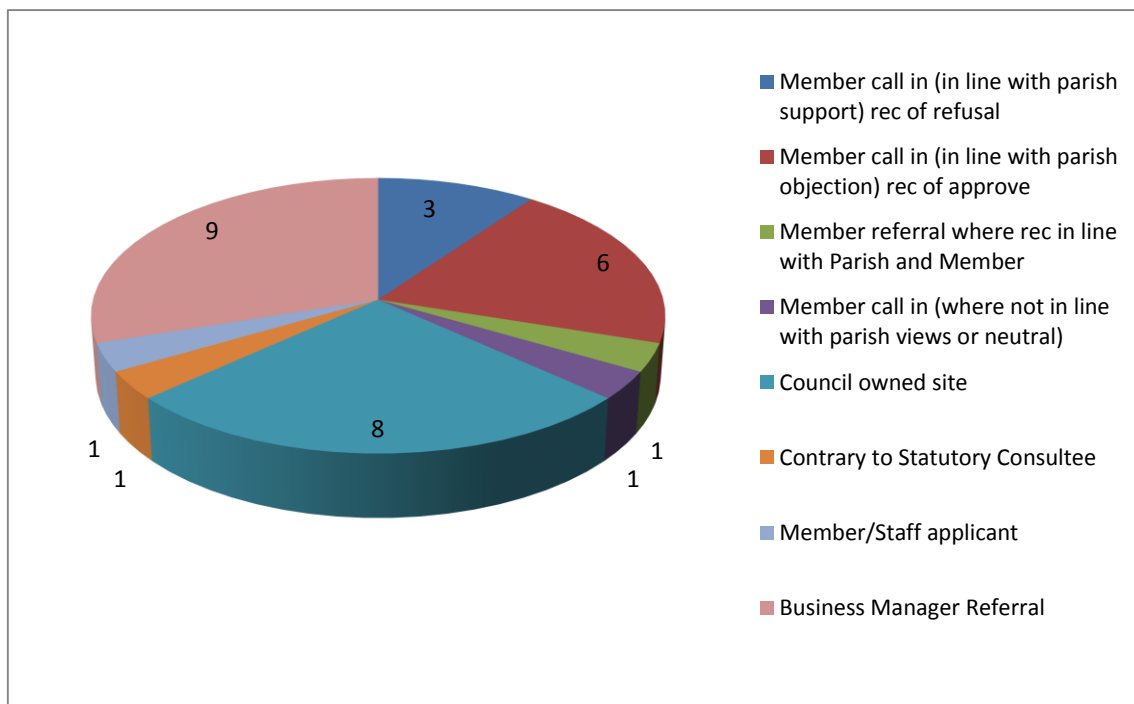


- 10.3 As can be seen, the vast majority of these types of applications were determined by the Planning Committee because the officer recommendation was for approval, contrary to the view of the Parish or Town Councils. The second highest reason was where, conversely, the recommendation was for refusal but the Parish/Town Council supported the scheme. Most member referrals were in line with the views of the Town/Parish Council (so would have gone to committee anyway) with only 1 being referred by Members either against the Town/Parish views or where they were silent. Three were determined based on the Business Manager referring these to committee under existing arrangements as it was judged that these cases warranted debate by the committee.

#### All Other 'Minor' Developments

- 10.4 The current SoD does not require applications that are non-residential minor types of development to be determined by committee where the recommendation is contrary to the parish or town councils view. Therefore the reasons why these are determined at committee are different. The figure below shows that the majority of time, they are called to committee by Members (9 in total) with referrals by the Business Manager following closely behind with council owned sites being the third most frequent reason they go before the committee.

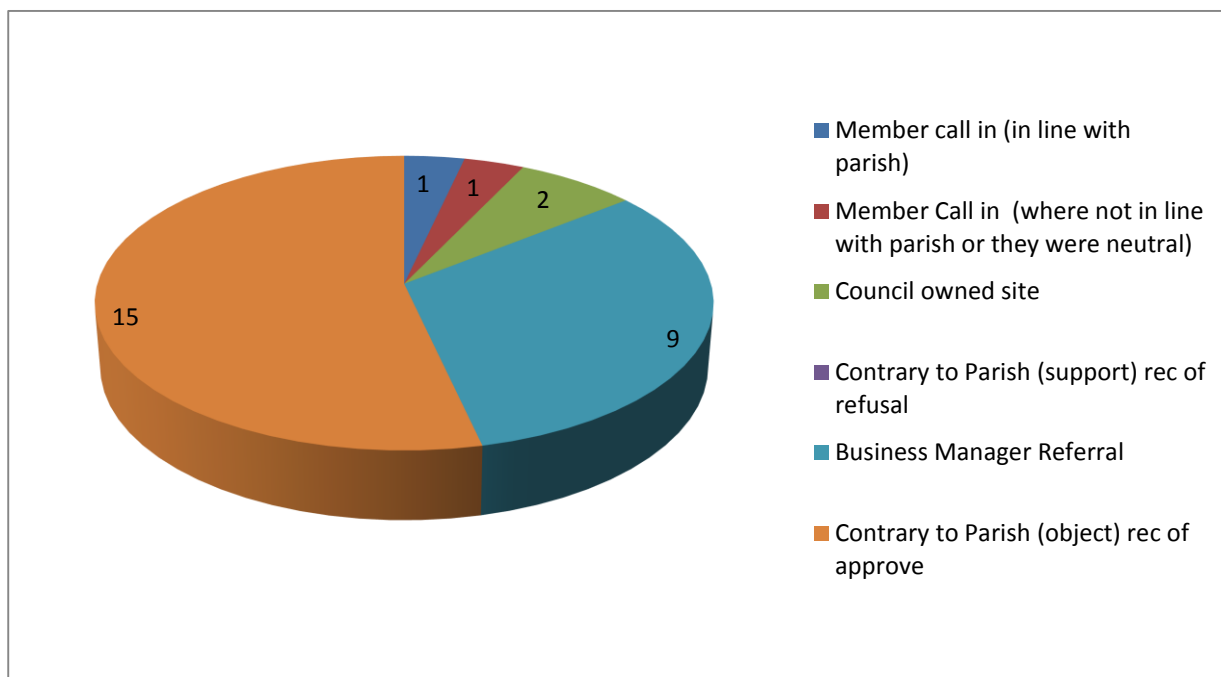
*Figure 3: Reasons for Type Minor non-residential types of applications being determined by committee in 2018*



#### All Major Applications

- 10.5 The vast majority of major applications are determined by the committee because the officer recommendation does not align with the views of the parish/town council. The Business Manager referrals include applications that are particularly controversial or sometimes relate to schemes which are at appeal and require members to provide a steer in order to help successfully defend a previous decision. The figure below shows the split.

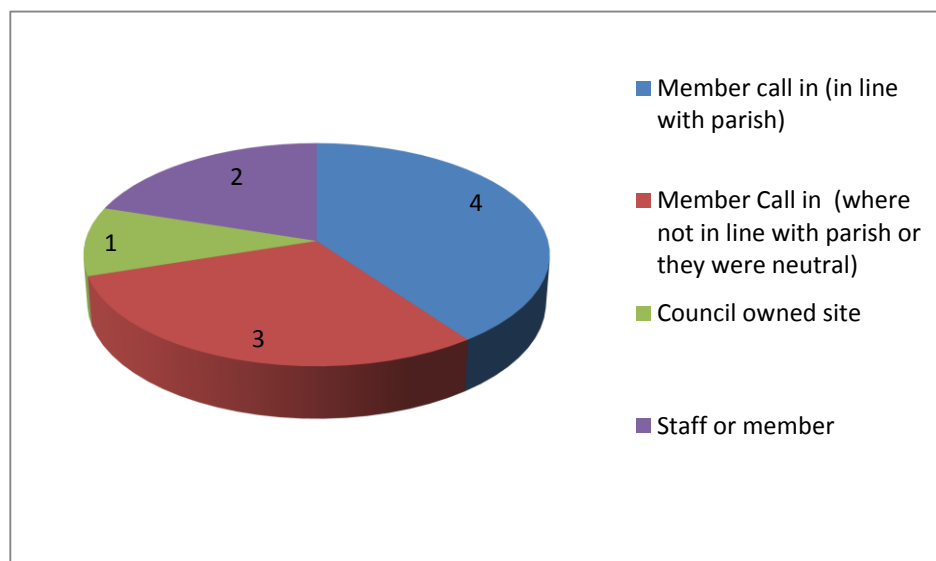
*Figure 4: Reasons for 'Major' applications types determined by the committee in 2018*



### Householder applications

- 10.6 The current SoD requires householder applications to be determined by the committee only where these have been referred by members, where the site is owned by the Council or where a staff member or councilor has had a direct involvement in the scheme; such as they are the applicant. Over the year 10 such applications were determined by the committee, which whilst not seeming many, is almost the size of a current planning committee agenda.

*Figure 5: Reasons for 'Householder' applications types determined by the committee in 2018*



### Other Types of Applications

- 10.7 Other types of applications include 7 listed building applications, a neighbouring planning authority consultation requiring member input and an advertisement consent. The principal reason that the 7 listed building applications were presented to the committee was because these were associated applications that related to another type of application also on an agenda. Whilst not all were not necessarily required to be determined by committee, they were taken for completeness and consistency. No further analysis was considered necessary for these application types given the relatively low numbers involved.

## **PART 2: PROPOSED CHANGES TO THE SCHEME OF DELEGATION**

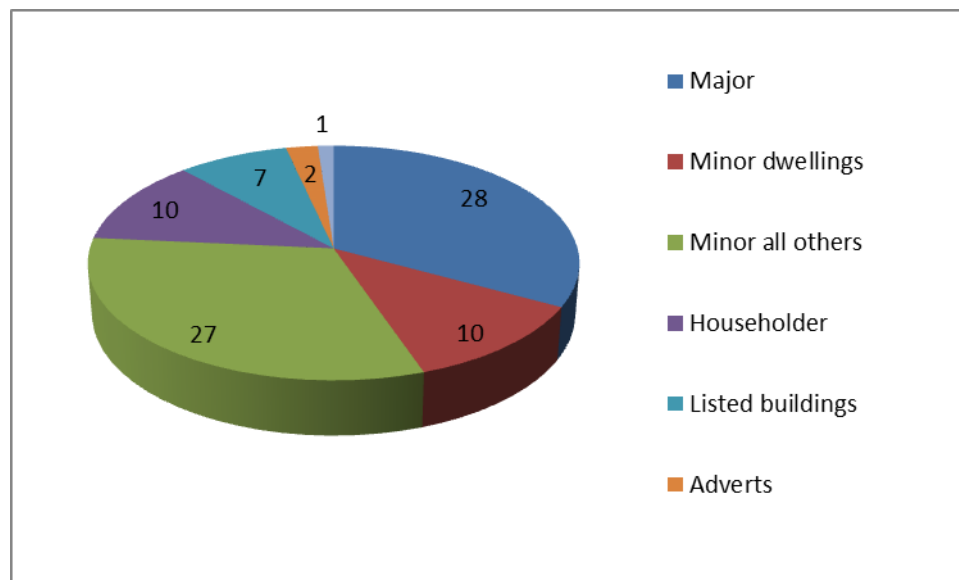
### **11.0 Proposed Options**

- 11.1 Based on the findings of the analysis undertaken, a number of options were considered as to how the SoD could be amended in order to achieve the objectives.
- 11.2 These options center largely around the way in which minor dwelling applications types are considered given that these were the largest type of applications that committee considered last year.

### Option 1

- 11.3 Considers changes as follows:
- **Minor Dwellings to be delegated contrary to Parish/Town Council regardless of the professional recommendation**
- 11.4 Removing the need to refer minor dwelling applications where that recommendation is contrary to parish/town council (regardless of what that recommendation is) to the committee would allow a greater increase in delegation which more aligns with how other councils operate. In other words, it would allow all minor application types to be treated in the same way whereby they would only go before committee if they were called in by a Member.
- 11.5 This option is caveated that there would be a new onus on the case officer to first contact the local ward Member(s) to discuss the application and allow them the opportunity of 'referring' the application to committee. This would increase dialogue and fostering and improving good member-officer relations.
- 11.6 Profiled over the year of 2018 it would have reduced the number of matters presented to committee by 43.33% to 85 items if this had been in place. It may have negated the need for the two additional committee's and would have produced an average agenda size (taken over 12 months) to c7 items. This is what the types of application would have looked like if this approach had been undertaken.

*Figure 6: Example annual agenda on basis of Option 1*

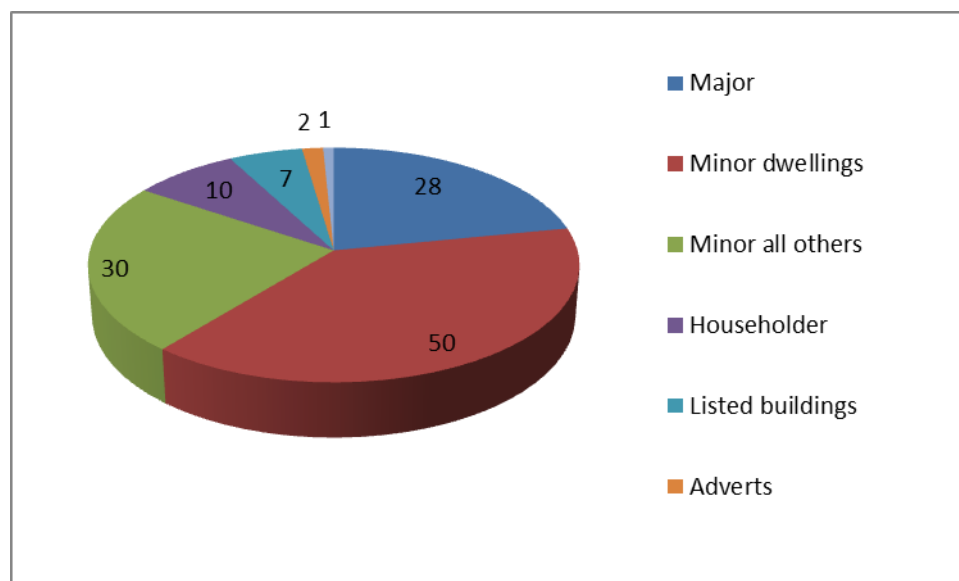


- 11.7 It would of course be reasonable to assume that should this option be adopted, Members may choose to refer a proportion of minor housing type applications to committee as they currently do for non-residential minor developments. If this amendment resulted in a similar level of referrals to those experienced now for the non-residential applications it would be reasonable to assume that this may increase agenda sizes by 17 to 102 per year which would result in agenda sizes of around 10 per month. As such setting out clearer criteria for Member referrals is considered appropriate which will be explored shortly.

## Option 2

- 11.8 Considers changes as follows:
- **Minor Dwellings to be delegated Contrary to Parish/Town Council where officer recommendation is for refusal only**
- 11.9 Officers have considered other options including the option that minor dwellings could be delegated where the recommendation is for refusal only regardless of Town/Parish Councils support. This was attractive on the basis that there is a right of appeal for refusals that can be exercised.
- 11.10 However profiled over the year of 2018 it would have reduced the number of matters presented to committee by just 14.66%, from 150 to 128 which in my view, does not go far enough in reducing the volume of matters for committee to consider. As illustrated by the figure below this still would mean that the majority of applications determined by the committee remain as minor dwellings; Figure 7 illustrates what this would have meant for committees during 2018 if this had been in place. I am aware that where the Planning Advisory Service (PAS) has been involved in reviews of other Council's committee arrangements one of the criticisms that has been levelled, is that committee were focusing on minor developments rather than operating on a more strategic level and dealing with major schemes, which could well be the case here with this option.

*Figure 7: Example annual agenda on basis of Option 2*



## Option 3

- 11.11 Considers firming up:
- **Member Call In/Referral Powers**
- 11.12 Members currently have powers to call in applications/cases to the committee. In simple terms this operates as follows:

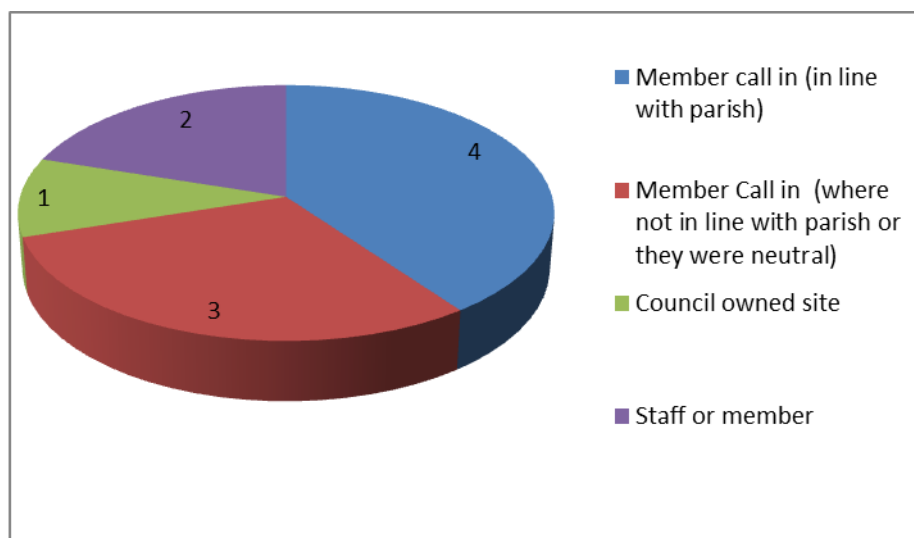


- 11.13 Local Members call in powers for their own ward provided:
- A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.
  - The request sets out clear planning reasons behind the referral request.
  - The recommendation of officers is different to the opinion of the local member having regard to the interests of their ward area.
- 11.14 Adjacent Ward Members have call in powers subject to the above 3 criteria provided also that:
- The relevant ward members has been notified prior to the request being made
- 11.15 Any Member may call in any application where in their opinion it would have a material impact on the whole or part of their ward subject to the above 4 criteria and subject to:
- The Group Leader of the relevant group of the Members making the request has agreed to the referral
- 11.16 All of these are currently determined at the discretion of the lead planning professional (usually the Business Manager) together with the Chair and Vice Chair.
- 11.17 This current system operates reasonably well however would benefit from minor changes. As discussed above, it is considered appropriate that in exchange for allowing more delegation, there should be a more open dialogue between Members and officers such that a new caveat is proposed so that before the application is referred to committee the Member first discusses the application with the case officer or lead planning professional. In practice this already occurs but this proposed change would seek to firm up the process. Finally the lead planning professional together with Chair and Vice Chair will then need to be satisfied that the reasons for call in are based on planning grounds that warrant debate by the Planning Committee.

#### Option 4

- 11.18 Considers changes as follows:
- ***Possible Change to Householder Call-In***
- 11.19 Given that householder applications regularly feature on planning committee agenda's, consideration has been given to how more delegation could take place for these types of applications. Householder applications only go before the committee when called in by the local Member. One possibility could be that these Member referrals are required to align with the views of the Parish Council unless agreed otherwise by Chair and Vice Chair. However of the 10 householder applications that were determined by the committee during 2018, this would only have reduced the number that would have gone by 3 applications as demonstrated below. It is therefore not recommended that this be specifically amended at this time. It is hoped that the minor changes to the reinforcement of the Member call in process which seeks to open dialogue will assist with this.

Figure 8: Example annual agenda on basis of Option 4



#### Option 5

11.20 Considers changes as follows:

- **Applications to Vary or Remove Planning Conditions not automatically determined by Committee**

11.21 It is also recommended that Members consider removing the need to take applications to the planning committee where applications are made pursuant to Section 73 of the Planning Act (i.e. they relate to the proposed removal or variation of planning conditions) regardless of the parish or town council's views unless the parish/town council's comments give rise to any new material planning impacts not previously considered.

11.22 This is recommended because sometimes a parish/town council might object to the principle of the development or a highway impact when the council is only tasked with looking at for example a design change to a dwelling and is not able to reconsider the matters which have been raised as objections again. This would reduce false hope of the matter being considered afresh when decision makers are simply not able to.

11.23 Last year there were 11 such applications that were determined by the committee, the majority of these were relating to minor dwellings so would be potentially be reduced if changes were made to the SoD in respect of these anyway. Having reviewed the statistics on this, it may have avoided 3 applications being brought before the committee overall.

11.24 These applications will from now on have a new suffix of S73 or S73M (instead of FUL/OUT etc) to assist in these types of applications being easily identifiable.

#### Option 6

11.25 Considers changes as follows:

- **Major Applications where Parish/Town Council Support Contrary to Recommendation**

- 11.26 Another option that has been explored is for officers being able to delegate major applications for refusal even when the parish/town council support these. This was not a situation that arose during 2018 and overall it is not considered a matter that needs to be amended at this time.

## **12.0 Conclusions**

- 12.1 This review has shown that the 'planned' frequency of Planning Committees of once per month generally works well and is consistent with how other authorities operate in our area generally. Additional planning committee's over and above the 12 planned meetings each year could potentially be avoided if more delegation was possible, albeit there is on occasions a necessity for additional committees for other reasons. No changes are recommended to the general frequency of meetings.
- 12.2 The current level of delegation at 88.75% is amongst the lowest compared to other Council's in the area. During the first quarter of this year, at 43 items, NSDC Planning Committee determined more than 3 times more than the average number of items than other authorities in a sample comparison. The average committee sitting times for last year amongst peers was 16h38m whereas NSDC sat for more than double that time (39h 12m) over the year, excluding site visits. Officers are acutely aware that decision making needs to be fair and equitable to all, which when agendas are long can be perceived by some to not help with this given concentration levels naturally drop as meetings run on.
- 12.3 The majority of matters that currently need to be determined by the Planning Committee are 'minor dwellings' (between 1 and 9 dwellings) types and this is largely because the officer recommendation is contrary to the Parish/Town Councils which under the current SoD requires committee intervention.
- 12.4 If these were able to be delegated, subject first to liaising with the local ward member, without reference to the committee it could (if profiled against last year's agendas) increase delegation to 92.05% and result in more manageable committee agenda sizes. This would also align with the average levels of delegation across other authorities that were considered. The matters on the committee are likely then to relate to major and more complex applications of importance to the district. Members would retain their call in powers subject to a number of caveats, with a new one of requiring discussion with the case officers first and convincing the Chair and Vice Chair of the Planning Committee and the lead planning officer (usually the Business Manager or Senior, known as the Authorised Officer in the attached SoD) that it warrants debate by the committee.
- 12.5 Other proposed amendments relate to not automatically bringing applications for the variation or removal of conditions back to committee, regardless of Parish/Town Council views unless new material planning issues have been raised which the decision would influence.
- 12.6 Of the options considered above it is recommended that options 1, 3 and 5 are all pursued.

**13.0 RECOMMENDATIONS that:**

- (a) the proposed revisions to the Scheme of Delegation, as set out in Appendix 1 to the report, be approved; and**
- (b) the Constitution be amended accordingly.**

**Background Papers**

None.

For further information, please contact Clare Walker on Ext. 5834.

Matt Lamb  
Director - Growth & Regeneration

## **PROPOSED CHANGES TO THE COUNCIL'S CONSTITUTION**

Members will be aware that under the terms of the Council's constitution the Planning Committee is able to delegate any matters within its remit to Officers.

As set out in the accompanying report, it is proposed to amend the Scheme of Delegation to allow a greater level of delegation. In addition I also seek to add matters of clarification for the avoidance of any doubt.

The Scheme of Delegation (SoD) outlines which applications and notices of various types are normally determined at Planning Committee and which are determined by an Authorised Officer of the Council.

The following sets out the approved SoD with ~~striketrough~~ text used where it is proposed to be omitted and **bolded text** where it is new or amended. Members will note that reference to DCLG codes has been omitted to simplify matters. The main change is that the emphasis has flipped, with the default position now being that the Authorised Officer may determine matters and applications unless expressly stated within the list of exceptions.

### **"PART 2 of the Constitution, Scheme of Delegation"**

The following functions are those of the Local Planning Authority which under the Constitution are delegated to the Planning Committee. It is then for the Planning Committee to allow further delegation to Authorised Officers.

### **"PLANNING COMMITTEE"**

Remit

- 1.0 To discharge functions relating to town and country planning and development ~~control~~ **management**, including:
  - 1.1 Power to determine applications for planning permission.
  - 1.2 Power to determine applications to develop land without compliance with conditions previously attached.
  - 1.3 Power to grant planning permission for development already carried out.
  - 1.4 Power to decline to determine any application for planning permission.
  - 1.5 Duties relating to the making of determinations of planning applications.
  - 1.6 Power to determine applications for planning permission made by a local authority, alone or jointly with another person.
  - 1.7 Power to respond to consultation by neighbouring local planning authorities, **other consultees** or the Secretary of State.
  - 1.8 Power to make determinations, give approvals and agree certain other matters relating to the exercise of permitted development rights.
  - 1.9 Power to determine applications for Non Material Amendments to a planning permission.
  - 1.10 Power to discharge or refuse to discharge planning conditions attached to a planning permission or any other relevant consents.
  - 1.11 Power to enter into, **vary or modify** agreements regulating development or use of land.
  - 1.12 Power to issue a certificate of existing or proposed lawful use or development, **including those under Listed Building powers.**

- 1.13 Power to serve a completion notice.
- 1.14 Power to grant consent for the display of advertisements.
- 1.15 Power to authorise entry onto land.
- 1.16 Power to require the discontinuance of a use of land.
- 1.17 Power to determine whether it is expedient to take enforcement action in instances where there has been a breach of planning control.
- 1.18 Power to serve a planning contravention notice, breach of condition notice, temporary stop notice or a requisition for information or stop notice.
- 1.19 Power to issue an enforcement notice **and/or community protection notice.**
- 1.20 Power to apply for an injunction restraining a breach of planning control.
- 1.21 Power to determine applications for hazardous substances consent and related powers.
- 1.22 Duty to determine conditions to which old mining permissions, relevant planning permissions relating to dormant sites or active Phase I or II sites, or mineral permissions relating to mining sites, as the case may be, are to be subject.
- 1.23 Power to require proper maintenance of land.
- 1.24 Power to determine applications for listed building consent and related powers **granted to local authorities pursuant to the Listed Building and Conservation Areas Act 1990.**
- 1.25 Power to determine applications for ~~conservation area consent~~ **Permissions in Principle and the related Technical Details Consent.**
- 1.26 Duties relating to applications for listed building consent, ~~and~~ **conservation areas, Listed Building Heritage Partnership Agreements, and Local Listed Building Consent Orders consent.**
- 1.27 Power to serve a building preservation notice and related powers.
- 1.28 Power to issue enforcement notices and related powers.
- 1.29 Power to take action under Sections 224 and 225 of the Town and Country Planning Act 1990 - enforcement of control over advertisements, and regulations made under section 220 thereof.
- 1.30 Powers to acquire a listed building in need of repair and to serve a repair notice.
- 1.31 Power to apply for an injunction in relation to a listed building.
- 1.32 Power to execute urgent works **and recover costs by any appropriate means.**
- 1.33 Rights of way functions for which the Council is responsible.
- 1.34 Protection and preservation of trees and hedgerows, including as necessary the making, confirmation, modification and revocation of Tree Preservation Orders.
- 1.35 Power to determine applications for works and felling of trees covered by a Tree Preservation Order.
- 1.36 Power to determine notifications for works to Trees in Conservation Areas.
- 1.37 To exercise the Council's powers with regard to the Hedgerows Regulations 1997.
- 1.38 **To exercise the Council's powers with regard to the Community Infrastructure Levy Regulations 2010 (as amended).**
- 1.39 **Power to determine prior approval notifications and consents.**
- 1.40 **Power to make screening and scoping opinions under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 (as amended).**
- 1.41 **Power to pursue those convicted through the courts of a planning breach under The Proceeds of Crime Act 2002 (or as amended).**
- 1.42 **Power to issue Community Protection Notices.**
- 1.43 **Power to withdraw enforcement and other notices.**
- 1.44 **Power to issue Tree Replacement Notices.**
- 1.45 **Power to make minor alterations to the Planning Application Validation Checklist.**

**1.46 Power to determine Section 73 applications under Town and Country Planning Act 1990 and Section 19 applications under the Town and Country (Listed Building and Conservation Areas) Act 1990 (as amended) (subject to the caveat set out below in relation to major applications).**

- 2.0 To consider and make recommendations to the Policy & Finance Committee and/or Council on the formulation of the Local Development Framework and other plans, policies, protocols or guidance impacting on functions within the remit of the committee.
- 3.0 Power to make payments or provide other benefits in cases of maladministration ~~etc~~ **and in respect of the local settlement of complaints** pursuant to Section 92 of the Local Government Act 2000 in respect of matters falling within the remit of **the planning function**.
- 4.0 To make recommendations to the Policy & Finance Committee and Council on the formulation of the budget insofar as it impacts on the remit of this Committee.

**NOTE:**

~~Some of the functions set out above are delegated to officers (see Section 6 post). However, for the avoidance of doubt, the following functions, are expressly reserved to committee for determination and cannot be discharged by an officer:~~

**The functions set out above are delegated to officers with the exception of the following functions, which are expressly reserved to committee for determination and cannot be discharged by an officer:**

1. Planning applications which involve a significant departure from the statutory development plan.
2. Applications submitted on behalf of the Council or where the Council has an interest in the development save for any applications submitted on behalf of the Council or where the Council has an interest in the development as part of its HRA housing development programme.
3. Matters of significance to the district or which may potentially give rise to significant financial consequences except in cases of extreme urgency **where delegated powers may be exercised**.

~~The Planning Committee has approved the following Scheme of Delegation. It outlines which applications are normally determined at Planning Committee and which are determined by an Authorised Officer of the Council.~~

~~Below are the details of the Scheme of Delegation operated by the Council. The Authorised Officer(s) of the Council may determine the following planning and related applications without reference to Planning Committee:~~

- ~~1. Applications for smaller developments, (DCLG Codes 14-27 excluding 17 Gypsy & Traveller Pitches)[previously codes 10-19], and applications for prior notification in relation to, agricultural works, telecommunications, tree and hedgerow removal works can be dealt with under delegated powers by the Authorised Officer of the Council having considered comments received in relation to the application.~~

~~The Authorised Officer(s) of the Council may determine all applications and deal with all matters listed above with the exception of the following which will be reported to Planning Committee in the following circumstances:~~

~~1.~~ 3. ~~Minor or All major applications (defined as 10 or more dwellings, where new floor space would be 1,000m<sup>2</sup> or greater or have a site area of 1 hectare or greater) for residential (including Gypsy and Traveller Pitches), office, industrial, storage, distribution or retail developments (DCLG Codes 1-13 and 17)[previously codes 1-9] can be dealt with as follows:-where:~~

- The recommendation is contrary to the response received from the Town or Parish Council **or Parish Meeting**, provided **that** such a response is based on material planning considerations<sup>1</sup> **unless the recommendation is for refusal based on The Environment Agency's representations or Highways England direct refusal of an application regardless of whether or not other consultees support the application;** or
  - The recommendation is contrary to the response received from a statutory consultee.
4. The relevant planning application has been submitted by a community or voluntary organisation, a town or parish council or a social enterprise and could in the opinion of the Authorised Officer, in consultation with the Chairman and Vice-Chairman of the Planning Committee, result in a significant community benefit and would otherwise be recommended by officers for refusal.
- ~~The relevant planning application involves a commercial proposal which could potentially deliver significant employment opportunities (the determination of "significant" to be decided by the Authorised Officer, in consultation with the Chairman and Vice-Chairman of the Planning Committee (significant to be determined according to local circumstances) and the application would otherwise be recommended by officers for refusal.~~

~~An application may be determined under delegated powers by an Authorised Officer of the Council when:~~

- ~~The decision is in accordance with the representations received from all consultees;~~
- ~~The decision accords with representations from statutory consultees and the Town/Parish Council (provided such a response is based on material planning considerations<sup>1</sup>) but is contrary to representations from non-statutory consultees, such as neighbours;~~
- ~~The decision is for refusal based on The Environment Agency's representation whether or not other consultees are supporting the application;~~
- ~~The Highways Agency direct refusal of an application;~~
- ~~Representations raise only non-planning matters.~~

~~3.~~

5. Applications which have been submitted by District Councillors, Senior Officers\* or Officers who may otherwise have a direct involvement in the determination of the application or where Councillors or Officers have a direct interest in the application, will be determined by Planning Committee. (\*Senior Officers shall be defined as Chief Officers and Deputy Chief Officers as defined by the Local Government and Housing Act 1989 (currently members of the Corporate Management Team and Business Managers)

4.

6. Where an Authorised Officer has delegated powers he or she may refer the matter to Planning Committee for determination rather than exercise that delegated authority

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<sup>1</sup> The determination of what constitutes a material planning consideration should be determined by the Planning Manager, Planning Development Growth and Regeneration in consultation with the Chairman of Planning Committee.



themselves particularly where, in their judgement, the specifics of an application warrant determination by the Planning Committee.

### **Caveats**

- A) Where a major application is made under Section 73 of the Act to vary or remove planning conditions these will only be considered by the planning committee where they raise new material planning impacts arising from the subject of the conditions themselves.
- B) For proposals of between 1 and 9 dwellings, where the officer recommendation is contrary to the views of the host Town or Parish Council (or Parish Meeting), the relevant Ward Member(s) shall be first notified in writing and given the opportunity to request 'referral' (see Section 7 for process) to the Planning Committee. The 'referral' shall be within 5 working days of the notification, otherwise the application will be determined under delegated authority.

- Enforcement Notices (including requisitions for information, stop and temporary stop notices), and Notices under Section 215 of the Town and Country Planning Act 1990 (as amended) relating to untidy land may be served by an Authorised Officer and the matter pursued through to prosecution at magistrates court when ~~consultation~~ **notification** has first taken place with the Ward Member(s) **where possible or it has been agreed with Chairman of Planning Committee where it has not been possible to do this.**

7. Local Members can request that planning applications/functions be determined by Planning Committee rather than the Officers (this being known as a 'referral' request) acting under delegated powers in the following circumstances:

- ~~A) Local Members may request that a planning application in their ward be referred to committee rather than being determined by officers acting under delegated powers provided that:-~~
- ~~• A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.~~
  - ~~• The request sets out clear planning reasons behind the referral request.~~
  - ~~• The recommendation of officers is different to the opinion of the local member having regard to the interests of their ward area.~~
- ~~B) A Member in a ward immediately adjoining the ward in which the application is situated may request that an application be referred to committee rather than being determined by officers acting under delegated powers provided that:-~~
- ~~• A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.~~
  - ~~• The request sets out clear planning reasons behind the referral request.~~
  - ~~• The recommendation of officers is different to the opinion of the member having regard to the impact of the proposed development on their ward.~~
  - ~~• The relevant ward member(s) has/have been notified prior to the referral request being made.~~
- ~~C) A Member may request that any application be referred to committee rather than being determined by officers acting under delegated powers where, in their opinion, the application will have a material impact on the whole or part of their ward provided that:-~~
- ~~• A written request is made to the Authorised Officer prior to the date on which the application would otherwise be determined by officers acting under delegated powers.~~

- ~~• The request sets out clear planning reasons behind the referral request including a requirement to demonstrate how it is likely to materially impact on the whole or part of the ward area of the member making the referral request.~~
- ~~• The recommendation of officers is different to the opinion of the Member having regard to the impact of the proposed development on their ward and/or the District as a whole or part, having regard to the nature of the development or for the reason that the application will set a precedent for the whole or part of the District.~~
- ~~• The relevant ward member(s) has/have been notified prior to the referral request.~~
- ~~• The Group Leader of the relevant group of the Member making the referral request has agreed to the referral.~~

~~All requests for matters to be referred to committee as set out in A, B and C above shall be determined at the discretion of the Authorised Officer in consultation with the Business Manager – Development Control and the Chairman and Vice Chairman of the Planning Committee.~~

- The Member discusses the application with the Authorised Officer (or case officer) and a written request is made to the Authorised Officer **within 21 days of circulation of the weekly list prior to the date on which the application would otherwise be determined by officers acting under delegated powers;**
- The request sets out clear planning reasons behind the referral request and the Authorised Officer, Chairman and Vice Chairman agree that it raises material planning considerations that warrant debate by the Committee;
- The recommendation of officers is different to the opinion of the Member having made the referral request having regard to the interests of their ward which must be specified.
- **In the event that the Authorised Officer, in consultation with the Chairman and Vice Chairman, does not consider that material planning considerations have been raised such that the application should be debated by the Committee, the Member will be notified in writing. The Member may then challenge this decision with the Chief Executive within 5 working days of receipt of the written notification. The Chief Executive will have the final decision.**

### Caveats

- A) Where a referral is made by a Member of an adjacent ward immediately adjoining the ward in which the application is situated, the relevant ward member(s) has/have been notified prior to the referral request being made.
- B) Where an application is referred by a Member who's ward is not either within or immediately adjacent to the application site, the referring Member must set out how:
  - A) in their opinion the application would have a material impact on the whole or part of their ward (or the district as a whole or part) having regard to the nature of the development, or
  - B) for the reason that the application will set a precedent for the whole or part of the District; and
  - C) the relevant ward member(s) has/have been notified prior to the referral request and the Group Leader of the relevant group of the Member making the referral request has agreed to the referral.

The “Authorised Officer(s)” for the purposes of this part of the Constitution shall be the Chief Officer whose remit for the time being includes responsibility for planning, the relevant Business Manager with responsibility for the discharge of the development **management control** function or an Officer authorised in writing by them to act on their behalf.

#### Membership

15 Members. (A link to the current membership of the committee can be found on the Constitution home page).”

## **COUNCIL MEETING - 15 OCTOBER 2019**

### **EPPERSTONE AND FISKERTON-CUM-MORTON NEIGHBOURHOOD PLAN REFERENDUMS**

#### **1.0 Purpose of Report**

- 1.1 To seek the Council's approval to call separate referendums for the Epperstone and Fiskerton-cum-Morton Neighbourhood Plans.

#### **2.0 Introduction**

- 2.1 Following its Examination the Independent Examiner has concluded that the Epperstone Neighbourhood Plan meets the Basic Conditions and other relevant regulatory requirements. It has therefore been recommended that the Plan proceed onto referendum. The Fiskerton-cum-Morton Neighbourhood Plan is currently being examined, but this process is anticipated to conclude around the time of this meeting of Full Council.

#### **3.0 Background**

- 3.1 Neighbourhood Plans are required to meet the Basic Conditions set out at paragraph 8(2) of Schedule 4B to the Town and Country Planning Act 1990, as well as a range of other regulatory requirements. It is through their Examination by an Independent Examiner that final conclusions are drawn over whether this is the case. Where a Plan is successful at Examination then it is able to proceed onto referendum, with eligible persons being able to vote over whether it should be brought into force.

##### **Epperstone Neighbourhood Plan**

- 3.2 The Epperstone Neighbourhood Area was designated on 24 April 2015, with the first stage of public consultation being carried out between 7 December 2018 and 1 February 2019. Submission of a Draft Neighbourhood Plan to the District Council occurred in April 2019 with public consultation following from 8 May – 19 June 2019, with a second round of consultation from 27 June - 8 August 2019. The second consultation was to allow comments on an updated Basic Conditions Statement. The Plan was initially submitted for Examination on 19 June 2019. The Examination was suspended to allow for the second round of consultation and was resumed on 9 August 2019. Subject to the recommended modifications being accepted the Examiner has concluded that the Plan should proceed onto referendum. Confirmation has been provided by the Parish Council that they are content with the recommended modifications.

##### **Fiskerton-cum-Morton Neighbourhood Plan**

- 3.3 The Fiskerton-cum-Morton Neighbourhood Area was designated on 15 March 2017, following which the Parish Council undertook their first stage of public consultation from 27 January – 10 March 2019. This led to Submission of the Draft Neighbourhood Plan to the District Council in April 2019. Following public consultation between 3 July – 15 June 2019 the Plan was submitted for Examination on 19 August 2019. At the time of the writing the Examination is yet to conclude, however given the scope for the Examiner to recommend modifications it is not anticipated that the Plan will fall short of meeting the Basic Conditions. Given the need to secure Full Council approval for the holding of a referendum and the desire to avoid any delay to the 'making' (adoption) of the Plan, it is considered prudent to proceed on the basis that this will prove to be the case. An update will be given at the Council Meeting.

#### **4.0 Next Steps**

- 4.1 Approval is therefore sought for separate referendums to be arranged and held for the Epperstone and Fiskerton-cum-Morton Neighbourhood Plans, on a date to be determined in liaison with the Parish Councils. In the case of Fiskerton-cum-Morton this will be dependent upon the Neighbourhood Plan passing its Examination, and the Parish agreeing to any recommended modifications. The Referendums will require a publicity period of six weeks post-approval, so the earliest they could occur would be Thursday 28 November 2019. The first stage in the referendum will be the publication of the Information Statement and the Notice of Referendum. After this, polling cards will be sent to all electors. Any date for the referendums may also be affected by any snap Parliamentary election being called for the autumn.
- 4.2 It is the District Council's responsibility to prepare a version of the Neighbourhood Plan incorporating any modifications from the Examiner, and it will be this version which goes to referendum. The Plan to be put referendum and its associated Examination report will be published on the District Council's website in advance of the Notice of Referendum being issued.

#### **5.0 Financial Implications**

- 5.1 The District Council will be responsible for paying for the referendums, but funds will be provided by central Government to cover the full referendum costs.

#### **6.0 RECOMMENDATIONS that:**

- (a) the report be noted; and**
- (b) the Chief Executive, acting as the Returning Officer, be authorised to arrange separate referendums for the Epperstone and Fiskerton-cum-Morton Neighbourhood Plans on a date no earlier than Thursday 28 November 2019.**

#### **Background Papers**

Submission Epperstone Neighbourhood Plan  
Submission Fiskerton-cum-Morton Neighbourhood Plan  
Epperstone Neighbourhood Plan Examiner's Report  
Fiskerton Neighbourhood Plan Examiner's Report (if finalised by 15 October 2019)

Available at: <http://www.newark-sherwooddc.gov.uk/planningpolicy/neighbourhoodplanning/>

For further information please contact Matthew Tubb (extension 5850) or Adrian Allenbury (extension 5862).

Matt Lamb  
Director – Growth & Regeneration

## COUNCIL MEETING – 15 OCTOBER 2019

### ARMED FORCES COVENANT UPDATE

#### **1.0 Purpose of Report**

- 1.1 To raise awareness and to update the Council about Armed Forces Covenant (AFC) working at Newark & Sherwood District Council (NSDC).
- 1.2 The report also demonstrates the additional ways in which the Council will support the AFC in future.

#### **2.0 Background Information**

- 2.1 The [AFC](#) is a promise by the nation ensuring that those who serve or who have served in the Armed Forces, and their families, are treated fairly. It is a pledge that together we acknowledge and understand that those who serve or who have served in the Armed Forces, and their families, should be treated with fairness and respect in the communities, economy and society they serve with their lives. The AFC website also includes dedicated information for [Local Authorities](#) to support the Covenant. [GOV.UK](#) outlines how the UK Government will support the AFC.
- 2.2 NSDC first signed the AFC in 2013 and re-signed in 2018. The [signed document](#) is available on our [website](#) along with the accompanying [action plan](#). The NSDC website also provides [support](#) information for the Armed Forces community. The action plan includes sign-posting to NSDC policies that support the Armed Forces such as the [homeless ex-Armed Forces](#) advice.
- 2.3 The Armed Forces Champion is Councillor Bruce Laughton. The named officer lead is the Policy & Projects Officer (Kate Marshall). In addition, (District) Councillor Keith Girling is also the Armed Forces Champion for Nottinghamshire County Council. The NSDC officer lead attends Nottinghamshire's Civil and Military Partnership Board (CMPB) meetings to share information and as part of NSDC's commitment to the AFC.
- 2.4 NSDC has been awarded silver status in the [Ministry of Defence Employer Recognition Scheme](#) (ERS). The scheme acknowledges employers who support defence personnel, including reservists, veterans, families and cadets. This award is referenced on the AFC pages of NSDC's [website](#).
- 2.5 Mrs Heather Wheeler MP, Minister for Housing & Homelessness (at time of letter) and The Rt Hon Tobias Ellwood MP, Parliamentary Under Secretary of State and Minister for Defence People & Veterans, wrote to all Local Authority Leaders on 17 June 2019, following local elections, to promote Champion appointments and to encourage further active support of the AFC (all Local Authorities are signatories of the AFC).
- 2.6 The [partnership](#) between [Charnwood](#), [Melton](#) and [Rushcliffe](#) Councils (with some additional support from the Covenant Fund and from Forces in Mind), that was established to work with the Armed Forces community in those districts, provided a training day offered to all regional officer leads for the AFC on 4 April 2019 – a representative from NSDC attended. This training looked at the transition from military to civilian life, alongside

employer considerations to include: data, raising awareness, training, Human Resources and equalities. Some immediate actions following the training included changes made to NSDC's own website and a number of recommendations for future consideration. This paper is a continuation of those recommendations, supplemented by information received at a further Army Engagement event at Chetwynd Barracks on 15 June 2019 and an Open Day at the Barracks on 27 June intended for employers and prospective employers.

### **3.0 Supporting the AFC**

#### **3.1 Data**

There is a current lack of data about locations of the Armed Forces communities once they have returned to civilian life. The document [Annual Population Survey: UK Armed Forces Veterans residing in Great Britain, 2017](#) (published 31 January 2019, Ministry of Defence) suggests that 6-8% of the population of the East Midlands comprises residing veterans. 6-8% of Newark and Sherwood's 120,965 residents (2018) would be 7,258-9,677 residents. The 2021 census will include a [question](#) about Armed Forces veterans for the first time. NSDC Organisational Development (OD) will maintain a watching brief on census information to ensure an understanding of demographic changes.

#### **3.2 Armed Forces Friendly Appearances - HR**

Following a discussion paper presented to the Equalities & Diversity Working Group on 14 August 2019 a number of immediate actions were agreed, to be completed by NSDC HR:

- The jobs [pages](#) of the NSDC website will be updated to include reference to the Silver ERS – this is a symbol of NSDC operating as a forces-friendly employer
- Advertisements on [jobsgopublic](#) will also include reference to the Silver ERS
- Reference to NSDC's Reservist Policy will be referenced on the same pages
- At external recruitment events, such as careers fairs, NSDC promotional material might include imagery or reference to the Armed Forces (perhaps an image of employees in reservist uniform or similar). This will be considered alongside reference to many other community representations
- In addition, in June 2019, following direction from the Chief Executive, NSDC has signed up to the "Forces Families Jobs" [platform](#) (due to go live later in 2019) to advertise all NSDC positions. The Army Families Federation, in conjunction with the Naval and RAF Families' Federations, is creating the platform, 'Forces Families Jobs', to enable spouses and family members of UK Armed Forces military personnel to have a 'one stop shop' where they can apply for jobs directly with employers who have signed the Armed Forces Covenant.

#### **3.3 Buddy Scheme - Support For Staff who are Veterans, Reservists and Family Members of the Armed Forces Community**

NSDC already employs a number of veterans or reservists – this is a condition of our silver ERS. We will send an organisation-wide communication to establish additional veterans, reservists and Armed Forces family members who may have an interest in participating in a new Buddy Scheme. It is envisaged that this would take the form of casual (no agendas, no facilitation) monthly sessions, over lunch or at 4.30pm to allow staff from other sites to attend, in a Castle House breakout area simply to chat, to meet up and to share

experiences. This will be particularly beneficial to those who have recently served and join the Council community.

What might a buddy do?

Support for reserve force colleagues

- Making sure all know about the Reservist Policy
- Introducing Reserve colleagues to each other
- Sharing your email address/telephone number with the families of reservists during mobilisation to chat, as required

Support for new staff members who are veterans, reservists and family members

- Explaining/talking about your experiences of Local Authority working
- Reminders about the importance of customer focus, data protection and safeguarding in the Local Authority – and how this might differ to the military
- Sharing information about wider support
- Helping new staff to understand the formal and informal culture of NSDC

Buddies are not:

- Advisors or counsellors
- New best friends
- Confidantes
- Your line manager.

### 3.4 Asking the Question of all Applicants – Guaranteed Interview for Veterans who meet the Essential Criteria

Choosing to ask applicants if they are or have ever been a member of the Armed Forces community will provide a valuable means of offering support via a guaranteed interview scheme to veterans. Some Local Authorities already ask this question as part of their equalities monitoring: [Brighton & Hove](#) and [Sheffield City Council](#) are examples. The Council already provides a guaranteed interview for candidates who meet the essential criteria and have a disability. A more recent comparison relates to the guaranteed interview for all care leavers who meet the essential criteria for a role (please refer to the report submitted to [P&F](#), 21 February 2019). A similar guaranteed interview for those veterans who meet the minimum criteria is not guarantee of employment. Both the proposed veterans guaranteed interview scheme and the care leaver offer will be further highlighted on NSDC vacancy platforms. The guaranteed interview scheme for veterans will be further highlighted with the Ministry of Defence's Regional Employer Engagement Director for the East Midlands.

### 3.5 Asking the Question as Part of Initial Offer – Buddy Scheme

Asking the question ("are you or have you ever been a member of the Armed Forces community?") again at initial offer letter stage, ensures all new joiners also have access to the Buddy Scheme and support in place from the commencement of their employment.

### 3.6 Application Guidance

Guidance or guidelines for completing applications to illustrate how a candidate should evidence that they meet the essential criteria contained within the person specification will



be prepared. These will be useful to members of the Armed Forces community whose military training might have emphasised brevity (in antithesis to the Local Authority environment where evidential elaboration is required), but also to all applicants. The guidelines would be available on all job sites utilised by NSDC, including the new “Forces Families Jobs” site. Liaison with the [Career Transition Partnership](#) would be advantageous in creating these, and other, documents.

### 3.7 Interview Guidance

Closely linked to equalities and diversity working more widely, a number of [videos](#) have been created about what to expect at Castle House – interviews form a part of this. The information contained within is also relevant for members of the Armed Forces community. If access to these videos is available to all potential applicants, the videos can also, of course, be viewed by those who come from the Armed Forces community. The potential for short tutorial sessions provided by NSDC HR representatives could also be explored alongside templated application forms. Synergy with DWP Job Centre practice could also be explored. Marketing such guidance via Armed Forces Breakfast Clubs or similar would reach out to the Armed Forces community specifically.

### 3.8 Policy

All NSDC policies (homeless support mentioned above, the Reservist Policy is another example) relating to the Armed Forces community will be reviewed.

### 3.9 Awareness Raising and Training

Awareness of the AFC will form part of induction training for officers at NSDC, perhaps for inclusion within the equalities training module or elsewhere. In addition, reference to the AFC at future staff roadshows and via internal communications will also help to raise awareness of the AFC across the organisation. Furthermore, AFC awareness could also form part of training for Members – this could be raised via the Member Training and Development Task and Finish Group. Also, bringing the AFC update to Full Council will also raise awareness of the AFC with all elected Members. Other possibilities, subject to existing policy, include making the AFC or ERS logos available in email signatures (perhaps of the HR team specifically). A launch event for the Buddy Scheme will incorporate further awareness raising for staff and Members – and might also be extended to partners more widely.

### 3.10 Advocacy

To advocate (via meetings with the lead officer and/or Champion) for the AFC and for the ERS via:

- o partners in the building
- o existing partnerships
- o Newark Business Club, subject to invitation
- o suppliers
- o any other suitable forums.

To work with other AFC signatories in Newark and Sherwood to promote the AFC and ERS more widely across the District.

To attend CTP careers fairs (30 April 2020 in [Newark](#)) to advocate for NSDC as a forces friendly employer.

### 3.11 VE Day 75

AFC working to “recognise and remember the sacrifices and challenges faced by the Armed Forces community” is demonstrated by promoting participation in, and supporting, events and functions to celebrate and remember the sacrifices of Armed Forces personnel, both past and present (as outlined in the [action plan](#)). The Council will consider how the 75<sup>th</sup> Anniversary of VE Day in 2020 (noting the Government’s change to the bank holiday - now Friday 8 May 2020) might be commemorated in Newark and Sherwood and will also communicate with neighbouring Local Authorities. [National](#) events will comprise:

- o The Nation’s Toast
- o A Cry for Peace Around the World
- o Ringing Out for Peace
- o Parties and celebrations
- o Church services.

### 4.0 Equalities Implications

4.1 The content of this paper has also been considered by NSDC’s Equalities & Diversity Working Group. There are no direct equalities implications.

### 5.0 Financial Implications (FIN19-20/9463) (note from Policy and Finance Paper of 26.09.19)

5.1 Any costs incurred in relation to a launch event for the Buddy Scheme can be maintained within existing budgets.

### 6.0 Community Plan – Alignment to Objectives

6.1 The AFC is not specifically referenced in the Community Plan but fits particularly within the objective to “increase participation with the Council and within local communities”.

### 7.0 RECOMMENDATIONS that:

- (a) the Council note the enhanced AFC working outlined in the report;
- (b) advocacy for the AFC and ERS outside NSDC as required, be supported by the Council.

Background Papers - Nil

For further information please contact Kate Marshall, Policy & Projects Officer on Ext. 5302 or Tracey Piper, Business Manager - Human Resources & Organisational Development on Ext. 5219.

Karen White  
Director - Governance & Organisational Development

## **COUNCIL MEETING – 15 OCTOBER 2019**

### **MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT**

#### **1.0 Purpose of Report**

- 1.1 Following recommendation by the Homes & Communities Committee, at their meeting held on 30 September 2019, to approve a Modern Slavery & Human Trafficking Statement for the Council.

#### **2.0 Background Information**

##### **2.1 Introduction**

- 2.1.1 The Modern Slavery Act 2015 came into force on 29 October 2015. Section 54 of the Act requires organisations that supply goods or services and have a consolidated global turnover of £36 million per annum or more to prepare a slavery and human trafficking statement for each financial year. All bodies corporate and partnerships that meet the turnover requirement will come within the provisions of the Act, regardless of where they are incorporated, if they carry on any part of their business in the UK. Notably, organisations which primarily pursue a charitable or educational aim have not been excluded from the requirements.

- 2.1.2 Whilst the Act does not state that local authorities specifically are included in those organisations legally required to publish a statement, the Council has elected to do so as a matter of good practice.

##### **2.2 Requirements**

- 2.2.1 The Act states that the Slavery & Human Trafficking Statement, which must be approved by the organisation's management body and signed by a director, may contain information on the following key areas:

- the organisation's structure;
- the business's policies on modern slavery;
- the availability to staff of training on modern slavery;
- the organisation's principle risks related to modern slavery and its methods of evaluating those risks; and
- key performance indicators (KPIs) to assist the assessment of the steps the organisation puts in place to ensure that its business and supply chains are free of modern slavery.

- 2.2.2 Section 54 of the Act requires organisations to be transparent about the steps taken both in their own businesses and their supply chains to prevent slavery and human trafficking. If an organisation has taken no such steps, it must publish a statement to this effect.

- 2.2.3 Annex E of the Government's guidance suggests that organisations should re-evaluate their existing internal KPIs and performance incentives to ensure that these do not create a slavery risk (for example, where KPIs focus on increasing production or shipment 'turn-around' times). It encourages each organisation to ensure that its slavery and human trafficking statement is kept under review so that it is constantly evolving alongside the organisation's activities.

## 2.3 Timescales

- 2.3.1 The guidance states that an organisation should seek to publish its statement as soon as reasonably practicable, preferably within six months before the end of their financial year. Organisations are required to publish their slavery and human trafficking statements on their websites and include links to their statements in prominent places on their homepages.
- 2.3.2 There is no requirement for organisations to include the statement in their annual reports and accounts.

## 2.4 Compliance

- 2.4.1 The Secretary of State can enforce the duty to prepare a slavery and human trafficking statement by using injunction proceedings. In reality, consumer pressure and pressure from organisations higher up in a supply chain that are required to comply or are coming under pressure from their own clients or customers to comply will inform organisations' decisions to comply with the Act. Investors and funders may also require compliance. Reputational and corporate social responsibility concerns are further likely to influence an organisation's approach.

## 3.0 Proposals

- 3.1 On 19 July 2019 a proposed Statement was submitted to the Council's Senior Leadership Team (SLT) for consideration. The document has been put together in consultation with the relevant internal stakeholders and SLT were asked to consider the statement and make any amendments required prior to referring through to the Homes & Communities Committee for recommendation to the Full Council for its formal adoption and implementation.
- 3.2 The recommended version of the Statement is attached as **Appendix 1**.

## 4.0 Equalities Implications

- 4.1 The proposed policy statement has been developed with due regard to equalities matters and to assist the Council to ensure that individuals with protected characteristics and those who are more vulnerable members of the community are appropriately supported.

## 5.0 Financial Implications

- 5.1 There are no financial implications arising from the proposals set out within the report.

## 6.0 Community Plan – Alignment to Objectives

- 6.1 A key objective included within the Community Plan is to reduce crime and anti-social behaviour and increase feelings of safety in our communities. The adoption of a Modern Slavery and Human Trafficking Statement demonstrates the Council's commitment to reduce crime in this area and in turn will help contribute to the achievement of this objective.

## 7.0 RECOMMENDATION

**That the proposed Human Trafficking and Modern Slavery Statement as set out in Appendix 1 to the report be approved, and adopted by the Council.**

Background Papers

Nil.

For further information please contact Tracey Piper – Business Manager – Human Resources & Organisational Development on Ext 5219.

Karen White  
Director - Governance & Organisational Development

**MODERN SLAVERY & HUMAN TRAFFICKING STATEMENT**

**1. Introduction**

- 1.1 Newark and Sherwood District Council (NSDC) is committed to preventing slavery and human trafficking in the delivery of its services and corporate activities. The Council recognises that slavery and human trafficking remain a hidden blight on our society, that it has a responsibility to be alert to the risks and to strive to ensure that its supply chains are free from slavery and human trafficking.
- 1.2 This Modern Slavery and Human Trafficking Statement details the steps the Council has taken to understand potential modern slavery risks related to its business and to put in place measures to ensure that these offences are not committed in its own business or its supply chains.
- 1.3 This Statement relates to all activities carried out by NSDC. It will be reviewed on an annual basis and a new updated Statement, acknowledging any further actions that may have been taken, will be published by the end of June in each subsequent year.

**2. The Modern Slavery Act 2015**

- 2.1 The Modern Slavery Act 2015 (the Act) consolidates various offences relating to human trafficking and slavery. Broadly speaking this means that:
- 'slavery' is where ownership is exercised over a person;
  - 'servitude' involves coercion to oblige a person to provide services;
  - 'forced and compulsory labour' is where a person works or provides services on a non-voluntary basis under the threat of a penalty;
  - 'human trafficking' involves arranging or facilitating the travel of a person with a view to exploiting them.
- 2.2 Section 52 of the Act imposes a duty on public authorities, including district councils, to notify the Secretary of State of suspected victims of slavery or human trafficking.
- 2.3 Section 54 of the Act imposes a legal duty on commercial organisations, which supply goods and/or services from or to the UK and have a global turnover of more than £36 million, to publish a slavery and human trafficking statement each financial year.
- 2.4 NSDC engages in commercial activities by providing services (both statutory and discretionary). Its annual turnover is in excess of £36 million. Whilst the Act does not state that local authorities specifically are included in those organisations legally required to publish a statement, NSDC has elected to do so as a matter of good practice. The Council is keen to raise awareness of slavery and human trafficking and as a large scale local employer and provider of services, it is seen as imperative that the Authority makes its position of zero tolerance in respect of slavery and trafficking clear and unequivocal.

### **3. Standards**

- 3.1 The Council will meet the following standards and also expects those with whom it does business, to meet them to:
- Support every individual's human right to live free from abuse, servitude and inhumane treatment;
  - Promote ethical business and operational practices in corporate activity and services delivered;
  - Take appropriate steps to ensure, as far as is reasonable possible, that slavery and human trafficking is not taking part in any of its business or supply chains;
  - Take reports of witnessed, suspected or disclosed concerns of slavery and human trafficking seriously and ensure that such reports are shared with appropriate law enforcement and other partner agencies in order that they can be fully investigated;
  - Take appropriate action to address actual instances of slavery and human trafficking brought to the Council's attention and to take all reasonable steps to support and protect its victims.

### **4. Organisational Structure**

- 4.1 The Council is a second tier local authority situated in the county of Nottinghamshire, providing a wide range of statutory and discretionary services delivered both directly by itself, and through partnership working with other agencies and commissioned work with external contractors.
- 4.2 Council's Constitution and details of the structure are both available on its website [www.newark-sherwooddc.gov.uk/](http://www.newark-sherwooddc.gov.uk/)

### **5. Supply Chains**

- 5.1 As part of its procurement processes, NSDC requires that all suppliers of goods and services comply with all applicable laws, statutes, regulations and codes including the Modern Slavery Act 2015. Suppliers are also expected to publish a Slavery and Human Trafficking Statement (where applicable). Contract terms and conditions set out the requirements of suppliers and sub-contractors in relation to ensuring there is no slavery or human trafficking in their businesses.
- 5.2 NSDC also requires its suppliers and sub-contractors engaged in 'regulated activity' involving children and adults at risk to have safeguarding policies, procedures and training in place and to comply with the reporting procedures in the Council's Adult and Children's Safeguarding Policies.

### **6. Policies and Plans**

- 6.1 NSDC has a range of policies and plans in place that reflect its commitment to acting ethically and with integrity to prevent slavery and human trafficking in its operations. These include:
- 6.1.1 **The Community Plan 2019-2023** – a key Objective is that we reduce crime and anti-social behaviour and increase feelings of safety in our communities. In working towards this Objective, NSDC is working, individually and with partner agencies, to reduce crime and anti-social behaviour; using statutory powers to improve public safety, for example, enforcement of licensing requirements; raising awareness of services available; and encouraging victims to report incidents to access the support they need.

- 6.1.2 **Safeguarding Policies** – The Council’s Children and Adults Safeguarding policy sets out the steps the Authority is taking to safeguard and protect the welfare of children and adults at risk who come into contact with or use its services and activities. The policy includes the Council’s responsibilities in respect of modern slavery and human trafficking and its legal obligation to notify the Home Office of suspected victims of these offences. We have a statutory duty to work in partnership with a number of agencies to identify, refer and respond to suspected abuse and to provide additional support.
- 6.1.3 **Whistleblowing Policy** – NSDC encourages all its employees, Councillors, contractors, their agents and/or subcontractors, consultants, suppliers and service providers to report concerns about any aspect of service provision, conduct of officers and others acting on behalf of the Council. The Whistleblowing Policy is intended to make it easier to disclose information without fear of discrimination and victimisation.
- 6.1.4 **Code of Conduct** – NSDC makes clear to all its employees that there are expected standards of behaviour to which they must adhere when they are representing and acting on its behalf. Employee conduct and behaviour that fails to meet these standards is fully investigated and appropriate action taken.
- 6.1.5 **Recruitment and Selection Policy** – This sets out procedures followed to vet new employees to ensure that confirmation of their identities and qualifications is obtained. To comply with the Immigration, Asylum and Nationality Act 2006, prospective employees are asked to supply evidence of their eligibility to work in the United Kingdom. References are sought and followed up for all employees and relevant checks, for example Disclosure and Barring Service (DBS) checks, are carried out where relevant to the position. NSDC uses a specified and reputable vendor neutral platform to source agency workers. The provider has a Modern Slavery and Human Trafficking Statement and all contracts with third party providers include the following clause: *Suppliers will also not engage in any practices or policies that result in involuntary labour such as slavery, indentured or bonded labour, child labour, and prison labour. Our suppliers must confirm compliance with the local laws applicable to their operations, including any slavery and human trafficking laws.*
- 6.1.6 **Anti-Money Laundering Policy** – This sets out the Council’s commitment to the prevention, detection and reporting of money laundering.
- 6.1.7 **Commissioning and Procurement Policies** – These policies set out the strategic aims and principles of procurement activity, including the principles that the Council follows in the acquisition of goods, works and services from suppliers. NSDC is committed to ensuring that its suppliers adhere to the highest standards of ethics. Suppliers are required to demonstrate that they provide safe working conditions where necessary, treat workers with dignity and respect, and act ethically and within the law in their use of labour. The Council works with suppliers to ensure that they meet the standards of the code and improve their worker's working conditions. However, serious violations of the organisation's supplier code of conduct will lead to the termination of the business relationship.
- 6.1.8 **Dignity at Work Policy** – This policy provides a framework for the Council’s approach to the wide ranging equality and diversity agenda.



## **7. Due Diligence**

- 7.1 The Council's approach to commissioning and procurement requires suppliers of goods and services to implement due diligence procedures in relation to slavery and human trafficking with their own suppliers, sub-contractors and other participants in their supply chain. For organisations with a turnover below £36 million, suppliers will be asked to confirm their acceptance of this Modern Slavery and Human Trafficking Statement.
- 7.2 As part of the Council's commitment to identify and mitigate risk, all business units work together and alongside partner agencies to:
- Identify and assess potential risk areas in their business affairs;
  - Mitigate the risk of slavery and human trafficking through robust checks and balances;
  - Monitor and review any potential risk areas identified;
  - Protect whistle blowers.

## **8. Training**

- 8.1 The Council has made considerable efforts to ensure that initiatives to raise awareness of slavery and human trafficking, and services available to assist victims have been prioritised. We provide face to face Safeguarding and domestic violence awareness training for all new starters and this includes a section on Modern Slavery. Once staff have attended this, those with computer access are sent online modules on Safeguarding, Domestic violence, and Modern Slavery.
- 8.2 For those employees who attended face to face training some time ago the Safeguarding and Modern Slavery modules are emailed out to them periodically as a refresher.
- 8.3 Where employees do not have computer access we have given an undertaking to provide face to face training at regular intervals throughout the year.

## **9. Targeted Activity**

- 9.1 The Council has a strong history of working in partnership with other local authorities, both at county and district level, partner agencies, local charities and community groups including Nottinghamshire's Serious Organised Crime Group. The Council's Public Protection Business Unit contains the operational teams delivering activities locally both in respect of responding to issues reported on a daily basis and creating and coordinating medium and longer-term projects that aim to reduce crime and improve public safety by gathering intelligence on disruptive activity where appropriate.
- 9.2 The Council also attends and supports the MARAC (Multi Agency Risk Assessment Conference) which is a meeting where information is shared on the highest risk domestic abuse cases between representatives of local police, probation, health, child protection, housing practitioners, Independent Domestic Violence Advisors (IDVAs) and other specialists from the statutory and voluntary sectors. Where these groups identify potential abuse or slavery, the necessary enforcement agencies are informed and referrals are made to local and national support agencies.

- 9.3 The Council's Corporate Safeguarding Group will review all safeguarding referrals made and identify cases of modern day slavery by ensuring that all the appropriate referrals are made. The Group will provide advice and guidance to all appropriate staff on the signs and indicators of where modern day slavery may be present.

**10. Monitoring our Effectiveness**

- 10.1 The Council will regularly review and monitor the measures being implemented to address slavery and human trafficking and to safeguard against such activity in any part of its business or supply chains by:
- i) Tasking the Corporate Safeguarding Group to develop/implement an action plan aligned (where appropriate) to delivery of objectives included within the Community Plan as well as normal day to day council activities;
  - ii) Including slavery and human trafficking as a standing agenda item on the Corporate Safeguarding Group;
  - iii) Recording the number of employees provided with training on modern slavery and human trafficking;
  - iv) Carrying out an annual review to identify any deficiencies within our policies and practices and taking appropriate action to rectify these to strengthen our ability to address slavery and human trafficking;
  - v) Carrying out periodic internal audits to ensure compliance with the policy.
- 10.2 This Statement together with the action plan will be reviewed annually to monitor their effectiveness.

Signed .....  
John Robinson, Chief Executive

Date .....

## 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, 26 September 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 R White and Councillor N Mison

ALSO IN ATTENDANCE: Councillor Mrs B. Brooks, Councillor Mrs I Brown, Councillor Mrs G Dawn, Councillor Mrs M Dobson, Councillor L Goff and Councillor Mrs P Rainbow

APOLOGIES FOR ABSENCE: Councillor T Wendels

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

Councillor K Girling declared a personal interest in respect of Agenda Item No. 6 – Housing Management Review - as a Director on the Board of Newark and Sherwood Homes.

Councillor D Lloyd declared a personal interest in respect of Agenda Item No. 12 – Newark Town Museum Delegation – as a Member of Newark Town Council.

### 19 DECLARATIONS OF INTENTION TO RECORD THE MEETING

The Chairman advised that the proceedings were being recorded by the Council, with part of the meeting being broadcast live on social media.

A member of the public also declared their intention to record the meeting.

### 20 WITHDRAWAL OF AGENDA ITEM

Councillor D Lloyd proposed that Exempt Agenda Item No. 28 – London Road Car Park Extension Options Appraisal be withdrawn from the agenda given the recent announcement of the availability of significant funding through the Government's towns fund initiative and the need to undertake a wider strategic review of car parking in Newark.

AGREED (unanimously) that this item be withdrawn from the agenda.

### 21 MINUTES OF THE PREVIOUS MEETING

AGREED that the minutes from the meeting held on 27 June 2019 were agreed as a correct record and signed by the Chairman.

## 22 FORWARD PLAN OF POLICY & FINANCE ITEMS

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

## 23 HOUSING MANAGEMENT REVIEW

The Director – Governance & Organisational Development presented a report which detailed the outcome of the tenant and leaseholder consultation to enable a decision to be taken on the Council's proposal to bring the housing management services back in-house. On 4 April 2019, the Committee approved, in principle, to bring the housing management services back in-house for direct service provision by the Council. This decision was subject to tenants being consulted on the proposal and their views being reported back to the Committee for consideration and a final decision being made.

The results from the tenant consultation were summarised in the report and set out in full in appendix B to the report. There was overwhelming support for the proposal to bring the housing service back in-house at just over 80%. There had been a high response rate of over 20% of tenants and leaseholders engaging in the consultation, which was seen as very positive.

The report advised that since the in principle decision taken in April 2019, a number of staff roadshows had been held to keep staff informed about the process and an officer project team had been working on a detailed project plan. One of the main objectives for the project team was to ensure that there was minimal disruption to the service during the transition back to the Council. The Committee recognised the professionalism of the Newark & Sherwood Homes staff during this period of consultation.

It was further reported, that if the decision was taken to bring the service back in-house, a revised organisational structure for the Council would be required to incorporate the housing landlord and associated support services. In order to ensure that there was sufficient leadership capacity within the Council, it was proposed to create a new additional director post within the Council's Senior Leadership Team.

As well as reviewing the organisational structure of the Council to accommodate the housing services, there would be a need to review the remit of relevant committees to provide for appropriate member decision-making and officer delegations. It was proposed that work on this be undertaken by the Councillors' Commission before being submitted to the Full Council for final consideration and approval. It was considered that, as part of this work, it was important that strong tenant consultation and engagement mechanisms were maintained and improved to ensure that tenants had an opportunity to be involved in the service that provides their homes.

AGREED (unanimously) that:

- a) having regard to the results of the tenant and leaseholder consultation and the previous 'in principle' decision, the housing management services be brought in-house for direct service provision by the Council;

- b) a letter be sent to all tenants and leaseholders and to the Involved Tenant Forum, thanking them for engaging with the consultation and informing them of the outcome;
- c) following resolution (a) above:
  - i. that the Council's contract with its housing management company, Newark and Sherwood Homes Ltd be terminated, the effective date of termination to be agreed with the Company, but to be no later than 1 April 2020;
  - ii. to delegate to the Chief Executive to organise the transfer of the service to the Council in co-operation with Newark and Sherwood Homes Ltd and their Board which will address any winding up arrangements for the Company, to include all associated staffing matters;
  - iii. that the necessary legal process be followed in order to dissolve the Company;
  - iv. that the necessary arrangements be made to transfer any properties owned by the Company to the Council upon its dissolution;
  - v. that the Senior Leadership Team of the Council be increased to include an additional Director Role to maintain a strong housing focus for the authority;
  - vi. that a review be undertaken of the remits of the relevant committees to incorporate member decision-making and officer delegations relating to the housing management functions, and any changes proposed to the Council's Constitution as a consequence be submitted to the Councillors' Commission for consideration prior to submission to Full Council; and
  - vii. that proposals for new tenant engagement and involvement in the delivery, performance and development of future council housing services be developed.

#### Reason for Decision

To enable the Council to progress the optimum means of delivery of the Housing Management Services for its Council housing stock.

#### 24 ESTATE REGENERATION - YORKE DRIVE ESTATE AND LINCOLN ROAD PLAYING FIELDS

The Business Manager – Housing Strategy & Development presented a report which detailed the progress on the Yorke Drive estate and Lincoln Road playing fields regeneration proposals, and sought approval for the project to move onto the next phase of delivery. The report provided updates in respect of planning, demolition and compensation for home loss, resident involvement and a 'Design Guide' for the new affordable housing contained within the proposals.

With reference to securing a development partner, soft market testing had indicated an appetite amongst developers to be involved in the delivery of this project, and in accordance with the project plan, external legal advice was sought on alternative delivery models. These included a joint venture; full OJEU (Official Journal of the European Union) procedure; and OJEU compliant procurement frameworks. Following officer consideration, the preferred model for delivery was to utilise Homes England's Delivery Partner Panel 3 (DPP3) to procure a development partner.

It was reported that during October it was planned to undertake a 'Resident Needs Survey' with every household impacted by the demolition proposals. In addition, a Decant Policy was being drafted to set out how the Council intended to manage the process of moving residents from their homes in order to facilitate the regeneration proposals. This policy would include how and when alternative accommodation would be made available to those residents requiring a move, the support to be offered to enable a move and the mechanisms available to assist current homeowners who wished to remain on the estate.

The delivery of the Yorke Drive Regeneration project relied on the demolition of 130 properties to facilitate new development, infrastructure and the physical opening of the estate to Lincoln Road providing a new frontage. The Council had already begun to consider the re-housing of existing tenants and the acquisition of privately owned homes within the area marked for demolition. The Council could only purchase the privately owned properties either with agreement from the homeowner or through a Compulsory Purchase Order (CPO). Officers would support home owners to facilitate a voluntary move to meet their needs. However, to ensure that the project could be delivered, and to mitigate identified risks, consideration needed to be given to the Council applying for a CPO that would run alongside the voluntary negotiation process. However, CPO was seen very much as a last resort. In accordance with CPO powers there was a need to identify the area of land that an order would apply to. This was identified in a revised Appendix B to the report.

AGREED (unanimously) that:

- a) the Council's financial commitment to the scheme and capital budget for 2019/20, the details of which were set out in the exempt report, be approved;
- b) subject to the financial commitment being agreed as indicated in a) above, to approve that a procurement exercise be undertaken through Homes England's Delivery Partner Panel (DPP3) to identify a suitable development partner for the delivery of the Yorke Drive estates and Lincoln Road playing fields regeneration proposals, with the outcome of this exercise being reported to the Committee together with the actual scheme costs for approval;
- c) delegated authority be given to the Director of Governance and Organisational Development, in consultation with the Director of Resources, to enter into an appropriate Homes England Grant Funding Programme to support delivery of the Yorke Drive project; and

- d) the Council agree in principle to use powers under Section 17 of the Housing Act 1985 and Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 to make a compulsory purchase order or orders to acquire such interests and rights in or over the land shown [edged red on the revised plan at Appendix B to the report] as these:

- (i) are needed to complete the Yorke Drive Regeneration project; and
  - (ii) cannot be acquired by agreement.

#### Reason for Decision

To progress the transformational project, focussing on the regeneration of the Yorke Drive estate and Lincoln Road playing fields.

### 25 ARMED FORCES COVENANT UPDATE

The Policy & Projects Officer presented a report which updated the Committee about Armed Forces Covenant (AFC) at the Council. The report demonstrated the additional ways in which the Council would support the AFC and sought approval for the approval of sharing information via the full Council meeting in order to raise further awareness of the armed forces community in the District and about AFC working.

AGREED (unanimously) that:

- (a) the enhanced Armed Forces Covenant working outlined in proposals 3.1 - 3.8 of the report be noted;
- (b) raising awareness of Armed Forces Covenant working be supported through:
  - i. induction training for Members;
  - ii. a review of Armed Forces Covenant working at Full Council in 2019;
  - iii. a launch event for the Buddy Scheme; and
- (c) advocacy for the Armed Forces Covenant and the Ministry of Defence Employer Recognition Scheme outside the Council as required, be supported.

#### Reason for Decision

To guarantee that members of the Armed Forces community in the District experience no disadvantage and to enhance Newark & Sherwood District Council's Armed Forces Covenant working.

## 26 GENERAL DISPENSATIONS

The Director – Governance & Organisational Development presented a report which sought to issue all Members of the Council with a blanket dispensation for the remainder of the Council's four year term. This was required in order to provide an additional safeguard to enable all Members to speak and vote, where they would otherwise have a disclosable pecuniary interest, where the interest is one, which a member of the public with knowledge of the relevant facts, would not reasonably regard as so significant that it was likely to prejudice the Member's judgement. The blanket dispensation would include housing where the Member was a tenant of the Council, provided that the functions did not relate particularly to the Member's tenancy or lease, and setting the Council Tax where the Member held property interests within the District.

AGREED (unanimously) that a general dispensation be granted to all Members of Newark & Sherwood District Council on the grounds set out in the report for the remainder of the current administration of the Council.

### Reason for Decision

To enable Members to speak and vote on matters where they would otherwise have a disclosable pecuniary interest but that interest is remote, trivial or insignificant and would not influence their judgement of the public interest.

## 27 COMMUNITY PLAN - QUARTER 1 2019/20 PERFORMANCE REPORT

The Chief Executive presented a report which informed Members of the position against actions and Key Performance Indicators (KPIs) in the Council's Community Plan 2019/23 at the end of quarter 1 for 2019/20. The Community Plan 2019/23 was adopted on 7 March 2019 and set out the Council's purpose, values and objectives along with improvement/development actions above and beyond normal day to day service related activities.

There were a total of 138 actions within the plan, as well as 85 KPIs used to measure progress against the plan. Of the KPIs, 37 were collected quarterly, 1 on a six monthly basis, 46 annually and 1 every four years. The report is for quarter 1 focused on the 37 quarterly KPIs.

The Business Manager – Human Resources & Organisational Development gave a short presentation to the Committee which advised of objectives; the KPIs; actions; and a flavour of what the Council had been doing and new and or developing emphasis.

The Committee welcomed the stretched targets within the Community Plan and referred to the positive reaction the Plan had received in the community.

AGREED (unanimously) that the summary of position against actions and Key Performance Indicators in the Community Plan as at the end of quarter one be noted.



### Reason for Decision

To enable Members to proactively monitor and manage achievement of the Council's objectives as set out in the Community Plan.

## 28 INFORMATION REQUESTS, COMPLAINTS AND RIPA UPDATE

The Director – Governance & Organisational Development presented a report which detailed the activity in relation to requests made to the Council during 2018/19 under the General Data Protection Regulation, Data Protection Act 2018, Freedom of Information Act 2000 and Environmental Information Regulations 2004. The report also advised of the complaints made to the Local Government Ombudsman and the use by the Council of the Regulation of Investigatory Powers Act 2000 (RIPA) during 2018/19.

In respect of RIPA, the Director – Governance & Organisational Development advised that the opportunity had been taken to update the Council's Policy to make it more user friendly and include more guidance for officers to follow. In addition, there had been some changes to senior Director posts since the current version of the Policy was adopted and these had also been updated.

AGREED (unanimously) that the report be noted, and the amended RIPA Policy, as attached at Appendix 2 to the report, be approved.

### Reason for Decision

To update the Council's RIPA Policy and inform Members of activities in relation to information requests, complaints made to the Local Government Ombudsman and the use of RIPA in 2018/19.

## 29 NEWARK TOWN MUSEUM DELEGATION

The Director – Growth & Regeneration presented a report which detailed a request from Newark Town Council that the District Council delegates to it the exercise of the powers set out in Section 12 of the Public Libraries and Museums Act 1964, to allow it to continue to provide and maintain a museum and art gallery.

Newark Town Council had recently discovered that they did not possess an ability to run an accredited Museum and Gallery, notwithstanding that they had done so since 1997. Section 206 of the Local Government Act defined local authorities for the purposes of the Public Libraries and Museums Act 1964 in England. However, this did not include town and parish councils. Under the Localism Act 2011 and Local Authorities: General Power of Competence 2012 a town or parish council may incur expenditure for museum provision. However, Newark Town Council did not currently fulfil the requirements laid out in the General Power of Competence, meaning it could not officially run an accredited museum.

Such an 'oversight' had only recently been identified elsewhere, and other authorities had taken the precautionary measure of formally delegating this function to a relevant town or parish Council. It was therefore proposed that the District Council

formally delegates to Newark Town Council an ability to continue to operate a museum. It was also recommended that such delegation be conditional upon the museum continuing to maintain its accredited status and any significant changes to the existing demise or content being firstly agreed with the District Council.

AGREED (unanimously) that:

- (a) the Director – Growth & Regeneration be given delegated authority to formally delegate to Newark Town Council (for as long as it remains a Town Council), subject to Arts Council England Museum Accreditation Status being maintained, those powers under Section 12 of the Public Libraries and Museums Act 1964 to provide and maintain a museum and art gallery at the Town Council's current extent of demise of the 'Newark Town Hall Museum and Art Gallery' under a legal agreement which also sets out the standards and policy aims of museum service to be provided;
- (b) the Director – Growth & Regeneration be given delegated authority, in consultation with the Business Manager - Legal Services and the Business Manager - Heritage, Culture & Visitors to finalise negotiations on the standards and policy aims of the museum service to be provided by the Town Council at the 'Newark Town Hall Museum and Art Gallery'; and
- (c) the Director – Growth & Regeneration be given delegated authority, in consultation with the Leader of the Council and Business Manager - Heritage, Culture & Visitors, to negotiate and amend any future revisions to the demise, standards, and policy aims of the 'Newark Town Hall Museum and Art Gallery'.

#### Reason for Decision

To allow Newark Town Council to continue to deliver a Museum and Art Gallery.

#### 30 PROPOSED PLAN OF ACTION IN RESPONSE TO THE COUNCIL'S DECLARATION OF A CLIMATE EMERGENCY

The Policy & Projects Officer presented a report which proposed a plan of action and indicative timetable in response to the Climate Change Emergency which was declared by the Full Council at their meeting held on 16 July 2019. In response to the declaration a project group had been established to examine how the Council should most appropriately respond. The appendix to the report summarised the current activities undertaken by the Council which could be described as having a positive impact in terms of reducing the Council's carbon footprint and set out how further interventions could reduce this further.

However, it was noted that whilst data was available at a district level in terms of carbon emissions it was not possible to describe the District Council's contribution to the footprint. Therefore, establishing a baseline would enable the Council to understand its current performance and be able to consider the interventions and resources required in order to reduce its footprint further.

The recommendations from the project group in order to deliver the requirements set out in the declaration and indicative milestones were detailed in the report. The Policy & Projects Officer confirmed that the Leisure & Environment Committee had endorsed these recommendations and timetable at their meeting held on 24 September 2019.

AGREED (unanimously) that:

- (a) the course of action and indicative timetable as set out in the report be approved;
- (b) a Climate Change Working Group be established under the direction of this Committee, to comprise the Chairman, Vice-Chairman and Opposition Spokespersons on the Policy & Finance, Leisure & Environment, Economic Development and Homes & Communities Committees; and
- (c) the proposed budget, to be considered as part of the later Reallocation of Resources report, in relation to the production of the Climate Change Strategy and Action Plan be noted.

#### Reason for Decision

To respond to the Climate Emergency declared by the Council.

### 31 YMCA COMMUNITY AND ACTIVITY VILLAGE

The Business Manager – Housing, Health & Community Relations presented a report, which provided a progress update on the YMCA Community & Activity Village project, and sought approval for the District Council's funding contribution to enable the delivery of Phase 2 of the project.

The report detailed the successful completion of Phase 1 of the project and advised that Phase 2 works were on track to commence in the autumn 2019, which would see the construction of the main village building and its immediate surrounds. Phase 2 works had been delayed in order to realise additional funding resources and to provide additional time to secure agreements with substantial stakeholders.

A summary of the District Council ongoing financial support towards the project via Section 106 spend was provided in the report. In addition, it was noted that the Council had recently committed a £15,000 contribution to the YMCA Tall Ships Adventure under the Council's delegation arrangements for dealing with matters of urgency.

In respect of the Elm Avenue site the Director – Growth & Regeneration reported that the sale of the land had yet to be concluded, but the YMCA had requested the District Council forward fund £150,000 of its anticipated capital receipt to support the delivery of Phase 2. In addition, he advised that discussions were still ongoing with Tarmac in relation to additional land to allow an improved cycle track and boating offer but it was not proposed to contribute any additional monies to any lease which may be agreed. Rather, the District Council would take a head lease with the YMCA absorbing a sub-lease.

AGREED (unanimously) that:

- a) Members note the decision made by the Leader of the Council and Leader of the Main Opposition Group to contribute £15,000 to the YMCA Tall Ships Adventure, as detailed at paragraphs 3.4 - 3.6 of the report;
- b) Members authorise the forward funding of £150,000 of the overall 50% of capital receipt (minus reasonable fees) from the sale of the Elm Avenue site to the YMCA;
- c) Members authorise the allocation of £71,422.32 from the Hoval Section 106 monies, as detailed at paragraph 3.3 of the report to the YMCA Community and Activity Village; and
- d) the Director Resources/Deputy Chief Executive be given delegated authority to enter into a lease agreement with Tarmac to secure additional land, as identified on the plan at Annex 1 of the report, for a term of up to 2063 (with the ability to renew up to 2113), subject to terms also being agreed with the YMCA for the overall costs of this lease to be met solely by the YMCA for the lifetime of the lease between NSDC and Tarmac.

#### Reason for Decision

To provide an update on the progress of this development and seek approval for the required funding and land assembly to complete Phase 2 of the YMCA Sports and Activity Village.

### 32 OLLERTON & BOUGHTON NEIGHBOURHOOD STUDY

The Business Manager – Housing Strategy & Development presented a report which, following completion of the Ollerton & Boughton Neighbourhood Study, sought budget approval to enable the submission of a planning application for the allocated site (OB/MU/2) between the Stepnall Heights and Hallam Road estates, subject to a viable development option.

At their meeting held on 11 September 2019, the Economic Development endorsed the final draft of the Ollerton & Boughton Neighbourhood Study. The agreed master plan options included the potential opportunity of utilising additional land currently within the boundaries of the Dukeries Academy in order to enhance the recreational and amenity offer to local residents, which was a key theme from the Study.

The report also proposed that a budget of £300,000 be allocated to undertake the necessary detailed feasibility stages leading to the submission of a planning application in respect of the allocated site (OB/MU/2). This would be subject to the identification of a viable development option, informed by undertaking detailed feasibility work.

AGREED (unanimously) that:

- (a) a budget of £70,000 be added to the Capital Programme, financed by the Capital Provision in order to purchase the land in front of the Dukeries Leisure Centre; and
- (b) approval be given to the allocation of £300,000 from the Change Management Reserve to enable the submission of a planning application for the allocated site (OB/MU/2), between the Stepnall Heights and Hallam Road estates, subject to the comments of the Economic Development Committee detailed at paragraph 4.1 of the report, and detailed feasibility work and identification of a viable development option.

Reason for Decision

To develop a Neighbourhood Study approach, in accordance with the Community Plan, so to inform current and future policy development for a study area, to the benefit and prosperity of its residential and business community.

33 GENERAL FUND & CAPITAL PROJECTED OUTTURN REPORT TO 31 MARCH 2020 AS AT 30 JUNE 2019

The Director – Resources presented a report which compared the Revised Budgets with the Projected Outturn forecast for the period to 31 March 2020. The forecast to the year end was based on three months performance information on the Council's revenue and capital budgets including the General Fund Revenue and Capital Programme. The accounts showed a projected unfavourable variance against the revised budget of £0.147m on service budgets, with an overall unfavourable variance of £0.161m. Appendix A to the report detailed the variances in service areas and other budgets.

The report also summarised the position for the Capital Programme up to the end of June 2019. Additions and amendments to the Programme were detailed in Appendix B to the report. The reported variations totalled -£1.076m which if approved would reduce the budget to £37.343m. Details of how this would be financed were set out in the report.

AGREED (unanimously) that:

- (a) the General Fund projected unfavourable outturn variance of £0.161m be noted;
- (b) the variations to the Capital Programme at Appendix B to the report be approved; and
- (c) the Capital Programme projected outturn and financing of £37.343m be noted.

### Reason for Decision

To update Members with the forecast outturn position for 2019/20 financial year.

## 34 RESOURCING THE DELIVERY OF THE COMMUNITY PLAN 2019 - 2023

The Director – Resources presented a report which informed the Committee of the progress in re-alignment of the financial resources to fund the delivery of the Council's Community Plan priorities. This required the allocation of funding from the Change Management Reserve to fund one off expenditure to support the delivery of the objectives of the Community Plan. The report also sought approval for proposed changes to the base budget that would be presented to the Council's committees as part of setting the 2020/21 general fund base budget.

It was reported that around £400,000 of the current base budget had been identified as being able to be re-allocated to support the delivery of the Community Plan objectives. In addition to base line changes to the budget, £480,000 had been identified, as being required as one off expenditure to be funded from use of the Change Management Reserve and the Cleaner, Safer, Greener (CSG) reserve.

The report identified the following areas where additional resourcing in line with the Community Plan would be required: Housing, Health and Community Relations; Waste, Trade Waste and Grounds Maintenance; Growth and Regeneration; Corporate Capital Projects; land at Lowfield Lane; Lorry Park Security; Apprenticeships; Information Technology; and Commercialisation and Major Projects.

AGREED (unanimously) that:

- (a) the Committee support the work done to re-allocate the Councils general fund revenue budgets to fund the corporate objectives set out in the Community Plan;
- (b) the transfer of £374,056 from the Change Management Reserve and £17,000 from the Cleaner, Safer, Greener (CSG) reserve be noted;
- (c) the in-year change to the revenue budget of £88,160 funded from the Change Management Reserve for 2019/20 be approved and be presented to the relevant Committees of the Council as part of the budget proposals for 2020/21; and
- (d) the proposed changes, totalling £326,352, to the budgets for 2020/21, that will be presented to the relevant Committees of the Council as part of the budget proposals for 2020/21 be noted.

### Reason for Decision

To allocate financial resources that will underpin the delivery of the Community Plan objectives.

35 NEWARK LORRY PARK

The Director – Resources presented a report which updated Members on the completed Newark Lorry Park Extension Project, the Lorry Park 5 Year Business Plan (exempt Appendix to the report) and the Lorry Park Café.

It was reported that the extension of the lorry park had been a successful project. It had delivered the requisite 167 lorry parking spaces within budget and with a contribution back to the Council's Capital Programme of £68,095. Furthermore, the installation of the fuel bunker which would be operational from September 2019, together with the proposed increase in the tariff to £16.50, from April 2020, would increase the income to the Council, thereby reducing the payback period below the 4 year period that was predicted when the project was given initial approval. In addition, in order to further improve the offer to the users of the lorry park, proposals were included in the business case to renovate and modernise the café at the lorry park. It was considered that these proposed changes would enhance the experience of the customers and potentially further increase revenue to the Council.

AGREED (unanimously) that:

- a) Members note the exempt Newark Lorry Park 5 Year Business Plan as approved by the Economic Development Committee; and
- b) Members note the saving of £68,095 and approve that this sum be added to the available funding of future projects in the Council's Capital Programme.

Reason for Decision

To generate additional revenue for the Council and to provide secure, high quality parking for Lorries, HGVs and coaches as well as provide for the wellbeing of drivers through the provision of quality facilities.

36 PARISH AND TOWN COUNCIL INITIATIVE FUND 2020 - 2023

The Business Manager – Housing, Health & Community Relations presented a report which sought approval for the criteria for the new Parish & Town Council Initiative Fund 2020 – 2023. The fund was a year 1 priority for delivery as part of objective 10 in the Council's Community Plan to 'increase participation with the Council and within local communities'. This was aligned to the delivery of the Cleaner, Safer, Greener (CSG) priorities. The proposed criteria for the Fund had been developed in order to support projects and initiatives from parish and town councils which contribute to the CSG objectives.

The fund proposed that potential grants would be allocated over a three-year cycle, consisting of two grant panels per year. In year one it was proposed that the focus would be applications that supported the 'greener' principle, year two the 'safer' principle and year three the 'cleaner' principle. It was proposed that the awarding panel would consist of the Chairman and Vice Chairman of the Policy & Finance, Homes & Communities and Leisure & Environment Committees along with the Leaders of the Labour, Independent and Liberal Democrat Groups, creating a panel consisting of nine Members.

AGREED (unanimously) that:

- (a) the Parish and Town Council Initiative Fund criteria for 2020 – 2023 be approved; and
- (b) the composition of the Member Panel, as set out in the report, be approved.

Reason for Decision

To enable the Council to deliver key objectives within the Community Plan 2019 - 2023.

37 EUROPEAN UNION EXIT PREPAREDNESS REPORT

The Director – Communities & Environment presented a report which provided the Committee with an update in respect of the preparations being made by the Council relating to EU exit preparedness. It was noted that the preparations being taken were in line with advice received from the Ministry of Housing, Communities & Local Government and other Government departments.

AGREED (unanimously) that:

- (a) Members note the Council preparations and sign-post their ward constituents, if required, to the available resources via the Council web site and Customer Services advice; and
- (b) Members seek any further advice required from the Brexit Lead Officer, Matthew Finch.

Reason for Decision

To actively manage the EU Exit, achieving a smooth transition for all in the District.

38 EQUALITIES UPDATE

The Director – Governance & Organisational Development presented a report which provided Members with an update on the progress made over the last year towards the Council's corporate equalities objectives and the gender pay gap. The report also gave an overview of activities planned for the future.

AGREED (unanimously) that:

- a) the report and the progress made against the Council's equality and diversity objectives be noted; and
- b) the Committee note the outcomes and findings of the Gender Equality Pay Gap report and in particular the positive reduction of 5.26% compared to the 2017 outturn.



Reason for Decision

To keep Members informed of progress made against the objectives included within the Council's adopted Equality and Diversity Strategy and the Gender Pay Gap Report.

39 URGENCY ITEM - JOSEPH WHITAKER SCHOOL COMMUNITY FACILITIES IMPROVEMENTS

The Committee noted the decision to allocate a community facilities contribution of £50,294, held under the Section 106 Agreement AG859, to Joseph Whitaker School as a contribution towards improvements to the community leisure facilities and that the appropriate provision be made in the Council's Capital Programme for the scheme.

AGREED (unanimously) that the Urgency Item be noted.

Reason for Decision

To improve the community infrastructure in Rainworth.

40 URGENCY ITEM - NEW SWIMMING POOL AT DUKERIES LEISURE CENTRE

The Committee noted the decision that an instruction to proceed to RIBA Stage 3 and 4 had been issued to Total Swimming, the project developer.

AGREED (unanimously) that the Urgency Item be noted.

Reason for Decision

To ensure that the project proceeds without unnecessary delay.

41 URGENCY ITEM - BUDGET RE-PROFILE REQUIRED TO ENHANCE THE GARDEN WASTE SOFTWARE SYSTEM

The Committee noted the decision to redirect £20,000 of funding to Information Technology Investment to enhance the garden waste software provision and to use the remaining £6,000 to purchase garden waste bins for new customers.

AGREED (unanimously) that the Urgency Item be noted.

Reason for Decision

To enhance the software in order to meet the garden waste renewal schedule.

42 URGENCY ITEM - USE OF SECTION 106 FUNDS FOR VICAR WATER PLAY AREA REFURBISHMENT

The Committee noted the decision to set up a £64,000 capital budget which would be used to refurbish the play area at Vicar Water Country Park.

AGREED (unanimously) that the Urgency Item be noted.

Reason for Decision

To ensure the project to improve the play area proceeded without unnecessary delay.

43 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 Paragraph 3 of Part 1 of Schedule 12A of the Act.

44 ESTATE REGENERATION - YORKE DRIVE AND LINCOLN ROAD PLAYING FIELDS

The Committee considered the exempt report of the Director – Governance & Organisational Development concerning the Yorke Drive Estate and Lincoln Road Playing fields Estate Regeneration.

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

45 LONDON ROAD CAR PARK EXTENSION OPTIONS APPRAISAL

This item was withdrawn from the agenda.

46 NEWARK LORRY PARK (CONFIDENTIAL APPENDIX ONLY)

The Committee considered the exempt Business Plan for the Newark Lorry Park.

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

Meeting closed at 7.58 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, 11 September 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  
N Mitchell, Councillor M Skinner and Councillor R White

ALSO IN COUNCILLOR L GOFF AND COUNCILLOR P HARRIS  
ATTENDANCE:

APOLOGIES FOR COUNCILLOR MRS M DOBSON (COMMITTEE MEMBER) AND COUNCILLOR  
ABSENCE: N MISON (COMMITTEE MEMBER)

### 12 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.

### 13 DECLARATION OF INTENTION TO RECORD MEETING

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

### 14 MINUTES OF MEETING HELD ON 19 JUNE 2019

AGREED that the Minutes of the meeting held on 19 June 2019 be agreed as a correct record and signed by the Chairman.

### 15 CLARIFICATION OF CHRISTMAS PARKING CONCESSIONS

The Committee considered the report presented by the Director – Growth & Regeneration which sought to clarify the situation in relation to Christmas parking concessions when there were 4 Sundays after the Christmas light switch-on that fall prior to Christmas Day. It was reported that the purpose of the report was to remove the need for annual approvals in the aforementioned circumstances.

AGREED (unanimously) that the clarification of the Christmas parking concessions be adopted.

### 16 FUTURE TOWNS FUND

With the permission of the Chairman the Director – Growth & Regeneration provided the Committee with a verbal update in relation to the successful award of the Future Towns Fund. The Council has been awarded capital funding of up to £25m, subject to further development of a 'Deal' with central government. He stated that the next stage would be receipt of a prospectus for the town's development.

Members welcomed the funding and noted that it was specific to Newark town (as opposed to the centre or wider District areas).

In response to whether infrastructure would form part of the development of the town, the Director confirmed that there would be an element of that within the works, either physical and/or digital.

AGREED (unanimously) that the verbal update be noted.

17 NEWARK LORRY PARK

The Committee considered the report presented by the Business Manager – Commercialisation & Major Projects which sought to update Members on the completed Newark Lorry Park Extension Project. It was noted that the Newark Lorry Park 5 Year Business Plan (Appendix A to the report) was exempt and that any discussion thereon would be deferred to the end of the meeting.

The report set out the background to the project and that its vision had been to offer secure, high quality parking for lorries, HGVs and coaches as well as to provide for the wellbeing of drivers through the provision of quality facilities. The Business Manager reported that the project had been completed ahead of schedule and under budget. Paragraph 3 of the report provided Members with financial information relating to the cost of the project with the 5 year income projections being reported at paragraph 3.4 of the report.

Members all agreed that the report was to be welcomed and expressed their appreciation to Officers involved that the project had been completed ahead of schedule and under budget. It was noted that promotion of the lorry park and its facilities was ongoing e.g. at the recently held Newark Truck Fest.

AGREED (unanimously) that:

- (a) the implementation of the Newark Lorry Park 5 Year Business Plan be approved; and
- (b) the saving of £68,095 be noted and that approval be given for that sum to be added to the available funding for future projects in the Council's Capital Programme.

18 PROPOSED INVESTMENT IN WASTE AND GROUNDS MAINTENANCE SERVICES

The Committee considered the report presented by the Projects Officer – Commercialisation & Major Projects in relation to the proposed investment in and realignment of Environmental Services, including Street Cleansing, Refuse & Recycling, Transport and Parks & Grounds Maintenance.

The report set out the governance of the aforementioned services and how their realignment would be reported to their respective Committees. The proposals for each of the service areas were reported at paragraph 4.0 and the impact this would have, if agreed. The wider development of street cleansing and refuse & recycling were reported as was the review of environmental services and waste consulting.

In considering the report a Member queried whether there would be any impact on services already outsourced to parish councils under devolution deals. The Projects Officer advised that this was not the intention, albeit support to all parishes to drive forward their own agendas would continue, in line with the experience of the Cleaner, Safer, Greener campaign. Another Member noted the devolution deals, stating that any parish would be welcome to contract the District Council to undertake work on its behalf.

In referring to paragraph 4.4 of the report a Member queried whether the Street Cleansing Action Team would be tasked with the filling in of pot holes. The Project Officer advised that overall scope of works was to be agreed. However it was noted that such action will likely be limited to Council owned land.

The Local Member for Southwell addressed the Committee stating that he welcomed the proactive street cleansing proposals. He referred to the in-house green waste collection stating that he would wish to see the best facility possible being provided for the district's residents. In relation to the scope of the review, he expressed his disappointment at the lack of detail on food waste and glass collection. He noted that other districts offered a multi-waste collection and that he hoped that both areas would be subject to investigation. The Project Officer advised that Recommendation (b) of the report would encompass food waste. It was noted that the collection of different waste streams was something which the Government were considering and that in the future it was likely to be free of charge to residents, if the National Waste Strategy outcomes were to identify this.

AGREED (unanimously) that:

- (a) the development of Environmental Services as outlined in the report and recommend that further progress updates be brought back to Committee be endorsed; and
- (b) Members from both Economic Development and Leisure & Environment be consulted with regarding the development of the Strategy (see para 4.5). Details of the sessions facilitating this development to be circulated in Autumn 2019, be noted.

## 19 OLLERTON AND BOUGHTON NEIGHBOURHOOD STUDY

The Committee considered the report presented by the Business Manager – Housing Strategy & Development which sought to provide Members with the final draft of the Ollerton & Boughton Neighbourhood Study for endorsement. The report also outlined the next steps of the study for Members' approval.

The report set out the background to the study and the delivery model thereof together with the governance arrangements. Specifics in relation to the study were noted in paragraph 3 of the report. Results from the initial consultation with local people had resulted in six key themes emerging which were listed at paragraph 4.1 with the place proposals being detailed in paragraph 5 and Appendix A of the report.

In considering the report Members agreed that it was to be welcomed. A Local Ward Member who was also a Member of the Committee commented on the importance of the study and that its impact on the two areas could not be under-estimated. He noted the excellent co-operation between all parties and that he would wish to see the consultations continued. He referred specifically to Recommendation (c) and that it needed to include for community consultation if required prior to any final option(s). The Chairman queried whether this would cause any delay to the progression of the study. The Director – Growth & Regeneration suggested that an additional recommendation be added, utilising delegation in consultation with Members, in order to ensure that progress was not delayed by a Committee cycle.

AGREED (unanimously) that:

- (a) the final draft of the Ollerton & Boughton Neighbourhood Study, as set out at Appendix A further to the final public exhibition held in October 2018 be endorsed;
- (b) the activities being undertaken to deliver the ‘People’ action plan through a holistic place based approach considering the objectives within the Community Plan, the outcomes of which will be reported at a future meeting of the Committee be noted;
- (c) the preparation for and submission of a planning application for the allocated site (OB/MU/2) between the Stepnall Heights and Hallam Road estates, subject to a viable development option, with the proposals being presented to Policy & Finance Committee to allocate the £300,000 budget be approved; and
- (d) in consultation with the Chairman, Vice Chairman and Opposition Spokesperson (including any agreed community engagement), Members recommend the preparation and submission of a planning application for the allocated site (OB/MU/2) between the Stepnall Heights and Hallam Road estates, subject to first a viable development option being examined and second, the Policy & Finance Committee agreeing to allocate the required £300,000 budget.

## 20 DISTRICT WIDE TREE PLANTING INITIATIVES

The Committee considered the report presented by the Business Manager – Parks & Open Spaces which sought to provide Members with information on a number of tree-planting initiatives and sought Committee approval for the allocation of funds to allow some of the initiatives to be progressed.

The report set out the background to the proposal whilst highlighting the importance of trees and the Government’s tree planting target of planting 11 million trees in England between 2017 and 2022, 1 million of which would be in urban areas. The proposed schemes were listed in the report at paragraph 3.0 as follows: free tree scheme; partnership working; northern forest project; urban tree challenge fund; morewoods; and national tree planning week.

One of the Local Members for the Devon Ward addressed the Committee stating that he was grateful for the support of the initiative by a local business. Members of the Committee were in agreement and suggested that it be raised at Newark Business Club in an attempt to gather more support. The Business Manager added that the initiative was also to be promoted by the Council's PR and Communications Team and that this would include parish councils and schools.

In welcoming the scheme a Member of the Committee queried what checks were in place to ensure that the trees planted were suitable for residential gardens. The Business Manager confirmed that discussions would be held with the Wildlife Trust and organisers of existing schemes. It was noted that consideration was being given to only offering a small choice of species and that these would be changed on an annual basis over the 5 year period.

AGREED (unanimously) that:

- (a) the initiatives outlined in paragraph 3.0 of the report, including the institution of a free tree scheme and the submission of an expression of interest to the Urban Tree Challenge Fund be supported;
- (b) funding of £15,000 over a 5 year period be identified to support tree-planting initiatives across the District and Policy & Finance Committee be asked to ratify this spending; and
- (c) the 2019 National Tree Week be used as an opportunity to promote tree planting.

## 21 LOCAL NATURE RESERVE DESIGNATION - INTAKE WOOD, CLIPSTONE

The Committee considered the report presented by the Business Manager – Parks & Open Spaces which sought Members approval for the designation of Intake Wood in Clipstone as a Local Nature Reserve (LNR) under the National Parks and Access to the Countryside Act 1949.

The report set out the background to the Council taking over the freehold ownership of the site in 2000 and subsequent Tree Preservation Order in 2002 with a commuted maintenance payment in the sum of £30k being received from the housing developer, Bovis Homes in 2006. The proposals for the site were listed at paragraph 3.0 of the report, listing the reasons and why its designation as a LNR was considered appropriate.

In considering the report a Member suggested that Clipstone Parish Council be contacted to advise them of the proposals with a view to local people becoming involved with the proposal to designate the area as a LNR. It was also suggested that the Local Ward Members for Clipstone & Edwinstowe be contacted to advise them of the proposals.

AGREED (unanimously) that the designation of Intake Wood as a Local Nature Reserve be supported.



22 NOTTINGHAMSHIRE MINERALS LOCAL PLAN

The Committee considered the report presented by the Business Manager – Planning Policy which sought to advise Members of the details of the Publication Nottinghamshire Minerals Local Plan Consultation and which sought Members' approval the Council's response to the consultation.

The report set out the background to the Publication Minerals Local Plan for a period of representation with paragraph 2.2 outlining the same approach as the Draft Plan which the Council had supported. Appendix B to the report set out the Council's proposed formal representations to the consultation.

AGREED (unanimously) that:

- (a) the report be noted;
- (b) Appendix B be approved as the District Council's representation to the Publication Nottinghamshire Minerals Local Plan.

23 LOCAL DEVELOPMENT FRAMEWORK PROGRESS UPDATE

The Committee considered the report presented by the Business Manager – Planning Policy which sought to update Members on progress towards delivery of the Plan Review in relation to the Allocations and Development Management Policies.

The report set out the background to the consultation undertaken on the Allocations & Development Management Issues Paper and the proposed timescale for the next stage of the review process. It was noted in paragraph 3.2 of the report the likely need to hold an additional meeting of the Committee in order to avoid a delay in the consultation process and that this was largely down to the need to consider the policies and potential allocations relating to housing provision for the Gypsy & Traveller Community.

The Business Manager referred Members to the additional meeting date provisionally booked for 10 October 2019, adding that Officers were working towards providing Members with the key facts in order for them to consider the matter.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) the additional meeting of Thursday, 10 October 2019 be supported to fully discuss the final Options Report for consultation.

24 FESTIVALS 2019 CAMPAIGN EVALUATION

The Committee considered the report presented by the Business Manager – Tourism which sought to provide Members with an update on the continuing district-wide visitor campaign 'Festivals 2019'.

The report set out the background to the campaign with the aim of increasing the number of visits, dwell time and expenditure in support of the visitor economy. The campaign had focussed on 20 festivals to form the main content for a multi-channel visitor campaign. The selection of festivals was based on ensuring a good spread of dates, durations, locations in the district, themes and intended audiences.

In considering the report Members agreed that the campaign had proved to be a success. A Member of the Committee stated that The Robin Hood Festival had been delighted with their increased numbers with the Member adding that he was pleased to see such a positive outcome from the use of social media and online promotions.

It was noted in the report that stakeholders, including event organiser and hosting attractions were actively supporting the campaign by distributing the printed guide and sharing social media posts to their networks. Members agreed that they would wish to have a 'tour' of the websites at the next meeting of the Committee.

AGREED (unanimously) that the success of the 'Festivals 2019' campaign in raising awareness of the wide range of festivals on offer across the district and increasing visitors and followers to our digital channels for our longer-term marketing advantage be noted.

## 25 COMMERCIALISATION AND MAJOR PROJECTS UPDATE

The Committee considered the report presented jointly by the Business Manager and the Projects Officer – Commercialisation & Major Projects which sought to update Members on the commercial project activity undertaken by the Commercialisation & Major Projects business unit.

The report set out the background to the establishment of the Business Unit and its role and responsibilities. It provided details of the commercial projects for 2019/2020 and those currently being developed for the forthcoming year, 2020/2021.

Members agreed that they welcomed some service provision being brought in-house and the investment proposed in the Council's own staff.

The Chairman raised the issue of tenants who did not maintain their gardens and the current lack of enforcement requiring them to do so. He suggested that the Council could offer to do it for them for a small fee but was mindful that the some tenants' ability to undertake such a task may be limited and would need consideration.

AGREED (unanimously) that the update regarding commercial activity undertaken by the Commercialisation & Major Projects Business Unit be noted.

## 26 FORWARD PLAN

The Committee considered the Forward Plan presented by the Director – Growth & Regeneration which listed reports to be presented to Committee in the forthcoming 12 month period.

AGREED (unanimously) that the Economic Development Committee's Forward Plan be noted.

27 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.

28 NEWARK LORRY PARK (APPENDIX ONLY)

NOTED the Newark Lorry Park Business Plan 2019/2020 to 2024/2025 which was the exempt appendix to Agenda Item No. 6 – Newark Lorry Park.

Meeting closed at 7.15 pm.

Chairman

## 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, 30 September 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 and Councillor Mrs S Saddington

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

APOLOGIES FOR ABSENCE: Councillor J Lee (Committee Member)

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

Councillor Mrs Dales declared an interest in Agenda Item No. 5 – Update on Flood Prevention Schemes as a representative on the Trent Valley Drainage Board.

Councillor Mrs Holloway declared an interest in Agenda Item No. 9 – Newark and Sherwood Homes- Gas Servicing as a Director of the Board.

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

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

### 18 MINUTES OF MEETING HELD ON 10 JUNE 2019

AGREED (unanimously) that the Minutes of the meeting held on 10 June 2019 be approved as a correct record and signed by the Chairman.

### 19 UPDATE ON FLOOD PREVENTION SCHEMES

The Business Manager – Public Protection presented a report to the Committee which sought to update Members on the current position of proposed flood alleviation schemes within the district together with information on the Town and Parish Emergency Resilience Stores.

In relation to the proposed flood alleviation schemes, the report provided details for the areas in: Lowdham; Thurgarton; Gunthorpe; Garton; Sutton-on-Trent; and Southwell. Details of grant monies received since 2015/2016 were listed in paragraph 2.11 of the report together with how the monies had been either spent, committed or uncommitted.

In considering the proposed schemes Members suggested that communication with residents in the aforementioned areas be improved in order to ensure that they were aware of what decisions had been taken and the latest position with any proposed works.

In relation to flood warnings and how Ward Members were notified, the Business Manager advised that it would be beneficial for Members if they downloaded the Environment Agency Flood App as all flood alerts were listed on there. It was also suggested that if the area in question was localised then the Ward Member be contacted directly by Officers of the Council, if practicable.

In relation to the location of the Emergency Resilience Stores, these were listed in paragraph 2.13 of the report with Members being asked to consider four proposals on how they should be maintained in the future. In considering the proposals Members agreed that they would wish to see Option 4 implemented.

AGREED (unanimously) that:

- (a) the current situation be noted along with the current financial contributions for the schemes; and
- (b) Option 4 for restocking the resilience stores be approved.

## 20 MODERN SLAVERY AND HUMAN TRAFFICKING STATEMENT

The Business Manager – Human Resources & OD presented a report to Members which sought to brief them on the proposed Modern Slavery & Human Trafficking Statement which was to be forwarded to full Council for adoption.

It was reported that the Modern Slavery Act 2015 had come into force on 29 October 2015 and that Section 54 of the Act required organisations that supplied goods or services and had a consolidated global turnover of £36M pa or more to prepare a slavery and human trafficking statement for each financial year. It was noted that although not legally required to publish a statement, the Council had elected to do so as a matter of good practice. Details of the key areas to be included within the statement were listed in paragraph 2.2.1 of the report.

In considering the report Members queried how adoption of the statement would be of benefit to the Council. The Business Manager advised that it would demonstrate to all external organisations of how important the Council viewed the issue of modern slavery and human trafficking.

AGREED (unanimously) that the Modern Slavery and Human Trafficking Statement be endorsed and forwarded to full Council for adoption.

## 21 TEMPORARY ACCOMMODATION - DEVELOPMENT APPRAISAL

The Business Manager – Housing, Health & Community Relations presented a report which sought to update Members on the progress to appraise the development of a new replacement temporary accommodation facility and also sought approval to progress onto the detailed design stage, details of which were to be presented to Committee in March 2020.

The report set out that the Council were under a statutory duty, as part of the Housing Act 1996, to provide temporary accommodation for all homeless applicants who met the required criteria, noting that this was currently provided at Seven Hills, Quibells Lane, Newark and Wellow Green, Newark Road, Ollerton. It was considered that, despite investment, the facility at Seven Hills was no longer fit for purpose and in order to provide for future demand and long term value for money, should be replaced with a new facility. The project objectives and options for Members' consideration were detailed in paragraphs 2.6 and 2.7 of the report with Option 3 being that recommended to Members for approval.

In response to whether such facilities would be provided in other parts of the district, the Business Manager advised that a review would be undertaken of the existing facility at Wellow Green and of future provision throughout the district.

AGREED (unanimously) that:

- (a) the proposed option: Option 3 – a new temporary accommodation facility, is to be taken forward onto detailed design stage to be presented to Committee in March 2020 be approved;
- (b) £280,000 be committed for the project from the £1M allocated in the Council's Capital Programme for 2019/20 approved by full Council on 7 March 2019 to enable the Council to procure and appoint a multi-disciplinary design and construction service be approved; and
- (c) alternative design options will continue to explore opportunities for additional affordable housing provision on site be noted.

## 22 SOCIAL HOUSING REGULATOR

The Business Manager – Housing Strategy & Development presented a report which sought to provide Members with information on the role of the Regulator for Social Housing and the pending changes around consumer regulation.

It was reported that the Council, as landlord of the housing stock, must ensure full compliance with all regulatory requirements as prescribed by the Regulator, even where the housing function or service had been delegated to an Arms' Length Management Organisation. Details of the regulation of social housing were detailed in paragraph 3.0 of the report with the fundamental objectives being noted as economic and consumer, further details of which were provided. Key messages from the recently published Consumer Regulation Review for 2018/2019 were summarised in paragraph 3.14.

In relation to the Housing Ombudsman it was reported that the overall aim was to make a difference – on individual complaints and across the sector with the four new objectives being noted in paragraph 5.5.

In considering the report some Members of the Committee raised a number of concerns in relation to Newark and Sherwood Homes' maintenance of the housing stock, noting that all such issues would be the responsibility of the Council when the service was transferred back in house. It was noted that following the decision of Policy & Finance Committee on 26 September 2019 to return the management of the Council's housing stock back in house, a full governance review would be undertaken to determine how this Committee's remit would be effected. It was further noted that a Newark and Sherwood Homes Performance Review would be presented to the next meeting of the Committee in November 2019.

AGREED (unanimously) that:

- (a) the Council's responsibilities as landlord of the housing stock to the Regulator of Social Housing and Housing Ombudsman be noted; and
- (b) further statutory housing matters relating to compliance, health and safety (including building safety) and regulation be added to the forward plan be approved.

23 NEWARK AND SHERWOOD HOMES - GAS SERVICING

The Director – Governance & Organisational Development presented a report which sought to update Members of two instances that had occurred in recent months regarding failures to undertake timely gas servicing to a number of the Council's properties and to give assurance about the action taken to remedy the situation.

It was reported that Newark and Sherwood Homes (the Company) were legally required to carry out annual gas servicing to all properties with a gas supply. Details of the gas servicing breaches and the actions taken arising therefrom were detailed in paragraph 3.0 of the report. It was clearly stated within the report that all outstanding properties had subsequently been serviced and certificates completed. It was further reported that both the Company and the Council were working closely to develop a plan to ensure that there was no repetition of the events and that the Council had made a self-referral to the Regulator for Social Housing to report the instances of gas servicing breaches. A response had been received from the Regulator on 2 August, confirming that they had found no breach of their consumer standards and that no further action would be taken.

AGREED (unanimously) that:

- (a) the actions taken by the Company to identify and rectify the cause of the failure to complete a number of gas safety checks in accordance with required times scales be noted; and
- (b) the completion of all required gas safety checks and future assurance actions put in place by the Company be noted.

24 HOMES & COMMUNITIES FORWARD PLAN - OCTOBER 2019 TO SEPTEMBER 2020

AGREED (unanimously) that subject to the inclusion of the Annual CCTV Report being presented to Committee on 20 January 2020, the Forward Plan be noted.

25 TEMPORARY ACCOMMODATION - DEVELOPMENT APPRAISAL (EXEMPT APPENDICES)

Agenda Item No. 12 were exempt appendices to Agenda Item No. 7 – Temporary Accommodation – Development Appraisal. No discussions were held in relation to the information contained therein and therefore the Press and Public were not excluded from the meeting.

Meeting closed at 7.15 pm.

Chairman



## 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, 24 September 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 G Dawn, Councillor P Harris,  
Councillor Mrs L Hurst, Councillor B Laughton, Councillor J Lee and  
Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor Mrs I Brown, Councillor L Goff and Councillor P Peacock

APOLOGIES FOR ABSENCE: There were none.

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

Councillor S Carlton declared personal interests in Agenda Item No. 9 – Active4Today Covering Report and Agenda Item 11 – Urgent delegated decision in relation to the new Dukeries Pool, as he was a Board Member of Active4Today.

Councillor P Harris declared a personal interest in Agenda Item No. 5 – Sherwood Forest Hospitals NHS Foundation Trust Presentation, as he was a member of Health Education England.

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

The Council was recording the meeting in accordance with usual practice. The Communications Business Unit was also recording the meeting as a practice exercise for future live streaming. Councillor P Harris also confirmed that he may record part of the meeting.

### 19 MINUTES OF THE MEETING HELD ON 25 JUNE 2019

AGREED that the Minutes of the meeting held on 25 June 2019, be approved as a correct record and signed by the Chairman.

### 20 SHERWOOD FOREST HOSPITAL NHS FOUNDATION TRUST PRESENTATION

An update presentation was provided by the Chief Executive – Richard Mitchell, Sherwood Forest Hospitals NHS Foundation Trust. The presentation slides are attached as appendix 1.

Following the presentation a question and answer session ensued as follows:

Q1. A high percentage of nurses are not trained in the UK, how do you plan to train and recruit nurses.

A1. The Chief Executive was unsure whether that was correct. There were large proportions within the hospital that were fully established. There was a need to make sure that the Newark and Sherwood District was an attractive place to live and work. The area was popular from a staff prospective with lots of qualified nurses and medics. Plans were in place regarding Brexit with or without a deal.

Q2. A Member commented that Newark Hospital was now an urgent care centre. There was a free bus service to Kings Mill Hospital, however Newark was a growing town and if you had a heart attack or stroke you would have to go to Kings Mill as Newark did not have the facility to treat you. The need for more defibrillators was also raised.

A2. Practical steps had been taken at Newark. Market sharing had been strengthened to reduce patients transferring from Newark to Kings Mill. The diagnostics at Newark had increased. The distribution of defibrillators in Newark Town Centre was not in the Chief Executives control. That would be taken back to the Clinical Commissioning Group (CCG) as that did not sit with Newark Hospital or Sherwood Forest Hospitals NHS Foundation Trust.

Q3. The community had complained in the past about the operation at Newark Hospital and Kings Mill Hospital. Complaints were now being received regarding the roll out of primary care and the length of time taken for an appointment for a GP. The Primary Care network was failing residents. A Member commented that good things were happening at Newark Hospital; they had a partnership with the CCG which was focused on the community. The hospital had a stroke ward and had expanded the urgent care centre, which had taken off pressure at the Kings Mill Accident and Emergency department (A&E), which was operating well. The research programme was questioned and whether that was tailored in line with the types of health issues in the district i.e. COPD-with old mining communities.

A3. The Chief Executive thanked the Member for his points regarding the operation of the Newark Hospital and commented that elective orthopaedic treatment was also being offered at Newark hospital.

The research programmes focused on local needs i.e. respiratory service which was commented as good. Research work was being undertaken in conjunction with Nottingham University and other universities.

Q4. A Member sought clarification as to whether there would be a future facility at Newark or Kings Mill for amputees as currently the nearest facility was Nottingham City hospital. Car parking charges were also expensive at this site, especially when attending several times per week.

A4. Whilst there was a need for this facility, it was unlikely that this would be offered in the future at Newark and Kings Mill. That decision however was not in the Chief Executives control or influence. The plan was to centralise them with the city health

care. It was commented that Kings Mill hospital had the lowest parking charges in the area. Members' comments however would be reported back.

The Chairman thanked the Chief Executive for attending and presenting the informative presentation. He congratulated him on the improvements achieved to date and invited him back to a future meeting of the Leisure and Environment Committee.

AGREED that the presentation be noted.

21 PROPOSED INVESTMENT IN WASTE AND GROUNDS MAINTENANCE SERVICES FOLLOWING SERVICE REVIEWS AND RESIDENT SURVEY FEEDBACK

The Committee considered the report presented by the Director of Communities & Environment which updated Members in respect of the proposed investment in and realignment of Environmental Services, including Street Cleansing, Refuse and Recycling, Transport, Parks and Grounds Maintenance. This investment would focus those functions towards effective delivery of the Community Plan.

Members were also updated in respect of the wider development of environmental services within the remit of Leisure and Environment Committee, namely street Cleansing and waste and transport.

A Member sought clarification regarding how many small pieces of land that the Council owned that couldn't be used and the cost implications to maintain them. It was suggested that a review be undertaken and the identified parcels of land be either passed over to the Town and Parish Council's or sold. The Director of Communities & Environment confirmed that this would be discussed with colleagues.

AGREED (unanimously) that:

- (a) the development of Environmental Services as outlined in the report be endorsed and further progress updates be brought back to the Leisure and Environment Committee;
- (b) Members from both the Leisure and Environment Committee and Economic Development Committee be consulted regarding the development of the Strategy. Details of the sessions facilitating this development would be circulated in autumn 2019.; and
- (c) the Director of Communities & Environment to discuss with colleagues a review regarding parcels of Council owned land not being used in the district.

22 FLY TIPPING WITHIN NEWARK & SHERWOOD - A COORDINATED CAMPAIGN AND ENFORCEMENT APPROACH

The Committee considered the report presented by Business Manager Environmental Health & Licensing and Business Manager – Transport & Waste Services, which

informed Members of the current situation regarding fly tipping within the district and sought Member support for a coordinated campaign with the aim of reducing incidents and the associated clean-up costs, through increased reporting, education and enforcement.

Nationally the latest figures showed that:

- For the 2017/18 year, local authorities in England dealt with just under 1 million fly tipping incidents.
- Two thirds of fly tips involved household waste.
- Local authorities carried out 494,000 enforcement actions in 2018/19.

Locally the latest figures showed that:

- During financial year 2018/19 the Council removed 1,438 fly tips giving a combined weight of 361.89 tonnes.
- Our average response time to reported incidents was 2.0 days.
- 2019/20 financial year so far 425 fly tips removed between April-July (est 1,600pa) giving a combined weight of 81.36 tonnes.
- This included 1.84 tonnes of asbestos and 3.56 tonnes of garden waste.
- The average response time to reported incidents was 1.7 days.

The report detailed the enforcement activity for the period 2018/19 and 2019 to date.

It was proposed that a targeted twelve month campaign was resourced and delivered being led jointly by the Business Managers from Public Protection and Waste and Transport. The Campaign would be called 'Not in Newark and Sherwood' and would dovetail with the wider campaign across Nottinghamshire. The campaign and associated actions had been developed to address what were seen as the main areas likely to have an impact. These were detailed within the report. A budget of £15,000 was proposed to allow the campaign to be delivered.

A Member suggested that an additional recommendation be included requesting information to be reported back to Members on fly tipping prosecution.

AGREED (unanimously) that:

- (a) the 'Not in Newark and Sherwood' fly tipping campaign be supported, with funding to come from the CSG reserve;
- (b) an update report be brought back to the Leisure and Environment Committee in March with a final report to be presented to the Committee on the Campaign outcomes in November 2020; and
- (c) future reports regarding major fly tipping prosecutions be presented to the Leisure & Environment Committee.

Councillor B Laughton left the meeting at this point.

23 PROPOSED PLAN OF ACTION IN RESPONSE TO THE COUNCIL'S DECLARATION OF A CLIMATE EMERGENCY

The Committee considered the report presented by the Policy and Projects Officer which proposed a plan of action and indicative timetable in response to the Climate Emergency declared by Newark and Sherwood District Council.

The agreed climate emergency motion declared at the Full Council meeting on 16 July 2019 was detailed in the report.

It was reported that in response to the declaration, Newark and Sherwood District Council had established a cross-Council project team to examine how the Council should most appropriately respond to the declaration. This noted the fact that the Council did not currently have a single point of responsibility for climate change in the way that some authorities do. Attached as Appendix A to the report provided a summary of the activities currently undertaken by the Council which might be described as having a positive impact in terms of reducing the Council's carbon footprint.

It was reported that by establishing a baseline carbon footprint would enable the Council to understand its current performance and be able to consider the interventions and resources required in order to mitigate this.

The project group recommended the following actions be undertaken, with assistance, in order to deliver the requirements set out in the Climate Emergency:

- audit existing environmental practice within the Council
- establish data to determine the carbon footprint of Newark and Sherwood District Council (currently limited)
- consider the Council's contribution to the district carbon footprint more widely, according to national data from reputable sources
- engage with stakeholders
- coordinate a Climate Emergency Strategy with reference to all of the above
- produce an accompanying generational Carbon Reduction Action Plan to mitigate carbon emissions from the Council.

In addition, the project group would recommend that a wider Climate Emergency Working Group of Members be established to guide this work. Whilst Leisure and Environment Committee had recycling within its remit, issues such as planning and green spaces sat within Economic Development, whilst responsibility for the Council's housing stock sat within Homes and Communities. Finally, the Committee responsible for assessing and approving any interventions with finance implications sat within Policy and Finance. It was therefore logical to establish a working group under the direction of Policy and Finance Committee to ensure a Council-wide response from its Committees. The Working Group would also engage with the community more widely.

The report detailed indicative milestones subject to approval by the Leisure & Environment Committee and Policy and Finance Committee at its meeting on 26 September.

A Member commented that the report presented to Committee was a poor start given that the Council had acknowledged that there was a climate emergency. There should be an officer appointed as a single point of contact and there should be a starting point and a predicted end point. Concern was also raised that two of the groups were not represented on the Working Group.

AGREED (unanimously) that:

- (a) the proposed course of action and indicative timetable to respond to the declared Climate Emergency as outlined;
- (b) Leisure and Environment Committee recommend the course of action and indicative timetable to the Policy and Finance Committee for approval;
- (c) Leisure and Environment Committee recommend to Policy and Finance Committee that a Climate Change Working Group be established under its direction, to comprise the chairs, vice chairs and opposition spokesmen on Policy and Finance, Leisure and Environment, Economic Development and Homes and Communities Committees; and
- (d) Leisure and Environment Committee recommend to Policy and Finance that the budget within the Reallocation of Resources report (to be considered by Policy and Finance 26 September 2019) in relation to the production of the Climate Change Strategy and Action Plan is approved.

## 24 ACTIVE4TODAY - COVERING REPORT

The Committee considered the report of the Director of Communities & Environment which appraised Members regarding the performance of Active4Today during Quarter 1, 1 April to 30 June 2019.

It was reported that within the leisure centre sites owned by the Council, adult memberships were up at 8,948 on the same period in 2018, an increase of 443, whilst junior membership were down slightly at 3,892 over the same period, a reduction of 249, although this was largely attributed to the ongoing challenge of no swimming pool at the Dukeries Leisure Centre. A summary of membership data was contained in Table 1, In the Active4Today Quarter 1 report as attached at Appendix I to the report.

The number of visits to the four leisure centres had reached almost 317,000 for the quarter, an increase of over 20,000 compared with the same period last year. This was reported to be due to improved ICT infrastructure allowing a more accurate account of usage through the ICT controlled entry system and a number of Sports Development initiatives during the quarter. GP referrals were down slightly over the quarter, from 110 to 100, however, the participation and completion of the twelve week programme increased from 56 to 66. A narrative on the work of Sports

Development over the period was contained within Appendix II to the report.

Active4Today were currently working closely with Barnby Road Academy, Newark in respect of the development of a Service Level Agreement for the management of bookings and use of the Academy's new four court sports hall which was due to be opened shortly.

It was reported that at the end of June, when management fee adjustments had been factored in to income targets, Active4Today was showing an increase on target of £13,000 for the quarter. Salary spend was below profile by approx. £23,000 mainly due to vacancies within the team.

Due to better performance in respect of income generation Active4Today was now forecasting a reduced deficit of £54,000 for the year based on quarter 1 performance. Active4Today would focus on financial performance over the next three quarters to further reduce the forecasted deficit at yearend.

AGREED (unanimously) that the report be noted.

## 25 COMPARISON OF LOCAL AUTHORITY SERVICES

The Committee considered the report presented by the Assistant Business Manager Waste Management which gave Member an overview of the current situation with regard to recycling across Nottinghamshire. It compared existing service offerings and performance and looked at what the future may hold for waste collection services in light of the National Waste Strategy.

Members commented that the Veolia contract with Nottinghamshire County Council was holding the Council back regarding recycling. Glass recycling was discussed and it was confirmed that the Council had previously approached the voluntary organisation ROB (Recycling Ollerton & Boughton) enquiring whether they would expand their glass collection round. It was confirmed that waste collection was not their focus; they worked with people with special needs and therefore would not be expanding their service at this time. Recycling of food waste was also discussed as food waste had a carbon impact when disposed. The government were keen to remove biodegradable waste from landfills, as it produced methane. A Member suggested that the Town and Parish Councils be educated regarding recycling schemes, that information could then be cascaded more quickly to the community.

AGREED (unanimously) that:

- (a) the content of the report including the potential development of new collection streams in light of the National Waste Strategy be noted; and
- (b) the existing actions that are being taken to increase recycling levels be supported.

Councillors M Cope and P Harris left during the discussion of the above minute.

26 URGENT DELEGATED DECISION IN RELATION TO THE NEW DUKERIES POOL

The Committee noted the decision that an instruction to proceed to the next stage of the new swimming pool at the Dukeries Leisure Centre project had been issued. The urgency item agreed by Members listed on the Minute of Decision was to ensure that the project proceeded without unnecessary delay.

AGREED (unanimously) that the urgency item be noted.

27 LEISURE & ENVIRONMENT COMMITTEE FORWARD PLAN (1 SEPTEMBER 2019 TO 17 MARCH 2020)

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.

Councillor J Lee requested that the refuse bin size policy be brought before Committee. The Director – Communities & Environment confirmed that he would speak to Councillor Lee regarding what needed review.

AGREED that:

- (a) the Forward Plan be noted; and
- (b) the Director- Communities & Environment speak to Councillor Lee regarding the requested bin size policy review.

28 HEALTH & WELLBEING

The Leisure and Environment Committee Vice-Chairman informed the Committee of the Health & Wellbeing Board meeting he had attended in July 2019; the main agenda item was looking at levels of violence and how that could be reduced.

The Vice Chairman also informed the Committee regarding a Health & Wellbeing workshop that he had attended which focused on reducing the harm from drinking alcohol.

29 EXCLUSION OF THE PRESS AND PUBLIC

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 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 8.28 pm.



## 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, 5 September 2019 at 6.00 pm.

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

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

ALSO IN ATTENDANCE: Councillor L Goff

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold (Committee Member)

### 8 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.

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

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

### 10 MINUTES OF THE MEETING HELD ON 13 JUNE 2019

AGREED (unanimously) that the Minutes of the Meeting held on 13 June 2019 be approved as a correct record and signed by the Chairman.

### 11 FOOD AND BEVERAGE CONCESSIONS: AMENDMENT TO PROHIBITED STREET DESIGNATION AT THE WHARF

The Committee considered the report presented by the Projects Officer – Commercialisation & Major Projects which sought Members' approval to begin a formal process to amend the prohibited street designation of The Wharf to exclude the Wharf Car Park.

The report set out that the Concessions Project identified opportunities to generate a commercial income from food and beverage licenses on Council owned land and noted the success of Phase One of the project at Sconce & Devon Park and Vicar Water Country Park. Phase Two was to conduct a district wide review of potential locations that would be suitable for food and beverage concessions to maximise income generation for the project. The proposals, reported at paragraph 3, noted that the Wharf was currently designated as a prohibited street for the purposes of street trading but that it was proposed to grant permission for a concession to operate from the Car Park on the site. Opportunities for the concession would be

advertised asking for expressions of interest in early 2020. Details of how the successful party would be chosen and the management of the concession were detailed in paragraph 4 of the report. The timetable for the proposals was listed at paragraph 6.

In considering the report Members queried whether any restrictions as to the type of concession would be applied. The Projects Officer stated that careful consideration would be given to the type of concession to be sited on the car park, having regard to the surrounding businesses etc. A Member queried whether a burger van would be sited there. In response the Projects Officer advised that such a concession would not be sited on the Wharf Car Park but that it may be considered as part of the wider Concessions Project.

AGREED (unanimously) that:

- (a) the commencement of formal process to amend the prohibited street designation of The Wharf to exclude The Wharf Car Park be approved;
- (b) the consultation timetable set out in paragraph 6.2 of the report be endorsed; and
- (c) a further report with consultation comments be brought to the Committee in November to seek a resolution to amend the existing prohibited street designation.

## 12 REVIEW OF POLLING DISTRICTS AND POLLING PLACES

The Committee considered the report of the Director – Governance & Organisational Development which sought to inform Members of the statutory review of polling districts and polling places.

It was reported that a review must be undertaken every four years and that the deadline for the latest review to have been completed was 31 January 2020. Paragraph 1.4 indicated that a further report would be presented to Committee on 14 November 2019 with the consultation responses and a recommendation that Committee recommend a final scheme to full Council for approval.

AGREED (unanimously) that the process to consult on polling districts and polling places be approved in accordance with the timetable.

## 13 HACKNEY CARRIAGE FARE REVIEWS

The Committee considered the report presented by the Business Manager – Public Protection in relation to the consultation responses from the trade to the proposals for a review of hackney carriage fares.

The report set out the proposed fare increase and the methodology used to undertake the consultation. The Business Manager stated that the response rate had been disappointing with only 20 responses being received from the 175 issued. It was

now proposed that the public consultation would be undertaken. The Chairman, Vice-Chairman and Business Manager would be given delegated authority to determine the relevance of any objections raised. If it was considered that no such responses had been made it was proposed that the new fares would be implemented on 21 October 2019.

In considering the matter a Member requested that the proposed fare increase advert also be placed in the Mansfield Chad as the residents of Ollerton and surrounding areas did not read the Newark Advertiser. The Business Manager confirmed that it would be placed in both papers.

A Member raised concerns as to the continuing issues with drivers who were not licensed within the District. The Chairman and Business Manager both advised that legislation to resolve the matter remained outstanding and of the working protocols within the County to try to resolve the ongoing issues.

AGREED (unanimously) that:

- (a) the advertising of the new Hackney Carriage Fares as set out in Appendix Two be approved;
- (b) the proposed implementation date of 21 October 2019 be approved; and
- (c) delegated authority be given to the Chairman, Vice-Chairman and Business Manager – Public Protection to determine the relevance of any objections raised.

14 GENERAL PURPOSES COMMITTEE FORWARD PLAN (OCTOBER 2019 TO SEPTEMBER 2020)

AGREED (unanimously) that:

- (a) the General Purposes Forward Plan be noted; and
- (b) the following two items be added:
  - (i) Review of Polling Districts and Polling Places (14.11.19); and
  - (ii) Castlegate Taxi Rank Update (14.11.19)

15 APPLICATIONS & ENFORCEMENT - APRIL TO JUNE 2019

The Committee considered the report presented by the Business Manager – Public Protection 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.

In considering the report a Member raised the ongoing issues with licensed drivers at the Northgate Train Station and that some refused to take passengers if they only required a short journey. Members agreed that it may prove beneficial to undertake some additional investigation and if possible some 'mystery shopping' activity to ensure compliance with licence conditions.

Members also queried whether any complaints received in relation to licensed drivers were followed up. The Business Manager advised that all complaints received resulted in follow up action and, if necessary, monitoring of the driver.

AGREED (unanimously) that the report be noted.

16 VERBAL UPDATE ON CASTLEGATE TAXI RANK

In response to the Chairman asking for an update on the latest position with the amendment to the hours of the Castlegate Taxi Rank, the Business Manager – Public Protection advised that he had been in contact with Nottinghamshire County Council's Legal Services who were responsible for issuing the new Order to amend the commencement time to 18:00 hours as previously agreed by this Committee. To-date he had not received a response. He advised that he would present an update report to the next meeting of the Committee on 14 November 2019.

17 EXCLUSION OF THE PRESS AND PUBLIC

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.

18 26.06.19 - MINUTES OF HC/PH DRIVER'S SUB-COMMITTEE

The Committee considered the exempt Minutes of the Hackney Carriage & Private Hire Driver's Sub-Committee held on Wednesday, 26 June 2019.

AGREED (unanimously) that the exempt Minutes be noted.

19 SAFEGUARDING ISSUES REPORT

The Committee considered the report of the Director – Communities & Environment in relation to safeguarding issues as detailed in the report.

AGREED (unanimously) that the report be noted.

Meeting closed at 6.30 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, 5 September 2019 at 6.00 pm.

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

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

ALSO IN ATTENDANCE: Councillor L Goff

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold (Committee Member)

### 11 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.

### 12 DECLARATION OF ANY INTENTION TO RECORD MEETING

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

### 13 MINUTES OF THE MEETING HELD ON 13 JUNE 2019

AGREED (unanimously) that, subject to the inclusion of Cllr. Mrs S Saddington as not being able to attend the Licensing Training (Minute No. 5) the Minutes of the meeting held on 13 June 2019 be approved as a correct record and signed by the Chairman.

### 14 PAVEMENT LICENCES - NEWARK TOWN CENTRE

The Committee considered the report presented by the Business Manager – Public Protection in relation to the review of pavement licences in Newark Town Centre.

It was reported that following the Committee's decision in March to review pavement licences in Newark the survey had now been completed with the results circulated at the meeting. It had been previously agreed that a small working group be established to review the findings and to look at establishing a consistent approach to the conditions that could be applied to any licences issued. Provisional discussions had been held with Newark Town Council to draft some possible conditions. It was noted that Nottinghamshire County Council (NCC) had an established Pavement Licence regime and it was proposed that the Working Group would consider the fee structure and the duration of the current NCC licences.

In considering the report a Member commented that, in relation to the proposed conditions, it should be made explicit that the referred to 'street café area' was for seating only and that there should be no standing areas.

In response to whether any café could have an outside seating area the Business Manager advised that they would need a licence from NCC to operate their business in that manner, however, NCC were not proactive in enforcing the requirement. Members agreed that in some cases the placing of chairs and tables etc. caused problems for both pedestrians and road users. The Business Manager advised that he was aware of the issues and that was why non-alcoholic premises had been included in the survey. It was noted that the Council had little enforcement power in this matter as it lay with NCC and Newark Town Council, if the area in question was on their land.

Members queried whether the survey could be extended to include areas other than those of Newark Town Centre. The Business Manager advised that should there be positive engagement with NCC then the area could be widened. He noted, however, that it was considered a low priority by NCC unless a premise became problematic.

Members suggested that the current review area be extended to include premises on Lombard Street, Castlegate and specifically the Water's Edge premise.

AGREED (unanimously) that:

- (a) the results of the survey be noted;
- (b) the draft conditions be noted and amended to include wording to explicitly stated that any outside area should ONLY be used for seating and not standing;
- (c) the role of the Working Group be supported; and
- (d) the current survey area be widened to include:  
Lombard Street; Castlegate; and the Water's Edge.

## 15 SCHEMELINK FOR PUB WATCH

The Committee considered the report presented by the Business Manager – Public Protection in relation to the use of the Schemelink software for members of Pubwatch within the District.

The report detailed the number of Pubwatches in operation in the district and the number of members within each group. It set out the issues considered such as: problematic customers; previous incidents; how they were handled; and up-coming events and their potential impact. The report also set out the features of Schemelink and how this benefited the members of Pubwatch who used it.

AGREED (unanimously) that:

- (a) the Schemelink App be noted;

- (b) the proposal to roll the App out to the Ollerton Pubwatch be supported.

#### 16 LICENSING ACT TRAINING - MANSFIELD

The Committee considered the report of the Business Manager – Public Protection in relation to the feedback received following the Licensing Act training held on 3 July 2019 which, on the whole, had been positive.

In considering the report the Members who had attended the training agreed that it had been useful and well delivered.

In asking for any topics for future years, two Members requested that consideration be given to amending the day of the week when the training was held as they had permanent weekly commitments which prevented them from attending.

In closing the debate the Chairman requested that the Committee's thanks to the Licensing Officers for organising the event be put on record.

AGREED (unanimously) that the report be noted.

#### 17 REVIEW OF CONTROLS FOR DRINKING IN PUBLIC PLACES

The Committee considered the report presented by the Business Manager – Public Protection which updated Members on the public consultation exercise carried out between July and August 2019 on the proposed revised scheme of Alcohol Control Public Space Protection Orders (PSPO) within the district.

The report set out the background to previous alcohol control measures; Designated Public Place Orders (DPPOs) and the requirement, under the Anti-Social Behaviour, Crime & Policing Act 2014, to review both the geographical area and nature of the controls with a view to adopting the revised PSPOs. Any PSPO would need to be reviewed at least every 3 years to ensure that restrictions imposed remained necessary and proportionate to the levels of ASB affecting the location to which they applied. Paragraph 2.2 of the report set out the purpose of the consultation with Parish Council's and the public and listed the 14 areas in the district covered by PSPOs with a note of the public consultation document being appended to the report at Appendix 2.

Paragraph 3.6 highlighted the concerns in relation to nuisance drinking in public places in Newark town centre and set out two options for consideration on how this may be resolved. A table summarising responses from all Parishes consulted was listed at Paragraph 3.7 with Paragraph 4.0 setting out the proposals based on the consultation responses received.

In considering the report Members expressed concern in relation to the proposal to revoke some of the PSPOs. Specific reference was made to the following areas:

### Sutton-on-Trent

The Local Member, also a Member of the Committee, stated that she had spoken with Inspector Heather Sutton about the matter and she had said that she would wish to see the Orders remain in place as they acted as a deterrent. She advised that it was her understanding that the Parish Clerk had not been contacted and that there continued to be problems in the area that were being dealt with by the local PCSO. The Member queried as to the name of the Parish Clerk who had been contacted and that Sutton-on-Trent be included on the proposed further consultations.

In response, the Business Manager advised that, during discussions, Inspector Sutton had suggested that the Orders be removed as the Police no longer had sufficient resources to support them. The Assistant Business Manager reiterated the above comments, adding that if there were problems in Sutton-on-Trent no evidence had been submitted. She added that she would review the addressee of the consultation.

### Edwinstowe

The Local Member, also a Member of the Committee, also queried as to the name of the Parish Clerk contacted as Edwinstowe PC had undergone a change in Clerk. He requested that the Parish be included on the proposed further consultations.

The Committee's representative on the Community Alcohol Partnership in Ollerton advised that they were receiving conflicting information at their meetings with that being discussed. The Assistant Business Manager advised that using Fixed Penalty Notices (FPNs) to enforce PSPOs did not include U18's. She added that Youth Offending Teams; the Police; and schools all agreed that other methods of enforcement, including restorative justice, were a better alternative method. The individual would still be approached if they were in a designated area but would not be subject to prosecution. The Business Manager advised that the overriding control was to remove the alcohol or to pour it away adding that the use of FPNs was for consistent breaches. Work was ongoing to use restorative justice with this type of enforcement recently being used successfully in Newark and Balderton.

In relation to the new signage referred to in Paragraph 6.1, a Member requested that this be amended from that previously used and that the wording be clear and concise in its purpose and erected at a level that it was easily read.

*Councillor R. J. Jackson left the meeting at this point (7:34pm).*

In order to clarify the matter the Business Manager advised that when DPPOs had originally been made evidence to support them was less stringent. The requirement was now to remove them unless evidence could be produced to support them. If problems arose then they could be re-issued if the necessary evidence was produced. He suggested that, subject to the removal of Sutton-on-Trent from the list of parishes to have their PSPO revoked, the proposals be actioned, following contact being made with each parish to ensure they were fully aware of the proposals.



In considering the comments of the Business Manager a Member commented that the suggested 12 month period for reconsideration was too long. The Business Manager commented that any issues would be reviewed as to whether it was an isolated incident but if found to be a sustained problem then consideration would be given to putting an Order in place.

In response as to whether all the parishes could be contacted to ascertain their understanding of the issues prior to proceeding the Assistant Business Manager advised that although the Orders remained in place, the Police did not have a mechanism to deal with them as it was now the responsibility of the Council. The proposals would give NSDC Officers the authority for the initial intervention thereby freeing up Police resources. She added that until the proposals were approved, the Police or the Council could not issue a FPN as a means of enforcement.

AGREED (unanimously) that:

(a) the terms of the PSPO are:

an authorised officer of the Council or Police may ask a person who:

- is consuming or appears to be consuming alcohol in an area covered by the PSPO; and
- that person is causing or is likely to cause anti-social behaviour

to

- cease drinking the alcohol and dispose of the alcohol;
- or surrender the alcohol to the Officer;
- or immediately leave the area covered by the PSPO;

(b) the fixed penalty level for all Public Space Protection Orders is set at £100.00 reduce to £75.00 if made within 14 days;

(c) the Parish Clerks of the previously declared DPPOs incorporated as PSPOs for:

- Blidworth
- Edwinstowe
- Farnsfield
- Sutton-on-Trent; and
- Rufford Country Park (NCC)

be contacted requesting completion of the consultation document and the supply of evidence to support any ongoing issues. The decision on future PSPOs will be brought back to 14 November 2019 Committee for consideration;

(d) a Public Space Protection Order covering Newark Town Centre as shown in Appendix 3 (Option 1) be approved (revised plan circulated at the meeting); and

(e) the previously declared PSPO's as shown below be revoked:

- Newark Castle Grounds
- Newark Town Centre
- Newark Winthorpe Road
- Newark Yorke Drive

18 LICENSING COMMITTEE FORWARD PLAN (OCTOBER 2019 TO SEPTEMBER 2020)

The Committee considered the Licensing Committee's Forward Plan for October 2019 to September 2020.

A Member raised concerns as to the number of variations for Designated Premises Supervisors (DPS's) and the closure of premises. He requested that an annual report be presented to Committee with statistics for the above. The Business Manager advised that the number of variations in relation to DPS's was included in the Update on Quarterly Performance and Enforcement Matters report, however, in relation to premise closures, unless a Premise Licence was surrendered the Licensing Team would not necessarily be made aware that a premise had closed.

AGREED (unanimously) that the Forward Plan for the Licensing Committee be noted.

19 COMMUNITY ALCOHOL PARTNERSHIP UPDATE

The Committee considered the verbal presentation of Councillor Lee Brazier, the Committee's representative on the Community Alcohol Partnership (CAP) for Ollerton. He advised that he had attended 2 meetings and that the ongoing theme was that of underage drinking. It was intended to hold some workshops on the issue with young people; parents; and grandparents being invited to attend to discuss the issues surrounding underage drinking.

The Partnership was also looking at ways in which to reduce antisocial behaviour with the Council's company for delivering leisure, Active4Today, also looking at ways in which to engage young people.

Awareness of the effects of consuming energy drinks was also been raised and that the CAP for Clipstone was currently being formed.

It was noted that the sale of alcohol to U18's and proxy sales was also an issue that was being discussed with possible test purchasing being considered.

AGREED (unanimously) that the verbal update be noted.

20 UPDATE ON QUARTERLY PERFORMANCE AND ENFORCEMENT MATTERS (APRIL TO JUNE 2019)

The Committee considered the report of the Director – Communities & Environment in relation to the activity and performance of the Licensing Team between 1 April to 30 June 2020 inclusive together with details of current ongoing enforcement issues.

AGREED (unanimously) that the report be noted.

21 TEMPORARY EVENT NOTICES (APRIL TO JUNE 2019)

The Committee considered the report of the Director – Communities & Environment in relation to Temporary Event Notices (TEN) received and issued between 1 April to 30 June 2019 inclusive.

A Member raised concerns as to the logging of complaints by the Police which related to a TEN and whether their system was sufficiently robust to ensure that they would be able to raise an objection to any further application from a premise that they had a complaint logged against. The Business Manager advised that he was confident that all statutory consultees would respond accordingly.

The Member also made comment about a specific premise in his Ward and how their actions and the way in which they operated caused disruption to their neighbours. The Business Manager advised that the use of TENs was intended to be a light touch approach but that if the operation at the premise continued to be problematic, then affected parties could see to review the Premises Licence.

AGREED (unanimously) that the report be noted.

22 EXCLUSION OF THE PRESS AND PUBLIC

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 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

None

Meeting closed at 8.04 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, 23 July 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)  
Councillor I Walker (Vice-Chairman)

Councillor M Brock, 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

ALSO IN ATTENDANCE: Councillor R White

APOLOGIES FOR ABSENCE: Councillor L Brazier (Committee Member) and Councillor M Brown (Committee Member)

### 43 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were none.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting which subsequently failed to record. Councillor T Smith also informed the Chairman that he was recording parts of the meeting.

### 45 MINUTES OF THE MEETING HELD ON 2 JULY 2019

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

### 46 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL 19/00689/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought retrospective planning permission for the variation of conditions 02, 03, 04 and 05 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.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Agent; Highways Authority and local residents.

Councillor P Scorer representing Southwell Town Council spoke against the application in accordance with the views of Southwell Town Council as contained within the report.

The Chairman commented that there was an inaccuracy within the report and confirmed that the visibility splays were 2.3 x 43 metres. The Director of Growth &

Regeneration confirmed that the County Highways had demonstrated a splay of 2.3 x 43 metres in both directions was achievable.

The Chairman commented that conditions 4 and 5 of the report should be amended to reflect the measurement of 2.3 x 43 metres to the left and right.

Members commented that a relaxation in normal standards was of concern given the location of the access, number of properties served, and the vehicles were clearly damaging the kerbs already. It was felt that an independent disability consultant; risk assessment; and swept path analysis be undertaken.

A Member commented that the application had come back to Committee prematurely as the access issues had not been resolved. The boundary disputes and sub-station disputes had not been resolved and as a reasonable authority we should intervene.

A vote was taken for approval and lost with 2 votes For and 11 votes Against.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the grounds of access, traffic and safety.

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  | Absent |
| M. Brock    | For    |
| M. Brown    | Absent |
| 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    |

47 SPRINGFIELD BUNGALOW, NOTTINGHAM ROAD, SOUTHWELL 19/00779/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for variation of condition 11 of planning permission 15/01295/FULM to allow the new access junction to be constructed wholly within highway land or that owned by the applicant.

A schedule of communication was tabled at the meeting which detailed

correspondence received after the agenda was published from the Highways Authority and local residents.

AGREED (unanimously) that contrary to Officer recommendation planning permission be refused on the grounds of access, traffic and safety.

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  | Absent |
| M. Brock    | For    |
| M. Brown    | Absent |
| 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    |

48 LAND TO THE REAR OF 9 TO 18 HOUNSFIELD WAY, OFF HEMPLANDS LANE, SUTTON ON TRENT 19/00981/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the installation of 5 x 4000 litre underground tanks with associated Secondary Regulator Housing Cabinet and amendments to the already approved equipped play area.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Applicant.

Members considered the application acceptable providing that a more prominent warning notice be displayed and included within the conditions.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and the amendment to include the warning signage and the signing and sealing of a Deed of Variation to the S106 attached to 14/00161/FULM (for the erection of 50 dwellings) to require an off-site commuted sum towards open space provision and an additional item of play equipment.

49     LAND TO THE REAR OF 9 TO 18 HOUNSFIELD WAY, OFF HEMPLANDS LANE, SUTTON  
ON TRENT 19/00971/FULM

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for application for the variation of Conditions 9 (hard and soft landscaping), 17 (external materials), 19 (boundary treatment) and 25 (approved plans) attached to planning permission 14/00161/FULM (the erection of 50 dwellings with associated infrastructure, landscaping and public open space and surgery car park extension providing 11 car park spaces). The variation includes the addition of a substation and fibre box cabinet plus amendments to the landscaping, open space, play area, boundary treatments and materials

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Applicant.

Members considered the application and suggested that mature hedging and boxing be planted in order to maximise the chance of survival of the planting scheme as a result of the variation.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report with the amendment to include mature hedging and boxing and the signing and sealing of a Deed of Variation to the S106 attached to 14/00161/FULM (for the erection of 50 dwellings) to link it to this permission.

50     188 LONDON ROAD, BALDERTON 19/00594/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the erection of 4 houses consisting of 2 No. 3 Bed semi-detached houses and 2 No. 2 Bed semi-detached bungalows (Re-submission of application 18/00792/FUL).

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from Nottinghamshire County Council Highways.

Nottinghamshire County Council Highways had suggested an amendment to the conditions as follows:

- Condition 5 shown within the Officer report should be replaced with Nottinghamshire County Council Highways Condition 1, as contained in the Schedule of Communication;
- Condition 7 shown within the Officers report should be replaced with Nottinghamshire County Council Highways Conditions 2 & 3 as shown in the Schedule of Communication.

Members considered the application and some Members felt that whilst they would like to see this waste site developed, they felt that the land could have been better used and the proposed development was not in keeping with the surrounding area as the site was surrounded by bungalows. Other Members felt that the proposed

development would bring the site back to life and provided much needed homes.

AGREED (with 8 votes For and 5 votes Against) that planning permission be approved subject to the conditions contained within the report with the amendments to Conditions 5 and 7 as detailed in the Schedule of Communication.

51 LAND REAR OF 51 ROPEWALK, SOUTHWELL 19/01003/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the construction of a four bedroomed dormer bungalow with associated access arrangements and all other works.

Members considered the application and whilst some Members felt that the building was too large for the site, other Members considered the development acceptable.

AGREED (with 10 votes For and 3 votes Against) that full planning permission be approved subject to the conditions contained within the report.

52 HIGH VISTAS, 24 ROBIN HOOD AVENUE, EDWINSTOWE 19/00982/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a single storey 3 bed dwelling and separate garage which was a Re-submission of 19/00219/FUL.

Members considered the application acceptable.

AGREED (with 10 votes For, 1 vote Against and 2 Abstentions) that planning permission be approved subject to the conditions contained within the report.

53 111 WOLSEY ROAD, NEWARK 19/00870/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission to change the existing pitched roof of the rear bathroom extension to a flat roof to increase internal hoisting height.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Applicant.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

54 RAINWORTH VILLAGE HALL MANAGEMENT COMMITTEE, KIRKLINGTON ROAD, RAINWORTH, NOTTINGHAMSHIRE 19/01173/FUL

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for the erection of a single storey side extension to Rainworth Village Hall.



A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from Rainworth Parish Council, notifying that they were in support of the scheme.

AGREED (unanimously) that planning permission be approved subject to the conditions contained within the report.

55 JERUSALEM FARM, JERUSALEM ROAD, SKELLINGTHORPE, LINCOLN 18/00995/NPA

The Committee considered the report of the Director of Growth & Regeneration, which sought planning permission for a Neighbour Planning Application Reference PL/0055/18, for the demolition of an existing animal by products processing plant and all associated installations. The construction of a new animal by products processing plant, composed of: raw material reception and process buildings; engineers building; boiler house; oxidiser building and flue; DAF plant; effluent treatment plant; bio filter bed; general office; weighbridge and weighbridge office; hardstanding areas for accessing the processing plant and for parking of cars, commercial vehicles and trailers used in connection with the operation. Residential development to provide three environmentally sustainable eco affordable homes and one manager's house for the processing plant. Alterations to the existing site access from Jerusalem Road. All associated development, including landscaping.

A schedule of communication was tabled at the meeting which detailed correspondence received after the agenda was published from the Planning Case Officer.

The local ward Member commented that Thorney Parish Council had objected to this development and the proposals affected three small villages that she represented. Those three villages had problems with odour and traffic created by the processing plant.

AGREED (unanimously) that Newark and Sherwood District Council support Lincoln County Council in their objection.

56 REVIEW: SCHEME OF DELEGATION

The Committee considered the report of the Director of Growth & Regeneration, which set out the findings of an internal review of the current Scheme of Delegation (SoD) in relation to planning matters and to request that Members consider amending the SoD in line with the concluding recommendations. If the Planning Committee were minded to support the proposed changes, the matter would be advanced to the Councillors Commission and then Full Council. The current SoD formed part of the Council's Constitution and set out a set of criteria for committee and officer decisions.

The reason for the review was due to a number of factors.

- The SoD was last updated in July 2018. It was best practice to review this from time to time and it made sense to do this early into the new Council's administrative term.

- Also of importance was to see if there was scope to reduce the size and frequency of agendas (and the length of time that these meetings last) thereby reducing Member time and officer resources. More importantly by reducing agenda sizes it would help focus attention on the more complex and strategic applications as well as improving the (perceived) quality of decision making, particularly towards the end of long committee meetings.
- Furthermore, reducing the number of planning matters that needed to be reported to the Planning Committee should assist in helping to meet the stretched internal performance targets introduced in the Newark and Sherwood District Council Community Plan (adopted 2019) which aspired that 90% of all applications should be determined within a specified target date, as opposed to current national performance targets of 60%, 65% and 80% depending on the type of application.
- There was a number of application types that the SoD did not currently capture which needed to be rectified, such as the new 'Planning in Principle' and 'Technical Details Consent' application type.

The report detailed the existing committee arrangements and scheme of delegation for Newark and Sherwood District Council; the existing committee arrangements and scheme of delegation at other authorities. The types of applications being considered by Newark and Sherwood District Council and the reasons why applications were considered were also detailed.

The report detailed six options as follows:

Option 1 - Minor Dwellings to be delegated contrary to Parish/Town Council regardless of the professional recommendation.

Option 2 - Minor Dwellings to be delegated Contrary to Parish/Town Council where officer recommendation is for refusal only

Option 3 - Member Call In/Referral Powers

Option 4 - Possible Change to Householder Call-In

Option 5 - Applications to Vary or Remove Planning Conditions not automatically determined by Committee

Option 6 - Major Applications where Parish/Town Council Support Contrary to Recommendation

The Chairman informed the Committee that the reason for the review was because the Council had approved the Community Plan and there was an aspiration that 90% of planning applications be determined in the stipulated date.

A Member commented that he disagreed with the report and that Planning Committee should take place during a full day and the call in procedure should be changed in order for the Councillor who called in the application to be present to

speak at the Planning Committee. The Chairman commented that many Members of the Council would not be able to attend full days and Members needed to respect that.

A Member commented that planning variation needed to be addressed and planning enforcement should be tightened by supporting the planning enforcement officers.

A Member further commented that she had contacted her Parish Council to receive their views on the proposed changes and confirmed that the Parish Clerk and Vice-Chairman were in support of the proposed changes.

A Member commented that the recently appointed Growth & Regeneration Business Manager should be involved in this process and submit her ideas. It was also proposed that the planning reports could be reduced in size to save officer time.

A Member asked whether public speaking would be introduced in the future. The Chairman confirmed that consideration could be given to this however if public speaking was allowed the agenda would need to be reduced further.

A Member commented that the Town and Parish Council's should be encouraged regarding their right to attend and speak at Planning Committee.

The Director of Growth & Regeneration confirmed that additional resources would be provided for enforcement in terms of the change to the enforcement structure. Temporary resources were also reported to be in place. He also confirmed that the recently appointed Business Manager had read the report and would submit her comments to future meetings.

AGREED (unanimously) that the attached proposed revisions to the SoD are noted.

#### 57 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.55 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, 6 August 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 L Goff, Councillor R Holloway, Councillor  
J Lee, Councillor Mrs P Rainbow, Councillor M Skinner, Councillor  
K Walker and Councillor Mrs Y Woodhead

ALSO IN ATTENDANCE: Councillor L Brailsford, Councillor R Jackson and Councillor R B Laughton

APOLOGIES FOR ABSENCE: Councillor Mrs M Dobson (Committee Member) and Councillor T Smith (Committee Member)

### 58 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L. Dales, J. Lee and I. Walker all declared personal interests as they were Council's appointed representatives on the Trent Valley Drainage Board.

Councillor R.V. Blaney declared a personal interest in Agenda Item No. 10 – Field OS 8200 Marriott Lane, Blidworth (19/00184/FULM) as an objector to the application was known to him and he had received a direct representation.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

### 60 MINUTES OF THE MEETING HELD ON 23 JULY 2019

The Committee considered the Minutes of the Planning Committee meeting held on Tuesday, 23 July 2019.

Minute Nos. 46 & 47 – Springfield Bungalow, Nottingham Road, Southwell (19/00689/FUL) and (19/00779/FULM)

It was noted that during the verbal presentation of the reports for the above applications an error had occurred with how Condition 11 had been referred to but that all information contained within the written reports had been correct. It was noted that the condition should have been referred to as a "pre-commencement condition". The Chairman advised that a note would be added to the signed minutes of the meeting to clarify the matter.

AGREED (unanimously) that, subject to the above point of clarification, the minutes of the meeting held on 23 July 2019 be approved as a correct record and signed by the Chairman.

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

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of an existing vehicle sales garage and 2 bedroom bungalow and the erection of a new vehicle sales garage, showroom and office accommodation with associated car parking.

The local ward Member spoke in support of the application, highlighting that Farnsfield Parish Council had raised no objection to the proposal and adding that it would be an improvement to the current state of the site.

In considering the application Members commented that they would welcome the increase in employment opportunities and that any development would be an improvement to the current site which was in a poor state of repair.

The Chairman raised the issue of whether the proposal was an expansion of the existing business or a relocation from another site and the implications thereof. He advised that clarity had been sought by Officers from the applicant and his agent but that this had not been provided.

AGREED (with 8 votes for and 5 votes against) that, contrary to Officer recommendations, planning permission be approved subject to additional conditions in relation to the blocking off of the Rufford Road access; the reinstatement of the verge; the use of Mansfield Road only; and office use ancillary to car sales/plant hire operating only from the site. Delegated authority was also granted to Officers to determine any further appropriate conditions.

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

| Councillor      | Vote    |
|-----------------|---------|
| Roger Blaney    | Against |
| Lee Brazier     | For     |
| Malcolm Brock   | Against |
| Michael Brown   | For     |
| Linda Dales     | For     |
| Maureen Dobson  | Absent  |
| Laurence Goff   | For     |
| Rhona Holloway  | For     |
| John Lee        | Against |
| Penny Rainbow   | For     |
| Mathew Skinner  | Against |
| Tom Smith       | Absent  |
| Ivor Walker     | Against |
| Keith Walker    | For     |
| Yvonne Woodhead | For     |

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the change of use of the former Co-Op building (A1-retail use) to a Pizza Restaurant and Café/Bar (A3 & A4 – Food & Drink/Drinking Establishment use). As part of this change of use the applicant sought permission to carry out external and internal alterations and refurbishments including the installation of a new shop front and a new access door to the courtyard area.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Agent/Applicant.

In considering the application Members raised a number of issues in relation to the availability of parking for patrons of the proposed establishment, noting that NCC Highways had objected to the proposal; and also possible nuisance caused by noise and smells from the venue e.g. no provision of a designated smoking area for patrons.

A vote was taken for refusal and was lost by 3 votes for with 10 votes against.

In response to whether it was possible to attach conditions to the application that would restrict the use of the premises to A3 and A4 use only with no hot food takeaway provision and that a designated smoking area and hours of operation be provided, Officers confirmed that such conditions could be applied along with any other conditioned deemed appropriate by Environmental Health and Conservation.

AGREED (unanimously) that, contrary to Officer recommendation, planning permission be approved subject to additional conditions as noted above.

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> |
|-------------------|-------------|
| Roger Blaney      | For         |
| Lee Brazier       | For         |
| Malcolm Brock     | For         |
| Michael Brown     | For         |
| Linda Dales       | For         |
| Maureen Dobson    | Absent      |
| Laurence Goff     | For         |
| Rhona Holloway    | For         |
| Johnno Lee        | For         |
| Penny Rainbow     | For         |
| Mathew Skinner    | For         |
| Tom Smith         | Absent      |
| Ivor Walker       | For         |
| Keith Walker      | For         |
| Yvonne Woodhead   | For         |

63 GRANGE BARN, NEWARK ROAD, CAUNTON 19/00848/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a first floor extension over the existing dining room and garage with no increase in the footprint of the application dwelling.

Councillor Chris Jagger, Chairman of Caunton Parish Council, spoke in support of the application in accordance of the views of the Parish Council as contained within the report.

In considering the application Members debated the issue of whether the proposed first-floor extension was over bearing with Officers advising of the tolerances when considering such matters. Officers further advised that whislt separation distances are not set out in policy, there are best practice guidelines.

AGREED (by 11 votes for, with 2 votes against) that planning permission be refused for the reasons set out in the report.

64 THE ACADEMY, 62 GAINSBOROUGH ROAD, WINTHORPE, NEWARK ON TRENT 19/00503/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of a single detached dwelling in the southern portion of the garden of The Academy.

Members considered the application and raised issues in relation to the loss of some of the trees on site and whether the existing fencing and vegetation would be replaced by a brick wall at the boundary of the site.

AGREED (by 12 votes for, with 1 abstention) that planning permission be refused for the reasons set out the in the report.

65 2 GAINSBOROUGH ROAD, WINTHORPE, 19/01129/FUL

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the erection of 2 no. semi-detached; 3 bedroom dwellings set across two storeys. The dwelling would be positioned to the rear of the existing dwelling sharing the same vehicular access with Plot 1 positioned northwards and staggered slightly forwards of Plot 2.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Officer to rectify a mistake in the report. Page 83 referred to the proposed dwellings as being semi-detached when this should have been detached dwellings.

In considering the application Members offered differing points of view as to whether they considered the proposal to be ‘backland’ development.

AGREED (by 7 votes for with 5 votes against) that planning permission be approved subject to the conditions and reasons as set out in the report.

*Councillor Lee did not take part in the vote as he was absent for the discussion of the application.*

66 FIELD OS 8200 MARRIOTT LANE, BLIDWORTH 19/00184/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for full planning permission for the change of use of the land for equestrian use and the erection of an additional stable and tack room attached to the existing stable block. It was noted that revised plans had been deposited which had reduced the scale of the proposed extension to the stable.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Planning Officers and the Applicant.

In considering the application Members raised issues in relation to whether use of the premises would be private or commercial and that clarity was needed as to whether the lane adjacent to the site was an official bridleway.

AGREED (by 10 votes for with 3 votes against) that planning permission be approved subject to the reasons and conditions as set out in the report.

67 BANKWOOD FARM, OXTON ROAD, THURGARTON 19/00746/FULM

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought permission for the demolition of the farm complex and the subsequent erection of five new dwellings (each containing 5 bedrooms) and one conversion of an existing barn to form a 4-bed dwelling.

Councillor R. Foster, representing Thurgarton Parish Council, spoke in support of the application in accordance with the views of the Parish Council as contained within the report.

The local ward Member also spoke in support of the application.

In considering the report Members commented that the current site was a derelict eyesore and that the proposed design was both unique and contemporary, commenting that it was in keeping with the area.

In noting the existing planning permission for 5 smaller units, Members queried whether further development would come forward should the application being considered be refused. Officers confirmed that a submission for prior approval would be required and that strict tests would need to be satisfied.

The Chairman commented that he was also in favour of the proposed design but noted that there were similar situations across the district where farm buildings had fallen into disrepair and whether the approval of this application may set a precedent for the future. Members, however, commented that they believed the design to be sufficiently unique to resist future applications.



Whilst Officers advised that they did not consider the proposal to meet the innovative tests set out in NPPF and DM8, Members took an alternative view in this instance. In addition, they disagreed that the proposal would result in an adverse impact on visual amenity and attached significant weight to the benefit of redeveloping the site in the manner proposed rather than through potential conversions. Members therefore considered the principle of development to be acceptable and development would therefore meet the 3 tests for an EPS in relation to bats.

AGREED (by 9 votes for with 3 votes against) that, contrary to Officer recommendation, planning permission be approved with conditions being included in relation to: repair works to the historic barn; design details including fenestration, materials, removal of permitted development for future extensions, fences; demolition of all buildings and removal of all element attached prior to occupation of the first self-build; and bat mitigation. The Chairman and Vice-Chairman of the Committee to be consulted with prior to any additional conditions being added.

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>  |
|-------------------|--------------|
| Roger Blaney      | Against      |
| Lee Brazier       | Against      |
| Malcolm Brock     | For          |
| Michael Brown     | For          |
| Linda Dales       | For          |
| Maureen Dobson    | Absent       |
| Laurence Goff     | For          |
| Rhona Holloway    | For          |
| Johnno Lee        | For          |
| Penny Rainbow     | For          |
| Mathew Skinner    | Did not vote |
| Tom Smith         | Absent       |
| Ivor Walker       | For          |
| Keith Walker      | For          |
| Yvonne Woodhead   | For          |

*Councillor Skinner did not take part in the vote as he was not present for the whole of the debate.*

68 SAWMILLS FARM, RUFFORD LANE, OLLERTON 19/01230/FUL

The Committee considered the report of the Director – Growth & Regeneration which was a re-submission of a previous application in a direct attempt to overcome the harm identified as the reason for the previous refusal. The application continued to promote the complete demolition of the existing dwelling to be replaced with a detached residential unit. The scheme had been reduced in scale through the omission of first floor accommodation such that the three bed unit would be entirely delivered at ground floor with a footprint of approximately 336m<sup>2</sup>. The proposed ridge height would be approximately 6.3m with an eaves height of 2.55m.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Ollerton & Boughton Town Council and a neighbour.

The local ward Member spoke against the proposal stating that the application was a significant increase in the footprint of the existing dwelling and would change the character of the surrounding area.

In considering the report some Members were supportive of the proposal noting that both Rufford Parish Council and Ollerton & Boughton Town Council had not raised any objections. However, some Members were concerned as to the size of the proposed dwelling stating that their previous reasons for refusal remained unchanged.

A vote was taken for approval and lost with 4 votes for and 9 votes against.

AGREED (by 9 votes for with 4 votes 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> |
|-------------------|-------------|
| Roger Blaney      | For         |
| Lee Brazier       | Against     |
| Malcolm Brock     | For         |
| Michael Brown     | For         |
| Linda Dales       | For         |
| Maureen Dobson    | Absent      |
| Laurence Goff     | Against     |
| Rhona Holloway    | For         |
| John Lee          | For         |
| Penny Rainbow     | For         |
| Mathew Skinner    | For         |
| Tom Smith         | Absent      |
| Ivor Walker       | For         |
| Keith Walker      | Against     |
| Yvonne Woodhead   | Against     |

69 LAND OFF MAIN STREET, CODDINGTON 18/00799/FUL

The Committee considered the report of the Director – Growth & Regeneration which sought full planning permission for the erection of 7 no. dwellings. Two of the dwellings would have detached garages, three of the dwellings would have integral garages and two of the dwellings would have no garage. It was noted that the plans had been amended to overcome the concerns of the Case Officer and Conservation Officer in relation to both residential amenity and heritage impacts.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from two neighbours.

Councillor Lee, a local ward Member and a member of the Planning Committee commented that he would wish to see conditions attached to the application should it be approved to: restrict the hours of delivery; and ensure that boundary treatments were undertaken. Officers advised that restriction of delivery hours could alternatively be dealt with through the submission of a Construction Management Plan but this suggestion was declined.

In considering the application a Member commented that she would wish to see a condition attached in order to accommodate a right of way for hedgehogs as raised in the late communications.

AGREED (unanimously) that full planning permission be approved subject to the conditions as set out in the report and with additional conditions in relation to: no deliveries between the hours of 08:00 and 09:00 hours and 15:00 and 16:00 hours; landscaping (details to be discharged in consultation with the ward Members; and mitigation measures for hedgehogs to be included in and boundary treatments/landscape scheme.

*Councillor Lee left the meeting at 6.49pm.*

70 8 WILLOW DRIVE, NORTH MUSKHAM 19/01160/S73

The Committee considered the report of the Director – Growth & Regeneration in relation to the submission of a Section 73 application to vary conditions 2 and 7 of permission 16/00155/FUL to allow the floor level of the approved dwellings to be lowered by 270mm (set at 10.470 rather than 10.740 AOD).

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from North Muskhams Parish Council and the applicant's Agent.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained within the report.

71 LAND ADJACENT IVYDENE, MAIN STREET, WESTON 19/01294/PIP

The Committee considered the report of the Director – Growth & Regeneration which sought Permission in Principle (PIP) (the first of a 2 stage process) for the development of one or two dwellings on the site.

In considering the application, the Chairman commented that this was the first PIP received by the Council since its introduction by the Government in 2017. He added that it would ordinarily have been granted under Delegated Authority and that its inclusion in the Scheme of Delegation was to be considered at the next meeting of the Councillors' Commission.

AGREED (unanimously) that Permission in Principle be approved.

72 LAND OFF HUTCHINSON ROAD, NEWARK ON TRENT 19/00192/RMA

The Committee considered the report of the Director – Growth & Regeneration following a site inspection which sought to vary Conditions 1 and 3 of Planning Permission 17/01573/RMA which was for reserved matters consent for the erection of 7 dwellings and associated public open space, landscaping and infrastructure.

Councillor Skinner, a local ward Member and a Member of the Planning Committee expressed concerns in relation to the removal of mature hedgerows by the developers and the erection of a post and rail fence. He commented that a further application to replace the existing fence with a solid fence may be submitted in the future. He added that it was his understanding that any works to rectify the removal of the mature hedgerows would now be the responsibility of the owners of the dwellings. In response, the Chairman noted that there had been some single line planting to the exterior of the fencing which would, in time, replace the removed hedgerow and that in some places there had been multiple planting to replace the hedgerow. The Planning Officer advised that the developer had stated that they would undertake a planting scheme if the Committee required that course of action.

In considering the application it was noted that Plot 1 remained unoccupied and therefore it would be the developer's responsibility to undertake any planting. However, Plot 7 had been purchased and was occupied and therefore planting would be the responsibility of the owners. The Chairman suggested that, with the owners' permission, the developers be required to undertake a Planting Scheme at Plot 7. With the Chairman's permission, the owner of the property addressed the Committee. He stated that he owned the land to the front of the dwelling and would not wish to see the removal of the fence. He added that it was his understanding that there was additional planting scheduled by the developer.

In response to whether the Landscaping Scheme had been finalised and agreed with the developer, the Planning Officer confirmed that it had not and that discussions to finalise the scheme could take into account the above comments.

AGREED (unanimously) that full planning permission be approved subject to the conditions contained within the report and clarification on whether additional landscaping can be provided by the developer to the front of the site, subject to the agreement of the occupants of Plot 7, via Councillor Skinner. All conditions to be amended under delegated authority in response to this issue, as deemed appropriate.

73 TPO N367 - G1 GROUP OF TREES ON LAND TO THE REAR OF NO'S 38 TO 120 MIDDLETON ROAD, NEWARK 19/00002/TPO

The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate. The Committee considered the report of the Director – Growth & Regeneration which sought confirmation of a Tree Preservation Order on land to the rear of Nos. 38 to 120 Middleton Road, Newark.

Members considered that the confirmation of the Tree Preservation Order was appropriate.

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 form a prominent feature in the area 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.

74 APPEALS LODGED

AGREED that the report be noted.

75 APPEALS DETERMINED

AGREED that

- (a) the report be noted; and
- (b) the continued efforts of the Enforcement Team be welcomed.

76 QUARTERLY ENFORCEMENT ACTIVITY UPDATE REPORT

AGREED that the report be noted.

77 EXCLUSION OF THE PRESS AND PUBLIC

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 1, 2, 3 and 7 of part 1 of Schedule 12A of the Act.

Meeting closed at 7.35 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, 10 September 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)  
Councillor I Walker (Vice-Chairman)

Councillor L Brazier, 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

ALSO IN ATTENDANCE: Councillor R Crowe and Councillor R Jackson

APOLOGIES FOR ABSENCE: Councillor M Brock (Committee Member)

### 78 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

Councillors Mrs L Dales, J Lee and I Walker all declared personal interests as they were Council's appointed representatives on the Trent Valley Drainage Board.

Councillor M Skinner declared a personal interest in Agenda Item No. 5 – Land Opposite 26 and 44 Fosse Road, Farndon (18/02363/FULM), as the item had been considered by Newark Town Council Planning Committee which he was a Member; the application had been amended considerably from being considered by the Town Council.

Councillor K Walker declared a personal interest in Agenda Item No. 13 – Diversion of Southwell Footpath 69, as he was a Member of Nottinghamshire County Council.

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

The Chairman informed the Committee that the Council was undertaking an audio recording of the meeting.

### 80 MINUTES OF MEETING HELD ON 6 AUGUST 2019

AGREED that the minutes of the meeting held on 6 August 2019 be approved as a correct record and signed by the Chairman.

### 81 LAND OPPOSITE 26 TO 44 FOSSE ROAD, FARNDON (18/02362/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection, which sought the erection of a Mixed-Use Development comprising petrol filling station and associated retail unit and drive through, 1 no. A3 Café/Restaurant with ancillary drive through, 1 no. electric car charging station, 2 no. offices and 103 bed hotel with associated ancillary facilities,

landscaping, flood attenuation lagoon, associated engineering operations (including flood compensation measures) and sustainable drainage system (SuDS) along with associated vehicular and cycle parking and access from Fosse Way and all ancillary works.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Highways England; Councillor Mrs Saddington; Neighbouring comments; SSA Planning on behalf of Farndon Parish Council; Nottinghamshire County Council Highways; and the Agent.

Councillor M Baker, Farndon Parish Council spoke against the application in accordance with the views of Farndon Parish Council, as contained within the report.

Councillor N Mison, local Ward Member for Farndon and Fernwood spoke against the application and commented that the economic benefits did not outweigh other issues including the open break which was against Council policy, impact on the surrounding area and Newark. There had been so many objections to the development which provided a gauge of public opinion. There were other fuel stations on the A46, in close proximity. This development would be against Council policy if approved.

Members considered the application and a Member commented that he had never seen as many objections against an application. Members felt that the economic benefits did not outweigh the open space and that the Committee needed to comply with their policy. The local community's comments should also be taken into consideration.

AGREED (unanimously) that planning permission be refused for the reasons contained within the report.

82 LAND OFF LOWER KIRKLINGTON ROAD, SOUTHWELL (18/01363/FULM(MAJOR))

The Committee considered the report of the Business Manager – Planning Development relating to a scheme at appeal which sought a residential development for eighty dwellings.

An application for the above residential development was presented to the Planning Committee on 4 June 2019 for consideration. Members resolved to refuse the application contrary to officer recommendation for four reasons as detailed within the report. The applicant/appellant had now lodged an appeal and had submitted an amended plan to the Planning Inspectorate. This revised plan sought some changes and the report sought the views of the Planning Committee, who were the initial decision makers, on the proposed amendments to inform the appeal.

The amendments incorporated within the revised plan are as follows:

- Re-distribution/dispersal of affordable houses on site. This does not alter the layout or design of the site since the house types remain as previously submitted;

- Provision of 16 dwellings for occupation by householders with at least one member over the age of 55 years only (50 % of which would be DDA – Building Regulations Part M compliant – Category 2: ‘Accessible and Adaptable Dwellings’ as set out within the documents submitted 16 July 2019), in lieu of the explicit provision of bungalows;
- Amendments to the dwelling mix (set out within the submitted table received 16 July 2019);
- There were no amendments to the relevant plots eliminating any triple vehicle tandem parking provision which remained contrary to NCC Highway advice; and
- No amendment had been made to ensure that the public open space was a focal point of the development which was a previous member concern.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from Southwell Town Council and the Planning Case Officer. The Committee was informed of an error in the report from Newark and Sherwood District Council Planning Policy. The comment stated that the amended plan showed a decrease in the total number of bedrooms provided within the affordable housing units from ninety-nine to forty-four, which was incorrect. The amended plan in fact showed a decrease from fifty-one to forty-four.

Councillor D Martin, Southwell Town Council spoke against the erection of traffic lights to the entrance of the development, this was in accordance with the views of Southwell Town Council.

Members considered the application and felt that there was no need for traffic lights at this site, there were no other traffic lights on similar sites in Southwell and traffic lights at this location would be detrimental to the town.

AGREED (with 13 votes For and 1 Abstention) that:

Notwithstanding and without prejudice to the previous officer recommendation for approval:

- (a) in the event that the Inspector refuses to accept the amendments shown on the Revised Plan, the Council should defend all the existing reasons for refusal set out on the existing decision notice; and
- (b) in the event that the Inspector accepts the amendments on Revised Plan, then the Council should defend the existing reasons for refusal with the exception of Reason 3 and this should be reflected in the narrowing of the scope of Reason 4, but it should also be made clear as part of the appeal process that the view of Members is that the revised scheme results in additional harm on the grounds of the resultant inappropriate affordable housing mix.



83     SOUTH COLLINGHAM NURSING HOME FLAT, NEWARK ROAD, COLLINGHAM (18/01639/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought an extension to create twenty four extra care apartments, nineteen two-bed and five one-bed, conservatory and relevant ancillary spaces following the demolition of existing single storey extension to the north and courtyard.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which informed the Committee that the neighbour comments, including eight letters of representation that had been mistakenly omitted from the report.

Members considered the application and the further assisted living was welcomed although concerns were raised regarding the twenty-three car parking spaces which was considered insufficient given the proposed twenty-four units. Some Members considered that the exit into the high street should have a speed limit of 30mph and County Highways should be contacted and asked to extend the current 30mph speed limit. An additional condition should be included to prevent any traffic through Dykes End, other than emergency vehicles. Car parking should not be allowed in front of the main windows to the building where residents would sit. Car parking for the development should be looked at again to find an improved scheme and conditioned.

AGREED            (unanimously) that Full planning permission be approved subject to the conditions contained within the report and the following additional conditions:

- (i)     A wider access with a filter;
- (ii)    Emergency access only through Dykes End;
- (iii)   Level of car parking appropriate to apartments for the Nursing Home and the extra care facility, to be determined in consultation with the Ward Members; and
- (iv)    No construction traffic through Dykes End.

84     GLEBE FARM, FOSSE ROAD, BROUGH (17/01859/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought a retrospective application for the retention of two static caravans for use as residential accommodation for a permanent agricultural worker in connection with Glebe Farm

Members considered the application and felt that permission for a maximum of three years was sufficient. Members wanted it on record that they would be reluctant to grant further temporary permissions and felt that the applicant would need to be ready at the end of the 3 year temporary period with an application for a permanent dwelling. Concerns were raised regarding the storage of gas bottles between the two caravans and asked that the relevant Officer provide safety advice to the applicant.

AGREED (unanimously) that:

- (a) planning permission be approved for a maximum of three years, subject to the conditions and reasons contained within the report; and
- (b) the relevant Officer provide advice regarding the storage of gas bottles between the static caravans.

85 LAND AT MALKILN CLOSE, OLLERTON (19/00892/FULM)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought a development of thirty three affordable dwellings.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Archaeological advisor.

Members considered the application and one Member felt that the site was not suitable for the proposed development. Wellow Road was considered to be too busy and the additional vehicles associated with the development would increase the volume of traffic. There was no safe crossing on Wellow Road and the local school, GP and dentists were all full to capacity. Other Members considered the site ideal for much needed affordable housing for local people and would tidy the large derelict site.

AGREED (with 11 votes For, 2 Votes Against and 1 Abstention) that planning permission be approved subject to the conditions and reasons contained within the report and the additional condition relating to archaeology.

86 SHERWOOD HOUSE, DALE LANE, BLIDWORTH (15/01330/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought the demolition of an existing factory shop and the erection of six dwellings and all associated works.

Officers verbally reported that the agent had requested amendments to condition 4 and 16 set out within the report which officers considered to be acceptable.

Members considered the application and commented on their disappointment with the viability study regarding the demolition of the existing shop and felt that something could have been achieved with the existing building.

Councillor M Brown was not present for part of the presentation and did not take part in the vote.

AGREED (with 9 votes For and 4 votes Against) that full planning permission be approved subject to the conditions and reasons contained within the report subject to amendments to Conditions 4 and 16 as reported.

87     298 SOUTHWELL ROAD EAST, RAINWORTH (19/01243/FUL)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the demolition of existing buildings and construction of four new terraced town houses.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer, which informed Committee of an omission within the report in relation to policies Ra/DC/1 and DM11.

Members considered the application unacceptable.

AGREED            (with 11 votes For and 3 Abstentions) that planning permission be refused for the reason contained within the report.

88     FORMER STABLES, ROLLESTON MILL, ROLLESTON (19/01022/FUL)

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the conversion and extension of the former stables at Rolleston Mill Farm, Rolleston to residential use including the replacement of existing single storey monopitched stable with new structure to create living accommodation and lightweight glazed link.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the following: Emergency Planner; NCC Highways; and Agent.

Councillor T Hillary, Rolleston Parish Council spoke in support of the application in accordance with the views of Rolleston Parish Council, as contained within the report.

Members considered the application and commented on a previous granted application which included demolition of the new stables which had resulted in not being viable. The applicant had been invited to submit a viability report to be tested but had chosen not to do so. It was suggested that the item be deferred in order for the applicant to be invited again to submit a viability report and consider a more sympathetic application in consultation with the Conservation Officer.

AGREED            (with 13 votes For and 1 vote Against) that planning permission be deferred.

89     LAND BETWEEN SHADY LANE AND POTWELL DYKE, LOWER BURGAGE, BURGAGE LANE, SOUTHWELL

The Committee considered the report of the Business Manager – Planning Development following a site inspection which sought the diversion of Southwell footpath 69, land between Shady Lane and Potwell Dyke, Lower Burgage, Burgage Lane, Southwell.

A schedule of communication was tabled at the meeting which detailed correspondence received after the Agenda was published from the Planning Case Officer.

AGREED (with 12 votes For and 2 votes Abstentions) that Newark and Sherwood District Council continue to raise an objection to the proposed diversion for the reasons set out in the report.

90 THE PRINCE RUPERT, 46 STODMAN STREET, NEWARK (19/00903/FUL)

The application was withdrawn from the Agenda.

*(Councillor M Brown left the meeting at this point).*

91 LAND AT NORWELL ROAD, CAUNTON (19/01180/OUT)

The Committee considered the report of the Business Manager – Planning Development which sought the erection of two dwellings on land at Norwell Road, Caunton

Members considered the application acceptable.

AGREED (unanimously) that outline planning permission be granted subject to the conditions contained within the report.

92 FORMER PUBLIC CONVENIENCES, FOREST CORNER, EDWINSTOWE (19/01356/FUL)

The Committee considered the report of the Business Manager – Planning Development which sought the conversion of a store to a Craft Centre Annexe for an additional craft workshop with associated sales and building works associated with the conversion. The application was an amendment to planning permission 15/01060/FUL to insert additional lower and upper windows to the south elevation and alter approved window on east elevation.

Members considered the application acceptable.

AGREED (unanimously) that planning permission be approved subject to the conditions and reasons contained within the report.

93 LAND TO FRONT OF 1-7 GLENFIELDS, SOUTHWELL (19/00004/TPO)

The Committee considered the report of the Business Manager – Planning Development which sought confirmation of Tree Preservation Order – TPO N368, for a group of four Whitebeam trees.

Members considered the Tree Preservation Order acceptable.

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. Historically they provide some continuity of trees on the site of a former fruit farm; and
3. They also form a prominent feature within the estate and also provide a positive visual public amenity contribution to the local street scene, being visible from many viewpoints.

94 LAND OPPOSITE 1-10 THE RIDINGS, BULCOTE (19/00003/TPO)

The Committee considered the report of the Business Manager – Planning Development which sought confirmation of Tree Preservation Order – TPO N369.

It was reported that it had been established that a number of trees, but not all on the site, due to health and presence of cavities, warranted protection by Tree Preservation Order (TPO). Discussions had taken place with the applicant and representative from Nottinghamshire County Council where it was agreed to proceed with protection of those trees due to group amenity value. Appendix 2 to the report provided a plan showing the location and species of trees to be protected, including: 7No. Silver Birch; 3No. Oak; 3No. Willow; 2No. Field Maple; 3No. Cherry; 3No. Rowan; 1No. Whitebeam; 1No. Sycamore.

Members considered the Tree Preservation Order acceptable.

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.

95 APPEALS LODGED

AGREED that the report be noted.

96 APPEALS DETERMINED

AGREED that the report be noted.

Meeting closed at 6.57 pm.

## 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, 17 September 2019 at 5.30 pm.

PRESENT: Councillor D Lloyd (Chairman)

Councillor L Brailsford, Councillor B Clarke-Smith and Councillor P Peacock

APOLOGIES FOR Councillor K Girling (Committee Member)

ABSENCE:

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

There were no declarations of interest.

14 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

NOTED that a recording would be undertaken by the Council.

15 MINUTES OF PREVIOUS MEETING HELD ON 11 JUNE 2019

The Minutes of the meeting held on 11 June 2019 were approved as a correct record and signed by the Chairman.

16 MINUTES OF THE ARKWOOD BOARD MEETINGS

The Committee noted the minutes of the Arkwood Developments Board meetings held on 25 June and 1 August 2019.

17 COUNCIL AND COMPANY TAXATION

The Committee considered the report of the Business Manager – Financial Services which sought to inform the Shareholder Committee of the taxation implications for Arkwood Ltd., as the Council's wholly owned development company and any associated taxation implications for the Council.

Paragraph 3.0 of the report detailed the proposals in relation to Stamp Duty Land Tax, Corporation Tax, VAT and PAYE/NIC implications for the Company (and Council).

AGREED (unanimously) that the report be noted.

18 ARKWOOD DEVELOPMENTS PROGRESS REPORT

The Committee considered the report of the Director – Governance & Organisational Development which sought to keep Members updated on Arkwood Developments' progress and the Company's financial position.

Paragraph 3.0 of the report set out the proposals and financial position with the key activities listed as: progression at Bowbridge Road to agreed timescales; development of the Company's website and social media accounts for future communications and sales; and the undertaking of a preliminary viability assessment for a future development site. Arkwood Development's Managing Director was in attendance at the meeting and presented to Members details of the Bowbridge Road Development.

It was noted that the Company were undertaking other activities to develop the business and to ensure the targets set within their Business Plan were met.

AGREED (unanimously) that:

- (a) the update regarding progress on Arkwood Developments activities be noted; and
- (b) the Company's financial position be noted.

19 EXCLUSION OF PRESS AND PUBLIC

AGREED (unanimously) that under Section 100A(4) of the Local Government Act 1972, the press and 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.

20 MINUTES OF ARKWOOD MEETINGS - EXEMPT APPENDICES

The Committee considered the exempt minutes of the Arkwood Developments Board meetings held on 25 June and 1 August 2019.

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

21 ARKWOOD DEVELOPMENTS PROGRESS REPORT - EXEMPT APPENDIX

NOTED the exempt appendix of the Arkwood Developments Progress Report.

Meeting closed at 5.55 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 **Audit & Accounts Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Wednesday, 24 July 2019 at 10.00 am.

PRESENT: Councillor Mrs S Michael (Chairman)

Councillor Mrs B Brooks, Councillor M Brown, Councillor R Crowe and Councillor D Cumberlidge

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

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 INTENTIONS TO RECORD THE MEETING

There were no declarations of intention to record the meeting.

3 MINUTES OF THE MEETING HELD ON 24 APRIL 2019

AGREED that the Minutes of the meeting held on 24 April 2019 be approved as a correct record and signed by the Chairman.

4 TREASURY MANAGEMENT OUTTURN REPORT- 2018/19

The Committee considered the report of the Business Manager - Financial Services, regarding the Annual Treasury Outturn Report 2018/19. The Treasury Strategy and Prudential Indicators for 2018/19 were approved by Council on 8 March 2018 and the Outturn report is the last report for the financial year, required by CIPFA Code of Practice on Treasury Management. There were no breaches of the approved prudential indicators during 2018/19.

The Committee considered the economic background, the local context including Capital Finance Requirement, the Council's borrowing strategy, investment activity, and compliance with all prudential indicators during the period.

AGREED that the Treasury Outturn Positions for 2018/19 be noted.

5 EXTERNAL AUDIT ANNUAL GOVERNANCE REPORT 2018/19

The Committee considered the report of the Business Manager – Financial Services, jointly presented by David Hoose and Helen Brookes from Mazars LLP, in relation to the External Auditors Annual Audit Completion Report. The significant findings were reported in the Completion Report, which was attached as an appendix to the report, together with the action taken in respect of the findings. The report also provided the Auditor's opinion on the Statement of Accounts and the Value for Money conclusion.

Mr. Hoose reported on the Executive Summary and Significant Findings. He expressed his thanks to Officers for their work and assistance and also the quality of the working papers provided adding that all works were substantially complete and it was anticipated that the final audit would be signed off within agreed timescales.

Ms Brookes reported on the Internal Control Recommendations, the Summary of Misstatements and the Value for Money Conclusion, noting that the latter had been identified as a risk but within what was expected for a local authority.

AGREED (unanimously) that:

- (a) the External Auditors Annual Audit Completion Report for 2018/2019 be noted;
- (b) the adjustments to the financial statements set out in the report be noted; and
- (c) the letter of representation signed by the Director – Resources/Section 151 Officer and the Chairman of the Audit & Accounts Committee be approved.

## 6 STATEMENT OF ACCOUNTS 2018/19 AND ANNUAL GOVERNANCE REPORT

The Committee considered the report of the Business Manager – Financial Services which sought Members approval for the Council's Statutory Accounts for the financial year ending 31 March 2019. The Committee had previously considered the documents during a workshop session with Officers.

The Business Manager - Financial Services reported that two amendments had been made. The first was in relation to a revised actuarial valuation report from the pension fund. This was due to a national judgement which affected the assumptions used within the original actuarial valuation report. The second amendment was due to the incorrect rental income figure being used on the calculation of the valuation of Newark Livestock Market.

AGREED (unanimously) that:

- (a) the Annual Governance Statement for the financial year ending 31 March 2019 be approved;
- (b) the Statement of Accounts for the financial year ending 31 March 2019 be approved; and
- (c) it be noted that as per the previous report, the Section 151 Officer and the Chairman of the Audit & Account Committee had signed the Letter of Representation.

7 CHANGE OF ORDER OF AGENDA

With the agreement of the Committee, the Chairman amended the running order of the Agenda. Item 9 would be taken next. The Agenda would then revert back to its original order.

8 ANNUAL INTERNAL AUDIT REPORT 2018/19

The Audit & Risk Manager (Assurance Lincolnshire) presented the Annual Internal Audit Report 2018/19, summarising the work of Internal Audit undertaken during 2018/19 to support the Annual Governance Statement through providing opinion on the Council's governance, risk management and internal control.

The Annual Report set out the scope of internal audits work with details of the findings and subsequent rating of each area audited being provided. The appendices to the report provided the Committee with details of: the audits undertaken; the limited/low assurances; audit plan changes; overdue actions; benchmarking data; and assurance definitions.

The Director – Resources provided Members with information as to what actions had been taken following the adequate audit findings for Governance and Internal Control. He noted that these would be discussed in more detail at Agenda Item No. 10 – Internal Audit Report Process.

AGREED (unanimously) that the Annual Internal Audit Report 2018/2019 be noted.

9 INTERNAL AUDIT PROGRESS REPORT 2019/20

The Committee considered the Internal Audit Progress report covering the period to 8 July 2019. Four audits had been issued during the period. Pay and grading had been issued with high assurance, whilst Counter Fraud, Development Company and Emergency Planning had been issued with Substantial Assurance. A review of the Mansfield Crematorium accounts had also been undertaken, as had a review of the Newark Livestock Market Rent calculation. There were a further six reports at draft stage and three audits in progress.

In considering Appendix 2 to the report a Member queried whether it was possible to include the actual start date of the planned audits. The Audit Manager advised that this could not be provided until the actual audit commenced as any date given may be subject to delay. She did, however, comment that a narrative for each area would be provided in future reports.

AGREED (unanimously) that the latest Internal Audit Progress report be noted.

10 INTERNAL AUDIT REPORT PROCESS

The Business Manager - Financial Services presented a report detailing a proposed process for internal audit reports to pass through the Senior Leadership Team (SLT) and onto the Audit & Accounts Committee.

Paragraph 3 of the report detailed the grading of audits and the proposed new process. The process for dealing with reports and following up recommendations were detailed in flow diagrams appended to the report. It was felt that the proposed process would enable SLT to review and feed into the audit process along with the Business Manager. Where Limited and Low assurance audit reports are finalised the Business Manager would be required to attend meetings of the Committee until all agreed actions had been completed.

In considering the report, a Member queried whether a member of SLT would be required to report to the Audit & Accounts Committee should a recommendation require multiple extensions to its deadline to resolve the identified issue. The Director – Resources stated that it was not currently built into the process but if such a situation arose it would only be in exceptional circumstances and that Committee would be kept fully appraised.

AGREED (unanimously) that:

- (a) the process as set out in Appendix A be adopted for the flow of internal audit reports; and
- (b) the process as set out in Appendix B be adopted for the extension to dates for the completion of management actions.

11 AUDIT COMMITTEE WORK PROGRAMME

The Committee noted the Work Programme.

12 DATE OF NEXT MEETING

The date of the next meeting would be Wednesday, 27 November 2019.

Meeting closed at 10.50 am.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Councillors Commission** held on Monday, 2 September 2019 at 4.00 pm.

PRESENT: Councillor R Blaney (Chairman)

Councillor L Dales, Councillor Mrs G Dawn, Councillor P Harris,  
Councillor Mrs L Hurst, Councillor J Lee and Councillor P Peacock

ALSO IN ATTENDANCE: Councillors K Girling, L Goff, R Holloway and P Rainbow, and Judith Hurcombe (Local Government Association) for the Governance Review item

### 1 MINUTES OF MEETING HELD ON 25 JANUARY 2018

AGREED that the minutes of the meeting held on 25 January 2018 be approved as a correct record and signed by the Chairman.

### 2 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

### 3 GOVERNANCE REVIEW

The Commission considered the report of the Director of Governance & Organisational Development which set out proposals for a review of the Council's governance arrangements. Following the elections in May 2019 a number of Members had expressed a desire to carry out a review of the Council's governance arrangements to determine their effectiveness. The Local Government Association (LGA) had been approached to work with the Council to carry out the review.

It was proposed that the review be undertaken by a small team, comprising two elected member peers, one officer peer and being led by Judith Hurcombe from the LGA. The proposals for the review were set out in the report.

The Commission expressed concerns about the timing for the review with a start in October. However, it was noted that this first stage was concerned with reviewing the existing committee arrangements and there was no pre-conceived view about the outcome of the review.

In respect of the elected member peers, the Commission were invited to select two from the profiles submitted to form the review team. Given their experience and political affiliations, the Commission indicated their preference for Chris Millar and Sharon Taylor, if they were available.

AGREED that the scope / focus and timetable for the review, as set out in the report, be approved.

#### 4 REVIEW OF SCHEME OF DELEGATION

The Commission considered the report of the Director – Growth & Regeneration concerning a proposed review of the Scheme of Delegation in respect of planning decisions. The report presented, had been revised following its consideration by the Planning Committee on 23 July 2019 where Members noted the report but made a number of observations.

The report set out the reason for, and scope for the review. The Commission considered the existing arrangements and how these compared with other local authorities in Nottinghamshire and Lincolnshire. The comparator information detailed total number and duration of planning committee meetings, arrangements for site visits, the type of applications being considered, the provision of speaking in committees and levels of delegation to officers.

Based on the findings a number of options were presented in the report for the Commission to consider. The Commission discussed whether, when a Member or parish council calls in an application to committee, they should be required to attend the meeting to put forward their reasons. However, this was not supported by the majority of the Members. The Commission also discussed proposals to strengthen Member relations with senior planners, which was welcomed. The Commission also highlighted the importance of enforcement action and challenging retrospective applications.

In respect of the provision of public speaking, it was noted that this would be revisited by the Planning Committee in due course.

AGREED (with 5 votes for, 1 against and 1 abstention) that Council be recommended to take forward the following three options in respect of the Scheme of Delegation:

Option 1 – applications for minor dwellings be delegated to officers including when parish / town councils put forward a contrary view, regardless of the professional recommendation, subject to officers first contacting the relevant local Ward Member(s) to allow opportunity of referral.

Option 3 – to give more clarity on Member referral / call in powers to include when a Member calls in any application these will be determined by the lead planning officer together with the Chair and Vice Chair of the Planning Committee (and if appropriate the Chief Executive) that these warrant debate by the Committee; and

Option 5 – removing the need to take applications (major and minor types) to the Planning Committee where applications relate to the proposed removal or variation of planning conditions regardless of the parish or town council's views unless the parish / town council's comments give rise to any new material planning impacts not previously considered.

It was further AGREED that the impact of the revisions to the process be reviewed 12 months following their implementation.

5 GILSTRAP CHARITY AND CHARITY OF WILLIAM EDWARD KNIGHT - TRUSTEESHIP

The Commission considered the report of the Director – Governance & Organisational Development concerning the way in which the Board of Trustees of the Gilstrap Charity and W E Knight Trust conducts its meetings. The report proposed that in order to reflect recent case law and guidance, the procedure for future meetings of the Board of Trustees more closely follow that of other operational committees of the Council that they are generally open to the press and public with the Board excluding the press and public for specific items when appropriate.

Members of the Commission questioned whether Newark Town Council should be the rightful trustee. The Chief Executive confirmed that the District Council was the corporate trustee and as such was effectively discharging its function as trustee through its appointed Board of Trustees. It was noted that any transfer of trusteeship would require the approval of the Charity Commission. The Commission also discussed the current membership of the Board and whether this should be extended to include representatives of the Newark Civic Trust, for example. It was noted that representatives from the Newark Civic Trust and the Friends of Newark Castle were currently co-opted Members of the Board.

AGREED that a further report be presented to the Commission to enable them to consider further issues including membership of the Board of Trustees and whether the District Council was the appropriate body to act as trustee.

6 PUBLIC ENGAGEMENT AT FULL COUNCIL MEETINGS

The Commission considered the report of the Director – Governance & Organisational Development which invited them to review the current rules in respect of questions at Full Council meetings and the current petitions scheme in light of the recent increased public engagement.

The Commission considered the current Council Procedure Rules in respect of questions by Members of the Council and the public. The report highlighted issues in respect of the deadline for the submission of questions and the process for the consideration of questions during the meeting.

The Commission considered that the rules governing questions from elected Members and the public should be aligned and the deadline for submission be brought forward to enable these to be published on the agenda for Council Meetings. It was also felt that such questions should be taken together on the agenda with a maximum 30 minutes period being dedicated for these in the meeting. It was also suggested that the process for handling questions could be refined with the Chairman not being required to read out the text of questions and when questioners were not in attendance these would be noted without discussion. It was also considered that when questions were submitted far in advance of a scheduled Council Meeting these should be dealt with as expeditiously as possible, for instance through a written reply to be given by the Chief Executive following consultation with the appropriate Member.

In respect of petitions the Commission considered the content of the local and the statutory scheme, as well as the provisions in respect of e-petitions. Given there was no longer a requirement for a statutory scheme, the Commission considered the signature threshold to require a debate at the Full Council, the deadline for submitting petitions, who could present petitions and different mechanisms for responding.

AGREED that revised Council Procedure Rules in respect of questions at Full Council, and a revised Petitions Scheme, reflecting the comments made at this meeting, be submitted to the next meeting of the Commission for consideration.

## 7 MEMBER TRAINING & DEVELOPMENT UPDATE SEPTEMBER 2019

The Commission considered the report of the Director – Governance & Organisational Development which provided Members with an update on the development opportunities offered to all Members since May 2019 and detailed some forthcoming events.

AGREED that:

- (a) the Commission note the training/development offered to Members since May 2019 and encourage Members to complete the e-learning modules that had been sent to them;
- (b) the Commission support and encourage Members to attend the suite of forthcoming events relating to media/social media/public speaking due to be published shortly and refresher session on 'how it all works'; and
- (c) the Commission support and encourage Members to attend relevant events provided through East Midlands Councils and to access the LGA online workbooks as detailed in the report.

## 8 DISCLOSURE AND BARRING SERVICE CHECKS

The Commission considered the report of the Director – Governance & Organisational Development which detailed the issues in relation to Disclosure and Barring Service (DBS) checks for Members following the motion submitted to the Full Council Meeting held on 16 July 2019. The motion, which proposed that all Members undertake DBS checks within four months of taking up office, although lost, had been referred to the Councillors' Commission for consideration.

The report detailed the three 'levels' of DBS checks, basic, standard and enhanced and the qualifying criteria for each level. The report also provided details of feedback sought from the other local authorities within Nottinghamshire to understand what checks, if any, were being carried out concerning Members. It was reported that having regard to the functions carried out as a District Council and the governance arrangements currently in place there was no legal requirement or justification to carry out either a standard or enhanced DBS check. Whilst there was an option to carry out a basic check for Members, it was considered that careful consideration should be given as to whether this was appropriate and/or necessary, particularly given the limited information that such a check would disclose and the legal checks



and balances that were already in place. The Director – Governance & Organisational Development, in her capacity as Monitoring Officer, advised the Commission that she would not wish to introduce such checks within the current legislative framework. However, she did suggest that Members could explore the issue further with the Local Government Association given that a refresh of the current legislation in relation to DBS checks might be welcomed.

AGREED that no further action on the proposal contained within the Motion to introduce Basic DBS checks for Members be taken.

9     DATE FOR NEXT MEETING

AGREED that the next meeting of the Commission be held on Monday 30 September 2019 at 3.00pm.

Meeting closed at 6.20 pm.

Chairman

## NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Councillors Commission** held in the Civic Suite, Castle House, Great North Road, Newark NG24 1BY on Monday, 30 September 2019 at 3.00 pm.

PRESENT: Councillor R Blaney (Chairman)

Councillor L Dales, Councillor Mrs G Dawn, Councillor Mrs L Hurst and Councillor P Peacock

ALSO IN ATTENDANCE: Councillor K Girling

APOLOGIES FOR ABSENCE: Councillor L Brailsford, Councillor P Harris and Councillor J Lee

### 10 MINUTES OF MEETING HELD ON 2 SEPTEMBER 2019

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

In respect of Minute No. 5 – Gilstrap Charity and Charity of William Edward Knight – Trusteeship – the Director – Governance & Organisational Development apologised for being unable to bring a further report to this meeting of the Commission as she required a longer timeframe in which to bring a full and considered report. However, she did advise that progress was being made in respect of openness and transparency of meetings of the Trust with the agenda for the meeting to be held on 3 October 2019 being made available to all Members on the Extranet to address some Member concerns.

### 11 DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

There were no declarations of interest.

### 12 GOVERNANCE REVIEW UPDATE

The Business Manager – Elections & Democratic Services circulated to the Commission copies of the final agreed Programme for the governance review which was to be held between Monday 14 October and Wednesday 16 October 2019. The Commission noted the timings of the session with all Members of the Commission and the open sessions to which all Members of the Council were invited.

Councillor R Blaney requested all groups to encourage Members to attend the relevant sessions and participate in the review process.

### 13 QUESTIONS AT FULL COUNCIL

Further to the last meeting of the Commission, the Business Manager – Elections & Democratic Services presented a report which invited Members to consider proposed changes to Council Procedure Rules 14 and 15 – Questions by Members of the Council and Questions by the Public. The revised Procedure Rules, attached as an appendix to the report, had been written to reflect the comments made at the last meeting of the Commission.

The Business Manager – Elections & Democratic Services referred to an email from Councillor P Harris in which he suggested that Rules 14 and 15 should be combined given there were little differences between them. However, the Commission considered that there were subtle differences between the two which did merit their separation.

The Commission proposed various minor changes to the draft Procedure Rules which were to be incorporated into the final report for consideration by the full Council. In addition, the Commission suggested that if revised, the new Rules should be reviewed in order to determine their effectiveness after a twelve month period. It was also considered that the procedure for asking questions at full Council should be detailed on the website.

AGREED that the proposed revisions to Council Procedure Rules 14 and 15 be recommended to full Council on 15 October 2019 for approval and adoption.

#### 14 COUNCIL PETITIONS SCHEME

Further to the last meeting of the Commission, the Business Manager – Elections & Democratic Services presented a report which proposed a new Council Petitions Scheme. The proposed scheme was attached as Appendix A to the report. The scheme addressed a number of issues within the current procedures such as specifying a deadline for receipt ahead of Council meetings, strengthening the requirements around who can sign petitions and refining the process for when petitions are presented to the Council for debate.

The Commission were invited to consider the threshold for the number of signatures required on a petition which would trigger a debate at full Council and also if they felt the reference to petitions calling for an officer to give evidence at a Council meeting were still relevant.

The Commission considered it was essential for the Council to have a scheme for dealing with petitions in place, even if the statutory requirement had now been removed. Following discussion, they agreed that it was still appropriate for local Ward members to be able to present petitions at meetings of the full Council, and they considered that an appropriate threshold for signatures to trigger a debate at full Council would be 1,000. In addition, they considered that it was appropriate to remove the reference to petitions calling for an officer to give evidence. One amendment to the proposed draft scheme was to add in the provision that the Council may find a more expedient way in which to deal with a petition which had met the threshold for requiring a debate at full Council.

AGREED that the proposed Petitions Scheme, as revised by the Commission be recommended to the full Council meeting to be held on 15 October 2019 for approval and adoption.

#### 15 MEMBERS INDEPENDENT REMUNERATION PANEL

The Director – Governance & Organisational Development presented a report which advised the Commission of the progress made in respect of convening a Members

Independent Remuneration Panel. The report detailed the remit, purpose and required composition for the statutory panel. It was noted that the Chairman on the Panel should have some knowledge of local government, the role of Councillors' and the relevant Members Allowances Regulations.

Officers had identified a retired senior local government officer and ex-District Council employee who would be suitably qualified to act as Chairman of the Panel, subject to availability and a willingness to participate. In addition, discussions had been held with the Council's two Independent Persons, Paul Cox and Sarah Britton, with a view to them filling the other two places on the Panel, and both had indicated their willingness to support the process. The Commission indicated their support for the proposed composition of the Panel.

The Commission discussed the timing for the Panel given the impending governance review and it was considered that commencement should be determined once the outcome of the first stage of the review was known in order to prevent any abortive work by the Panel. The Commission also considered an appropriate level of reimbursement for the Panel members. It was felt that up to a maximum of £2,000 would be appropriate for the Chairman with a lower rate payable to the two other members at a level to be determined by the Council.

AGREED that:

- (a) the progress made in respect of convening a Members Independent Remuneration Plan be noted; and
- (b) the full Council, at their meeting to be held on 15 October 2019, be recommended to:
  - (i) consider an appropriate fee level for the Panel members, with up to a maximum of £2,000 being suggested for the Chairman of the Panel; and
  - (ii) approve the membership of the Members Independent Remuneration Panel to enable it to be convened as appropriate.

#### 16 COMMUNICATIONS WITH ELECTED MEMBERS

In the absence of the Chief Executive this item was deferred.

#### 17 DATE FOR NEXT MEETING

AGREED that the next meeting of the Commission be arranged following the next Council meeting to be held on 15 October 2019.

Meeting closed at 4.31 pm.

Chairman