

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, 13 July 2021 at 6.00 pm.

PRESENT: Councillor R Blaney, Councillor L Brailsford, Councillor L Brazier, Councillor M Brock, Councillor Mrs B Brooks, Councillor M Brown, Councillor S Carlton, Councillor M Cope, Councillor Mrs R Crowe, Councillor R Crowe, Councillor D Cumberlidge, Councillor Mrs L Dales, Councillor Mrs M Dobson, Councillor K Girling, Councillor L Goff, Councillor S Haynes, Councillor Mrs R Holloway, Councillor R Jackson, Councillor J Kellas, Councillor B Laughton, Councillor J Lee, Councillor D Lloyd, Councillor Mrs S Michael, Councillor N Mison, Councillor P Peacock, Councillor Mrs S Saddington, Councillor M Skinner, Councillor T Smith, Councillor I Walker, Councillor K Walker, Councillor T Wendels, Councillor R White, Councillor Wildgust and Councillor Mrs Y Woodhead

APOLOGIES FOR ABSENCE: Councillor Mrs K Arnold, Councillor P Harris, Councillor Mrs L Hurst, Councillor N Mitchell and Councillor Mrs P Rainbow

Prior to the transaction of business the Council stood in silence in memory of the former Chairman, Kenneth Fletcher.

12 ELECTION OF VICE-CHAIRMAN OF THE COUNCIL FOR 2021/22

Councillor Mrs S Michael moved and Councillor I Walker seconded that Councillor Mrs S Saddington be elected Vice-Chairman of Newark & Sherwood District Council for the remainder of the 2021/22 municipal year.

AGREED (unanimously) that Councillor Mrs S Saddington be elected Vice-Chairman of Newark & Sherwood District Council for the 2021/22 municipal year.

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

In the absence of the Chairman, Councillor Mrs Saddington as the newly elected Vice-Chairman, chaired the remainder of the meeting.

13 MINUTES FROM THE MEETING HELD ON 4 MAY 2021

AGREED that that minutes of the meeting held on 4 May 2021 be approved as a correct record and signed by the Chairman.

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

There were no declarations of interest and the Council noted the interests previously declared by members in Agenda Item No. 20 – Minutes for Noting.

15 DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

Other than the Council recording in accordance with usual practice, there were no declarations of intention to record the meeting. The Vice-Chairman advised that the meeting was being streamed live.

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

The Vice-Chairman welcomed the three new Members to the Council (Tim Wildgust, Simon Haynes and Jack Kellas) following the recent by-elections for the Boughton and Bridge Wards.

The Chief Executive advised that further to the Motion agreed at the last meeting of the Council in respect of remote meetings, a reply had been received from Mark Spencer MP in which he stated: "I disagree with the need for the continuation of remote meetings. Having served on two local authorities and now in the House of Commons I understand the value of personal contact with colleagues. Such personal connections and face to face interaction delivers better results, better governance and better policy making."

17 COMMUNICATIONS WHICH THE LEADER OF THE COUNCIL AND COMMITTEE CHAIRMEN MAY WISH TO LAY BEFORE THE COUNCIL

Councillor D Lloyd, as Leader of the Council, advised Members that a report would be taken to the Policy & Finance Committee in September, to seek funding to undertake remedial measures to prevent reoccurring instances of illegal encampments on play areas and open spaces in Newark. He added that the Council would work with communities across the District to consider the most appropriate measures required for those sites identified as being at risk from such encampments.

Councillor R Jackson, as Chairman of the Leisure & Environment Committee, informed the Council that the Dukeries swimming pool was now open, following an official opening ceremony attended by former Olympic Swimmer Rebecca Adlington. He advised that there had already been an uptake in memberships following the opening.

Councillor T Wendels, as Chairman of the Homes & Communities Committee, informed the Council of a recent urgency decision taken following grant funding by the Home Office and Ministry of Defence, to resettle two Afghan families in the District who had supported the UK in Afghanistan and were now at increased risk as NATO forces withdrew from the area.

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

The Council considered the report of the Chief Executive concerning the allocation of seats on Committees to Political Groups, as required by Council Procedure Rule No. 17.6, following the recent by-elections for Boughton and Bridge Wards.

Section 15 of the Local Government and Housing Act 1989 required the Council to consider the political composition of the Council. This Act, together with the Local Government (Committees and Political Groups) Regulations 1990, required the Council to allocate seats on committees on a proportional basis in accordance with the number of seats held on the Council by each political group. The political composition and allocation of seats was effectively deferred at the Annual Meeting held on 4 May 2021 given the vacancies on the Council at that time. The proposed allocation of seats was set out in Appendix A to the report.

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

19 APPOINTMENTS FOR 2021/22

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

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

20 APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES AND COUNCIL OWNED COMPANIES

The Council considered the report of the Chief Executive which sought to make appointments to outside bodies for the 2021/22 municipal year. The Municipal General Charity, and the Patient and Public Engagement Committee for the two mid Nottinghamshire Clinical Commissioning Groups had been removed from the schedule as representation on these bodies was no longer required.

AGREED (unanimously) that the appointments of representatives on outside bodies for 2021/22, as set out in the schedule at Appendix C to these minutes, be approved.

21 RULE NO. 4.8 - APPOINTMENT OF A PANEL

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

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

22 APPOINTMENT OF NON -VOTING INDEPENDENT MEMBER ON THE AUDIT & ACCOUNTS COMMITTEE AND EXTRAORDINARY MEETING OF THE COMMITTEE

The Council considered the report of the Deputy Chief Executive, concerning the appointment of Stuart Turner as a non-voting independent member of the Audit & Accounts Committee, and to consider an additional meeting of the Committee in September 2021 to facilitate the approval of the Statement of Accounts for 2020/21.

The Audit & Accounts Committee had recommended the co-option of a non-voting independent member to the Full Council earlier in the year. Following a recruitment process, it was considered that Stuart Turner had the required knowledge and skills to provide the support and appropriate challenge when scrutinising reports that are considered by the Committee. It was noted that the position would be reviewed annually to ensure that both parties were content to continue with the arrangement.

AGREED (unanimously) that:

- a) the appointment of Stuart Turner to the position of non-voting independent member on the Audit & Accounts Committee be approved; and
- b) an extraordinary meeting of the Audit & Accounts meeting be scheduled for the 22 September 2021.

23 APPOINTMENT OF MONITORING OFFICER

The Council considered the report of the Chief Executive which proposed the appointment of Sue Bearman as the Council's Monitoring Officer. Under Section 5 of the Local Government & Housing Act 1989, the Council had a duty to appoint a Monitoring Officer. The appointment was a matter reserved for Full Council and the Monitoring Officer had a number of statutory duties and responsibilities relating to the Council's constitution and the arrangements for effective governance. The Council's current Monitoring Officer, Karen White, was to retire from the authority at the end of July. Sue Bearman had recently been appointed to the new role of Assistant Director, Legal and Democratic Services and was a qualified solicitor and considered to have the appropriate skills, experience and ability to undertake the role of Monitoring Officer.

The Members expressed their thanks to Karen White for her service to the authority.

AGREED (unanimously) that Sue Bearman be appointed as the Council's Monitoring Officer with effect from 1 August 2021.

(Sue Bearman left the meeting whilst this item was being considered).

24 ADOPTION OF MODEL MEMBER CODE OF CONDUCT

The Council considered the report of the Director – Governance & Organisational Development and Monitoring Officer which invited Members to consider the adoption of the Local Government Association's (LGA) Model Member Code of Conduct. The LGA had developed the Model Code, following consultation with the local government

sector, as a template for Councils to consider adopting in whole and/or with local amendments. The LGA had undertaken to complete a review of the Code annually to ensure that it continues to be fit for purpose, particularly with respect to advances in technology, social media and any relevant changes to legislation.

The differences between the existing Code of Conduct and the new model Code were detailed in the report. There were three obligations in the current code which the Councillors' Commission had recommended be included in the new code. These were set out in the report and incorporated into the proposed new Code. Otherwise the Councillors' Commission had recommended the adoption of the model code as set out.

AGREED (unanimously) that Members approve the adoption of the Member Code of Conduct for the Council, as set out in Appendix A of the report, to apply with immediate effect.

25 'MAKING' THE BULCOTE NEIGHBOURHOOD PLAN

The Council considered the report of the Director - Planning and Growth, which advised Members of the result of the Neighbourhood Plan Referendum for Bulcote and sought to formally adopt the Plan. The referendum was held on 6 May 2021 with the question 'Do you want Newark & Sherwood District Council to use the Neighbourhood Plan for Bulcote to help it decide planning applications in the neighbourhood area?' In total 136 votes were cast, of which 122 were in favour and 14 against.

AGREED (unanimously) that the Council 'make' the Bulcote Neighbourhood Plan, confirming that it forms part of the Development Plan for Newark & Sherwood District.

26 NOTICE OF MOTION

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

"On the 29th of April 2021 the Business, Energy and Industrial Strategy Committee published their investigation into the surplus sharing arrangements between the UK Government and the Mineworkers Pension Scheme.

Since privatisation of the Mineworkers' Pension Scheme in 1994, successive Governments have received 50% of surpluses in the Scheme's value, in return for providing a guarantee that the value of pensions will not decrease. At the time it was expected that the Government would receive approximately £4bn from the arrangement in today's money. However, to date, the Government has received £4.4bn, and is also due to receive at least another £1.9bn, on top of 50% off any future surpluses. The Government has not paid any funds into the Scheme in return.

Whether or not the Government knew in 1994 that it would disproportionately benefit from the arrangement, and whether all parties thought it was fair at the time, is irrelevant. It is patently clear today that the arrangements have unduly benefited the Government, and it is untenable for the Government to continue to argue that the arrangements remain fair.

Tens of thousands of former mineworkers and their families reside within our district. Newark and Sherwood District Council support their calls for the Government to take seriously and act on the following findings of the Business, Energy and Industrial Strategy Committee:

- “The Government hands the £1.2bn it is due to receive from the Investment Reserve back to miners, and sets out its proposals for how and when this will be administered in response to this report”.
- “Governments should not be in the business of profiting from mineworkers’ pensions. We are therefore disappointed by the Government’s argument that the 1994 agreement is a success because the public purse has had strong returns from it. The Government is not a corporate entity driven by profit-motives and should not view the miners’ pensions as an opportunity to derive income”.
- “The Government’s guarantee is important, has contributed to the success of the Scheme, and has benefitted Scheme members. However, we are not convinced by the Government’s argument that its entitlement to 50% of surpluses is proportionate to the relatively low degree of risk it actually faces in practice. The number of Scheme members and the relative size of the fund has fallen significantly since 1994. Yet, the Government’s ‘price’ for the guarantee has not been adjusted to reflect that fact. With no formal period review mechanism built into the agreement, pension members remain tied to an expensive arrangement”.
- “With the benefit of hindsight, it is clear that the Government has already profited greatly from the Scheme. The Government must acknowledge that continuation of the arrangements in their current form deserves a review and a better outcome for pensions should be found. The current arrangements should be replaced with a revised agreement in which the Government is only entitled to a share of surpluses if the Scheme falls into deficit, and the Government has to provide funds. In that event, the Government should be entitled to 50% of future surpluses up to the total value of the funds it has provided to make up any shortfall. Such an arrangement takes account of the vast funds the Government has received thus far and the significant reduction in the risk it faces, and would ensure that neither party will be out of pocket in future”.
- “Given that the Scheme has continued to produce strong returns despite the 2008 Financial Crisis and the COVID-19 pandemic, there is little reason to believe the Government will be required to pay into the Scheme before it is wound-up. Even if, in extremis, the Government is required to financially contribute at some point in the future, realistically its contribution will not come close to the (at least) £6.3bn it is currently due to receive in total”.

In supporting these findings Newark and Sherwood District Council will write to the Chancellor of the Exchequer asking him to act immediately to the findings of the Business, Energy and Industrial Strategy Committee and implement/respond to their recommendations.”

The motion, on being put to the meeting was declared carried unanimously.

- 27 MINUTES FOR NOTING
- 27a POLICY & FINANCE COMMITTEE - 24 JUNE 2021
- 27b ECONOMIC DEVELOPMENT COMMITTEE - 16 JUNE 2021
- 27c HOMES & COMMUNITIES COMMITTEE - 7 JUNE 2021
- 27d LEISURE & ENVIRONMENT COMMITTEE - 22 JUNE 2021
- 27e GENERAL PURPOSES COMMITTEE - 10 JUNE 2021
- 27f LICENSING COMMITTEE - 10 JUNE 2021
- 27g AUDIT & ACCOUNTS COMMITTEE - 21 APRIL 2021
- 27h PLANNING COMMITTEE - 27 APRIL 2021
- 27i PLANNING COMMITTEE - 1 JUNE 2021
- 27j COUNCILLORS COMMISSION - 28 APRIL 2021

Meeting closed at 7.07 pm.

Chairman