

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **Leisure & Environment Committee** held in the Civic Suite, Castle House, Great North Road, Newark, Notts, NG24 1BY on Tuesday, 25 January 2022 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 P Harris, Councillor J Kellas,
Councillor B Laughton, Councillor J Lee and Councillor L Goff

APOLOGIES FOR ABSENCE: Councillor Mrs L Hurst (Committee Member)

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

Councillor S. Carlton declared an Other Registerable Interest in Agenda Item No. 10 – Active4Today’s Business Plan, as he was a Council appointed Director for Active4Today.

The Business Manager – Financial Services declared an Other Registerable Interest in Agenda Item No. 10 – Active4Today’s Business Plan, as he was a Council appointed Board Member for Active4Today.

38 DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

39 MINUTES OF THE MEETING HELD ON 16 NOVEMBER 2021

AGREED that the Minutes of the meeting held on 16 November 2021, be approved as a correct record and signed by the Chairman.

40 CHAIRMAN'S REPORT

The Chairman provided an update to the Committee on the developments that had taken place within the Committee’s remit since the last meeting held on 16 November 2021.

The Chairman commented that it was pleasing to see the ongoing recovery in Active4Today, as it recovered from the challenges of the past 22 months. The membership base was now at 89% of what it was pre-Covid, after staying 30% down since the centres were able to re-open last year, 2021. The live membership base at the Dukeries Leisure Centre was up 20 per cent on where it was pre-Covid, buoyed by the continuing success of the new pool which opened summer 2021. The costs associated with running the centres continued to be higher into 2023 than they were pre-Covid, there was an improving picture as detailed in the report contained within the agenda.

The Chairman informed the Committee that when he was the portfolio holder for leisure and culture, the centres cost around £1-million a year. This was reduced down to around £250,000 pre- covid. The Chairman's aim was to return to that or lower, over the medium term.

At the September meeting of the Leisure and Environment Committee, an update was provided regarding the National Waste and Resources Strategy, which was being wrapped up in the new Environment Bill. When first published in December 2018, the National Waste and Resources Strategy proposed widespread changes to the recycling landscape, including standardised and separate kerbside collection of a range of materials. The Environment Act was approved by Parliament before Christmas 2021, which meant the legislation was now law and ministers had the power to introduce a range of waste reforms. The line from government was that DEFRA was still working on responses to a number of consultations on the changes, which remained at present. At the latest Joint Waste Management Committee, held between the district councils, County Council and Veolia, a representative from DEFRA confirmed that the statutory guidance would be available in the spring. As such, there was not a detailed description about what the exact requirements would be or, crucially how the new burdens would be funded. It was confirmed that as soon as that information became available, colleagues would produce a report for committee consideration. Despite the lack of clarity, the committee would be aware of the significant growth that had been undertaken in the garden recycling service since the service was brought back in house on 1 April 2021. Due to some minor disruption at the height of the covid response, a decision was taken to offer the service at the discounted rate of £30 for 2021/22. That price was due to increase in 2022/23, but given the growth in the service and the recycling rate as a result, an urgent decision was included on the agenda, to increase the price back to £35. The Chairman was supportive of the decision as the service was proving to be successful in both bringing income into the authority and increasing recycling rates.

The Chairman also confirmed the Council's support regarding proposals to introduce solar PV on a range of Council buildings. As part of the plans, PV would go onto the leisure centres in Newark, Southwell and Ollerton, saving energy costs and reducing the Council's carbon footprint in line with the Climate Strategy and Action Plan. A report would be submitted to the March meeting of the Committee and would set out the latest with the PV plans.

The Council was also undertaking its latest Day of Action in Southwell, in March 2022. These days were hugely popular and made an impact in communities. Fly-tipping was also being tackled in Newark and Sherwood, as part of work to make the district cleaner and greener.

A report was also included on the agenda regarding another positive development in trying to restrict access to Deerdale Lane, which, was affected by industrial scale fly-tipping. Work was being undertaken with partner agencies to tackle that crime, restricting access to known hotspot areas and prosecuting where evidence could be obtained.

At the September meeting, the Council agreed to enter into a one-year pilot with a waste enforcement company called WISE, to address those disposing of litter inappropriately. An update of the work undertaken was provided on the agenda.

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AGREED that the Chairman's Report be noted.

41 PRESENTATION FROM TRENT VALLEY INTERNAL DRAINAGE BOARD

A presentation was undertaken from the Trent Valley Internal Drainage Board by John Miller – Chairman and Robert Brown – Technical Engineering Manager, regarding what they do and how they spend public money.

A question and answer session ensued the presentation.

Question

Comparing with the past, there was currently much more focus on water removal and drainage from unoccupied land, was that still the case and what will be the effect of the Environmental Land Management Scheme (ELMS) for the protection of properties compared to land, as it was clear that land which was subject to flooding should continue to flood in order to protect properties and that was a way in which ELMS would persuade land owners to incorporate lack of drainage, the Internal Drainage Board was spending more on drains than the farmers contribute, was that sustainable?

Answer

It was confirmed that a lot of money was being spent maintaining water courses on agricultural land which took water from villages, towns and cities and should be looked at as a whole, rather than breaking it down into rural, urban etc. Agricultural land was protected to a one in ten year event, whilst properties were protected to a one in seventy-five year event that was how grants could be claimed. If water courses were purely maintaining agriculture grants would not be available. Nationally through DEFRA the focus for accessing money was through property count, which meant that the drainage network in a maintained state provided space for water and that was something which had to be considered. Maintaining the drainage network and enabling the continuity flow and the discharge out of the district protected not only the agricultural land but the properties. It was considered to be a fine balance.

The Chairman commented that a lot of farm land was earmarked for flood storage to protect properties and a good system to drain the farm land when it had had storage on it.

Question

Costs were increasing at present, some people were blaming the pandemic for those cost increases, was it justified that companies were increasing costs on materials?

Answer

It was confirmed that the draining board were seeing cost rises through electricity, which was currently being felt by everyone. The other increase was red diesel, the drainage board were at risk of losing the ability of using red diesel in the maintenance of the water courses and they were the two causes for rate rises that year. They hadn't seen a dramatic increase in pump and building supplies that year, however competitive tender rates were in place when buying and buying groups were used to mitigate cost rises.

The Technical Engineering Manager invited Members to send any further questions to him after the close of the meeting through the Democratic Services Officer.

The Chairman thanked the two representatives for an informative presentation.

AGREED that the presentation be noted.

42 PROPOSAL FOR A PUBLIC SPACE PROTECTION ORDER - CONTROL OF FLY TIPPING ON DEERDALE LANE / EAKRING ROAD

The Committee considered the report presented by the Business Manager – Public Protection, which sought approval for a Public Space Protection Order (PSPO) to control the extensive fly tipping on Deerdale Lane and Eakring Road and to open a consultation exercise for the making of an order.

A Member commented on an error at 4.3 of the report, ‘shall cease’ had been repeated twice in the paragraph.

A Member asked whether Nottinghamshire County Council Highways could be included in the list of right of way consultees. The Business Manager – Public Protection confirmed that he would include them as a consultee.

Further to a Member question the Business Manager – Public Protection confirmed that the public would be consulted through the use of social media and signing on site.

AGREED (unanimously) that:

- (a) the proposal to consult on the PSPO be supported;
- (b) the draft terms of the PSPO as detailed in the report be supported;
- (c) the list of consultees as detailed in the report be supported; and
- (d) a further report setting out the results of the consultation be brought back to the committee.

43 REVIEW OF PUBLIC SPACE PROTECTION ORDERS AND THE CONTROL OF DOGS

The Committee considered the report presented by the Business Manager – Public Protection, which asked Members to consider the three year review of Public Space Protection Orders as they related to the control of dogs across Newark and Sherwood. A revised appendix was provided to Members of the Committee prior to the meeting.

In 2018 the Leisure and Environment Committee agreed a number of Public Space Protection Orders which had been in place for three years and therefore were required to be reviewed. The PSPOs agreed were: The Fouling of Land by Dogs – District Wide; The Dogs on Leads by Direction – District Wide; The Dogs on Leads – specified areas; The Dogs Exclusion Areas – specified areas; and Allowing a dog to be out of control when exercised – specified areas.

The report detailed the proposed PSPO, which would both limit the use and physically restrict access to Deerdale Lane/Eakring Road. It was further proposed that there would be a physical barrier blocking vehicle access. Provision would be made for cyclist, horse riders and pedestrians. The location of the proposed physical barrier was shown by the X on the map at Appendix one to the report. The proposed wording of the PSPO was detailed in the report.

The Business Manager – Public Protection, informed the Committee of a late request from Little Carlton, which would remove the dog exclusion area of Beckitts Field and add to the Dog Control PSPO 3 Dogs on leads – Specified areas of land identified in Schedule 3.

The Business Manager –Public Protection informed the Committee that the Southwell and Blidworth requests needed further consultation for those areas of land.

A Member commented that consultation should be undertaken with the general public and not just dog owners. If people were walking in recreational places it could be distressful if a dog off the lead ran towards you.

A Member further commented that the playground at Edwinstowe had been included on both schedule 3 and 4 contained within Appendix 1 to the report. The Business Manager - Public Protection confirmed that would be checked.

AGREED (with 10 votes For and 1 vote Against) that:

- (a) the 8 February 2022 Council, be recommended to make the appropriate Public Space Protection Orders to the areas listed in Appendix 1 to the report;
- (b) Southwell Town Council and Blidworth Parish Council are asked to provide additional evidence in support of the additional controls requested; and
- (c) an exemption scheme is introduced as set out in paragraph 5.5 of the report.

44 ACTIVITY REPORT ON THE WISE ENFORCEMENT PILOT

The Committee considered the report presented by the Business Manager – Public Protection, which provided Members with an update on the enviro-crime activity undertaken by WISE as part of the one year enforcement pilot.

The September 2021 Leisure & Environment Committee agreed to a one year enforcement pilot authorising WISE to undertake enforcement activity for a range of environmental crimes, largely under various sections of the Environmental Protection Act 1990. This would cover littering, dog fouling, graffiti, Public Space Protection Orders and fly-tipping.

Members considered the report and it was suggested that the Council advertise the amount of tickets issued for dropping cigarette butts. It was also mentioned that cigarette butts contained a large amount of plastic which was environmentally bad for the environment.

The Chairman commented on the income generated through enforcement fines for the littering of cigarette butts, which was confirmed to be a 95/5% split to the Council, which had provided a £10,000 income. It was confirmed that information regarding littering was being publicised through social media.

Members commented that work should be undertaken with the fast food chains to get the message out regarding disposing of their rubbish responsibly or face a fine. The Business Manager – Public Protection confirmed that a lot of work had been shared with the fast food chains. It was also confirmed that fixed penalty fines could be issued on private land with the permission of the land owner. A Member commented that fast food rubbish including the receipt had been found dumped on the roadside and questioned whether the registration number of the vehicle could be recorded on the receipt in order for the vehicle owner to be fined for littering. Co-operation of the Government and fast food outlets was required in order for this to be pursued. The Business Manager – Public Protection confirmed that if there was a change of law that would be pursued.

A Member suggested more cigarette bins be installed on housing and problematic estates to reduce the amount of cigarette butts being dropped.

AGREED (unanimously) that the enforcement activity of WISE be noted.

45 ACTIVE4TODAY'S BUSINESS PLAN

The Committee considered the report presented by the Health Improvement & Community Relations Manager which presented the Active4Today (A4T) Draft Business Plan 2022/23 and the latest performance report for the period 12 April to end of December 2021.

At the meeting of Policy & Finance Committee on 29 January 2015 it was resolved to establish a “not for profit” wholly owned leisure company to provide leisure and sports development services on the Council’s behalf. This included the three leisure centres; Blidworth, Dukeries and the Newark Sports & Fitness Centre. The Company, Active4Today, was duly incorporated on 9 March 2015. Active4Today commenced operations on 1 June 2015. The report also provided an update regarding the Southwell Leisure Centre Transfer and the Dukeries Leisure Centre new swimming pool.

As at 31 December 2021 there were 9,855 live members currently paying a direct debit membership; of those approximately 78 had frozen their memberships for either medical reasons or financial reasons in line with the Company’s Freeze Policy. This compared to 251 freezes in August 2020, which followed the July re-opening after the first lockdown.

In January 2021, the Company was predicting an outturn deficit for 2021-2022 in the region of £840k. This was approximately £640k over its forecast position, based on receiving the usual £200k management fee from the Council. As previously stated, this was a direct result of the impact of Covid-19 and the pension costs associated with the pooled arrangement with the Council, which had been reported to Members in previous reports. Whilst this latest forecast of £740k was very encouraging for both organisations, members would note that this was based on period 09 (December 2021) information and there continued to be uncertainty surrounding the continued presence of Covid.

Although as stated above, the in-year position for the Company was an improving one, A4T was currently £550k short of its suggested reserve position of £750k. In order to try and achieve that level of reserve over the coming years, A4T were requesting that the whole amount of budget identified for A4T in 2021-2022 (£840k), be provided to the Company in the form of a management fee, at year end. That would allow A4T to carry over any residual amount into its reserve (estimated at £100k for 2021-2022 based on performance to period 09) in order to rebuild its cash reserve resilience. That proposition had been discussed with the Council and was supported by the Council's 151 Officer. As a result, A4T were requesting that this was supported by Members of the Leisure and Environment Committee.

An update was provided regarding the transfer of Southwell Leisure Centre, which took place on 1 October 2021. This included the remaining 6 months of its budget and all staff under a TUPE arrangement. At the time of transfer Southwell Leisure Centre's original forecasted budget for the 2021-2022 financial year had estimated a deficit at year end of approximately £230k. However, having revised the current budget and reviewed all staffing, programming and membership income, the Company had forecast a new budget position, which now showed a deficit of c.£125k, an estimated saving over the original budget of approximately £105k.

An update was provided regarding the Dukeries Leisure Centre new swimming pool. Since the opening of the facility in July 2021, memberships for both adults and children had increased steadily and sessions included swimming lessons, laned swimming, parent and toddler sessions and fun swims with an inflatable for the younger swimmers. The Company would continue to build numbers at this site as the sports development team began to promote the benefits of regular exercise to the plethora of target groups within the area. This facility continued to be very well received by the community and it was hoped that the successful start to this facility could be built upon over the coming months and years.

A Member commented that there was nothing included in the business plan regarding healthy food provision in the leisure centres and questioned why a healthy eating provision couldn't be included within the business plan.

The Managing Director Active4Today confirmed that the vending provision was not contained within the business plan. Currently the vending provision was out sourced with the machines being installed, using the leisure centre electricity. To date there was very little financial gain to the company and as a result the vending provision was now being reviewed given there was no financial gain and also the associated health issues with high sugar and items generally being sold.

In answer to a Members question regarding Southwell Sports Forum and whether that would be supported, it was confirmed that the Managing Director Active4Today would provide a written answer to the Committee.

(Councillor B Laughton left during the debate of this item).

AGREED (unanimously) that:

- (a) Active4Today's performance to Period 9 (December 2021) be noted;
- (b) the Active4Today Draft Business Plan 2022/23 be noted in preparation for the Final Plan to be presented to the 22 March Leisure and Environment Committee;
- (c) the initial early forecast outturn position for 2021/22 be noted; and the full management fee of £842K be made available for 2021/2022;
- (d) the full year financial outturn position be reported to the June meeting;
- (e) a management fee budget provision of £500K be established for 2022/23; and
- (f) a written answer be provided to the Committee regarding Southwell Sports Forum.

46 LEISURE & ENVIRONMENT REVENUE & CAPITAL FORECAST OUTTURN REPORT TO 31 MARCH 2022 AS AT 30 SEPTEMBER 2021

The Committee considered the report presented by the Business Manager Financial Services which compared the Revised Budgets for the period ending 31 March 2022 with the Projected Outturn forecast for the period, based on meetings with Financial Services staff and the appropriate Business Manager. These are based on eight months' performance information on the Council's revenue and capital budgets.

AGREED (unanimously) that the content of the report be noted.

47 LEISURE & ENVIRONMENT BUDGET REPORT 2022/2023

The Committee considered the report presented by the Business Manager Financial Services which sought approval for the 2022/23 base budget in Appendix A to the report, to be recommended to Policy & Finance Committee at its meeting on 21 February 2022 for inclusion in the overall council budget; and approval for the 2022/23 fees & charges in Appendix D to the report, to be recommended to Policy & Finance Committee at its meeting on 21 February 2022 and Council at its meeting on 8 March 2022.

The Business Manager - Financial Services informed the Committee that there was an error within the report which reads 'error' and should read '2022/23'.

The Chairman commented on the problem predicting inflation at that present time and the responsibility of the Committee for having the responsibility of the large fleet of vehicles.

A Member sought clarification regarding the 80% cut in the dog control budget, when the Council was extending the dog control orders. The Business Manager Financial Services confirmed that this was due to a saving through the loss of the dog control officer post, which was being undertaken by the four Community Support Officers as part of their role.

AGREED (unanimously) that the following recommendations be made to the Policy & Finance Committee at its meeting on 21 February 2022:

- (i) the 2022/23 base budget in Appendix A to the report, for inclusion in the overall council budget; and
- (ii) to Council on 8 March 2022 the 2022/23 fees & charges in Appendix D to the report.

48 URGENCY ITEM - GARDEN RECYCLING FEES AND CHARGES

The Committee noted the decision to expedite the fee level setting for garden recycling ensuring a key system change could take place.

The urgency item agreed by Members listed on the Minute of Decision was to increase the garden recycling collection fee from £30 to £35 for the 2022/23 financial year as approved so that essential system changes and testing could be implemented as soon as possible.

AGREED (unanimously) that the urgency item be noted.

49 FORWARD PLAN (1 FEBRUARY 2022 TO 31 DECEMBER 2022)

The Committee considered the Forward Plan for the Leisure & Environment Committee for the period 1 February 2022 to 31 December 2022 and were encouraged to submit any areas of work they wanted to address for the forthcoming year.

A Member commented on the facilities available for rescue dogs and the condition of those facilities. The Director of Communities and Environment confirmed that a visit could be arranged.

AGREED (unanimously) that the Forward Plan be noted and the facilities available for rescue dogs be included on the Forward Plan.

50 HEALTH AND WELLBEING UPDATE

The Leisure & Environment Committee Vice-Chairman provide a verbal update regarding the work undertaken to date on Health and Wellbeing.

A meeting had taken place with the Newark and Sherwood Health and Wellbeing Partnership, which had been the first meeting since the start of the pandemic. They had asked that joint working took place and that a re-structure would take place for the Health & Wellbeing Board. The District Health's six priorities were reported.

It was reported that County Councillor Dr John Doddy, Chair of the Health and Wellbeing Board, was running a series of roadshows in the County.

The Vice-Chairman commented that a re-start regarding health was required as the needs of the community had changed from the pandemic. The Clinical Commissioning Group (CCG) had also amalgamated into one Nottinghamshire group, their remit covered a wider health need, including social care.

AGREED that the verbal update be noted.

Meeting closed at 8.02 pm.

Chairman