

Date: 7<sup>th</sup> December 2015

Dear Sir/Madam,

**COUNCIL MEETING – 15<sup>TH</sup> DECEMBER 2015**

Notice is hereby given that a meeting of the Newark and Sherwood District Council will be held in the Council Chamber, Kelham Hall on Tuesday, 15<sup>th</sup> December 2015 at 6.00pm.

Yours faithfully



A.W. Muter  
Chief Executive

**AGENDA**

**Pages**

- |    |  |       |
|----|--|-------|
| 1. | Apologies for absence  |       |
| 2. | Minutes of the Meeting held on 10 <sup>th</sup> November 2015  | 1 – 4 |
| 3. | Declarations of Interests by Members and Officers  |       |
| 4. | Declaration 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)                 |       |

9.	Schedule of Meetings for 2016/17	5 - 10
10.	Localised Council Tax Support Scheme 2016/17	11 - 12
11.	Review of Statement of Gambling Policy	13 - 15
12.	Notices of Motion (if any)	
13.	Questions from Members of the Council	

#### DELEGATED DECISIONS

14.	(a) Policy & Finance Committee – 3 <sup>rd</sup> December 2015	PF1 – PF7 (PF8 – PF9 Exempt)
	(b) Economic Development Committee – 25 <sup>th</sup> November 2015	ED1 – ED7
	(c) Homes & Communities – 30 <sup>th</sup> November 2015	HC1 – HC7
	(d) Leisure & Environment Committee – 24 <sup>th</sup> November 2015	LE1 – LE5 (LE6 Exempt)
	(e) General Purposes Committee – 10 <sup>th</sup> December 2015	To follow
	(f) Licensing Committee – 10 <sup>th</sup> December 2015	To follow
	(g) Planning Committee – 9 <sup>th</sup> December 2015	To follow
	(h) Standards Committee – 3 <sup>rd</sup> December 2015	ST1 – ST4

#### NOTES:

- (1) The Conservative Group will meet at 5.00pm in Room G21 prior to the Council Meeting.
- (2) The Labour Group will meet at 5.00pm in the Training Room prior to the Council Meeting.
- (3) The Independent Group will meet at 5.00pm in Room F19 prior to the Council Meeting.
- (4) Tea and coffee will be available in the Group Meeting Rooms.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **NEWARK & SHERWOOD DISTRICT COUNCIL** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 10 November 2015 at 6.00pm.

PRESENT: Councillor I. Walker (Chairman)  
Councillor A.C. Roberts (Vice-Chairman)

Councillors: Mrs K. Arnold, D. Batey, R.V. Blaney, Mrs B.M. Brooks, Mrs C. Brooks, Mrs I. Brown, M. Buttery, D.J. Clarke, M. Cope, Mrs R. Crowe, R. Crowe, Mrs G.E. Dawn, P.C. Duncan, K. Girling, G.P. Handley, R.J. Jackson, R.B. Laughton, J. Lee, D.J. Lloyd, Mrs S.M. Michael, N. Mison, D.R Payne, P. Peacock, Mrs P. Rainbow, Mrs S.E. Saddington, Mrs S. Soar, D.B. Staples, D. Thompson, Mrs L.J. Tift, Mrs A.A. Truswell, K. Walker, B. Wells, T. Wendels and Mrs Y. Woodhead.

APOLOGIES FOR ABSENCE: Councillors: G. Brooks and Mrs M. Dobson.

34. MINUTES

AGREED that the minutes of the meeting held on 22<sup>nd</sup> September 2015 be approved as a correct record and signed by the Chairman.

35. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

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

36. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

37. COMMUNICATIONS FROM THE CHAIRMAN AND CHIEF EXECUTIVE

The Chairman made presentations of Certificates of Appreciation to the students from the University of Lincoln in respect of their work for visions for an English Civil War Memorial Centre at the site of Newark Castle. A special presentation was made to Winifred Spence as the Chairman's Choice for the best design.

In addition the Chairman presented the Best Bar None Awards. Awards were made to John Smyth for the Best Village Pub – The Lion at Farnsfield and to Johnathan Chappell for the Council Borough Award – The Grove Inn, Balderton.

38. COMMUNICATIONS FROM THE LEADER OF THE COUNCIL AND COMMITTEE CHAIRMEN

Councillor R.V. Blaney encouraged Members to attend two forthcoming important training events, a safeguarding children workshop to be held on Thursday, 12<sup>th</sup> November 2015 at 6.00pm and a Freedom of Information/Governance workshop to be held on Tuesday, 8<sup>th</sup> December 2015.

In addition he advised all Members to advise Human Resources if they had previously

attended a safeguarding children training event elsewhere as it was necessary to compile a register of which Members had received such training.

39. CONTINUED ABSENCE- COUNCILLOR G. BROOKS

The Council considered the report of the Deputy Chief Executive which sought to approve Councillor G. Brooks continued absence, due to illness, as provided by Section 85 of the Local Government Act 1972. His last attendance was at the meeting of the Homes & Communities Committee held on 15<sup>th</sup> June 2015.

AGREED: (unanimously) that Councillor G. Brooks continued absence be approved in accordance with Section 85 of the Local Government Act 1972 for a six month period.

40. PROPOSED CHANGE TO THE CONSTITUTION

The Council considered the report of the Deputy Chief Executive which sought to approve a change to the Council Procedure Rules in respect of the substitution of Members on committees. The Councillors' Commission, at their meeting held on 20<sup>th</sup> October 2015, considered possible changes to the rule around substitution of Members on committees. These changes proposed by the Commission were relating to stipulating who could make the arrangements and notify the Proper Officer of proposed substitutions and the notice period required.

AGREED (unanimously) that the proposed change to Council Procedure Rule 33.6, as set out in the report, be approved.

41. EAST MIDLANDS DEVOLUTION DEAL

The Council considered the report of the Chief Executive which provided an update on the current position in respect of the devolution deal negotiations with the Government and which sought delegated authority for the Chief Executive, following consultation with the Leader of the Council, to continue negotiating with the Government and to enter into an "in principle" agreement.

The Chief Executive re-affirmed that the final ratification of the details of the devolution deal would need the approval of the Full Council as well as changes in legislation currently included in the Cities and Local Government Devolution Bill.

The Council requested Member briefings on this issue and specifically on the content of any devolution deal ahead of any decision that may be required.

AGREED (with 36 votes for and 1 abstention) that:

- (a) the Council notes the progress towards a devolution deal for Derbyshire and Nottinghamshire;
- (b) delegated authority be given to the Chief Executive in consultation with the Leader of the Council to continue negotiations and to sign the devolution deal, subject to ratification of the details of the deal by the Full Council;

- (c) a further report to update Members be brought to the Policy & Finance Committee following the expected announcement on or before 25<sup>th</sup> November 2015; and
- (d) a report to consider the final agreement of the deal be brought to Full Council after the necessary changes in legislation and conclusion of a detailed deal document.

#### 42. DELEGATED DECISIONS

(a) Policy & Finance Committee – 5<sup>th</sup> November 2015

(i) Minute No. 61 – The Atrium, Lombard Street, Newark – Restrictive Covenant

Councillor D.R. Payne sought assurance that the decision taken here did not fetter the jurisdiction of the Licensing Committee.

Councillor R.V. Blaney confirmed that this would not fetter the discretion of the Licensing Committee.

(b) Economic Development Committee – 21<sup>st</sup> October 2015

(i) Minute No. 25 – Neighbourhood Studies

Councillor D. Staples noted the Committee's decision to delay the Study of Ollerton & Boughton, but asked if the Committee could look as soon as possible at developing and scoping the study and requested that the local Ward Members be involved in that process.

Councillor D.J. Lloyd explained the reason behind the delay, which was to learn fully from the study undertaken in Hawtonville, but he confirmed that the Minute would permit officers to meet with the local Ward Members to begin the scoping of the study.

(c) Leisure & Environment Committee – 27<sup>th</sup> October 2015

(i) Minute No. 28 – Proposal to Expand the Garden Waste Scheme

Councillor D.J. Lloyd referred to the issue of bins being left on pavements and on the curtilage of properties all week following bin collections. He requested that the Committee look at this further in light of many properties now having three bins as it was important to maintain the street scene and there was also a health and safety issue to consider.

Councillor A.C. Roberts agreed that the Committee would look at this issue, including whether bye-laws would be appropriate to enable enforcement and using reminder notices on bins to return to properties once emptied.

(ii) Minute No. 35 – Chairman’s Update

Councillor Mrs G.E. Dawn asked if the Newark Heritage Forum had considered the future of the Robin Hood.

Councillor A.C. Roberts advised that the Forum had only just been established but the future of the Robin Hood was not within their remit. Councillor P.C. Duncan added that the Nottinghamshire Building Preservation Trust was part of this Forum.

(d) Planning Committee Meetings – 6<sup>th</sup> October and 3<sup>rd</sup> November 2015

(i) Minute No. 87 – Working Party to Review the Scheme of Delegation

Councillor D.J. Lloyd asked if the Chairman of the Committee would ensure that any considerations of the working party, as they may affect all Members of the Council, be considered by the Planning Committee.

Councillor D.R. Payne confirmed that the working party had no delegated powers and any recommendations would go through to the Planning Committee and, if appropriate, the Full Council.

(e) Audit & Accounts Committee – 4<sup>th</sup> November 2015

(f) Councillor’s Commission – 20<sup>th</sup> October 2015

Meeting closed at 6.48 pm.

Chairman

**SCHEDULE OF MEETINGS FOR 2016/17**

**1.0 Purpose of Report**

1.1 To approve a Schedule of Meetings covering the period May 2016 to May 2017.

**2.0 Background Information**

2.1 A proposed schedule of meetings for 2015/16 is attached as an **Appendix** to the report.

2.2 All meetings are scheduled to start at 6.00pm with the exception of the Planning Committee which starts at 4.00pm and the Standards and Audit & Accounts Committees which are daytime meetings with a 10.00am start.

**2.0 RECOMMENDATION**

**That the proposed Schedule of Meetings for 2016/17 be approved.**

**Background Papers**

Nil

For further information please contact Nigel Hill on extension 5243.

A.W. Muter  
Chief Executive

MAY 2016 – MAY 2017

2016	Monday	Tuesday	Wednesday	Thursday	Friday
<b>May</b>	2 BANK HOLIDAY	3 PLANNING	4	5 PCC ELECTION	6
	9	10	11	12	13
	16	17 ANNUAL COUNCIL	18	19	20
	23	24	25	26	27
	30 BANK HOLIDAY	31			
<b>June</b>			1	2	3
	6	7 PLANNING	8	9	10
	13 HOMES & COMMUNITIES	14	15	16 GP & LICENSING	17
	20	21	22 ECONOMIC DEVELOPMENT	23	24
	27	28 LEISURE & ENVIRONMENT	29	30 POLICY & FINANCE	
<b>July</b>					1
	4	5 PLANNING	6	7	8
	11	12 COUNCIL	13	14 AUDIT & ACCOUNTS	15
	18	19	20	21	22
	25	26	27	28	29

2016	Monday	Tuesday	Wednesday	Thursday	Friday
<b>August</b>	1	2 PLANNING	3	4	5
	8	9	10	11	12
	15	16	17	18	19
	22	23	24	25	26
	29 BANK HOLIDAY	30	31		
<b>September</b>				1	2
	5	6 PLANNING	7	8 GP & LICENSING	9
	12 HOMES & COMMUNITIES	13	14 ECONOMIC DEVELOPMENT	15 AUDIT & ACCOUNTS	16
	19	20 LEISURE & ENVIRONMENT	21 STANDARDS	22 POLICY & FINANCE	23
	26	27	28	29	30
<b>October</b>	3 <i>PARISH CONFERENCE</i>	4 PLANNING	5	6	7
	10	11 COUNCIL	12	13	14
	17	18	19	20	21
	24	25	26	27	28
	31				

2016/2017	Monday	Tuesday	Wednesday	Thursday	Friday
<b>November</b>		1 PLANNING	2	3	4
	7 HOMES & COMMUNITIES	8	9	10	11
	14	15 LEISURE & ENVIRONMENT	16	17	18
	21	22	23 ECONOMIC DEVELOPMENT	24 GP & LICENSING	25
	28	29	30		
<b>December</b>				1 AUDIT & ACCOUNTS POLICY & FINANCE	2
	5	6 PLANNING	7	8	9
	12	13 COUNCIL	14	15	16
	19	20	21	22	23
	26 BANK HOLIDAY	27 BANK HOLIDAY	28	29	30
<b>January</b>	2 BANK HOLIDAY	3	4	5	6
	9	10 PLANNING	11	12	13
	16 HOMES & COMMUNITIES	17	18 ECONOMIC DEVELOPMENT	19	20
	23	24 LEISURE & ENVIRONMENT	25	26 POLICY & FINANCE	27
	30	31			

2017	Monday	Tuesday	Wednesday	Thursday	Friday
<b>February</b>			1	2	3
	6	7 PLANNING	8	9 AUDIT & ACCOUNTS	10
	13	14 COUNCIL	15	16	17
	20	21	22	23 POLICY & FINANCE (BUDGET)	24
	27	28			
<b>March</b>			1	2	3
	6	7 PLANNING	8	9 COUNCIL (TAX)	10
	13 HOMES & COMMUNITIES	14	15 STANDARDS	16 GP & LICENSING	17
	20	21 LEISURE & ENVIRONMENT	22	23	24
	27	28	29 ECONOMIC DEVELOPMENT	30	31
<b>April</b>	3	4 PLANNING	5	6 POLICY & FINANCE	7
	10	11	12	13	14 BANK HOLIDAY
	17 BANK HOLIDAY	18	19	20	21
	24	25	26	27 AUDIT & ACCOUNTS	28

2017	Monday	Tuesday	Wednesday	Thursday	Friday
May	1 BANK HOLIDAY	2	3	4 NCC ELECTIONS	5
	8	9 PLANNING	10	11	12
	15	16 ANNUAL COUNCIL	17	18	19
	22	23	24	25	26
	29 BANK HOLIDAY	30	31		

All meetings will start at 6.00pm with the following exceptions:

Planning Committee – 4.00pm

Standards and Audit & Accounts Committees – 10.00am

**LOCALISED COUNCIL TAX SUPPORT SCHEME 2016/17**

**1.0 Purpose of Report**

- 1.1 Paragraph 5 of Schedule 1A to the Local Government Finance Act 1992 requires the local authority to consider whether each financial year the scheme is to be revised or replaced. The authority must make any revision to its scheme, or any replacement scheme, no later than 31<sup>st</sup> January in the financial year preceding that for which the revision or replacement scheme is to have effect
- 1.2 This report asks Members to confirm the continuation of the current Localised Council Tax Support Scheme implemented 1<sup>st</sup> April 2013 for the 2016/17 financial year with minor changes – that is to seek approval to uprate the income and disregard criteria in accordance with the annual uprating amounts applied by the Department for Works and Pensions.
- 1.3 The annual uprating of the income and disregard criteria will demonstrate that the Council has continued to consider its obligations to vulnerable groups by maintaining the income disregards and premiums to protect families with children and claimants with disabilities.

**2.0 Background Information**

- 2.1 As part of the 2012 Welfare Reform Act the national Council Tax Benefit scheme was abolished and in accordance with the Local Government Act 2013 local authorities were required to introduce Localised Council Tax Support schemes from 1<sup>st</sup> April 2013.
- 2.2 Government funding for the new schemes was reduced by approximately 10%, for Newark and Sherwood claimants this amounted to around £1m.
- 2.3 Support for Council Tax is now offered as reductions within the council tax system with claimants of state pension age receiving a discount of up to 100% thereby ensuring that they receive no reduction in support as a direct result of the reform.
- 2.4 Localisation provided local authorities with the flexibility to design Council Tax Support schemes for working age claimants taking into account the needs of vulnerable groups and the importance of supporting work incentives. Following a full consultation exercise, the Council agreed at their meeting of 29<sup>th</sup> January 2013 to adopt a scheme that:-
- a) Places a restriction of 80% of the maximum liability that Council Tax Support would cover.
  - b) Limits the maximum award of Council Tax Support to the equivalent of a council tax band A charge where this is lower than a) above.
  - c) No entitlement to Council Tax Support where claimants have in excess of £16,000 in capital.
  - d) Second Adult Rebate Scheme does not form part of the Localised Council Tax Support Scheme.
  - e) Non-dependant deductions were increased by 20%.

g) Entitlement to extended payments was increased from the four weeks to six weeks.

### **3.0 Impact of the Changes**

- 3.1 As at the end of November 2015, the number of working age claimants eligible for Council Tax Support was 4,312 and the number of pensioners eligible for Council Tax Support was 4,012. The comparative figures at November 2014 were 4,193 and 4,157.
- 3.2 The value of support awarded to date is £6.32m, in line with the forecast expenditure for the scheme.
- 3.3 The current year collection rate for Council Tax is slightly higher compared to November 2014, equating to an increase in collection of £239,854.
- 3.4 There has been a noticeable increase in recovery work subsequent to the introduction of our localised council tax support scheme in 2013, (which was year 1 of the scheme).

	November 2015	November 2014	November 2013	November 2012
1 <sup>st</sup> & 2 <sup>nd</sup> Reminder	16,121	15,215	16,697	12,252
Final Notice	5,981	5,268	7,835	4,018
Summons	4,435	3,613	4,361	3,341

### **4.0 Equalities Implications**

- 4.1 An equality impact assessment was completed prior to the Localised Council Tax Support scheme being implemented in April 2013.
- 4.2 In consideration of the obligation to consider vulnerable groups within the design of a local scheme child benefit continues to be disregarded as income and the disability premiums within the council tax benefit calculation were retained to protect families with children and people with disabilities.
- 4.3 Each year the Department for Works & Pensions updates the income and disregard amounts to account for inflation. By applying the annual uprating of income and disregards to the 2016/17 scheme the Council will continue to demonstrate that it has considered its obligations to consider vulnerable groups within the design of its local scheme.

### **5.0 RECOMMENDATION**

**That the Council continues to adopt the existing Localised Council Tax Support Scheme for all potential claimants for the financial year 2016/17 and updates the income disregards and premiums in accordance with the Departments for Works and Pensions annual uprating criteria for 2016/17.**

#### Background Papers

Nil

For further information please contact Phil Ward, Business Manager – Revenues & Benefits on extension 5347.

David Dickinson - Director – Resources

**REVIEW OF STATEMENT OF GAMBLING POLICY**

**1.0 Purpose of Report**

- 1.1 To seek the Council's approval of the draft Statement of Gambling Policy which the Council is required to adopt under the Gambling Act 2005 and to consider the making of a 'no casino' resolution under Section 166 of the Gambling Act 2015.

**2.0 Background Information**

- 2.1 The Council, as Licensing Authority under the Gambling Act 2005, is responsible for issuing premises licences for gambling premises, issuing permits in respect of gaming on licensed premises and for registering small society lotteries.
- 2.2 The Council only licences premises on which gambling is carried out, it does not licence the operators or the individuals concerned in carrying the business. These are licensed by the Gambling Commission and subject to stringent statutory controls.
- 2.3 In respect of carrying out its duties the Council is required to adopt and have in place a Statement of Gambling Policy relating to those duties. The Policy sets out the principles which the Council will apply in considering and granting those licences and permits.
- 2.4 The Act requires that the Policy be reviewed as required and at least every three years, hence, the need to review the policy so that a new policy is in place for 2016.
- 2.5 The draft policy was prepared based on the Council's experience with the administration of the Gambling Act and changes in law and guidance since its inception.
- 2.6 A list of those individuals and groups notified of the consultation is set out in the draft policy. In the interests of keeping costs to a minimum all those notified were directed to the Council's website rather than sending out a large number of copies. Printed copies were made available on request.

**3.0 Response to the Consultation**

- 3.1 A small number of responses were received to the consultation draft of the policy. The comments made in the responses were considered and the Licensing Committee and, where considered appropriate, changes to the document have been made.
- 3.2 The only change of any significance made to the policy during this review are the changes introduced to explain the requirement that applicants now have to submit local risk assessment in support of their application. This is covered in detail in part 2 of the policy.
- 3.3 Copies of the Statement of Gambling Policy 2016 - 19 have been placed in the Members Room and is also available on the Members Extranet.

**4.0 Casinos**

- 4.1 The Secretary of State has powers under Section 175(4) of the Gambling Act 2005 to determine the geographical distribution of casino premises licences. The Act sets out an overall limit nationally of no more than one regional casino, eight large casinos and eight small casinos. In 2005 Local Authorities with an interest in hosting a casino were asked to indicate their interest and to take part in a selection process. A local licensing authority will only be able to award a casino premises licence if one has been identified for its area.

- 4.2 In adopting its original Statement of Gambling Policy the Council considered a resolution under section 166 of the Gambling that it would not issue any premises licence for casinos in the district. This had the effect of removing Newark and Sherwood from entering the selection process and therefore it would not be considered as a local authority that could host a casino. This resolution has been subsequently confirmed at each three yearly review of the Gambling Policy.
- 4.3 Due to the fact that only a small number of the casinos agreed have been developed there is considerable lobbying taking place within the casino trade for the introduction of the option of transferring the casino locations previously confirmed between two agreeable local authorities. This is not allowed under the current law and there are no indications from government that they will make this change.
- 4.4 The no casino resolution on the Gambling Act 2005 was agreed and confirmed for a further three years following the review of the Statement of Gambling Policy in 2012. The resolution only lasts for three years and thus will need consideration again this year.
- 4.5 The draft Statement of Gambling Policy has within it at paragraph 5.51 the wording that reflects the Councils current position with regard to the no casino resolution. If Council is minded to not make such a resolution the suggested wording for alternative paragraphs are set out below.

*The Authority has not passed a 'no casino' resolution under Section 166 of the Act, but it is aware that it has the power to do so. Should the Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution.*

*The authority has due regard to any Guidance and Regulations about the particular issues that licensing authorities should take into account in relation to the suitability and layout of casino premises and any conditions that may be mandatory, set by default or recommended.*

*When considering the number, nature and circumstances of betting machines an operator wants to offer, the authority will follow the Guidance and take into account the size of the premises, the number of counter positions available for person-to-person transactions and the ability of staff to monitor the use of betting machines by children or other vulnerable people.*

*As with all deliberations in premises licences, the authority shall not confuse planning and building regulation considerations with the matter before it and the considerations of all aspects of an application shall be dealt with by their own individual regulatory regime.*

- 4.6 The passing of a 'no casino' resolution can be seen as a statement of principle that casino operations are not considered appropriate for the district.
- 4.7 Not making a 'no casino' resolution can be seen to indicate that the authority is willing to consider casino operations in the district, however, on a practical level this is unlikely to be in the short term as all future casino operations have been allocated to other districts and a change in the law would be required to permit any additional casino numbers or the transfer of locations.

4.8 The Gambling Commission's guidance to Licensing Authorities on the exercise of their functions under the Gambling Act 2005 makes the following points about making a 'no' casino resolution:

- The decision to pass such a resolution may only be taken by the Authority as a whole and cannot be delegated to the licensing committee. In passing such a resolution the Authority may take into account any principle or matter, not just the licensing objectives;
- The resolution must apply to casino premises generally, so that the Authority cannot limit its effect to geographic areas or categories of casinos;
- The resolution must specify the date it comes into effect;
- The Authority may revoke the resolution at any time by passing a counter-resolution

## **5.0 Comments from the Licensing Committee**

5.1 The Licensing Committee have overseen the consultation process and have considered the final draft of the Statement of Gambling Policy. The recommendations of the committee were:

the draft Statement of Gambling Policy be approved and forwarded to full Council with a recommendation for adoption

5.2 The Licensing Committee also considered the issue of the 'no casino' resolution. Members discussed the issue of whether to renew the resolution of not issuing any licences for casinos in the district. They agreed that each application should be considered on its own merits and made the following recommendation:

full Council be recommended to renew the resolution not to issue any licences for casinos in the district.

## **6.0 Consolation Response – 'No Casino' resolution**

6.1 A single response on the 'no casino' resolution was received, this being from Newark Town. The Town Council support the 'no casino' resolution.

## **7.0 RECOMMENDATIONS that:**

- (a) the draft Statement of Gambling Policy be approved; and**
- (b) the Council consider whether or not they wish to pass a resolution under Section 166 of the Gambling Act 2005 not to issue any premises licence for casinos in the district.**

Background Papers - Guidance to Licensing Authorities 5th edition – Gambling Commission

For further information please contact Alan Batty on 01636 655467

Karen White  
Director - Safety

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **POLICY & FINANCE COMMITTEE** held in Room G21, Kelham Hall, Newark on Thursday 3 December 2015 at 6.00pm.

PRESENT: Councillor D.J. Lloyd (Chairman)

Councillors: R.J. Jackson, R.B. Laughton, A.C. Roberts, D. Staples and Mrs A.A. Truswell.

ALSO IN ATTENDANCE: Councillors: P.C. Duncan, D.R. Payne and T. Wendels.

63. APOLOGIES FOR ABSENCE

An apology for absence was received from Councillor R.V. Blaney.

64. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

There were no declarations of interest.

65. DECLARATIONS OF INTENTIONS TO RECORD THE MEETING

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

66. MINUTES FROM THE MEETING HELD ON 5 NOVEMBER 2015

The minutes from the meeting held on 5 November 2015 were agreed as a correct record and signed by the Chairman subject to the following amendments:

Minute No. 53 – Pay to Stay – Fairer Rents in Social Housing – to include additional wording to reflect that the Leader and Deputy Leader were also to meet with the two MP's to discuss this matter further.

Minute No. 54 – Car Park Fees – to amend the second resolution to reflect the decision of the Economic Development Committee that Christmas car parking sessions in Newark be agreed for the four Sundays each year prior to Christmas.

67. REGULATION OF INVESTIGATORY POWERS ACT 2000 (RIPA) POLICY

The Director – Safety presented a report which sought to update the Council's RIPA Policy. The report also updated Members on the usage of the RIPA powers by the Council during 2014/15.

The Council's RIPA Policy had been reviewed and updated to take into account the good practice procedures and guidance set out by the Office of Surveillance Commissioners (OSC) and to comply with recommendations made by an Inspector from the OSC following the most recent inspection of the Council. A copy of the

proposed amended Policy is attached to this report as Appendix A. In brief, apart from some “tidying up” to reflect best practice and guidance, the majority of the amendments were to give effect to the four recommendations made by the OSC inspector which were detailed in the report. Changes to the policy were also required in order to reflect the current staffing structure.

AGREED (unanimously) that:

- (a) the Council’s Policy on RIPA, as set out at Appendix A to the report, be adopted;
- (b) the Director – Safety be designated as the Council’s Senior Responsible Officer;
- (c) the Senior Legal Officer (Lisa Ingram) be designated as the Council’s RIPA Co-ordinating Officer; and
- (d) the Chief Executive, the Deputy Chief Executive and the Director – Resources be the Council’s Authorising Officers.

Reason for Decision

To ensure that the Council’s RIPA Policy and procedures are fit for purpose and fully compliant with legislation and best practice.

68. WESTBROOK DRIVE, RAINWORTH – DISPOSAL OF PUBLIC OPEN SPACE

The Deputy Chief Executive presented a report concerning a proposed sale of an area of public open space for the erection of a disabled standard bungalow. In April 2015 a request was received to dispose of an area public open space adjacent to 76 Westbrook Drive for the erection of a two bedroomed bungalow specifically designed for a disabled person.

It was considered that the most suitable site for such a dwelling would be adjacent to 74 Westbrook Drive, Rainworth. The land formed part of a green and while the area of grass would be slightly reduced overall, it was considered that the provision of public open space would not be significantly affected. The Council has to consider any request to sell public open space on a case by case basis with any proposed disposal being advertised in accordance with S123 Local Government Act 1972. Under the Act the Council is required to consider any objections to such a sale. Five objections to the proposed sale were received and the content of these were set out in an appendix to the report. In addition the Committee were advised of an objection to the proposal by Rainworth Parish Council.

It was noted that if the Committee approved the principle of the sale of this area of public open space then the applicant would still have to submit a detailed planning application for consideration. In debating the merits of the proposal the Committee concluded that the benefits to the individual outweighed the loss of public open space.

AGREED (unanimously) that the sale of public open space adjacent to 74 Westbrook Drive, Rainworth, for the erection of a disabled standard bungalow be approved, subject to the terms as set out in Appendix D to the report.

Reason for Decision

To determine in this specific case if the benefits to the individual of selling the land outweigh the loss of green open space to the public.

69. POLICY & FINANCE DRAFT REVENUE BUDGET 2016/17 – 2020/21

The Assistant Business Manager – Financial Services presented a report which informed Members of the progress to date on the budget for 2016/17 and future years. At their meeting on 10<sup>th</sup> September 2015 the Policy & Finance Committee considered the preliminary report on the 2016/17 Budget and agreed the overall strategy including the appropriate basis on which the budget should be developed, including salaries, wages, general inflation, debt charges etc.

The Council had agreed policies on Budgeting and Council Tax, Reserves and Provisions and also a set of Budget Principles, a Charging Policy and Value for Money Strategy which set out the approach to be taken to the budget process. These policies and principles had been reviewed and updated by the Policy & Finance Committee in September 2015.

Business Managers and service budget officers had been working with officers from Financial Services to determine a first draft general fund budget and medium term financial plan. The budgets had been prepared in line with the strategy agreed by the Policy & Finance Committee on 10<sup>th</sup> September 2015. A summary of the figures to date for the Policy and Finance Committee were given in Appendix A to the report.

Until the Local Government Finance Settlement was announced later this month all figures for government grants were based on internal estimates. A reduction in grant of approximately £1m was anticipated for 2016/17.

Members noted that whilst there was always a need to improve efficiency and review existing budgets the budget gap was significant and should principally be addressed through strategic measures. A number of strategies were considered and approved for the 2015/16 budget and the current estimate of savings in these areas was set out in the report. It was considered that these areas, leisure commissioning, devolution and service redesign, the accommodation move and collaboration would remain the central planks of the development of the budget for 2017/17 and future years.

AGREED (unanimously) that:

- (a) the Committee undertakes a review of fees and charges (excepting services which are subject to commissioning and devolution);
- (b) the current draft Committee budget be incorporated into the overall service budget to be considered by the Policy & Finance Committee at the next item; and

- (c) the Director – Resources continues to formulate budget proposals for formal consideration at the Policy & Finance Committee meeting on 28<sup>th</sup> January 2016 for recommendation to Policy & Finance Committee on 25<sup>th</sup> February 2016.

#### Reason for Decision

To ensure that the preliminary figures for the budget are considered by the Policy & Finance Committee and that the final budget proposals for 2016/17 to 2020/21 are submitted to the Policy & Finance Committee on 28<sup>th</sup> January 2016 for recommendation to the Policy & Finance Committee on 25<sup>th</sup> February 2016.

#### 70. COUNCIL'S DRAFT OVERALL REVENUE BUDGET 2016/17 – 2020/21

The Assistant Business Manager – Financial Services presented a report which informed Members of the progress to date on the budget for 2016/17 and future years. It is anticipated that the draft Local Government Finance Settlement would be announced later this month. The Chancellor has stated that local authorities can expect the same trajectory of cuts to government grants to be continued and this has been assumed in the Council's Medium Term Financial Plan (MTFP). It was noted that the content of the Comprehensive Spending Review (CSR) confirmed that the assumptions made within the MFP were appropriate.

The 2014/15 budget outturn position identified sustainable under-spends in service expenditure which would be built into future budgets. These amounted to approximately £260,000 per year and had been built into the draft budget figures at Appendix A to the report. It was reported that the anticipated savings from Active4Today had not been realised in full, however, excluding the payment for management of the Southwell Leisure Trust annual savings for 2016/17 were in the region of £234,000 with slight increases in the level of savings in future years. The savings accrued from devolving services to town and parish councils were in the region of £210,000 which was slightly below the amount estimated in the medium term financial plan approved in March 2015. It was noted that a number of initiatives had taken longer to progress than originally anticipated but discussions continued around further devolution of services.

The figures set out in the report were a first draft only and that a substantial amount of work had yet to be completed before any conclusions could be drawn. The Council continued to consider the current level of service provision and there would be little or no room for service development. It was important that savings that could be identified in the current financial year were realised to ensure maximum flexibility in future years. It was also essential not only to consider the budget for 2016/17 but to give some consideration to the need for further savings in the following years as well.

The Chief Executive advised that in the CSR the government had confirmed their intention to localise business rates which did result in uncertainty over future funding with a complex pooling mechanism anticipated. He added that any announcement as to a Council Tax freeze grant was likely to come with the Local Government Finance Settlement over Christmas.

AGREED (unanimously) that:

- (a) the overall position on the 2016/17 budget be noted and Members should consider the strategy for achieving a balanced budget in 2017/18 onwards;
- (b) the Director – Resources make payments to town and parish councils in line with the policy agreed on 26<sup>th</sup> September 2013 to protect them against the net effect of adverse statutory changes in their Council Tax Base; and
- (c) the Director – Resources continues to formulate budget proposals for formal consideration at the Policy & Finance Committee meeting on 25<sup>th</sup> February 2016.

Reason for Decision

To ensure that the Council's Budget is prepared in accordance with the necessary timetable.

71. CAPITAL PROGRAMME MONITORING TO 31<sup>ST</sup> OCTOBER 2015

The Financial Services Accountant presented a report which monitored the progress of the overall capital programme since the last progress report to the Committee on 10<sup>th</sup> September 2015. The report appendices listed all the current schemes with expenditure to date, variations to the programme since the last report and the overall financing position. The report provided an update in respect of housing services and general fund schemes. It was noted that the new general fund scheme for frontage improvements to the Council's workshops had still to be approved by the Economic Development Committee.

AGREED (unanimously) that the variations listed in Appendix B to the report be approved and the Programme shown in Appendix C to the report be accepted as the latest Capital Programme, subject to the Economic Development Committee approving the new scheme for frontage improvements to the Council's workshops.

Reason for Decision

To enable the Capital Programme to be amended to reflect changes to resources available and better clarity of the cost and phasing of projects.

72. HOUSING GROWTH

The Business Manager – Strategic Housing presented a report which advised the Committee of the progress being made on taking forward priorities of the housing growth plan for the Council within the context of the Housing Revenue Account Business Plan and on the proposal to deliver market housing through the General Fund by way of a development company or similar vehicle.

It was noted that at present, detailed appraisal work based on sound financial assumptions could not be progressed to assess the vehicles that could be used by the Council to deliver housing growth. Such work could only be undertaken once clarity was given by Government on their national housing policy and an assessment was made of the housing related announcements from the spending review and autumn statement. Therefore a further report would be submitted to the Committee once financial and risk appraisals had been undertaken that fully considered the impact of national policy on delivering housing growth through both the General Fund and Housing Revenue Account.

AGREED (unanimously) that the report be noted.

Reason for Decision

To formulate a housing growth strategy that will contribute to the wider strategic priorities of the Council, meet the evidenced housing need across the district for all tenures and maintain a viable Housing Revenue Account Business Plan.

73. MOVING AHEAD UPDATE

The Programme Manager – Moving Ahead provided an oral update to the Committee in respect of the Moving Ahead project. The update included the current position in respect of the build programme, potential partners in the new office and the ongoing work in relation to the ‘spoke’ offices in Ollerton and Southwell. It was agreed that this update be circulated to all Members of the Council.

In response to Members questions about the potential loss of income from the lorry park, the Chief Executive stated that the Economic Development Committee would have the opportunity to consider options around possible expanding or relocation in due course.

AGREED (unanimously) that the update be noted.

Reason for Decision

To keep Members updated in respect of the move to new Council offices.

74. EXCLUSION OF THE PRESS AND PUBLIC

AGREED (unanimously) that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

75. ST LEONARD'S HOSPITAL TRUST

The Committee considered the exempt report presented by the Business Manager – Strategic Housing in relation to St Leonard's Hospital Trust. The report contained financial details which were not appropriate to release into the public domain.

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

Meeting closed at 6.53 pm.

Chairman

NEWARK & SHERWOOD DISTRICT COUNCIL

Minutes of the **ECONOMIC DEVELOPMENT COMMITTEE** held on Wednesday, 25<sup>th</sup> November 2015 in Room G21, Kelham Hall at 6.00pm

PRESENT: Councillor D.J. Lloyd (Chairman)  
Councillor P.C. Duncan (Vice-Chairman)

Councillors: D. Batey, R.V. Blaney (ex-officio), M.G. Cope, K. Girling, G.P. Handley, P. Peacock, B. Wells, T. Wendels and Mrs Y. Woodhead

ALSO IN ATTENDANCE: Councillor D.R Payne (part)

30. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors: Mrs G.E. Dawn and F. Taylor.

31. DECLARATION OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

that the following Member declared an interest in the item shown below:

<u>Member</u>	<u>Agenda Item</u>
T. Wendels	Agenda Item No. 7 – Submission of the Southwell Neighbourhood Plan – Disclosable Pecuniary Interest – Joint Owner of Parcel of Land Allocated within the Local Plan.

32. DECLARATION OF ANY INTENTION TO RECORD THE MEETING

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

33. MINUTES OF THE MEETING HELD ON 21<sup>ST</sup> OCTOBER 2015

Minute No. 25 – Neighbourhood Studies (6<sup>th</sup> Paragraph – 2<sup>nd</sup> Sentence)

Delete the words: *It was*  
Insert the words: *A Member*

Minute No. 27 – Car Parking - Resolution (b)

Amend to read:

Christmas car parking concessions in Newark be approved. Such concessions to be on the four Sundays *each year* prior to Christmas. The remainder of Resolution (b) to be deleted.

AGREED (unanimously) that the Minutes of the meeting held on 21<sup>st</sup> October 2015 be approved as a correct record and signed by the Chairman, subject to the aforementioned amendments.

34. DRAFT REVENUE BUDGET 2016/17 – 2020/21

The Committee considered the report presented by the Assistant Business Manager – Financial Services in relation to the progress made to-date on the budget for 2016/2017 and future years.

The Assistant Business Manager highlighted to the Committee the amendments that had been made to the report following its publication. These were in relation to Budget A11604 – Development Management and A12014 – Newark Lorry Park.

A question was raised in relation to A11611 – Community Infrastructure Levy (CIL) in that this code was showing a spend when CIL was an income. In response, Members were advised that this cost was for the administration of the collection of the CIL.

A further question was raised in relation to exactly what A11828 – Blidworth Advance Factories were. In response, Members were advised that it related to how the units had been funded when they had originally been built. The Assistant Business Manager advised that she would make enquiries as to whether all the Blidworth Workshops could be combined under one Budget Code.

AGREED (unanimously) that:

- (a) the Committee undertake a review of fees and charges (excepting services which are subject to commissioning and devolution);
- (b) the current draft Committee budget be incorporated into the overall service budget to be reported to Policy & Finance Committee at its meeting scheduled for 3<sup>rd</sup> December 2015; and
- (c) the Director – Resources, continues to formulate budget proposals for formal consideration at the Economic Development Committee meeting on 6<sup>th</sup> January 2016 for recommendation to Policy & Finance Committee on 25<sup>th</sup> February 2016.

35. NEWARK LORRY PARK

The Committee considered the report presented by the Director - Communities in relation to the potential issues associated with the short and long term future of the current lorry park and to identify and determine appropriate measures to mitigate them. It was noted that a further report was to be submitted to Committee which would outline potential sites for relocating the lorry park.

The report provided Members with information as to the current usage levels and income therefrom and how this would likely reduce when the building of the new Council HQ was commenced in Spring 2016. The report also provided information as to other non-lorry uses that the lorry park provided.

Paragraph 3 of the report provided Members with various options for consideration with the financial implications thereof being highlighted in paragraph 6.

The Director – Communities advised Members that the appointed consultants had determined that following the loss of the upper part of the lorry park (a reduction of 60 spaces) and bringing the current areas of field and scrubland into use would only result in the provision of 19 spaces. This calculation had been made by assuming that the spaces would be used by the largest inter-continental type vehicles. He stated that these figures would be revisited as it was considered that with some design modifications, additional spaces could be achieved.

Members commented that they were concerned that the building of the new Council HQ would result in such a loss of income to the authority and queried whether this had been known prior to the location being chosen. Concern was also expressed in relation to how the loss of spaces would affect the reputation of the Council if lorry drivers were unable to park for the night.

Members noted the calculations contained within the report as to how long it would take to recover the capital costs of any necessary works to provide additional spaces, requesting that these figures be checked and clarified and copies of the method of calculation would be provided if requested.

A Member queried whether the projected loss of income in the sum of £85,750 p.a. had been known when the Council had considered the location for the new Council HQ or whether this was a 'new cost'. He queried whether, if it had been known, had a study been undertaken to determine whether the loss of income from car parking or lorry parking would be more costly. He commented that if this had not been considered during discussions about the new Council HQ it was poor planning and that Councillors should have been made aware of all consequences of the proposals. He suggested that the way in which the report was written led readers to believe that they Council wished to move the lorry park in its entirety and this was something that he did not agreed with. He stated that the lorry park provided much more than income to the Council but was also of economic benefit to Newark as drivers often walked into the town to make use of facilities.

The Leader of the Council, attending in his ex-officio capacity, made reference to the options set out in the report agreeing with the aforementioned comments that it was surprising that only 19 spaces could be achieved on the currently unused land. He added that much more information was required prior to any decision being taken on whether to progress this option. The Leader also referred to a recent meeting with the Leader of Nottinghamshire County Council and their Chief Executive when discussions had been held about the future use of the land that was subject to a joint planning application, submitted by NCC and Mulberry Developments. The District Council's interest had been noted by the County Council but no further progress on this would be made until the outcome of the planning application was known.

In relation to the current site, he commented that it was appropriate that the question be raised as to its finite capacity both with and without using the 3 identified additional parts but also that an alternative location may be more desirable to drivers.

In relation to the proposed increase of £0.50 per hour, Members queried whether this could be increased to £1.00 per hour in an attempt to mitigate the reduction in fees. The Director – Communities advised that this was a possibility and noted that the part closure of the site would need to be communicated to drivers in the near future. He added that it was his opinion that the £0.50 an hour increase would be acceptable to users but if drivers felt that an increase was too high they may choose to use alternative sites and this was the rationale behind the recommended £0.50 per hour increase.

Following the debate and discussion the Chairman set out how he believed the Committee wished Officers to proceed.

Members would note the assumed impact of the loss of income and would take this into account when budget planning for the future.

It was suggested that the information provided within paragraph 3 appeared to be based more on discussion rather than being informed by information. The Chairman sought confirmation that the high demand at the lorry park was due to its popularity and because insurance companies directed their customers to the location due to its reputation for being a safe and secure site, which was not the case at some other sites. Drivers also preferred the site due to its close proximity to the town centre. The Director – Communities confirmed that this was correct. Members felt that a simple relocation of the site was not a decision to be taken at present as they did not have sufficient information e.g. no views from the Police, who had urged the expansion of the site in previous years; no views from the insurance companies; and no views from the drivers themselves.

In relation to the potential number of spaces that could be allocated on the 3 additional sites, the Chairman noted that it was an Officer decision to either challenge these findings with the consultant or whether an alternative opinion be sought. He further noted that should more than 19 spaces be provided this would give an improved yield and return on the capital costs required to provide these.

The Chairman also commented on the potential use of the land behind the new Council HQ. There was an assumption that it could not be used for night time traffic which was when most lorry parks were used adding that perhaps an hybrid solution could be sought, albeit for a short term but this would need to be fully costed up to allow an informed decision to be taken.

The Chairman concluded by stating that staccato decision making was inappropriate. A decision had been taken to locate the new Council HQ on the site and Members were now being asked to make a decision on the lorry park. He proposed that further work be undertaken, largely on the current site, to develop a business case for either staying on and developing the current site and that a further report be brought to Committee outlining the business case for retaining the current lorry park and options for relocating the lorry park to enable Members to make a more informed decision.

Members of the Committee queried how much the consultant fees had been to-date. They were advised that this had been around £8,000.

AGREED (unanimously) that:

- (a) the assumed impact on income for the Lorry Park be noted and taken into account in future budget planning;
- (b) Officers be requested to undertake further work, largely on the current lorry park site, to develop whether there was a need to relocate and then, pursuant to that, where the lorry park might be moved to but that that decision not to be taken until a decision had been reached on retaining and developing the Lorry Park in its current location, what would be done if the move were to go ahead; and
- (c) an additional £0.50 be added to the Lorry Park Fees for 2016/2017.

36. SUBMISSION OF SOUTHWELL NEIGHBOURHOOD PLAN

The Committee considered the report presented by the Business Manager – Planning Policy in relation to the submission of the Southwell Neighbourhood Plan and sought approval for the content of the Council’s response to it, for submission to the Independent Examiner.

The report provided Members with information as to how the plan had been developed resulting in its submission to the Council on 2<sup>nd</sup> November 2015. Also set out within the report was the necessary legal and procedural requirements to begin the process of publicity leading to the plans submission for examination and ultimately for inclusion in the Council’s Development Plan for the district.

A Member of the Committee, also the Local Member for Southwell, commented that the development of the Plan had been a fantastic effort by parties on both sides and asked Members to support the Plan.

The Business Manager – Planning Policy advised that issues had been identified but that these did not detract from the effort and overall aims of the plan. However, it should be made clear that these required amendment to make the plan implementable.

AGREED (unanimously) that:

- (a) the contents of the report be noted;
- (b) the Committee broadly supports the Southwell Neighbourhood Plan and endorses the proposed approach to responding to the submission of the Plan; and
- (c) delegated authority be given to the Deputy Chief Executive, in consultation with the Local Development Framework Task Group, to prepare the District Council’s detailed representations on the submission of Southwell Neighbourhood Plan including the exact wording of proposed amendments to be submitted to the Independent Examiner.

*Councillor T. Wendels left the meeting during the discussion of the previous item.*

37. COMMUNITY INFRASTRUCTURE LEVY – REVIEW

The Committee considered the report presented by the Business Manager – Planning Policy in relation to the proposal to review the Community Infrastructure Levy (CIL).

The report set out when the CIL had been introduced and how this was applied to development within the District. A CIL Charging Schedule was attached to the report together with a note of levy collected as at 11<sup>th</sup> November 2015 and the amount currently awaiting payment. It was noted within the report that advice had been sought from the Planning Advisory Service and the proposals for the review were included at paragraph 4.1.

In response to a query as to what the issues were with the CIL, the Business Manager – Planning Policy advised that there was no problem with the concept but that recent legislative changes had made it necessary for a review of the Council's CIL.

Members commented that following the review and should the CIL be retained, its charging policy must not put the district at a disadvantage to its neighbouring authorities. The Business Manager – Planning Policy advised that it would be checked to see how it impacted on development and that this would be done in context with the Development Plan as they were linked together.

A Member of the Committee highlighted the recent Government announcement in relation to a review of CIL and queried whether the Council were involved with this. The Business Manager – Planning Policy advised that Officers would prepare a response but due to the Committee timetable it would not be possible to submit this for approval before the deadline date. The Chairman requested that the proposed submission be emailed to all Members of the Committee for comment.

AGREED (by 8 votes for with 2 against) that:

- (a) the contents of the report be noted;
- (b) the proposed outline timetable be endorsed;
- (c) delegated authority be given to the Deputy Chief Executive, in consultation with the Local Development Framework Task Group, to prepare a detailed timetable, project plan;
- (d) the Local Development Framework Task Group oversee the Review of the Community Infrastructure Levy as set out in the report; and
- (e) the Council's response to the Government's Review of the Community Infrastructure Levy be emailed to all Members of the Committee for comment prior to its submission.

38. SOUTHWELL ROAD, THURGARTON TELEPHONE KIOSK  
APPLICATION TO REMOVE TELEPHONE EQUIPMENT

The Committee considered the report presented by the Business Manager – Planning Policy in relation to the previously agreed decision to remove telephone equipment from the kiosk on Southwell Road, Thurgarton. The report also sought approval to delegate the final decision on the matter to the Deputy Chief Executive.

The report set out that the Parish Council were interested in taking ownership of the kiosk in order to house a defibrillator and that only 2 calls had been made from the kiosk during the previous 12 months. The report set out the proposal which had taken account of the responses to consultations, none of which had been opposed to the removal of the equipment.

AGREED (unanimously) that:

- (a) the report and urgency item be noted; and
- (b) delegated authority be given to the Deputy Chief Executive, in consultation with the Chairman of the Economic Development Committee, to make the final decision on the removal of telephony services from Southwell Road, Thurgarton telephone kiosk.

39. RURAL FUNDING FOR SMALL BUSINESSES – LEADER

The Committee considered the report of the Director – Communities in relation to the forthcoming rural funding programme outlining the proposal therein.

AGREED that the report be noted.

The meeting closed at 7.21pm

Chairman

NEWARK & SHERWOOD DISTRICT COUNCIL

Minutes of the **HOMES & COMMUNITIES COMMITTEE** held on Monday, 30<sup>th</sup> November 2015 in Room G21, Kelham Hall at 6.00pm.

PRESENT: Councillor R.B. Laughton (Chairman)  
Councillor T. Wendels (Vice-Chairman)

Councillors: Mrs K. Arnold, Mrs B.M. Brooks, Mrs. C. Brooks, M. Buttery, K. Girling and Mrs S.M. Michael.

ALSO IN ATTENDANCE: Councillors: J. Lee and Mrs P. Rainbow

25. APOLOGIES FOR ABSENCE

Apologies for absence were submitted for Councillors: Mrs I. Brown, G. Brooks and K. Walker.

26. DECLARATION OF INTEREST BY MEMBERS AND OFFICERS AND AS TO THE PARTY WHIP

NOTED: that the following Members declared an interest in the item shown below:

Councillor Mrs C. Brooks	Agenda Item No. 8 – Newark and Sherwood Homes – Delivery Plan (Personal Interest – NSDC’s Appointed Representative on the N&SH Board)
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	Agenda Item No. 9 – Newark and Sherwood Homes – Performance Monitoring (Personal Interest – NSDC’s Appointed Representative on the N&SH Board)
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27. DECLARATION OF ANY INTENTION TO RECORD THE MEETING

NOTED: that there would be an audio recording of the meeting.

28. MINUTES OF THE MEETING HELD ON 7<sup>TH</sup> SEPTEMBER 2015

AGREED (unanimously) that the Minutes of the meeting held on 7<sup>th</sup> September 2015 be approved as a correct record and signed by the Chairman.

29. PRESENTATION GIVEN BY CHIEF INSPECTOR ANDY ROOKE OF NOTTINGHAMSHIRE POLICE AUTHORITY

Chief Inspector Andy Rooke, Operational Commander for Bassetlaw, was in attendance at the meeting to present to Members information as to the latest position in relation to the number of Police Community Support Officers (PSCO) in the district.

He stated that, at present, there were 246 PCSOs which was well above the national average of 1 PCSO/1000 population and that following a recent review of figures, NSDC would see a slight reduction in numbers, however, this would not be as much as in other areas.

C.I. Rooke advised that it was likely that in future PCSOs would have a more diverse role and be periodically allocated different duties which could mean that communities may not get to know the PCSO for their area.

In relation to the recent announcement of the Spending Review by the Chancellor, C.I. Rooke advised that this had been a little surprising in that no further cuts were to be made to Police Authorities budgets. However, Members should note that saving identified following the previous Spending Review still needed to be realised.

Whilst acknowledging that there was much documented discussion and debate around the proposed changes to neighbourhood policing, C.I. Rooke advised that the difference would likely mean non-attendance at certain situations. As an example, he added that cyber-crime was not solved by an Officer on the beat wearing a high visibility vest but required Officers with technical expertise. He noted that there would always be a need to provide a presence and that it was his responsibility to provide that service and the appropriate person for each situation and that this could mean multiple Officers being involved. C.I. Rooke informed Members that he met with colleagues on a fortnightly basis to look at types and levels of emerging crime to determine how best to deploy Officers to tackle the issues.

In response to being asked what type of situation may not warrant a personal visit from an Officer in the future, C.I. Rooke advised that the decision whether to deploy an Officer to attend was made by the Call Handler who would assess the situation based on their training and expertise. He added that it would be very unlikely that an Officer would not attend a domestic burglary but if the loss or theft of a mobile phone was reported this may not warrant a personal visit.

A Member of the Committee, who had had reason to call the Police recently, commented that he had been very satisfied with the response.

In conclusion, Members noted the increasing pressure that Police Authorities faced through budget restraints and the implications of these on staffing resources and it was suggested that perhaps the Committee should speak with the Police & Crime Commissioner in relation to this.

The Chairman thanked C.I. Rooke for his attendance informing him that Community Safety fell within the remit of the Committee and that he may be invited to attend again at a future date.

AGREED (unanimously) that Chief Inspector A. Rooke been thanked for his attendance at Committee.

*With the agreement of the Committee, the Chairman amended the running order of the*

*Agenda as follows.*

30. CAPITAL FUNDING SECURED FOR NOTTINGHAMSHIRE WARM HOMES ON PRESCRIPTION PROJECT

The Committee considered the report presented by the Business Manager – Housing Options, Energy & Home Support in relation to the successful bid to the National Energy Action Warm and Healthy Homes Fund for £325,000 of capital funding to install energy efficiency measures for fuel poor residents with long term health conditions made worse by living in a cold home.

The report set out the background to the project and the proposals of how the funding was to be used. It noted that a Programme Board would be established with representatives from each of the district and borough councils, public health and the CCGs. Quarterly steering group meetings would be held with regular progress reports and a programme scheduled by the newly appointed Programme Manager.

Members of the Committee congratulated the Business Manager for the successful initiative and requested that six monthly progress reports be brought to Committee.

AGREED (unanimously) that the reported be noted.

31. SHERWOOD & NEWARK CITIZENS ADVICE BUREAUX (SNCAB) – CORE SERVICE PERFORMANCE OUTTURNS 2014/2015

The Committee considered the report jointly presented by the Business Manager – Housing Options, Energy & Home Support and Jackie Insley, Chief Officer (CAB) in relation to the performance targets in respect of core advice service provision as set out in the Service Level Agreement between the SNCAB and the Council, for which grant funding was awarded.

The Chief Officer, Jackie Insley, circulated to Members a document which summarised the lengthy Appendix to the report (the Annual Report). She advised Members of the work undertaken by the CAB, noting that they were heavily reliant on volunteers and that they were extremely appreciative of the financial assistance given to them by the Council which enabled them to continue their work in the district.

Members queried whether additional financial support was given by parishes within the district. Ms Insley advised that some parishes gave financial assistance but that it was inconsistent.

A Member of the Committee queried whether consideration had been given to the appointing of a military advocate, adding that very often ex-military personnel had very different issues to other non-military clients. Ms Insley advised that there had been a significant increase in the number of clients presenting with varying degrees of mental health illnesses but unfortunately CAB were not a charity that dealt with those issues. All such clients would be referred to a more appropriate organisation.

In response, the Member advised that it was, in his opinion, worthwhile giving consideration to the appointment of such an advocate.

Members noted that the targets set within the SLA were extremely challenging and that the CAB were to be applauded for the levels achieved. They also stated that credit should be given to the late Stan Crawford, District Councillor, who had been instrumental in the initial stages of negotiations to establish the organisation.

AGREED (unanimously) that the Committee note the contents of the report, particularly the performance outturns and annual report regarding the provision of core advice services to residents in the district by Sherwood & Newark CAB.

### 32. THE SMOKE AND CARBON MONOXIDE ALARM (ENGLAND) REGULATIONS 2015

The Committee considered the report presented by the Business Manager – Environmental Health in relation to the introduction of new Regulations of the requirement to install smoke and carbon monoxide detectors in private rented properties and the ability of local authorities to impose a penalty charge for properties in breach of the Regulations.

The report set out the background to the Regulations and that these had come into force on 1<sup>st</sup> October 2015. It listed details of the requirement on landlords in order to comply with the Regulations and what type of accommodation was exempt. Members were asked to consider the issues as set out in paragraphs 4.1 to 4.8 of the report and to determine the level of financial penalties as deemed appropriate

Members noted the exemption of social housing and queried whether the requirements in the Regulations were of the same standard as those adopted for N&SH. The Business Manager – Strategic Housing advised that most alarms were hard wired and that there was an ongoing capital programme to install appropriate alarm systems in communal areas. He noted, however, that it remained the responsibility of each individual tenant to maintain the alarm in their property e.g. change the battery.

In relation to the level of fines, Members were advised that the fine was levied against individual buildings where landlords owned multiple properties and that if works were carried out by the Council in default, only the actual cost could be recovered.

Members discussed the proposed discounts given to landlords for early payment of fines, agreeing that these were considered to be too generous. The Chairman proposed and the Vice-Chairman seconded that only a 25% discount for early payment be given, regardless of whether it was a first or repeated offence. On being put to the vote, this amendment to the level of discounts, was agreed by 7 votes for with 1 vote against.

AGREED (unanimously) that:

- (a) the statement of principles for determining financial penalties prepared in reference to the Smoke & Carbon Monoxide Alarm (England) Regulations 2015 be approved;

- (b) the following staff from the Environmental Health Business Unit be authorised to serve Remedial Notice under Regulation 5;

Business Manager – Environmental Health  
Assistant Manager – Licensing & Enforcement  
Senior/Environmental Health Officers

- (c) the following staff from the Environmental Health Business Unit be authorised to service a Penalty Charge Notice under Regulation 8;  
and

Business Manager – Environmental Health  
Assistant Manager – Licensing & Enforcement

- (d) (by 7 votes for with 1 against) that the discount to be offered for an early payment of financial penalties as set out in paragraph 5.2 of the report be amended to be 25% regardless of whether it be a first, second or subsequent offence.

33. COUNCIL'S DRAFT REVENUE BUDGET 2016/17 – 2020/21

The Committee considered the report presented by the Assistant Business Manager – Financial Services in relation to the progress to date on the budget for 2016/17 and future years.

The report set out the overall strategy of how the budget was to be developed and the timetable for this. The report provided information as to the current financial environment for local government and how it was envisaged this would result in the continued reduction in government grants in future years. Paragraph 5.0 of the report noted the already approved budget strategy, setting out the estimated savings therefrom at paragraph 5.1. Additional savings from the Medium Term Financial Plan were reported at paragraph 5.6.

Details of the Draft Revenue Budget Proposals were set out together with a note of proposed increases to some of the fees and charges, details of which were contained within Appendix E of the report.

Members discussed a number of issues to which the Assistant Business Manager provided a response. In relation to fees and charges, specifically for Licensing Fees (Hackney Carriage & Private Hire Drivers) Members queried as to the reasoning behind the proposed increase. They requested that the Business Manager – Environment Health be asked to provide an explanation for this.

AGREED (unanimously) that:

- (a) the Business Manager – Environmental Health provide an explanation as to the proposed increase in licensing fees, specifically for Hackney Carriage & Private Hire Drivers, as part of the review of fees and charges (excepting services which are

subject to commissioning and devolution);

- (b) the current draft Committee budget be incorporated into the overall service budget to be reported to Policy & Financial Committee at its meeting on 3<sup>rd</sup> December 2015; and
- (c) the Director – Resources, continues to formulate budget proposals for formal consideration at the Homes & Communities Committee meeting on 18<sup>th</sup> January 2016 for recommendation to the Policy & Finance Committee on 25<sup>th</sup> February 2016.

34. NEWARK AND SHERWOOD HOMES – ANNUAL DELIVERY PLAN

The Committee considered the report of the Business Manager – Strategic Housing which sought approval for the adoption of the Annual Delivery Plan (ADP) with Newark and Sherwood Homes (N&SH) for the financial year 2016/17.

The report set out, for consideration, the proposed Delivery Plan for 2016/17 which included key activities in the current delivery plan that had been set for achievement by N&SH during 2015/16. The draft Delivery Plan for 2016/17 also reflected the Council’s strategic priorities and work streams.

The report also noted that at a recent Board ‘off-site’ planning day, the Council’s key challenges and priorities had been discussed and these were listed within the report.

Following consideration of the proposed Delivery Plan, a Member commented that he was disappointed that there was no specific mention of how help would be given to ex-service personal, despite the Council signing a Military Covenant. It was suggested that whilst senior management were aware of the existence of the covenant, this was not the case for staff who dealt with callers on a day to day basis. It was noted that the document was very much strategic in nature but could be amended to give an action to N&SH to make their staff aware of the covenant.

AGREED (unanimously) that:

- (a) the progress of the key activities identified in the current Annual Delivery Plan (2015/16) be noted; and
- (b) The 2016/17 Annual Delivery Plan for the Council’s housing company, Newark and Sherwood Homes, be approved and implemented, with the addition of an action for N&SH to make their staff aware of the Military Covenant.

35. PERFORMANCE MONITORING: NEWARK AND SHERWOOD HOMES & THE HOUSING REVENUE ACCOUNT (HRA)

The Committee considered the report presented by the Business Manager – Strategic Housing in relation to performance information of the operations of N&SH

in accordance with the Management Agreement and Annual Delivery Plan with the report setting out the process undertaken to formulate the new Management Agreement. Also contained within the report, at Appendix B, was an overview of the performance for Quarter 2 with key points of focus together with narrative being reported in paragraph 3 of the report. A note of the performance of the HRA was reported in paragraph 4.0.

In considering the report, Members queried whether the targets set were done so at a national level and that given they were being met and exceeded, could the Council adjust them to be more challenging. In response, Members were informed that the Policy & Finance Committee had been responsible for setting the targets but it was understood that some of these had been revised. The Director – Safety advised that N&SH were being encouraged to review their targets. However, due to the uncertainty surrounding welfare reform and universal credit a degree of caution had been exercised.

A Member of the Committee, also a Council Representative on the N&SH Board advised that performance indicators were regularly scrutinised at meetings with questions on these frequently raised.

The Chairman thanked the Business Manager for the report and explanation of the targets adding that in future it would be beneficial if an Officer from N&SH could attend meetings to answer any queries raised by members.

AGREED (unanimously) that the strategic performance information supplied in relation to the activities of Newark and Sherwood Homes and the Housing Revenue Account be noted.

The meeting closed at 7.10pm

Chairman

## **NEWARK AND SHERWOOD DISTRICT COUNCIL**

Minutes of the meeting of the **LEISURE & ENVIRONMENT COMMITTEE** held in Room G21, Kelham Hall, Newark on Tuesday, 24<sup>th</sup> November 2015 at 6.00 pm.

PRESENT: Councillor A.C. Roberts (Chairman)

Councillors: M.G. Cope, R.A. Crowe, R. Crowe, P.C. Duncan, J.D. Lee, N.B. Mison, D.B. Staples and Mrs L.M.J. Tift, B. Wells (substitute for Mrs S. Soar).

ALSO IN

ATTENDANCE: Councillor R.B. Laughton

### 38. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors: R.J. Jackson and Mrs S. Soar.

### 39. MINUTES OF THE MEETING HELD ON 27<sup>TH</sup> OCTOBER 2015

Minute No. 34 – Health and Wellbeing/Health Scrutiny. A Member asked for the wording ‘noting this may result in a merger with a larger trust’ to be removed from the minutes.

AGREED that, subject to the amendment above, the Minutes of the meeting held on 27<sup>th</sup> October 2015, be approved as a correct record and signed by the Chairman.

### 40. DECLARATION OF INTERESTS BY 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.

### 41. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

### 42. RUMBLES CATERING PROJECT – LEASING OF COUNCIL FACILITIES AT VICAR WATER COUNTRY PARK AND SCONCE & DEVON PARK

The Committee considered the report presented by the Business Manager Parks and Amenities, which provided an update on the leasing of the cafes at Vicar Water Country Park and Sconce and Devon Park to Rumbles Catering Project for a 10 year period. Committee approval was also sought for the progression of a project to extend the visitor centre at Sconce and Devon Park.

The Business Manager Parks and Amenities informed Members that a supporting letter from the training provider was available for Members to view which confirmed the training provided to Rumbles employees. A Member questioned whether that information was enough and that certificates from the professional training provider should be provided as evidence.

Members discussed the proposed extension to the Sconce and Devon Park visitor centre and asked how the day to day running arrangements would work. It was clarified that the building would be approx. 4metres by 5metres and available in the day and evening for hire. The extension would not be included into the Rumbles lease, but a flexible agreement would be put in place in order to allow Rumbles to use the extension.

The cost for the pre-work, which included drawing the plans, costing the build was sought. It was confirmed that the cost would be through the recharge for Asset Management employees and would be minimal. The Chairman proposed that a £1,000 limit on the pre-work be imposed.

A Member asked that the proposed revenue from the extension be included in a future report to the Committee.

AGREED (unanimously) that:

- (a) the progress made in progressing the leasing of the cafes based at Vicar Water Country Park and Sconce and Devon Park to Rumbles Catering project be noted; and
- (b) support for the Sconce and Devon Park visitor centre extension project and its approval for further work to be undertaken on the project pending a more detailed Committee report be granted in principle, providing that the pre-work does not exceed £1,000.

#### 43. COUNCIL'S DRAFT REVENUE BUDGET FOR 2016/17 TO 2020/2021

The Committee considered the report presented by the Assistant Business Manager - Financial Services, which informed Members of the progress to date on the budget for 2016/17 and future years.

Members discussed the budget summary and clarification was sought regarding A11103 – Sewage works. The Council was responsible for a small number of sewage works; which formerly served council owned properties. Over the years most of those rural properties had been sold under right to buy and members considered that now private developments were also connected to these pumping stations. A Member asked why the residents of those properties were not being charged for their sewage treatment as other tax payers were subsidising that. The Assistant Business Manager confirmed that Newark and Sherwood Homes had been approached a number of years ago but there were no records regarding whether there was a charge for this in the Right to Buy scheme. It was confirmed that further research would be undertaken with the Legal and Planning Business Units.

A Member asked whether training could be provided regarding some of the licences included in the report. The Chairman proposed that the Business Manager - Environmental Health be asked to attend a future meeting of the Committee explaining their meaning.

A Member sought clarification regarding the charges for the National Civil War Centre, including the meaning of concession and whether the annual pass was too generous and should be increased.

Members commented that a larger concession should be made for people on means tested benefits and asked the Business Manager National Civil War to look into that. They also asked if he could calculate the number of visitors that had revisited the Centre using their annual pass and suggested that the annual adult pass should be increased to £16 and annual concession pass to £14 which would be double the day ticket.

Members raised concern regarding theatre hire now being taxable, which would increase the cost to community groups. A Member asked whether the hire fee could be reduced in order to attract more people. It was confirmed that the Council did not make a profit from the theatre hire as the theatre was subsidised by the Council.

It was confirmed that the income had reduced for the Castle Undercroft from £600 to £350, which was due to competition.

AGREED (unanimously) that:

- (a) a review of fees and charges (excepting services which are subject to commissioning and devolution) be undertaken;
- (b) the current draft Committee budget be incorporated into the overall service budget to be reported to Policy & Finance Committee at its meeting on 3<sup>rd</sup> December 2015;
- (c) the Director - Resources continues to formulate budget proposals for formal consideration at the Leisure & Environment Committee meeting on 26<sup>th</sup> January 2016 for recommendation to Policy & Finance Committee on 25<sup>th</sup> February 2016;
- (d) further research regarding A11103 – Sewage works be undertaken;
- (e) the Business Manager - National Civil War Centre look to reduce the concession available to people on means tested benefits and calculate the number of visitors that had revisited the Centre using their annual pass. The annual adult pass be increased from £11 to £16 and annual concession pass increased from £10 to £14; and
- (f) the Business Manager - Environmental Health be invited to attend a future meeting of the Committee to explain the meaning of the Licences detailed in the Environmental Health Fees & Charges.

#### 44. HEALTH AND WELLBEING/HEALTH SCRUTINY AND CHAIRMAN'S UPDATE

A Member provided an update to the Committee regarding two meetings that he had attended. The first was the Clinical Commissioning Group (CCG) Stakeholder Group special meeting which took place on 19<sup>th</sup> November 2015. The meeting informed its members that all CCG's were required to develop a contingency plan in case the Hospital Trust they commission failed. This plan had to identify which services would be deemed essential to retain in each hospital and which services could be switched to other providers including Primary Care Health Centres. Newark and Sherwood and Mansfield and Ashfield CCG's were undertaking this exercise. In order to help the CCG to complete the exercise there were drop in sessions taking place at Newark Town Hall on the 26<sup>th</sup> November 2015 at 10am – 12pm and same date at Edwinstowe House, Edwinstowe at 6pm – 8pm. It was commented that this was a complicated issue.

The second meeting attended was Health Scrutiny which took place on 23<sup>rd</sup> November 2015. The meeting provided details regarding the Sherwood Forest Hospital Foundation Trust Inspection Report. The report had a reassuring explanation from Sherwood Forest Hospital Foundation Trust regarding what had gone wrong and how they were trying to rectify the problem. It was also reported that there were new figures on mortality rates for Sherwood Hospital Foundation Trust which showed recent improvements to below national average. The Care Quality Commission had also been discussed which provided an update on GP's and Dentist inspections. Three GP surgeries in Southwell and Newark had been inspected and had scored good ratings. A surgery in Rainworth required improvement but had now been merged into a larger practice.

It was suggested that the CCG be invited to a future meeting of the Committee in light of all the above events.

#### 45. NATIONAL CIVIL WAR CENTRE BUDGET

The Committee considered the report presented by the Director – Customers which updated Members on the in-year financial position of the National Civil War Centre and future proposed steps.

The report had been included within the confidential and exempt items part of the agenda. It was agreed that due to the conclusion of commercial discussions relating to the catering contract that the report be considered in open session.

A discussion took place regarding the fees for the room hire within the National Civil War Centre. The Business Manager confirmed that the room hire charge was undertaken on a case by case basis and the client's ability to pay. The Business Manager commented that he was reluctant to advertise room costs within the commercial sphere. Members commented on the need for structured fees and charges for the hire of rooms and additional equipment within the Centre. The Chairman asked that this be looked into and reported back to a future meeting of the Committee.

A Member sought clarification regarding whether the figures within the draft budget were realistic. The Business Manager confirmed that the first draft budget did not include the savings from the integration. The forecast for 2016/17 had been taken from this year's figures and savings had been made from the integrated budget.

A Member raised concern regarding whether the estimated budget for 2016/17 of £304,000 was enough given that the Centre was 40% down in terms of visitors and revenue.

The Business Manager - National Civil War Centre confirmed that the budget that the Member was working from was the draft budget which did not include the integration figures. The issue with the Civil War Centre was that the budget sat with a number of committees. The Policy & Finance Committee were reviewing the Centres performance and would submit their findings to this Committee.

A Member sought clarification regarding the Civil War Centre budget and asked whether the savings being achieved through the integration should be allocated to various budgets and not just the Civil War Centre budget. It was confirmed that there was three elements to the integration which included the National Civil War Centre, Tourist Information Centre and the Palace Theatre, with the main savings being drawn from the National Civil War Centre and Theatre which was the responsibility of this Committee. In future years, the budget would incorporate the integrated teams and be presented as one budget.

A Member commented any savings made from the reduction in the cost of the Tourist Information Centre should be recognised in the Economic Development budget and not from the Leisure & Environment budget.

AGREED (unanimously) that

- (a) progress with the National Civil War Centre be noted and regular updates be brought to the Committee;
- (b) revised projections for the net cost of the National Civil War Centre and savings from the integration with the Palace Theatre are incorporated in the 2016/17 Budget;
- (c) revised in-year budget projections are taken into account in monitoring the Committee's 2015/6 budget performance; and
- (d) a report providing the proposed fees and charges for the hire of rooms and additional equipment within the National Civil War Centre be submitted to a future meeting of the Committee.

*(Councillor Mrs R. Crowe left the meeting at this point).*

46. EXCLUSION OF THE PRESS AND PUBLIC

AGREED that under Section 100(A) of the Local Government Act 1972, the press and public be excluded from the meeting during discussion of this item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Act and that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

47. NATIONAL CIVIL WAR CENTRE AND PALACE THEATRE CATERING UPDATE

The Committee considered the report of the Director - Customers regarding issues which had arisen with the proposed catering contractor at the integrated National Civil War Centre and Palace Theatre site and recommendations regarding the way forward.

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

The meeting closed at 7.52pm.

Chairman

## **NEWARK AND SHERWOOD DISTRICT COUNCIL**

Minutes of the meeting of the **STANDARDS COMMITTEE** of Newark & Sherwood District Council held in Room G23, Kelham Hall, Newark on Thursday 3<sup>rd</sup> December 2015 at 10.00am.

PRESENT: District Councillors: M. Buttery, N. Mison, Mrs P. Rainbow, Mrs S.E. Saddington (Chairman), F. Taylor and B. Wells

Parish Councillor: I. Harrison

Independent Persons: Mr. R. Dix and Mrs S. Jones

Co-opted Independent Person: Mrs P. White

### 10. APOLOGIES FOR ABSENCE

Apologies for absence were received from District Councillor Mrs G.E. Dawn and Parish Councillor Mr P. Morris.

### 11. DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS

There were no declarations of interest.

### 12. DECLARATIONS OF ANY INTENTIONS TO RECORD THE MEETING

There were no declarations of any intention to record the meeting.

### 13. MINUTES

AGREED that the Minutes of the meeting held on 16<sup>th</sup> September 2015 be approved as a correct record and signed by the Chairman.

### 14. STANDARDS COMMITTEE PROGRESS REPORT 17<sup>TH</sup> SEPTEMBER 2015 TO DATE

The Committee considered the progress report from 17<sup>th</sup> September 2015 to date. The Monitoring Officer advised that a report on dispensation requests appeared later on the agenda and training on the conduct of hearings was to be held at the conclusion of the meeting.

AGREED that the progress report be noted.

### 15. REGISTER OF MEMBERS' INTERESTS – DISTRICT AND PARISHES

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which advised of the current position in respect of the number of Register of Interest forms received for District and Parish Councillors.

The Chairman expressed her thanks to Catharine Saxton and District Councillors for their efforts in encouraging returns from Parish Councillors.

AGREED that the position in respect of the Register of Members' Interest forms be noted.

16. GENERAL DISPENSATION

Further to the last meeting of the Committee, the Deputy Chief Executive and Monitoring Officer presented a report concerning whether all Members of Newark & Sherwood District Council should be given a blanket dispensation for up to 4 years (until May 2019) to cover the following scenarios:-

1. Any discussion relating to housing where the Member is a tenant of the Council provided that the functions do not relate to the Member's own tenancy or lease.
2. Setting the Council Tax under the Local Government Finance Act 1992 where the Member holds property interest within the district (including owning or renting a home within the district) and otherwise.
3. Where the interest is so remote or trivial as to not influence their judgement of the public interest.

It was reported that the Department for Communities and Local Government had issued guidance on personal interests. This guidance was last revised and updated in September 2013 and was attached to the report as Appendix A. The guidance clarified that a Member did not need a dispensation to take part in the business of setting council tax or a precept. Given the wording in the guidance it could be argued that the dispensation referred to in 2 above was not strictly necessary. However, it was considered to be a belt and braces measure in the event that it was argued that such interests were technically caught by the legislation.

The guidance did not deal with the further issue of interests which might technically be caught by the definition of a disclosable pecuniary interest within the relevant regulations but are nonetheless remote or trivial. Under the old regime such interests did not need to be declared but there was no corresponding provision under the new legislation and regulations. It was therefore possible that remote and trivial interests could technically be caught. This could have serious consequences since failure to declare a disclosable pecuniary interest constituted a criminal offence. It was however difficult to issue prescriptive guidance on what might or might not be considered remote or trivial. This would be a matter of fact and degree in each case. If Members were reluctant to offer a general dispensation in such circumstances, it was suggested that instead Members should seek advice in each case from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team. It was considered that when in doubt Members should always err on the side of caution. Members would also need to bear in mind that there may be circumstances where they had neither a disclosable pecuniary interest or personal interest, but should still not take part in discussion or voting if there was a possibility that they may be biased.

AGREED (unanimously) that:

- (a) a blanket dispensation be granted for a four year period (until May 2019) to cover:
  - (i) Any discussion relating to housing where the Member is a tenant of the Council provided that the functions do not relate to the Member's own tenancy or lease.
  - (ii) Setting the Council Tax under the Local Government Finance Act 1992 where the Member holds property interest within the district (including owning or renting a home within the district) and otherwise; and
- (b) where a Member has a disclosable pecuniary interest as defined by the Relevant Authorities (Disclosable Pecuniary Interest Regulations) 2012 but they consider that interest to be so remote or trivial that they should be able to participate in discussion and voting, advice be sought from the Monitoring Officer, Deputy Monitoring Officer or a member of the Democratic Services Team on whether the Member should participate. In general Members should be advised to err on the side of caution but, in exercising their discretion, should consider whether the matter under discussion materially affects their relevant interest in reaching a decision as to whether or not to participate.

#### 17. CODE OF CONDUCT COMPLAINTS

The Committee considered the report of the Deputy Chief Executive and Monitoring Officer which advised the Committee of code of conduct complaints received during the period from 17<sup>th</sup> September 2015 to date, and the action taken in response to those complaints.

The first complaint related to the behaviour of a member of Edwinstowe Parish Council. In consultation with the Independent Person it was agreed that a letter should be sent to the Councillor concerned requesting that he issue a formal apology to the complainant and give an undertaking to the Standards Committee as to his future behaviour as an elected member. The Councillor concerned had sent a written apology to the complainant and given the undertaking requested, it was therefore considered that there was a satisfactory resolution to the matter.

The second complaint had been received from the President of the Edwinstowe Allotment Association regarding the behaviour of the Chairman of the Allotment Working Party established by the Parish Council. The complaint related to the fact that the Parish Council had declined to provide information to the President of the Allotment Association regarding plot holders and waiting lists and generally had not engaged with the Allotment Association in questions and issues relating to the management of the site. It was explained to the complainant that it was a matter for the Parish Council to determine how it administered its affairs and such matters did not constitute Code of Conduct breaches over which the District Council would have jurisdiction to investigate.

The Committee expressed concerns about the issues that had arisen in Edwinstowe since the Parish Council took over direct management of the allotments and the apparent difficulties in relationships between the Parish Council and the Allotment Association. As such they suggested the Monitoring Officer approach both the Parish Council and the Allotment Association with a view to undertaking mediation between the parties in an attempt to improve relations.

AGREED (unanimously) that:

- (a) the report be noted; and
- (b) the Monitoring Officer approach representatives of Edwinstowe Parish Council and the Allotments Association with a view to undertaking mediation between the two parties.

The meeting closed at 10.37am.

Chairman