



11 December 2018

Dear Sir/Madam

You are hereby summoned to attend a meeting of the Broxtowe Borough Council to be held on Wednesday 19 December 2018 in the New Council Chamber, Town Hall, Beeston commencing at 7:00pm.

Should you require advice on declaring an interest in any item on the agenda, please contact the Monitoring Officer at your earliest convenience.

Yours faithfully

Chief Executive

To: Members of the Council

AGENDA

1. APOLOGIES FOR ABSENCE

2. DECLARATIONS OF INTEREST

Members are requested to declare the existence and nature of any disclosable pecuniary interest and/or other interest in any item on the agenda.

3. MINUTES

PAGES 1 – 15

To approve as a correct record the minutes of the Council meetings held on 17 October 2018 and 21 November 2018.

4. MAYOR'S ANNOUNCEMENTS
5. YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ACTIVITIES
6. PRESENTATION OF PETITIONS
7. LEADER'S REPORT
8. PUBLIC QUESTIONS
9. MEMBERS' QUESTIONS
10. MEMBERS' SPEECHES ON WARD ISSUES
11. QUESTIONS ON OUTSIDE BODIES
12. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS
To make appointments to committees and working groups.
13. REFERENCES
- 13.1 STATEMENT OF PRINCIPLES – GAMBLING ACT 2005
Alcohol and Entertainments Licensing Committee
11 September 2018

The Alcohol and Entertainments Committee were advised of the consultation on the Council's draft revised Gambling Act 2005 Statement of Principles for 2019-2021. The Council was required to publish the Statement by 3 January 2019 and implement the policy on 31 January 2019.

A copy of the Statement of Principles is available in the Members' Room in addition to the appendices mentioned in the report.

RECOMMENDED to Council that the Statement of Licensing Policy be approved for adoption for publication by 3 January 2019 and implementation on 31 January 2019 by Full Council on 19 December 2018.

13.2 REVIEW OF STATEMENT OF LICENSING POLICY
Alcohol and Entertainments Licensing Committee
11 September 2018

The Alcohol and Entertainments Committee was advised of the consultation on the Council's draft revised Licensing Act 2003 Statement of Licensing Policy for 2019-2024. The Council was required to publish the revised policy by 7 January 2019.

A copy of the Statement of Principles is available in the Members' Room in addition to the appendices mentioned in the report.

RECOMMENDED to Council that the Statement of Licensing Policy be approved for publication by 7 January 2019 and implementation on 7 January 2019 by Full Council on 19 December 2018.

13.3 BOARD OF DIRECTORS
Liberty Leisure Ltd Board Meeting
14 November 2018

Council is asked to NOTE the resignation of Andrea Stone from the Board of Directors of Liberty Leisure Ltd.

RECOMMENDED to Council that as Mr E Czerniak no longer represents the organisation from which he was appointed he should be removed from the Board of Directors of Liberty Leisure Ltd.

13.4 REVIEW OF POLLING DISTRICTS AND
POLLING PLACES
Governance, Audit and Standards Committee
3 December 2018

PAGES 16 - 21

Members considered the issues arising from the review of polling districts and polling places. A minor amendment was noted in relation to the name of a polling place.

RECOMMENDED to Council that:

- 1. The proposed changes to the polling district boundaries between GRE2 and GRE3 and KIM4 and KIM5 respectively as set out in appendix 1 be approved.**
- 2. That polling places for the Broxtowe Parliamentary Constituency and the part of the Ashfield Constituency within the Broxtowe Borough area be designated as set out in appendix 2.**
- 3. That authority be delegated to the (Acting) Returning Officer to make any changes necessary to polling stations at short notice before an election, with any permanent changes being approved by Full Council.**

14. PROGRAMME OF MEETINGS PAGES 22 - 25

To seek approval of the Programme of Meetings for May 2019 to April 2020.

15. NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE – CHANGES TO THE TERMS OF REFERENCE PAGES 26 - 36

To consider amendments to the Nottinghamshire Economic Prosperity Committee terms of reference.

16. GOVERNANCE ISSUES ARISING FROM THE SALE OF LAND AT REDWOOD CRESCENT PAGES 37 - 43

To report concerns in respect of several governance issues arising from the way Council officers handled the sale of land at Redwood Crescent, and to make recommendations intended to prevent their recurrence.

17. VOTER ID PILOT - MODEL PAGES 44 - 52

To seek confirmation of the model to be adopted for the voter ID pilot in May 2019.

18. COMMON SEAL

The Council is asked to RESOLVE that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committee.

COUNCIL

17 OCTOBER 2018

Councillor D A Burnett BEM, Mayor

| | | |
|--------------|--------------|-------------------|
| Councillors: | E H Atherton | A Harper |
| | D Bagshaw | R I Jackson |
| | S A Bagshaw | E Kerry |
| | L A Ball BEM | S Kerry |
| | J S Briggs | L A Lally |
| | T P Brindley | P Lally |
| | M Brown | W J Longdon |
| | B C Carr | R D MacRae |
| | S J Carr | G Marshall |
| | M J Crow | J K Marsters |
| | E Cubley | J W McGrath |
| | T A Cullen | J M Owen |
| | R H Darby | P J Owen |
| | J A Doddy | J C Patrick |
| | S Easom | M Radulovic MBE |
| | L Fletcher | C H Rice |
| | J C Goold | R S Robinson |
| | J W Handley | P D Simpson |
| | M Handley | A W G A Stockwell |

Also in attendance: W Mee, Youth Mayor and F Hussain, Deputy Youth Mayor.

Apologies for absence were received from Councillors D A Elliott, G Harvey, H G Khaled MBE, M E Plackett and K E Rigby.

31. DECLARATIONS OF INTEREST

Councillors J W Handley, L Fletcher, S Kerry and J K Marsters declared pecuniary interests in item 14.1 as members of the Ad Hoc Committee, minute number 43.1 refers. Councillors J M and P J Owen declared non-pecuniary interests in item 15 as members of Nuthall Parish Council, minute number 44 refers. Councillor E Cubley declared a non-pecuniary interest in item 16 as he is on the Board of Directors at Liberty Leisure Limited, minute number 45 refers. Councillor R D MacRae declared a non-pecuniary interest in item 17 as he is a member of Stapleford Community Group which has links to one of the bidders, minute number 46 refers.

32. MINUTES

The minutes of the meeting held on 18 July 2018 were confirmed and signed as a correct record.

33. MAYOR'S ANNOUNCEMENTS

The Mayor gave a résumé of his engagements since the last Council meeting, which included his attendance at numerous engagements and a variety of fundraising events. The Mayor thanked the former Youth Mayor, Alfie Russell, for his work undertaken during his term of office, before welcoming the new Youth Mayor, Will Mee and the new Deputy Youth Mayor, Faraz Hussain.

34. YOUTH MAYOR'S REPORT ON BROXTOWE YOUTH VOICE ACTIVITIES

The Youth Mayor, Will Mee, updated the meeting on the work of Broxtowe Youth Voice which included project work involving mystery shoppers and mental health.

35. BEESTON TOWN HALL

Due to the large public interest in the item the Mayor stated that the item which was stated as item 17 on the agenda would be brought forward in the meeting.

Members considered a report on the outcome of the final round of bidding following the Policy and Performance Committee meeting on 4 July 2018 which resolved to continue to work with both remaining groups which had submitted bids with a view to enabling one or other of them (or through enabling them to work together) to provide an outcome which delivers good value to the Council and good community use of the building. The following comments were amongst those included:

- It was necessary to find a long term solution for the building.
- The public feeling was that the building should not be paid for by council tax payers' money.
- There were numerous benefits to the Cornerstone bid and the bid value was in line with the valuation.
- There had been allegations on social media relating to whether certain senior Council officers had interests which should mean that they should take no part in decisions concerning the future of the Town Hall. The Interim Monitoring Officer had stated that the interests of those officers in their private lives have no connection with the bidders for the Town Hall and was satisfied that there had been no inappropriate behaviour by the officers.
- It was clear that people wanted to use the building for public use and the Council could not be financially responsible for that.
- The country was still experiencing austerity and priorities were in question. The sale of assets was not the correct strategy.
- The Town Hall was a legacy for the people of the borough and the sale of buildings would be regretted.
- There were concerns over the Cornerstone document and claims would not match reality.
- The community was important and the Community Project bid should be backed. The people who had put the work in for the community bid should be thanked as the Town Hall is part of Beeston.
- There had been an immense amount of correspondence on the subject. Councillors represented all of Broxtowe and not just Beeston. If savings were not made then cuts would be experienced elsewhere.

- The Church bid did not meet the criteria for community work. The allegations made against the officers were disgraceful. Cornerstone would not want to work with secular groups and should not qualify for grants from the Council.
- The proposal was robust, financially detailed and would benefit the wider community. There would be an assurance that taxpayers' money would not be wasted. The community bid lacked detail. The diversity in Beeston made it such an attractive place to live.
- The Cornerstone proposal would be the best deal for the whole of the Borough.
- Women were able to join the leadership team of Cornerstone and the organisation would have to abide by laws.
- High Court decisions should place the community bid in the forefront. There was no equality impact assessment and the Council was running the risk of voting for something which would be open to legal challenge.
- Community assets should not be sold and the Council would lose full control of the building.
- The building was not surplus to requirements and decisions were being taken without due consideration. The issue should be delayed for proper consideration to be given.
- The groups concerned had not requested that more time be allocated.
- The Town Hall was redundant and owned by all residents of the borough.
- The people of Broxtowe should be represented by the Council members. Cornerstone would want to control everything with regard to the building. There was no equality impact assessment and the weighting was wrong. Furthermore, there was no consultation except for the disposal. The community bid had not been treated fairly.

It was proposed by Councillor S J Carr and seconded by Councillor B C Carr that the debate be adjourned. A recorded vote was called for. The voting on the proposal was as follows:

| <u>For</u> | <u>Against</u> | <u>Abstention</u> |
|-----------------|-----------------|-------------------|
| D Bagshaw | E H Atherton | R S Robinson |
| S A Bagshaw | L A Ball BEM | |
| B C Carr | J S Briggs | |
| S J Carr | T P Brindley | |
| T A Cullen | M Brown | |
| R H Darby | D A Burnett BEM | |
| L A Lally | M J Crow | |
| P Lally | E Cubley | |
| R D MacRae | J A Doddy | |
| G Marshall | S Easom | |
| J K Marsters | L Fletcher | |
| J W McGrath | J C Goold | |
| J C Patrick | J W Handley | |
| M Radulovic MBE | M Handley | |
| | A Harper | |
| | R I Jackson | |
| | E Kerry | |
| | S Kerry | |
| | W J Longdon | |
| | J M Owen | |
| | P J Owen | |

For

Against

Abstention

C H Rice
P D Simpson
A W G A Stockwell

On being put to the meeting, the proposal was lost.

Discussion continued on the substantive motion and the following comments were amongst those included:

- The long-term financial merits for the people of Beeston and the surrounding community should be considered. Reassurance was needed that this was not a fire sale.
- The selling of assets under value was a fiscal illusion and experts would reject this proposal. The Council's values of objectivity and inclusiveness should be upheld. There was a duty to listen to the people of Broxtowe.
- There were no cogent arguments for not selling the building. Money raised could be spent on playgrounds or other community facilities. It would not be beneficial to grant a lease only to have to provide support in the future.
- Comments about officers had been disgraceful.
- The entire borough had a right to make the decision. The Cornerstone bid was financially sound.
- The work of the community group had been rubbished, but the group deserved to be supported.
- Finance raised from the sale would enable the provision of services all over the borough. The sale would match the price of the commercial valuation. More money could have been raised by flattening the building, but it was agreed that it should be maintained.

A recorded vote was called for. The voting on the substantive motion was as follows:

For

E H Atherton
L A Ball BEM
J S Briggs
T P Brindley
M Brown
D A Burnett BEM
M J Crow
E Cubley
J A Doddy
S Easom
L Fletcher
J C Goold
J W Handley
M Handley
A Harper
R I Jackson
E Kerry
S Kerry
W J Longdon
J M Owen
P J Owen

Against

D Bagshaw
S A Bagshaw
B C Carr
S J Carr
T A Cullen
R H Darby
L A Lally
P Lally
G Marshall
J K Marsters
J W McGrath
J C Patrick
M Radulovic MBE

Abstention

R D MacRae
R S Robinson

For

C H Rice

P D Simpson

A W G A Stockwell

Against

Abstention

RESOLVED that, subject to planning and contract, the bid from Redeemer/Cornerstone Church be accepted.

36. PRESENTATION OF PETITIONS

No petitions were presented.

37. LEADER'S REPORT

The Leader presented his report and stated his delight that the Planning Committee had unanimously given approval for the development of a cinema, retail and leisure scheme in Beeston town centre along with 132 residential apartments. Progress had been made in finding tenants, heads of terms had been agreed with a quality restaurant and bar operator in addition to expressions of interest from several others and final negotiations with a cinema operator. Furthermore work was on going to market the residential site, with 84 expressions of interest and there was confidence these would lead to offers and a sale in the near future.

It was noted that the Clean and Green Initiative had been launched to tackle fly tipping, litter and graffiti. Members were urged to lead community litter picks as part of the plan.

The Head of Neighbourhoods and Prosperity and his team were thanked for the amount of work that had gone into preparing the Local Plan Part 2, which had been submitted for examination by a government Planning Inspector. It was noted that the Public Examination hearings would take place over two weeks from 4 December until 14 December 2018. Although the examination was at an early stage, it was considered to be a good sign that the Inspector was looking to proceed to the hearing sessions. The adoption of the Local Plan would enable the Council to demonstrate that it had an up to date plan and 100% of land supply available to meet housing demand.

38. PUBLIC QUESTIONS

38.1 The following question had been submitted by Kristopher Poole for the Chair of the Policy and Performance Committee:

“Under Section 123 (2A) of the Local Government Act 1972 and Section 233(4) of the Local Government Act 1990, a local authority that is considering disposing of public open space must advertise its intentions in a local newspaper for two consecutive weeks. It must subsequently consider any objections made to the proposed disposal before making any final decisions, as the public response to the notices may be material to any decision. The whole of the central area of Redwood Crescent clearly met the definition of open space under the 1990 Act and yet no advertising occurred and no consultation over the sale took place. Can you explain why?”

The Chair of the Policy and Performance Committee stated that in relation to the sale of land at Redwood Crescent, no advertisement relating to the sale of the open space land was placed. This was a breach of proper legal procedure as a result of which disciplinary action had been taken. The person responsible for this had been dismissed for gross misconduct. Following this, a report would be produced to the next Council meeting on 19 December 2018 detailing what went wrong. The Council had purchased back an open space area in the middle of the development which was granted planning permission, in order to secure its future. On 9 August 2018 the Chief Executive wrote to you as follows:

'The Council is responsible for actions which it through its officers have taken. I am satisfied that the appropriate steps have been taken to subject the actions which have been taken to a rigorous externally led analysis. The process that this has led to is not yet concluded. When it is I can assure you that the Council will be as transparent as it can within the constraint of the law as to anything that went wrong, and how those matters have been addressed. All necessary apologies will be made. I believe the Planning section is doing all in their power to work with the current site owners to achieve a resolution to the uncompleted nature of the development which was granted planning permission. I also know that informal discussions with you have been held regarding how the future of the amenity land might be secured to the satisfaction of local residents. I acknowledge the current situation is unsatisfactory and if any Council officer has committed blameworthy actions, I will apologise on behalf of the Council.'

In a report to the December meeting a public report would include an apology in relation to what went wrong. The Chair apologised on behalf of both himself and the Chief Executive, as the internal disciplinary process had now concluded.

38.2 The following question had been submitted by Mrs K Johnson for the Chair of the Policy and Performance Committee:

"According to documents supplied in response to a Freedom of Information request, the independent valuation for the land at Redwood Crescent was not acquired by the Council itself, but by the same company (Precision Homes) that then bought the land, is it normal and good practice for this to happen when the Council is selling off its assets?"

The Chair of the Policy and Performance Committee stated that it would normally be good practice for a valuation to be obtained which was independent of both the Council and the purchasing party. However, all qualified valuers were bound by their professional codes of practice and should be expected to provide valuations which were fair and reasonable.

38.3 The following question had been submitted by Lindsay Clay for the Chair of the Policy and Performance Committee:

"Since residents of Redwood Crescent first raised their concerns over the process of the sale of land at Redwood Crescent with you and the Chief Executive, we have been promised that we will receive answers about what happened, as well as an apology. However, you have failed to respond to any recent messages requesting a date by which these will happen. As the Council attempts to sell off another community asset, when will you both deliver on that promise?"

The Chair referred Ms Clay to the response given to question one.

38.4 The following question had been submitted by Deborah Pitchfork for the Chair of the Policy and Performance Committee:

“Residents have recently been informed that the Council has now bought back a much reduced area of green space within the Crescent. This is, of course, welcome news. However, why did the Council not establish an agreement for the land to be returned to them before the original sale to Precision Homes took place, as we were told would happen?”

The Chair referred to the response given to question one and stated that there were a number of things that had not been done correctly with regard to the sale of land at Redwood Crescent. These would be detailed in the report to Council on 19 December 2018. However, the Chair stated that he was now satisfied that the remaining open space was within the Council’s control.

38.5 The following question had been submitted by David Johnson for the Chair of the Policy and Performance Committee:

“What oversight do you and the Chief Executive exercise over senior staff to ensure that they do not act in contravention of their responsibilities and powers?”

The Chair responded that councillors agree the Constitution, scheme of delegation, financial regulations and contract standing orders, within which officers were expected to operate. These were underpinned by an Employee Code of Conduct, also approved by councillors, which employees were expected to comply with. The Chief Executive, as the Head of Paid Service, had overall responsibility for ensuring that employees operated within these rules, and if they did not, appropriate disciplinary action was taken.

39. MEMBERS' QUESTIONS

39.1 The following question has been submitted by Councillor M Radulovic MBE for the Leader of the Council:

"In light of the Chancellor’s statement at the Conservative Party Conference regarding the development of the HS2 Hub at Toton, would the Leader provide a detailed update of the proposals?”

The Leader responded that at the Conservative party conference the Chancellor announced £2 million to support the development of a locally led delivery body for Toton to support a study into how best to redevelop the area around the station to ensure it maximised the growth opportunities offered by HS2. Currently, little detail was known, but the funding award was positive and should be seen as building on of the work undertaken by a number of partners across the East Midlands to get the best outcomes from the HS2 station. The funding would be administered through the Midland Engine governance arrangements and further updates would be given to the Jobs and Economy Committee as the work developed.

A supplementary question was submitted by Councillor Radulovic which queried whether the delivery body would include all-party representation. The Leader responded that the body would be locally led and would need to show that all groups were working together positively.

39.2 The following question has been submitted by Councillor G Marshall for the Chair of the Leisure and Environment Committee:

“Does the Chairman believe that the cost structure for sports pitches charges across the Borough is fit for purpose?”

The Chair of the Leisure and Environment Committee responded that the sports pitches in the borough were widely used and well maintained. The charges were set with rates for senior teams and concessionary rates for under-18 teams. In the case of football, the charges were reduced further for the more junior teams playing on smaller sized pitches. Charges were approved as part of the Council’s budget setting procedure and were broadly similar to other local authorities in the area. Clubs could apply for VAT exemption on the fees if they met the necessary criteria. Clubs could also apply for grants to assist them with the running of the teams but in the last three financial years there had only been two applications for grants from football clubs using the parks and recreation grounds. The charging system worked and the grant system was the most appropriate way of supporting the clubs. Sports clubs could be made more aware of the opportunities given the limited number of applications in the last three years.

A supplementary question was submitted by Councillor Marshall which queried whether the Council could utilise a matrix model to give more discrimination to those that provided benefits. The Chair replied that this would be considered in conjunction with the welfare of children.

39.3 The following question has been submitted by Councillor D Bagshaw for the Chair of the Jobs and Economy Committee:

“Would the Chair of the Jobs and Economy Committee provide an update for members of this Council on the proposals for the health/housing development on the former Walker Street school site?”

The Chair of the Jobs and Economy Committee responded that the Part 2 Local Plan was amended with the version submitted to the Secretary of State to incorporate 200 new homes, the provision of attractive and usable walking and cycling links through the site. The retention of ‘the Canyons’ as open space, the enhancement of Green Infrastructure corridors through the site including enhancing the wildlife corridor to the rear of houses on Garden Road and connect to the wider area via the D H Lawrence heritage trail, ensurance that development did not increase the risk of flooding elsewhere, the provision of SuDS at the northern edge of the site. Maintenance of views of the D H Lawrence heritage from Walker Street as part of the D H Lawrence heritage trail, the redevelopment of Lynncroft Primary school on Walker Street site frontage, and the provision of a one acre site at the south west corner of the site for a new community hub including a health facility.

The key development aspirations were to mitigate highways impact on the wider road network to ensure that congestion is not made worse than currently exists and to

provide vehicular access points from Lynncroft and from Wellington Place with the potential to extend this into the remainder of the site.

This policy position followed discussions with planners, Broxtowe Borough Council and the officer colleagues at the County Council, a number of site visits with a view to obtaining cross party support to bring this site forward. The Local Plan examination was due to start on 4 December 2018 and this would set an up to date policy framework. A total of £20,000 had been secured to address the access issues and County Council colleagues had been successful in securing a further £1m of a separate funding pot, which would lead to the submission of a planning application in the next few months.

The timetable of housing provision included the 200 homes proposed on this site to be built over four years, between 2019-20 and 2023-24. This would make a good contribution to meeting the Council's housing requirements and the funding streams and policy position improved the likelihood of this site coming forward as anticipated.

A supplementary question was submitted by Councillor Bagshaw which expressed concern at the potential for intolerable traffic in the Lynncroft area. The Chair responded that it was not desirable to congest the area and this was the reason for further consideration.

40. MEMBERS' SPEECHES ON WARD ISSUES

Councillor M Handley provided an update on issues relating to Greasley (Giltbrook and Newthorpe) which included information concerning the award of a grant for 'solitary soldiers'.

Councillor J W McGrath provided an update on issues relating to Stapleford South West which included information concerning the closures of banks in Stapleford.

41. QUESTIONS ON OUTSIDE BODIES

There were no questions on Outside Bodies.

42. NOTICE OF MOTION

The following Notice of Motion had been received from Councillors M Radulovic MBE, Councillor S J Carr and Councillor R D MacRae:

"The Labour and Liberal Democrat groups, in addition to the Independent member, wish to place on record their concern at the predatory attitude of Nottinghamshire County Council regarding its desire to abolish district councils in the County of Nottinghamshire and that Conservative members of Broxtowe Borough Council have pre-determined that a unitary council is somehow in the best interests of the citizens of Broxtowe. The controlling group has:

- Failed to enable democratic discussion in Broxtowe on the important issue of local government reorganisation in a timely and constructive manner
- Totally disregarded strongly held local views and opinions

- Disregarded the risk that the whole of Broxtowe may be swallowed up by the City of Nottingham
- Caused distress and uncertainty to many hard working employees of Broxtowe Borough Council
- Initiated an unwelcome distraction from the important business of delivery of high quality local services.

Therefore, this Council is asked to resolve to inform Nottinghamshire County Council of its opposition to further local government reorganisation in Nottinghamshire.”

Members debated the motion and the following comment was amongst those included:

- Local government reorganisations wasted time and money in addition to diverting resources from front-line services.

An amendment was proposed by Councillor R I Jackson and seconded by Councillor M J Crow as follows:

“The Council notes the preparation of a business case by Nottinghamshire County Council to abolish the county and district councils in Nottinghamshire and that Conservative members of Broxtowe Borough Council believe that a unitary council maybe in the best interests of the citizens of Broxtowe.

The controlling group will:

- Enable democratic discussion in Broxtowe on the important issue of local government reorganisation in a timely and constructive manner
- Have regard to the outcomes of the current FutureNotts consultation and all local views and opinions
- Ensure full information and support is provided to the hard working employees of Broxtowe Borough Council.”

The amendment was agreed to by Councillors M Radulovic MBE, Councillor S J Carr and Councillor R D MacRae and members debated the amended motion. Members debated the amended motion and comments included:

- Employees should be updated on the position as there would be uncertainty over job security.
- The Borough councillors should be able to debate and vote on the issue.
- Local views should be heard in order to have a full debate. Risks should be considered regarding the break-up of Broxtowe.
- Following the County Council’s consultation the findings would be considered by members of this Council.

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

43. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

RESOLVED that Councillor P J Owen be appointed to the Governance, Audit and Standards Committee in place of Councillor A W G A Stockwell.

44. REFERENCES

44.1 Finance and Resources Committee 11 October 2018 Members' Allowances – Ad Hoc Committee

Consideration was given to the level of allowances payable to the Ad Hoc Committee following the recommendations of the Independent Remuneration Panel. It was suggested that payments be received allowing for the Ad Hoc Committee's work over a 12 month period. Should this be the case, a total of £10,848 would be allocated from the members' allowances budget.

RESOLVED that:

1. **The Chair of the Ad Hoc Committee be paid £2,712 per annum.**
2. **The members of the Ad Hoc Committee be paid £678 per annum.**
3. **These payments be triggered when the Committee met. It was suggested that payments be received allowing for the Ad Hoc Committee's work over a 12 month period.**
4. **A total of £10,848 be allocated from the members' allowances budget.**

45. NUTHALL NEIGHBOURHOOD PLAN

Following an Independent Examination into the Nuthall Neighbourhood Plan the Examiner had concluded her examination and recommended that it proceed to referendum with a number of required modifications.

RESOLVED that:

1. **All of the findings of the Nuthall Neighbourhood Plan Examiner's recommended modifications to the Nuthall Neighbourhood Plan be accepted.**
2. **The holding of a referendum for the Nuthall Neighbourhood Plan with the area for the referendum being the Parish of Nuthall be approved.**
3. **The Nuthall Neighbourhood Plan Decision Statement and its publication be approved.**
4. **Subject to a majority vote in the referendum, the Council 'makes' (adopts) the Nuthall Neighbourhood Plan.**
5. **Authority be given the Chief Executive to issue a statement setting out this decision as soon as possible following the referendum.**

46. LIBERTY LEISURE

Members received two recommendations from the Board of Liberty Leisure in relation to the amendment of the Articles of Association and the appointment of a further Director, following a Board meeting held on 22 August 2018.

RESOLVED that:

1. **The Articles of Association be amended as detailed in the report.**
2. **Andrea Stone be appointed as a Director to the Board of Liberty Leisure Limited.**

47. EXCLUSION OF PUBLIC AND PRESS

RESOLVED that, under Section 100A of the Local Government Act, 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 1, 2 and 3 of Schedule 12A of the Act.

48. LIBERTY LEISURE – APPOINTMENT OF DIRECTOR: FUTHER INFORMATION

The information was noted.

49. COMMON SEAL

RESOLVED that the Common Seal be affixed to or the Proper Officer do sign on behalf of the Council, where appropriate, any orders, deeds or documents necessary to give effect to any resolutions of the Council or Committees.

BROXTOWE BOROUGH COUNCIL

COUNCIL MEETING

21 NOVEMBER 2018

Councillor D A Burnett BEM, Mayor

| | | |
|--------------|--------------|-------------------|
| Councillors: | E H Atherton | G Harvey |
| | D Bagshaw | R I Jackson |
| | S A Bagshaw | W J Longdon |
| | J S Briggs | R D MacRae |
| | T P Brindley | G Marshall |
| | M Brown | J M Owen |
| | M J Crow | P J Owen |
| | E Cubley | J C Patrick |
| | T A Cullen | M E Plackett |
| | J A Doddy | M Radulovic MBE |
| | S Easom | C H Rice |
| | L Fletcher | K E Rigby |
| | J C Goold | R S Robinson |
| | G Harvey | P D Simpson |
| | R I Jackson | A W G A Stockwell |
| | A Harper | |

Also in attendance: W Mee, Youth Mayor and F Hussain, Deputy Youth Mayor

Apologies for absence were received from Councillors L A Ball BEM, B C Carr, S J Carr, R H Darby, J W Handley, M Handley, E Kerry, S Kerry, H G Khaled MBE, L A Lally, P Lally and J W McGrath.

50. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

51. **FREEMEN OF THE BOROUGH**

1. It was proposed by Councillor G Harvey and seconded by Councillor J C Patrick that:

“Nigel Adams being a person who has rendered eminent services to the Borough within the meaning of the Local Government Act 1972, be admitted as an Honorary Freeman of the Borough of Broxtowe.

That a Certificate of Admission be presented to Nigel Adams.”

On being put to the meeting, it was RESOLVED that, in pursuance of Section 249 of the Local Government Act 1972, the distinction of

Honorary Freeman of the Borough of Broxtowe be conferred upon Nigel Adams, who has, in the opinion of the Council, rendered eminent service to the community of the Borough and as an expression of the high regard in which he is held by the members of the Council and his fellow citizens.

The Mayor presented to Nigel Adams the Certificate of his Admission as an Honorary Freeman of the Borough and Nigel Adams thanked the Council for the honour conferred upon him.

2. It was proposed by Councillor S A Bagshaw and seconded by Councillor M Brown that:

“Ellie Leatherland being a person who has rendered eminent services to the Borough within the meaning of the Local Government Act 1972, be admitted as an Honorary Freeman of the Borough of Broxtowe.

That a Certificate of Admission be presented to Ellie Leatherland.”

On being put to the meeting, it was RESOLVED that, in pursuance of Section 249 of the Local Government Act 1972, the distinction of Honorary Freeman of the Borough of Broxtowe be conferred upon Ellie Leatherland, who has, in the opinion of the Council, rendered eminent service to the community of the Borough and as an expression of the high regard in which she is held by the members of the Council and her fellow citizens.

The Mayor presented to Ellie Leatherland the Certificate of her Admission as an Honorary Freeman of the Borough and Ellie Leatherland thanked the Council for the honour conferred upon her.

3. It was proposed by Councillor P J Owen and seconded by Councillor G Marshall that:

“Brian Watson being a person who has rendered eminent services to the Borough within the meaning of the Local Government Act 1972, be admitted as an Honorary Freeman of the Borough of Broxtowe.

That a Certificate of Admission be presented to Brian Watson.”

On being put to the meeting, it was RESOLVED that, in pursuance of Section 249 of the Local Government Act 1972, the distinction of Honorary Freeman of the Borough of Broxtowe be conferred upon Brian Watson, who has, in the opinion of the Council, rendered eminent service to the community of the Borough and as an expression of the high regard in which he is held by the members of the Council and his fellow citizens.

The Mayor presented to Brian Watson the Certificate of his Admission as an Honorary Freeman of the Borough and Brian Watson thanked the Council for the honour conferred upon him.

52. HONORARY ALDERMEN OF THE BOROUGH

1. It was proposed by Councillor M Radulovic MBE and seconded by Councillor A Harper that:

“John Booth, being a person who has rendered eminent services to the borough within the meaning of the Local Government Act 1972, be admitted as an Honorary Alderman of the Borough of Broxtowe.

That a Certificate of Admission be presented to John Booth.”

On being put to the meeting, it was RESOLVED that, in pursuance of Section 249 of the Local Government Act 1972, the distinction of Honorary Alderman of the Borough of Broxtowe be conferred upon John Booth, who has, in the opinion of the Council, rendered eminent service to the community of the Borough and as an expression of the high regard in which he is held by the members of the Council and his fellow citizens.

The Mayor presented to John Booth the Certificate of his Admission as an Honorary Alderman of the Borough and John Booth thanked the Council for the honour conferred upon him.

2. It was proposed by Councillor R D MacRae and seconded by Councillors M Plackett, K E Rigby and M Radulovic MBE that:

“Stan Heptinstall MBE, being a person who has rendered eminent services to the Borough within the meaning of the Local Government Act 1972, be admitted as an Honorary Alderman of the Borough of Broxtowe.

That a Certificate of Admission be presented to Stan Heptinstall MBE.”

On being put to the meeting, it was RESOLVED that, in pursuance of Section 249 of the Local Government Act 1972, the distinction of Honorary Alderman of the Borough of Broxtowe be conferred upon Stan Heptinstall MBE, who has, in the opinion of the Council, rendered eminent service to the community of the Borough and as an expression of the high regard in which he is held by the members of the Council and his fellow citizens.

The Mayor presented to Stan Heptinstall MBE the Certificate of his Admission as an Honorary Alderman of the Borough and Stan Heptinstall MBE thanked the Council for the honour conferred upon him.

53. HONOURS BOARDS

The Honours Boards were unveiled by the Mayor.

Report of the Interim Strategic Director

REVIEW OF POLLING DISTRICTS AND POLLING PLACES1. Purpose of report

To ask the Committee to consider the issues arising from the review of polling districts and polling places.

2. Background

A review of polling districts and polling places was carried out between 1 October and 11 November 2018. Although not required, polling stations were also included. Details of the review were published on the Council's website and comments were invited from members of the Council, the Acting Returning Officers for the Broxtowe and Ashfield Parliamentary Constituencies, the MPs for the Broxtowe and Ashfield Constituencies, members of the Disability Forum and local political parties. Comments were submitted by the Acting Returning Officer for the Broxtowe Constituency including a suggested change to two polling district boundaries, one in Greasley and one in Kimberley, and a revised approach to the designation of polling places. The only other comments received were:

1. in support of the use of Changes Gym in the BCT2 polling district, rather than Bramcote Hills Primary School;
2. regarding changes to Stapleford ward boundaries which cannot be considered as boundary changes, other than to polling districts, are outside the scope of the review.

Further details are given in the appendices. If approved by the Committee, the recommendations in respect of the changes to the two polling district boundaries and the delegation to the (Acting) Returning Officer will need to be ratified by Council at its meeting on 19 December 2018.

3. Financial implications

There are no financial implications arising from the proposed changes.

Recommendations

The Committee is asked to RECOMMEND to Council that:

1. **The proposed changes to the polling district boundaries between GRE2 and GRE3 and KIM4 and KIM5 respectively as set out in appendix 1 be approved.**
2. **That polling places for the Broxtowe Parliamentary Constituency and the part of the Ashfield Constituency within the Broxtowe Borough area be designated as set out in appendix 2.**
3. **That authority be delegated to the (Acting) Returning Officer to make any changes necessary to polling stations at short notice before an election, with any permanent changes being approved by Full Council.**

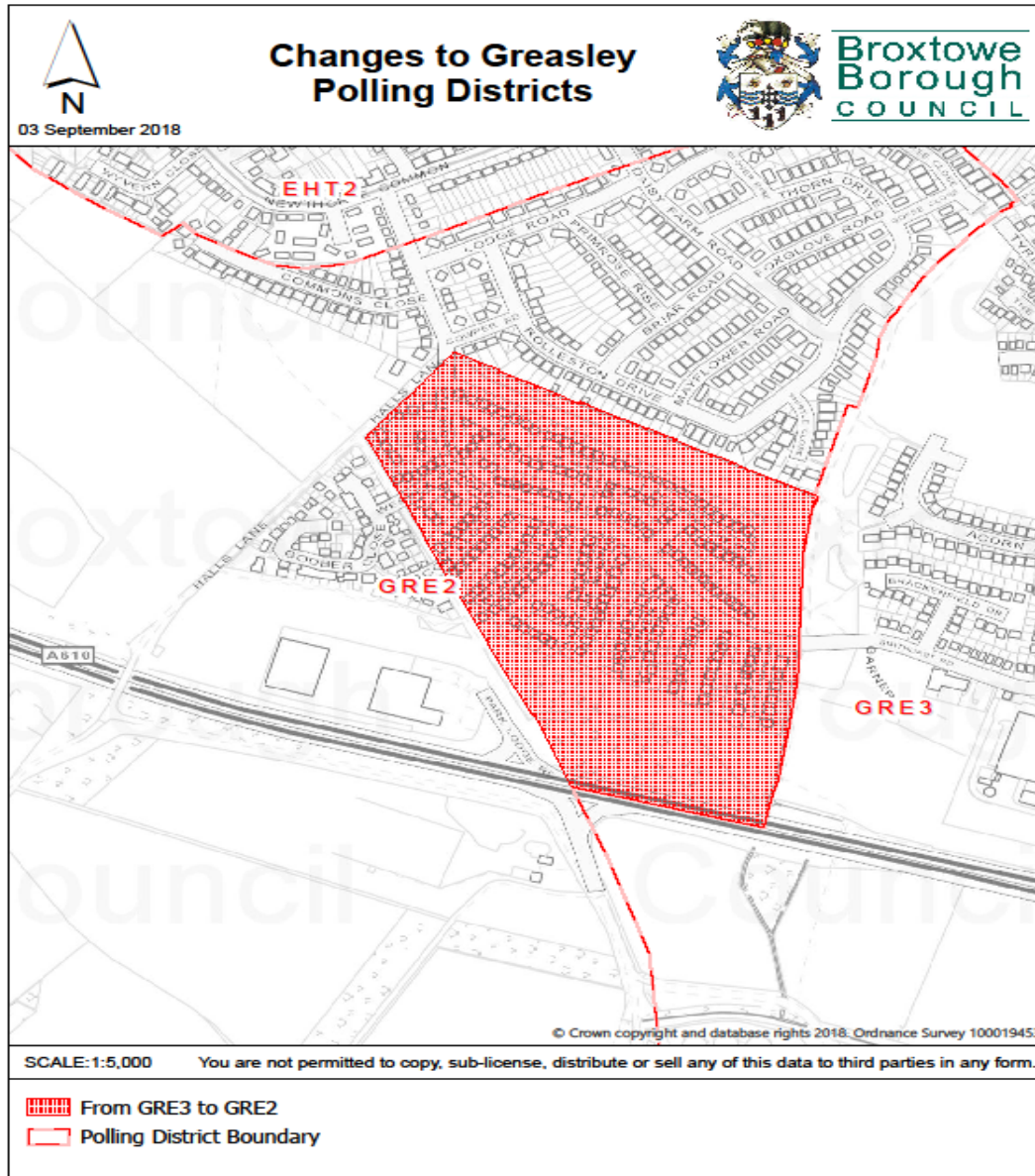
Background papers

Nil

Proposed Changes to Polling District Boundaries

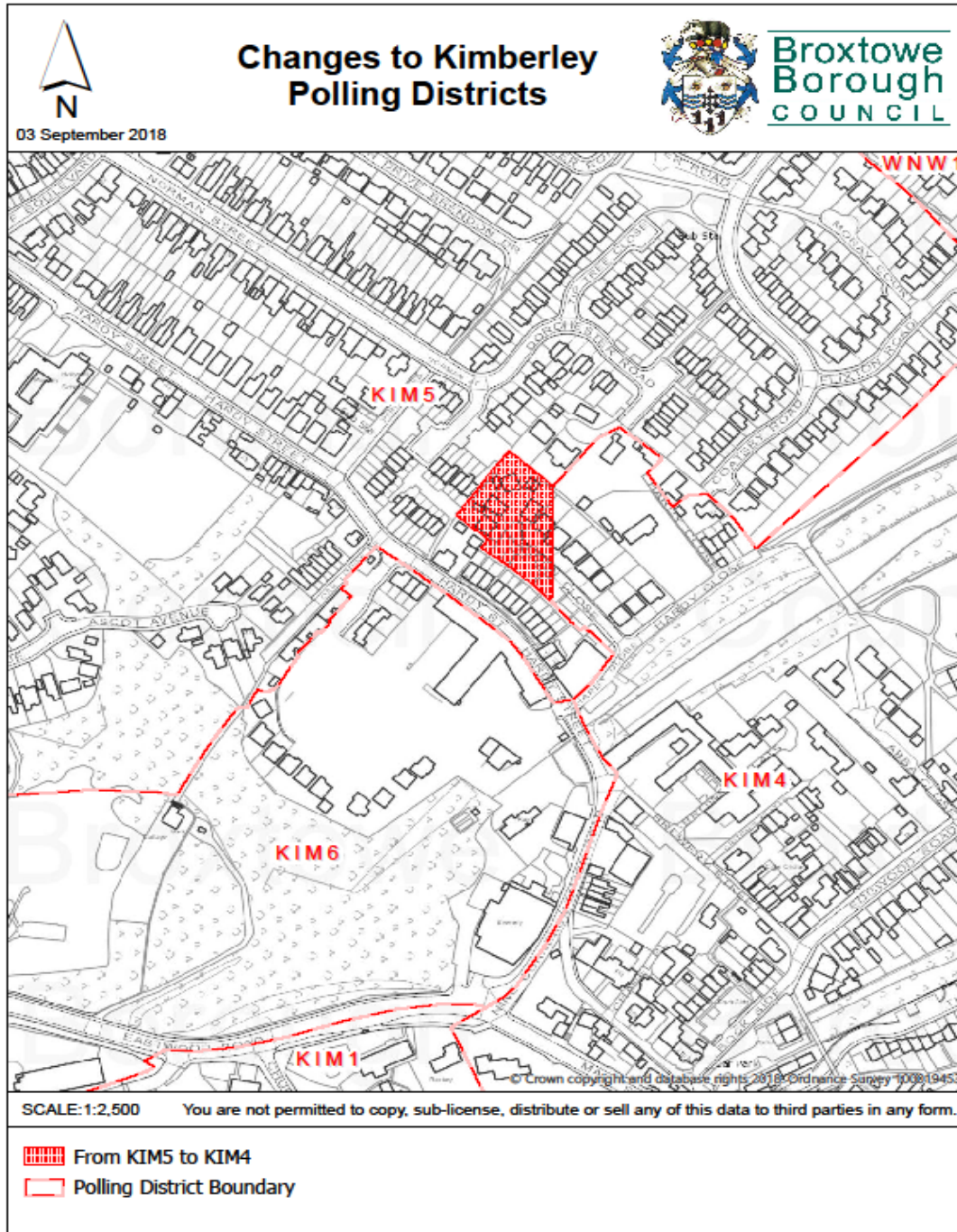
Greasley

The expected increase in the electorate in GRE2 and GRE3 within the next five years will have implications for the polling arrangements in both polling districts. An amendment to the boundary between GRE2 and GRE3 will help to balance out the electorate between the two areas. This would mean that electors previously in GRE3 would need to vote at the temporary station on the recreation ground, rather than at the unit in the car park, on Smithurst Road.



Kimberley

The boundary between KIM4 and KIM5 currently crosses Hanson Close. The proposed amendment would include all of Hanson Close in KIM4, so transferring electors in Hanson Close currently in KIM5 to KIM4. This would mean that electors previously in KIM5 would need to vote at Kimberley Parish Hall, Newdigate Street, rather than at Hollywell School, Hardy Street.



Designation of Polling Places

The polling districts in Broxtowe have previously been designated as the polling places for the borough. This has allowed flexibility to alter the location of a polling station (the actual location where voting takes place within a polling place), if necessary, without the need to seek approval of full Council to a new location. Ward members have been informed of any changes and comments sought after an election on use of the alternative location.

The Acting Returning Officer of the Broxtowe Constituency has recommended that:

1. specific buildings in which polling stations are located should be designated as polling places.
2. polling places for the Broxtowe Parliamentary Constituency and the part of the Ashfield Constituency within the Broxtowe Borough area be designated as set out below.
3. authority be delegated to the (Acting) Returning Officer to make any changes necessary to polling stations at short notice before an election, with any permanent changes being approved by full Council.

The above recommendations are in line with Electoral Commission guidance which advocates that polling places should be defined more specifically than polling districts.

It is therefore recommended that polling places be designated as follows:

Broxtowe Parliamentary Constituency

| Ward | Polling District | Polling Place |
|---|-------------------------|--|
| <i>Attenborough & Chilwell East</i> | <i>ACE1</i> | <i>Lucy and Vincent Brown Hall, Attenborough Lane, Attenborough</i> |
| | <i>ACE2</i> | <i>Scout Headquarters, Attenborough Lane, Chilwell</i> |
| | <i>ACE3</i> | <i>Masonic Lodge, High Road, Chilwell</i> |
| | <i>ACE4</i> | <i>Grove Court, Central Avenue, Chilwell</i> |
| <i>Awsorth, Cossall & Trowell</i> | <i>ACT1</i> | <i>Awsorth Village Hall, 60 The Lane, Awsorth</i> |
| | <i>ACT2</i> | <i>Trinity Farm Shop, Awsorth Lane, Cossall</i> |
| | <i>ACT3</i> | <i>Cossall Community Hall, Old School Room, Church Lane, Cossall</i> |
| | <i>ACT4</i> | <i>Trowell Parish Hall, Trowell</i> |
| | <i>ACT5</i> | <i>Temporary Station, Salcey Drive/Trowell Park Drive, Trowell</i> |
| <i>Beeston Central</i> | <i>BEC1</i> | <i>Oasis Christian Centre, Union Street, Beeston (previously John Clifford Primary School, Nether Street, Beeston)</i> |
| | <i>BEC2</i> | <i>Humber Lodge, Middle Street, Beeston</i> |
| | <i>BEC3</i> | <i>Templar Lodge, Beacon Road, Beeston</i> |
| <i>Beeston North</i> | <i>BEN1</i> | <i>Temporary Station, Car Park, Carwood Road, Beeston</i> |

| Ward | Polling District | Polling Place |
|------------------------------------|-------------------------|---|
| | <i>BEN2</i> | <i>Beeston Free Church, Broadgate, Beeston (previously 2 temporary units, land at Kenilworth Court, Beeston)</i> |
| | <i>BEN3</i> | <i>Bowls Pavilion, Recreation Ground, Central Avenue, Beeston</i> |
| <i>Beeston Rylands</i> | <i>BER1</i> | <i>Rylands Community Centre, Leyton Crescent, Beeston</i> |
| | <i>BER2</i> | <i>Function Room, Boat & Horses, Trent Road, Beeston (previously Trent Vale Infant School, Trent Road)</i> |
| | <i>BER3</i> | <i>Hetley Pearson Recreation Ground Pavilion, Cartwright Way, Beeston</i> |
| <i>Beeston West</i> | <i>BEW1</i> | <i>Youth and Community Centre, West End, Beeston</i> |
| | <i>BEW2</i> | <i>Our Lady of the Assumption Church Hall, Foster Avenue, Beeston</i> |
| | <i>BEW3</i> | <i>Our Lady of the Assumption Church Hall, Foster Avenue, Beeston</i> |
| | <i>BEW4</i> | <i>Our Lady of the Assumption Church Hall, Foster Avenue, Beeston</i> |
| <i>Bramcote</i> | <i>BCT1</i> | <i>Bramcote Memorial Hall, Church Street, Bramcote</i> |
| | <i>BCT2</i> | <i>Changes Gym, Seven Oaks Crescent, Bramcote (previously Bramcote Hills Primary School, Moor Lane, Bramcote)</i> |
| | <i>BCT3</i> | <i>Westbourne Court, Ewe Lamb Lane, Bramcote</i> |
| <i>Chilwell West</i> | <i>CHW1</i> | <i>Chilwell Community Centre, Inham Road, Chilwell</i> |
| | <i>CHW2 (part)</i> | <i>Temporary Station, Co-op Car Park, Bramcote Lane, Chilwell</i> |
| | <i>CHW2 (part)</i> | <i>School Bungalow, Eskdale Junior School, Eskdale Drive, Chilwell</i> |
| | <i>CHW3</i> | <i>Scout Headquarters, Attenborough Lane, Chilwell</i> |
| <i>Greasley</i> | <i>GRE1</i> | <i>Greasley Parish Hall, Dovecote Road, Newthorpe</i> |
| | <i>GRE2</i> | <i>Temporary Station, Smithurst Road, Newthorpe</i> |
| | <i>GRE3</i> | <i>Temporary Station, Car Park, Smithurst Road, Giltbrook</i> |
| | <i>GRE4</i> | <i>Newthorpe Baptist Church, Main Street, Newthorpe</i> |
| <i>Kimberley</i> | <i>KIM1</i> | <i>Kimberley Primary School, Swingate, Kimberley</i> |
| | <i>KIM2</i> | <i>Kimberley Parish Hall, Newdigate Street, Kimberley</i> |
| | <i>KIM3</i> | <i>Kimberley Parish Hall, Newdigate Street, Kimberley</i> |
| | <i>KIM4</i> | <i>Kimberley Parish Hall, Newdigate Street, Kimberley</i> |
| | <i>KIM5</i> | <i>Hollywell School, Hardy Street, Kimberley</i> |
| | <i>KIM6</i> | <i>Holy Trinity Church Hall, Church Hill, Kimberley</i> |
| <i>Nuthall East & Strelley</i> | <i>NES1</i> | <i>Horsendale Community Centre, Assarts Road, Nuthall</i> |
| | <i>NES2</i> | <i>Function Room, Old Moor Lodge, Mornington Crescent, Nuthall (previously Mornington Primary School, Mornington Crescent, Nuthall)</i> |
| | <i>NES3</i> | <i>Strelley Hall, Main Street, Strelley</i> |
| | <i>NES4</i> | <i>Nuthall Temple Centre, Nottingham Road, Nuthall</i> |

| Ward | Polling District | Polling Place |
|-------------------------------------|-------------------------|--|
| <i>Stapleford North</i> | <i>SNO1</i> | <i>Pastures Community Church, Pasture Road, Stapleford</i> |
| | <i>SNO2</i> | <i>Pastures Community Church, Pasture Road, Stapleford</i> |
| | <i>SNO3</i> | <i>New Stapleford Community Centre, Washington Drive, Stapleford</i> |
| <i>Stapleford South East</i> | <i>SSE1</i> | <i>Stapleford Community Centre, Cliffe Hill Avenue, Stapleford</i> |
| | <i>SSE2</i> | <i>Stapleford Community Centre, Cliffe Hill Avenue, Stapleford</i> |
| | <i>SSE3</i> | <i>Gutersloh Court, Central Avenue, Stapleford</i> |
| <i>Stapleford South West</i> | <i>SSW1</i> | <i>Carnegie Centre, Warren Avenue, Stapleford</i> |
| | <i>SSW2</i> | <i>St John's Church Hall, Midland Avenue, Stapleford</i> |
| <i>Toton & Chilwell Meadows</i> | <i>TCM1</i> | <i>Lombardy Lodge, Portland Road, Toton</i> |
| | <i>TCM2</i> | <i>Toton Greenwood Community Centre, Chester Green, Toton</i> |
| | <i>TCM3</i> | <i>Toton Greenwood Community Centre, Chester Green, Toton</i> |
| | <i>TCM4</i> | <i>Temporary Station, Lidl Car Park, Chilwell</i> |
| <i>Watnall & Nuthall West</i> | <i>WNW1</i> | <i>Watnall Women's Institute, Main Road, Watnall</i> |
| | <i>WNW2</i> | <i>St Patrick's Church Hall, Back Lane, Watnall</i> |

Polling Places – Ashfield Parliamentary Constituency

| Ward | Polling District | Polling Place |
|---------------------------|-------------------------|--|
| <i>Brinsley</i> | <i>BRY1</i> | <i>Brinsley Parish Hall, Cordy Lane, Brinsley</i> |
| | <i>BRY2</i> | <i>Brinsley Parish Hall, Cordy Lane, Brinsley</i> |
| <i>Eastwood Hall</i> | <i>EHA1</i> | <i>Cadet Centre, Greenhills Road, Eastwood</i> |
| | <i>EHA2</i> | <i>Cadet Centre, Greenhills Road, Eastwood</i> |
| <i>Eastwood Hilltop</i> | <i>EHT1</i> | <i>Age Concern, Colin Dyson Centre, Edward Road, Eastwood</i> |
| | <i>EHT2</i> | <i>Glebe House, Linwood Crescent, Eastwood</i> |
| <i>Eastwood St Mary's</i> | <i>ESM1</i> | <i>Dora Phillips Hall, Wood Street, Eastwood</i> |
| | <i>ESM2</i> | <i>Parish Rooms, St Mary's Church, Church Street, Eastwood</i> |
| | <i>ESM3</i> | <i>Parish Rooms, St Mary's Church, Church Street, Eastwood</i> |
| | <i>GRE5</i> | <i>Greasley Parish Hall, Dovecote Road, Newthorpe</i> |

Report of the Interim Strategic Director

PROGRAMME OF MEETINGS FOR MAY 2019 TO APRIL 20201. Purpose of report

To seek approval of the Programme of Meetings for May 2019 to April 2020.

2. Detail

The proposed Programme of Meetings is shown in the appendix. In addition, intermediate Planning Committee meetings may be called to meet statutory timescales for planning decisions. Alcohol and Entertainment and Licensing and Appeals Committee meetings can be interchangeable and called as necessary to deal with the business available. The dates for the Bramcote Bereavement Services Joint Committee are agreed by that Committee.

In accordance with the Member Development Charter criteria the programme takes account of cultural and faith commitments and has been composed so as to avoid collision with any significant dates.

3. Further information

Consideration has been given to the requirements of the committee system including the timing of Finance and Resources Committee meetings to approve the relevant budget reports from other committees. Furthermore, Council meetings have been placed at the end of cycles to enable members to include reference to the decisions of preceding committees in relation to Members' Questions.

Further to the report to Cabinet dated 13 October 2015, it should be noted that school holidays have been taken into account at the request of members.

Recommendation

Council is asked to RESOLVE that the Programme of Meetings for May 2019 to April 2020, as set out in the appendix, be approved.

Background papers

Nil

APPENDIX

Meeting dates for May 2019 to April 2020

| Date | Meeting |
|-------------------|--|
| 15 May 2019 | Council |
| 20 May 2019 | Governance, Audit and Standards Committee |
| 21 May 2019 | Housing Performance Group |
| 22 May 2019 | Planning Committee |
| 5 June 2019 | Housing Committee |
| 6 June 2019 | Community Safety Committee |
| 11 June 2019 | Licensing and Appeals Committee |
| 12 June 2019 | Leisure and Environment Committee |
| 13 June 2019 | Local Joint Consultative Committee |
| 18 June 2019 | Alcohol and Entertainments Committee |
| 20 June 2019 | Bramcote Bereavement Joint Services Committee* |
| 26 June 2019 | Planning Committee |
| 27 June 2019 | Jobs and Economy Committee |
| 3 July 2019 | Policy and Performance Committee |
| 11 July 2019 | Finance and Resources Committee |
| 17 July 2019 | Council |
| 22 July 2019 | Governance, Audit and Standards Committee |
| 24 July 2019 | Planning Committee |
| 25 July 2019 | Annual Borough Parish |
| 4 September 2019 | Planning Committee |
| 5 September 2019 | Jobs and Economy Committee |
| 10 September 2019 | Alcohol and Entertainments Committee |
| 11 September 2019 | Housing Performance Group |
| 12 September 2019 | Local Joint Consultative Committee |
| 18 September 2019 | Housing Committee |
| 19 September 2019 | Community Safety Committee |
| 23 September 2019 | Governance, Audit and Standards Committee |
| 24 September 2019 | Licensing and Appeals Committee |
| 25 September 2019 | Leisure and Environment Committee |

| Date | Meeting |
|------------------|---|
| 2 October 2019 | Policy and Performance Committee |
| 8 October 2019 | Planning Committee |
| 10 October 2019 | Finance and Resources Committee |
| 16 October 2019 | Council |
| 5 November 2019 | Housing Performance Group |
| 6 November 2019 | Planning Committee |
| 13 November 2019 | Leisure and Environment Committee |
| 14 November 2019 | Community Safety Committee |
| 21 November 2019 | Jobs and Economy Committee |
| 26 November 2019 | Alcohol and Entertainments Committee |
| 27 November 2019 | Housing Committee |
| 2 December 2019 | Governance, Audit and Standards Committee |
| 3 December 2019 | Licensing and Appeals Committee |
| 4 December 2019 | Policy and Performance Committee |
| 11 December 2019 | Planning Committee |
| 12 December 2019 | Finance and Resources Committee |
| 18 December 2019 | Council |
| 8 January 2020 | Housing Performance Group |
| 9 January 2020 | Finance and Resources Committee |
| 15 January 2020 | Planning Committee |
| 16 January 2020 | Local Joint Consultative Committee |
| 22 January 2020 | Leisure and Environment Committee |
| 23 January 2020 | Community Safety Committee |
| 29 January 2020 | Housing Committee |
| 30 January 2020 | Jobs and Economy Committee |
| 5 February 2020 | Policy and Performance Committee |
| 12 February 2020 | Planning Committee |
| 13 February 2020 | Finance and Resources Committee |
| 25 February 2020 | Alcohol and Entertainments Committee |
| 4 March 2020 | Council |
| 10 March 2020 | Licensing and Appeals Committee |
| 16 March 2020 | Governance, Audit and Standards Committee |

| Date | Meeting |
|---------------|--------------------|
| 18 March 2020 | Planning Committee |
| 22 April 2020 | Planning Committee |

*Date approved by the Bramcote Bereavement Services Joint Committee.

Report of the Interim Strategic Director

**NOTTINGHAMSHIRE ECONOMIC PROSPERITY COMMITTEE –
CHANGES TO THE TERMS OF REFERENCE**1. Purpose of report

To consider amendments to the Nottinghamshire Economic Prosperity Committee (the Economic Prosperity Committee or EPC) terms of reference (TOR). The EPC TOR state that the TOR 'can only be amended by resolution of each of the constituent authorities'.

2. Background

At its meeting on 7 January 2014 Cabinet agreed to the establishment of a joint committee of local authorities in the City of Nottingham and Nottinghamshire to drive future investment in growth and jobs within their areas.

3. Detail

Senior officers from Nottinghamshire County, Nottingham City, Ashfield District and Rushcliffe Borough Councils met in August 2018 to discuss the future of the EPC, which last met in March 2018. The officers recognised that the TOR needed to be updated to adapt to changes in the economic and political environment over the past four years and suggested changes to the TOR. The changes are included in appendix 1 and the full TOR are included in appendix 2.

The amendments were designed to reflect changes in the operating environment (such as the Midlands Engine and the EU Referendum) since the EPC was established. The main substantive addition would enable discussion at future EPC meetings of issues that cut across local authority boundaries and to agree to align activity where this would benefit the local authorities and local citizens.

Recommendation

Council is asked to RESOLVE that:

- 1. The amended terms of reference for the EPC be approved.**
- 2. The Council's Constitution be amended accordingly.**

Background papers

Nil

APPENDIX 1

1. Purpose

The purpose of the EPC is currently:

'To bring together local authority partners in Nottingham and Nottinghamshire in a robust, formally constituted arrangement which will drive future investment in growth and jobs in the City and County.'

It is proposed that this should be revised to:

'To bring together local authorities in Nottingham and Nottinghamshire to agree and promote the key aspects of economic prosperity across the area, with a specific focus on shared priorities and securing investment.'

2. Remit

The remit of the EPC is currently:

- a) *to act as a local public sector decision making body for strategic economic development, and to make recommendations to the D2N2 LEP on its investment and other priorities;*
- b) *to prioritise, commission and monitor both investment plans and all European Structural Investment Funds (SIF), and Single Local Growth Fund money that is available to Nottingham and Nottinghamshire via the D2N2 LEP and the EPC;*
- c) *to oversee the alignment of relevant local authority plans and ensure that they contribute to economic growth;*
- d) *to actively engage with a range of businesses in Nottingham and Nottinghamshire in relation to the EPC's decision making, and to engage with other stakeholders where appropriate;*
- e) *to consider and advise on the appropriateness and viability of alternative, successor economic governance arrangements;*
- f) *to ensure that potential benefits stemming from any overlaps with other LEPs are fully maximised.*

It is proposed that this should be changed to:

- a) *to act as the local public sector decision making body for strategic economic growth;*
- b) *to act as a conduit to other sub-regional and regional bodies such as the D2N2 Local Enterprise Partnership and the Midlands Engine;*
- c) *to oversee the alignment of relevant local authority plans for economic prosperity;*
- d) *to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds, European Funds (until the end of the Brexit transition period) and the Shared Prosperity Fund (at the end of the Brexit transition period);*
- e) *to monitor and evaluate projects and programmes of activity commissioned directly by the EPC;*
- f) *to agree, monitor and evaluate spending priorities for the Nottinghamshire Business Rates Pool. (Only those constituent authorities that are members of the Pool would participate in this);*

- g) to communicate and, where unanimously agreed, to align activity across Nottingham and Nottinghamshire on a range of other key public priorities that affect citizens.*

The City of Nottingham and Nottinghamshire Economic Prosperity Committee

CONSTITUTION 2018- 2020

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1. **Purpose**

- 1.1 To bring together local authorities in Nottingham and Nottinghamshire to agree and promote the key aspects of economic prosperity across the area, with a specific focus on shared priorities and securing investment.

2. **Governance**

- 2.1 The Economic Prosperity Committee ("EPC") will act as a Joint Committee under Section 9EB of the Local Government Act 2000 and pursuant to Regulation 11 of the Local Authorities (Arrangement for the Discharge of Functions) (England) Regulations 2012.
- 2.2 The EPC will comprise the local authorities within the Nottinghamshire area: Ashfield District Council, Bassetlaw District Council, Broxtowe Borough Council, Gedling Borough Council, Mansfield District Council, Newark and Sherwood District Council, Nottingham City Council, Nottinghamshire County Council and Rushcliffe Borough Council ("constituent authorities").
- 2.3 Political Proportionality rules will not apply to the EPC as so constituted.
- 2.4 The EPC will be a legally constituted body with powers delegated to it by the constituent authorities in the following areas:

- a) to prioritise and make decisions on the use of the funding that the EPC may influence or control;
- b) to review future governance requirements and delivery arrangements and how these can be best achieved in Nottingham and Nottinghamshire;
- c) to have direct oversight of key economic growth focused projects and initiatives that the EPC has influence over the funding of or contributes to;
- d) to have strategic oversight of other key growth focused projects and initiatives in Nottingham and Nottinghamshire.

The EPC will not hold funds or monies on behalf of the constituent authorities.

- 2.5 The EPC's work plan and the outcome of any wider review into alternative governance may require a change in the delegated powers and terms of reference of the EPC and any such change would require the approval of all the constituent authorities.
- 2.6 These terms of reference should be reviewed two years after their adoption or after any amendments.

3. Remit

3.1 The remit of the EPC will be:

- a) to act as a local public sector decision making body for strategic economic growth;
- b) to act as a conduit to other sub-regional and regional bodies such as the D2N2 Local Enterprise Partnership and the Midlands Engine;
- c) to oversee the alignment of relevant local authority plans for economic prosperity;
- d) where appropriate, to agree shared priorities and bids for funding to existing and new funding sources such as Local Growth Funds, European Funds (until the end of the Brexit transition period) and the Shared Prosperity Fund (at the end of the Brexit transition period);
- e) to monitor and evaluate projects and programmes of activity commissioned directly by the EPC;
- f) to agree, monitor and evaluate spending priorities for the Nottinghamshire Business Rates Pool. (Only those constituent authorities that are members of the Pool would participate in this);
- g) to communicate and, where unanimously agreed, to align activity across Nottingham and Nottinghamshire on a range of other key public priorities that affect citizens.

4. Membership

- 4.1 One member from each constituent authority (such member to be the Leader/Elected Mayor or other executive member or committee chair from each constituent authority) and for the purposes of these terms of reference this member will be known as the principal member.
- 4.2 Each constituent authority to have a named substitute member who must be an executive member where the authority operates executive governance

arrangements. In those constituent authorities where governance is by committee, that alternate member shall be as per that authority's rules of substitution. All constituent authorities must provide no less than twenty four hours' notice to either the Chair or the Secretary where a substitute member will be attending in place of the principal member. Regardless of any such notification, where both the principal member and the substitute member attends a meeting of the EPC the principal member shall be deemed as representing their authority by the Chair or Vice Chair.

- 4.3 In the event of any voting member of the EPC ceasing to be a member of the constituent authority which appointed him/her, the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.4 Where a member of the EPC ceases to be a Leader / Elected Mayor of the constituent authority which appointed him/her or ceases to be a member of the Executive or Committee Chair of the constituent authority which appointed him/her, he/she shall also cease to be a member of the EPC and the relevant constituent authority shall as soon as reasonably practicable appoint another voting member in their place.
- 4.5 Each constituent authority may remove its principal member or substitute member and appoint a different member or substitute as per that authority's rules of substitution, and by providing twenty-four hours' notice to the Chair or the Secretary. Co-options onto the Committee are not permitted.
- 4.6 Each constituent authority may individually terminate its membership of the EPC by providing twelve months written notice of its intent to leave the EPC to the Chair or the Secretary. At the end of these twelve months, but not before, the authority will be deemed to no longer be a member of the EPC.
- 4.7 Where an authority has previously terminated its membership of the EPC it may rejoin the EPC with immediate effect on the same terms as existed prior to its departure, where the EPC agrees to that authority rejoining via a majority vote.

5. **Quorum**

- 5.1 The quorum shall be 5 members. No business will be transacted at a meeting unless a quorum exists at the beginning of a meeting. If at the beginning of any meeting, the Chair or Secretary after counting the members present declares that a quorum is not present, the meeting shall stand adjourned.

6. **Chair and Vice Chair**

- 6.1 The Chair of the EPC will rotate annually between the principal member of the City of Nottingham and the principal member of Nottinghamshire County Council. The position of Vice Chair shall be filled by the principal member of one of the district/borough council members of the EPC and this role will rotate annually between district/borough councils. The Chair or in their absence the Vice Chair or in their absence the member of the EPC elected for this purpose, shall preside at any meeting of the EPC.

- 6.2 Appointments will be made in May of each year.
- 6.3 Where, at any meeting or part of a meeting of the EPC both the Chair and Vice Chair are either absent or unable to act as Chair or Vice Chair, the EPC shall elect one of the members of the EPC present at the meeting to preside for the balance of that meeting or part of the meeting, as appropriate. For the avoidance of doubt, the role of Chair and Vice Chair vests in the principal member concerned and in their absence the role of Chair or Vice Chair will not automatically fall to the relevant constituent authority's substitute member.

7. Voting

- 7.1 One member, one vote for each constituent authority.
- 7.2 All questions shall be decided by a majority of the votes of the members present, the Chair having the casting vote in addition to their vote as a member of the Committee. Voting at meetings shall be by show of hands.
- 7.3 On the requisition of any two Members, made before the vote is taken, the voting on any matter shall be recorded by the Secretary so as to show how each Member voted and there shall also be recorded the name of any Member present who abstained from voting.

8. Sub-Committees and Advisory Groups

- 8.1 The EPC may appoint sub-committees from its membership as required to enable it to execute its responsibilities effectively and may delegate tasks and powers to the sub-committee as it sees fit.
- 8.2 The EPC may set up advisory groups as required to enable it to execute its responsibilities effectively and may delegate tasks as it sees fit to these bodies, which may be formed of officers or members of the constituent authorities or such third parties as the EPC considers appropriate.

9. Hosting and Administration

- 9.1 The EPC will be hosted by the same authority as the Chair. The Director of Legal and Democratic Services from that authority shall be Secretary to the Committee ("the Secretary"). The Host Authority will also provide s151 and Monitoring Officer roles and legal advice to the EPC. The administrative costs of supporting the committee will be met equally by the constituent authorities, with each authority being responsible for receiving and paying any travel or subsistence claims from its own members.
- 9.2 The functions of the Secretary shall be:
- a) to maintain a record of membership of the EPC and any sub-committees or advisory groups appointed;
 - b) to publish and notify the proper officers of each constituent authority of any anticipated "key decisions" to be taken by the EPC to enable the

- requirements as to formal notice of key decisions as given under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 to be met;
- c) to carry out such notification to and consultation with members of any appointing constituent authority as may be necessary to enable the EPC to take urgent “key decisions” in accordance with the requirements of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012;
 - d) to summon meetings of the EPC or any sub-committees or advisory groups;
 - e) to prepare and send out the agenda for meetings of the EPC or any sub-committees or advisory groups; in consultation with the Chair and the Vice Chair of the Committee (or sub-committee/ advisory group);
 - f) to keep a record of the proceedings of the EPC or any sub-committees or advisory groups, including those in attendance, declarations of interests, and to publish the minutes;
 - g) to take such administrative action as may be necessary to give effect to decisions of the EPC or any sub-committees or advisory groups;
 - h) to perform such other functions as may be determined by the EPC from time to time.

10. Meetings

10.1 The EPC will meet no less than quarterly and meetings will be aligned where necessary with deadlines for decisions on resources and investment plans.

10.2 Meetings will be held at such times, dates and places as may be notified to the members of the EPC by the Secretary, being such time, place and location as the EPC shall from time to time resolve. Meeting papers will be circulated five clear working days in advance of any meeting. The Chair may choose to accept or reject urgent items that are tabled at any meeting.

10.3 Additional ad hoc meetings may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the Committee, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- (a) from and signed by two members of the EPC, or
- (b) from the Chief Executive of any of the constituent authorities.

10.4 Urgent, virtual meetings facilitated via teleconference, video conferencing or other remote working methodologies may be called by the Secretary, in consultation, where practicable, with the Chair and Vice Chair of the EPC, in response to receipt of a request in writing, which request sets out an urgent item of business within the functions of the EPC, addressed to the Secretary:

- (a) from and signed by two members of the EPC; or
- (b) from the Chief Executive of any of the constituent authorities.

Any such virtual meeting must comply with the access to information provisions and enable public access to proceedings.

- 10.5 The Secretary shall settle the agenda for any meeting of the EPC after consulting, where practicable, the Chair or in their absence the Vice Chair; and shall incorporate in the agenda any items of business and any reports submitted by:
- (a) the Chief Executive of any of the constituent authorities;
 - (b) the Chief Finance Officer to any of the constituent authorities;
 - (c) the Monitoring Officer to any of the constituent authorities;
 - (d) the officer responsible for economic development at any of the constituent authorities; or
 - (e) any two Members of the EPC.

- 10.6 The EPC shall, unless the person presiding at the meeting or the EPC determines otherwise in respect of that meeting, conduct its business in accordance with the procedure rules set out in paragraph 13 below.

11. Access to Information

- 11.1 Meetings of the EPC will be held in public except where confidential or exempt information, as defined in the Local Government Act 1972, is being discussed.
- 11.2 These rules do not affect any more specific rights to information contained elsewhere under the law.
- 11.3 The Secretary will ensure that the relevant legislation relating to access to information is complied with. Each constituent authority is to co-operate with the Secretary in fulfilling any requirements.
- 11.4 Any Freedom of Information or Subject Access Requests received by the EPC should be directed to the relevant constituent authority(s) for that authority to deal with in the usual way, taking account of the relevant legislation. Where the request relates to information held by two or more constituent authorities, they will liaise with each other before replying to the request.

12. Attendance at meetings

- 12.1 The Chair may invite any person, whether a member or officer of one of the constituent authorities or a third party, to attend the meeting and speak on any matter before the EPC.
- 12.2 Third parties may be invited to attend the EPC on a standing basis following a unanimous vote of those present and voting.
- 12.3 Where agenda items require independent experts or speakers, the Officer or authority proposing the agenda item should indicate this to the Secretary and provide the Secretary with details of who is required to attend and in what capacity. The participation of independent experts or speakers in EPC meetings will be subject to the discretion of the Chair.

13. Procedure Rules

13.1 Attendance

13.1.1 At every meeting, it shall be the responsibility of each member to enter their name on an attendance record provided by the Secretary from which attendance at the meeting will be recorded.

13.2 Order of Business

13.2.1 Subject to paragraph 13.2.2, the order of business at each meeting of the EPC will be:

- i. Apologies for absence
- ii. Declarations of interests
- iii. Approve as a correct record and sign the minutes of the last meeting
- iv. Matters set out in the agenda for the meeting which will clearly indicate which are key decisions and which are not
- v. Matters on the agenda for the meeting which, in the opinion of the Secretary are likely to be considered in the absence of the press and public

13.2.2 The person presiding at the meeting may vary the order of business at the meeting.

13.3 Disclosable Pecuniary Interests

13.3.1 If a Member is aware that he/she has a disclosable pecuniary interest in any matter to be considered at the meeting, the Member must withdraw from the room where the meeting considering the business is being held:

- (a) in the case where paragraph 13.3.2 below applies, immediately after making representations, answering questions or giving evidence;
- (b) in any other case, wherever it becomes apparent that the business is being considered at that meeting;
- (c) unless the Member has obtained a dispensation from their own authority's Standards Committee or Monitoring Officer. Such dispensation to be notified to the Secretary prior to the commencement of the meeting.

13.3.2 Where a member has a disclosable pecuniary interest in any business of the EPC, the Member may attend the meeting (or a sub –committee or advisory group of the committee) but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

13.4 Minutes

13.4.1 There will be no discussion or motion made in respect of the minutes other than except as to their accuracy. If no such question is raised or if it is raised then as soon as it has been disposed of, the Chair shall sign the minutes.

13.5 Rules of Debate**13.5.1 Respect for the Chair**

A Member wishing to speak shall address the Chair and direct their comments to the question being discussed. The Chair shall decide the order in which to take representations from members wishing to speak and shall decide all questions of order. Their ruling upon all such questions or upon matters arising in debate shall be final and shall not be open to discussion.

13.5.2 Motions / Amendments

A motion or amendment shall not be discussed unless it has been proposed and seconded. When a motion is under debate no other motion shall be moved except the following:

- i. To amend the motion
- ii. To adjourn the meeting
- iii. To adjourn the debate or consideration of the item
- iv. To proceed to the next business
- v. That the question now be put
- vi. That a member be not further heard or do leave the meeting
- vii. To exclude the press and public under Section 100A of the Local Government Act 1972

13.6 Conduct of Members

13.6.1 Members of the EPC will be subject to their own authority's Code of Conduct.

14. Application to Sub-Committees

14.1 The procedure rules and also the Access to Information provisions set out at paragraph 11 shall apply to meetings of any sub-committees of the EPC.

15. Scrutiny of decisions

15.1 Each constituent authority which operates executive arrangements will be able to scrutinise the decisions of the EPC in accordance with that constituent authority's overview and scrutiny arrangements.

16. Winding up of the EPC

16.1 The EPC may be wound up immediately by a unanimous vote of all constituent authorities.

17. Amendment of this Constitution

17.1 This Constitution can only be amended by resolution of each of the constituent authorities.

Report of the Interim Monitoring Officer**GOVERNANCE ISSUES ARISING FROM A SALE OF LAND AT REDWOOD CRESCENT**1. Purpose of report

To report concerns in respect of several governance issues arising from the way Council officers handled the sale of land at Redwood Crescent, and to make recommendations intended to prevent their recurrence.

2. Detail

The sale of land and garages at Redwood Crescent in Beeston, and the subsequent difficulties with the small housing development there have been the subject of much local controversy and media attention. This report does not repeat such coverage but, instead, focuses on issues which have engaged my statutory role as Monitoring Officer. These are listed below and then dealt with in turn:

- (a) issues arising under the legal framework governing the Council's power to dispose of land (section 123 of the Local Government Act 1972);
- (b) issues arising under the legal framework for Assets of Community Value;
- (c) issues arising under the law, guidance and local constitutional provisions concerning Freedom of Information Act (FOI) requests.

These are now dealt with in turn:

(a) Issues arising under the legal framework governing the Council's power to dispose of land.

Sections 123 and 128 of the Local Government Act 1972 (as relevant) are set out below.

"123(1) Subject to the following provisions of this section...a principal council may dispose of land held by them in any manner they wish.

(2) Except with the consent of the Secretary of State, a council shall not dispose of land under this section, otherwise than by way of a short tenancy, for a consideration less than the best that can be reasonably obtained.

(3) A principal council may not dispose under section (1) above of any land consisting of or forming part of an open space unless before disposing of the land they cause notice of their intention to do so, specifying the land in question, to be advertised in two consecutive weeks in a newspaper circulating in the area in which the land is situated, and consider any objections to the proposed disposal which may be made to them."

“128(2) Where under the foregoing provisions of this part of this Act or under any other enactment, whether passed before, at the same time as, or after, this Act, a local authority purport to...dispose of land, then -

- (a) in favour of any person claiming under the authority, the disposal so purporting to be made shall not be invalid by reason that any...requirement as to advertisement or consideration of objections has not been complied with, and
- (b) a person dealing with the authority or a person claiming under the authority shall not be concerned to see or enquire whether...any such requirement has been complied with.”

Section 123 is a key provision and sets out a basic principle that a Council may dispose of land in whatever manner it chooses but, then, in its own terms places very significant restrictions on this general power. Two such restrictions are relevant to the sale of this land – firstly, the requirement to advertise the intention to dispose of land which forms an open space and, secondly, the requirement to get best consideration in the sale (unless the approval of the secretary of state is obtained).

Turning to the first requirement, it is a matter of fact that the Council did not advertise the proposed disposal of the land before entering into, initially, a legally binding option to sell at a later date. As a result of this failure to comply with this part of section 123, the entering into the option attracted no local concern, simply because there could be no local awareness of it, as it had not been advertised.

The actions of the purchaser, after the option was entered into, in applying for planning permission for housing on the site, raised local awareness of the fact that the Council had committed itself to the disposal of the site. Local residents responded on several fronts: making representations and objecting within the planning process, making an application for the land to be listed as an Asset of Community Value (ACV) (generally, see further at (b) below) and raising concerns about how the disposal had been handled by the Council. In all cases, and notwithstanding the fact that the land was not managed as such by the Council, the value of the land as informal public open space was stressed and evidence in support of this was submitted. The ACV issues will be addressed separately but of relevance here is the fact that the Council’s acceptance of evidence of public user as informal public open space to support its decision to list the land as an ACV also supported the allegation that the Council had failed to advertise the proposed disposal of the land under the duty in section 123. It is unfortunate that the actual use being made of the land was not considered in more detail by the Council before any legal commitment to sale had been made by the Council through the completion of the legally binding option.

In the light of the representations made and internal concerns within the Council, external legal advice was sought upon whether the option was binding upon the Council in circumstances where it had failed to advertise the proposal to dispose of what was now considered to be open space land. The advice received confirmed that, and applying section 128 (see above), notwithstanding the failure

by the Council to comply with the advertising requirement, the option was binding upon the Council and would be enforceable against it. On this basis, when the developer, who held the option, obtained planning permission for the development of 4 houses on the land and then called for the exercise of the option and completion of the purchase, the Council complied with it and completed the sale of the land.

In my view, when the Council became aware of the issue concerning failure to advertise, it acted responsibly in seeking expert specialist advice and its subsequent action, in completing the sale, was in accordance with that advice. This does not, however, take away from the fact that, at the earlier stage, it had failed to advertise the proposal to sell land which included public open space and had, therefore, acted contrary to law, i.e. section 123 of the Local Government Act 1972.

This was not just a case of a breach with no real consequences, as its impact was to prevent any consideration of representations about the open space which the statutory advertisement may have generated and these could have resulted in the proposed disposal being withdrawn.

To mitigate the risk of this occurring again on another site, I have included recommendations to introduce safeguards into the process of identifying sites for potential disposal. These are intended to ensure that individual site inspections take place and are recorded and evidence of any informal local user or characteristics are taken into account.

The other issue of concern under section 123 is whether “best consideration” was obtained for the sale of the land. The circumstances relating to the sale of this land formed part of the wider investigations carried out by and on behalf of the Council, of which councillors are aware. Those investigations have not revealed any evidence that the Council commissioned any valuation of the land. Instead it appears that reliance was placed on a valuation obtained by the eventual purchaser from an independent firm of valuers. This is far from best practice, as the valuer would have a contractual duty towards their client, i.e. the purchaser and would deny having any duty of care towards the vendor. i.e. the Council.

In addition to this, this formed part of an approach taken to this transaction in respect of which there is no evidence (apart from comments from a, now, former senior officer and a response to a FOI request – as to which see (c) below) that the site was advertised openly for sale nor the market canvassed in any other way to encourage interest and bids for it. Subsequently to the completion of the sale and in the light of challenges to whether best consideration had been obtained, the Council approached the same firm of valuers to review the value of the site, this time with the Council as their client. The firm confirmed that the price obtained for the sale of the land, £60,000, was within a range of value which could be considered the “best consideration” for the land in all the circumstances.

Given this factor, I consider I am not able to make a definitive judgement that the Council acted contrary to section 123 in terms of the sale price achieved but I do consider the approach taken by the Council to this disposal placed it in a position

of considerable risk that it may have then acted contrary to law by failing to achieve best consideration. I am firmly of the view that the Council must take steps to ensure that these circumstances do not recur for future disposals. I have, therefore, made recommendations, the detailed implementation of which should provide greater internal and external transparency over future land disposals, and provide audit trails and establish greater personal accountability for individual actions.

Another criticism from local residents was that the opportunity was not taken, in the option or the subsequent transfer, to impose conditions requiring the houses to be used only for affordable housing. Although I do not consider this raises issues for my statutory role, I have made a recommendation to encourage good practice, particularly where a discounted value is involved.

(b) Issues arising under the legal framework for Assets of Community Value (ACV)

This was introduced within the Localism Act 2011. It is intended to enable local community groups to apply to a council to have land or buildings listed as an ACV and, if listed, the main protection is that a temporary moratorium is applied upon a “relevant disposal” before the listed land or buildings can be transferred to another person. This is intended to give the community time to plan to see whether they can raise funds to purchase the site. Significant limitations on the practical use of the law are that: there are a wide range of exceptions to its applicability; that it does not force the owner to sell the land to the community group even if they match or exceed any offer made for the land, and that it does not override previous legal commitments affecting the land.

As stated under (a) above, on the initiative of local residents, an application was made for the land to be listed by the Council as an ACV, with evidence of its use as informal public open space being given in support of this. The Council considered this application, accepted it, and listed the land as an ACV.

Subsequently, the Council received notice of a relevant disposal of the land and acted on this by giving notice to the local residents that the moratorium period had been initiated. No response was received during the moratorium period and, so, when it ended, the Council de-listed the land as an ACV. I am satisfied that these actions were taken by an officer in good faith and were based upon information which they had no reason to doubt at the time. Later, however, information was provided by a local resident which cast doubt upon whether the reported transfer should, in fact, have been treated as a relevant disposal but was, rather, an exempt disposal between associated Precision companies and that therefore the moratorium should not have been initiated. The issues of: whether the Council acted contrary to law in de-listing the land; whether the moratorium and de-listing was a legal nullity and/or whether it could be re-listed were raised and considered briefly but were not addressed in depth as efforts were instead concentrated upon pursuing an alternative and more practical approach to sorting out what had become pressing problems with the site given the appointment of a liquidator for the Precision group company which originally purchased the site from the Council and which had been building the houses under a building agreement with the subsequent purchaser (a Futures Group

company) of the house plots from them. The alternative approach involved the Council re-purchasing the central part of the site from the liquidator of the Precision company in order that its future use as public open space could be secured. This approach is being pursued successfully with the central land having already been re-purchased by the Council.

My conclusion, in relation to the issue of loss of ACV status is that I consider that Council staff acted in good faith when applying the moratorium and de-listing the land and have since acted practically in securing a large part of the site as future public open space. The loss of the ACV status was the outcome of reliance being placed on representations made on behalf of the, then, developer and this approach was in line with accepted practice. In the light of this experience, however, I have made a recommendation that, where legally possible, officers dealing with ACV listings make sure that there is clear evidence, including, if necessary, material from HM Land Registry, to confirm any claims that land should be de-listed as an ACV.

(c) Issues under law, guidance and local constitutional provisions concerning Freedom of Information Act (FOI) requests

The Council has a legal duty to respond to FOI requests accurately and transparently, subject only to the application of available exemptions, most of which are subject to a public interest test before being used.

The disposal of this land resulted in numerous FOI requests on several issues but, notably, including the basis upon which the land was sold to the Precision Group company that was used for the purchase. Although one line of questions concerned whether “due diligence” research had been carried out on the company (or the Group), in my view this does not give rise to issues concerning my statutory role, as it is common practice not to carry out due diligence checks on relatively low value land sales (as the vendor always has the security that the purchase price must be delivered before title passes), but I have, nonetheless, made a recommendation that references be sought from other local authorities where a site’s value is being discounted to achieve affordable housing.

A request which has engaged my statutory role involved a question asking what approaches had been made to developers other than the Precision Group to see if they would bid for the land (and it was clear that the requestor knew that the land had not been openly advertised and was aware of concerns over whether best consideration had been obtained). The question and the eventual response are set out below:

Q. How was Redwood Crescent marketed? Was it advertised? If so, where? I know it was stated that the Director of Housing, Leisure and Property Services, in conjunction with the Director of Legal and Planning Services, were to set out the final terms for disposal, but this does not specify how the land was marketed.

A. An independent valuation had taken place and as a result a number of development companies and social providers were approached.

It is clear from available records and the evidence of the officer co-ordinating the FOI response that the answer given to this request was the direct result of a meeting held between two senior officers (both now former employees), from which the co-ordinating officer was asked to leave but later was given the response as an outcome from the meeting. Subsequently, when these matters were investigated in more detail as part of a wider investigation, no records were found of any contact with other potential purchasers of the land. The only evidence in support of the reply itself are comments of one of the former senior officers, in the subsequent investigation, but he was unable to identify any developer, or other organisation, who may have been approached about the land.

When the recipient of the reply became aware, following subsequent FOI requests for which answers were prepared by different officers, that there was no coherent evidence of wider contacts, he was rightly concerned and considered he had been lied to in the previous response. I cannot categorically confirm that the response was a lie, as there may have been unrecorded contacts where the names of the organisations could not be recalled (as per the position of the former senior officer) and, so, do not conclude that the Council has acted contrary to law in its FOI response, set out above. I can, however, state that the approach taken to preparing this response by that senior officer was unacceptable. I am satisfied that, subsequently, personal responsibility for this action has been dealt with appropriately but I have also made a specific recommendation that officers preparing responses to FOI, and Environmental Information Regulations, requests, should be made aware of their personal accountability in respect of them and that failure to provide accurate information, or the provision of misleading or untrue information may carry serious disciplinary consequences.

RECOMMENDATIONS

Council is asked to accept the following recommendations:

- 1. That the report be noted and the Chief Executive be requested to implement the following recommendations.**
- 2. That when considering sites for disposal, a site visit is carried out by a professional valuer and a record, including photographic, be taken of the land and any buildings and other characteristics including the use actually being made of it.**
- 3. That ward councillors be advised when any site in their ward is being considered for inclusion in a list of sites for potential disposal.**
- 4. That, before disposing of land, other than under short-term let or licence, the Council take professional valuation advice.**
- 5. That the Council introduce procedures to ensure that its duties under section 123 of the Local Government Act 1972 are complied with, including:**

- (a) provision for not disposing of the freehold of any site without the approval of the Chief Executive, in consultation with the Chair of the appropriate committee, unless individual authority for the disposal had already been given by Council or under the delegated authority of a committee;
 - (b) provision for ensuring that there is effective market testing, using template practices, in the interests of achieving best consideration for a site;
 - (c) advertising any land which may be considered to be open space, with a default assumption of advertisement where there is any doubt as to whether a site consists of, or includes, open space.
6. That where a site is sold for housing purposes, any intended limitations on user to encourage affordable housing provision by the purchaser, which may have discounted its open market value, must be reflected in contractual commitments by the purchaser which will run with the title to the land.
 7. That, for sales (other than sales at auction) of sites for housing purposes at any discounted value, the ability of the purchaser to develop the site is tested, by way of references from other local authorities, prior to the Council entering into any legal commitment.
 8. That any notice received for or on behalf of a vendor or purchaser of an Asset of Community Value claiming to be a relevant disposal or otherwise requesting that the asset should be de-listed must be subject to full examination, including, where necessary, inquiries of HM Land Registry, to confirm the claimed transaction will have, or has had, the claimed effect, before any such asset is de-listed.
 9. That officers be reminded of their personal accountability in relation to the accuracy of any information supplied in response to any Freedom of Information or Environmental Information Regulations requests, with standard form internal electronic documentation being prepared or amended to clearly emphasise the seriousness within which any deliberately false, reckless or negligently prepared information will be treated.

Background papers

Nil

Report of the Returning Officer**VOTER ID PILOT - MODEL**1. Purpose of report

To seek confirmation of the model to be adopted for the voter ID pilot in May 2019.

2. Background

At the meeting of the Governance, Audit and Standards Committee on 24 September 2018 the application to take part in the voter ID pilots next year was approved on the basis of photographic ID.

There are two forms of photographic ID:

- photographic only;
- mixed – where two pieces of documentary evidence can be presented if an elector does not have photographic ID.

Further information on the two models is given in appendix 1, including the ID which is likely to be acceptable.

An application was submitted for the mixed model as this requires photographic ID to be presented at the polling station but allows voters to use other forms of paper ID if they do not have photographic ID. It was considered that this approach was less likely to disenfranchise electors as they would not have to go through the process of applying for a local electoral card (which could particularly disadvantage elderly and disabled people) and potentially incur costs in doing so, for example, in providing a photograph. In addition, the demands on Electoral Services at an already busy time would be less as they would not have to produce the local ID cards.

A draft Equality Impact Assessment is attached at appendix 2.

Concern has been expressed however that the mixed model is not in line with the decision of the Governance, Audit and Standards Committee which was for the photographic ID only model.

Cabinet Office have been informed that the type of model which will be piloted in Broxtowe has been put on hold until a decision has been taken at this meeting. Preparations are continuing however in respect of the communications plan and in identifying the work which will need to be undertaken to run the pilot and the additional costs likely to be incurred.

3. Financial implications

The additional costs arising from running the pilot will be met by the Cabinet Office.

Recommendation

That Council is asked to CONSIDER whether the application for a mixed model pilot should be changed to a photographic only model.

Background papers: Nil

Photographic ID Model

Electors are required to provide a valid form of photographic ID from a pre-approved list. The draft list includes:

- (a) a passport issued by a Commonwealth country or a country within the European Economic Area;
- (b) a photocard driving licence (including a provisional licence) issued in the United Kingdom or by a Crown Dependency or by a member State of the European Union;
- (c) an electoral identity card issued under section 13C (electoral identity card: Northern Ireland) of the Representation of the People Act 1983;
- (d) a biometric immigration document issued in the United Kingdom in accordance with regulations made under section 5 of the UK Borders Act 2007;
- (e) an identity card issued in the European Economic Area which bears a photograph of the voter;
- (f) a PASS scheme card (national proof of age standards scheme);
- (g) a Ministry of Defence Identity Card;
- (h) a concessionary travel pass funded by HM Government;
- (i) an Oyster 60+ pass;
- (j) a photocard parking permit issued as part of the Blue Badge scheme.

If an elector is unable to present this ID, they would be refused a ballot paper and be unable to vote. However, electors without one of the approved forms of photographic ID would be able to apply to the Returning Officer for a local electoral card. The application must be in writing, be accompanied by the required documents and a photograph which is attested.

The documents referred to above are likely to be a combination of:

- (a) the applicant's birth certificate;
- (b) the applicant's marriage or civil partnership certificate;
- (c) the applicant's adoption certificate;
- (d) the applicant's firearms certificate granted under the Firearms Act 1968;
- (e) the record of a decision on bail made in respect of the applicant in accordance with section 5(1) of the Bail Act 1976;
- (f) the applicant's driving licence, which is not in the form of a photocard;
- (g) the applicant's photocard driving licence (including a provisional licence) issued other than in the United Kingdom or by a Crown Dependency, or by a Member State of the European Union; or
- (h) the applicant's student identity card, issued by a Further Education or Higher Education institution.
- (i) a mortgage statement dated within 12 months of the date of the application;
- (j) a bank or building society statement, or a letter from the bank or building society confirming the opening of an account, dated within 3 months of the date of the application;
- (k) a credit card statement dated within 3 months of the date of the application;
- (l) a pension statement dated within 12 months of the date of the application;
- (m) a council tax demand letter or statement dated within 12 months of the date of the application;
- (n) a utility bill dated within 3 months of the date of the application;

- (o) a Form P45 or Form P60 issued to the applicant within 12 months of the date of the application;
- (p) a statement of benefits or entitlement to benefits, such as a statement of child benefit within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act; or
- (q) any other financial statement dated within 12 months of the date of the application.

Applications would need to be submitted before 5pm on the day before the day of the poll and could be either in paper form or electronic.

Mixed Model

Electors are required to provide photographic ID as included above for the photographic only model, or a combination of two forms of non-photographic ID, from a pre-approved list, if they do not have photographic ID. The draft list of acceptable non-photographic ID includes:

- (a) a valid bank or building society debit card or credit card;
- (b) a mortgage statement dated within 12 months of the date of the poll;
- (c) a bank or building society statement, or a letter from the bank or building society confirming the opening of an account, dated within 3 months of the date of the poll;
- (d) a bank or building society cheque book or building society passbook;
- (e) a credit card statement dated within 3 months of the date of the poll;
- (f) a council tax demand letter or statement dated within 12 months of the date of the poll;
- (g) a utility bill dated within 3 months of the date of the poll;
- (h) a Form P45 or Form P60 issued dated within 12 months of the date of the poll;
- (i) a poll card for the election
- (j) a birth certificate;
- (k) a marriage certificate or civil partnership certificate;
- (l) an adoption certificate;
- (m) a firearms certificate granted under the Firearms Act 1968;
- (n) the record of a decision on bail made in respect of the voter in accordance with section 5(1) of the Bail Act 1976;
- (o) a driving licence (including a provisional licence) which is not in the form of a photocard;
- (p) a statement of benefits or entitlement to benefits, such as a statement of child benefit within the meaning of section 141 of the Social Security Contributions and Benefits Act 1992, or a letter confirming that the applicant is entitled to housing benefit, within the meaning of section 130 of that Act;
- (q) a student loan statement issued by the Student Loan Company dated within 12 months of the date of the poll.

If an elector is unable to present this ID, they would be refused a ballot paper and be unable to vote. However, any electors who do not have photographic ID or could not provide two forms of non-photographic ID could apply to the Returning Officer for a certificate of identity. The application for the certificate must be in writing and be accompanied by an attestation confirming that the applicant is the person named in the application. Applications would need to be submitted before 5pm on the day before the day of the poll.

DRAFT EQUALITY IMPACT ASSESSMENT (EIA)

| | | | |
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| Directorate: | Interim Strategic Director | Lead officer responsible for EIA | Head of Administrative Services |
| Name of the policy or function to be assessed: | Voter ID pilot at the elections on 2 May 2019 | | |
| Names of the officers undertaking the assessment: | Sue Rodden | | |
| Is this a new or an existing policy or function? | New | | |
| <p>1. What are the aims and objectives of the policy or function?</p> <ul style="list-style-type: none"> To enhance public confidence in the way that the elections are run Broxtowe, and reduce any perception of/opportunity for electoral fraud To test if the requirement to produce ID at the polling station, provides a barrier to voting and has a negative impact on turnout To ensure that all eligible electors in Broxtowe entitled to vote at the Local Council elections on 2 May 2019, are aware that on polling day they will be required to take (the appropriate) ID to the polling station so that they can cast their vote To provide clear and accessible information so that anyone who wants to vote, understands what they need to do To encourage all eligible voters to take the ID to the polling station on polling day To minimise the potential of voters being turned away from the polling station for presenting an incorrect form of ID To work with our partners to ensure that any hard to reach groups in the Borough are contacted | | | |
| <p>2. What outcomes do you want to achieve from the policy or function?</p> <ul style="list-style-type: none"> Enhanced public confidence in the way that the elections are run Reduced perception of/opportunity for electoral fraud Improved integrity of elections and 'openness and transparency' Enhanced profile in electoral environment | | | |
| <p>3. Who is intended to benefit from the policy or function?</p> <ul style="list-style-type: none"> Residents of the Borough Staff (core electoral services and temporary staff including polling staff) Political parties Prospective candidates and agents | | | |

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|---|
| <p>4. Who are the main stakeholders in relation to the policy or function?</p> <ul style="list-style-type: none"> • Residents of the Borough • Returning Officer • Staff (Core electoral services and temporary staff including polling staff) • Political Parties • Prospective Candidates and Agents • Disability groups • Ethnic minority groups |
| <p>5. What baseline quantitative data do you have about the policy or function relating to the different equality strands?</p> <p>An evaluation of similar pilots carried out in 2018.</p> |
| <p>6. What baseline qualitative data do you have about the policy or function relating to the different equality strands?</p> <p>An evaluation of similar pilots carried out in 2018.</p> |
| <p>7. What has stakeholder consultation, if carried out, revealed about the nature of the impact?</p> <p>Consultation will be carried out with the Disability Forum and ethnic minority groups in the New Year. Feedback will also be sought through Community Action Teams and attendance at other community events.</p> |
| <p>8. From the evidence available does the policy or function affect or have the potential to affect different equality groups in different ways?</p> <p>In assessing whether the policy or function adversely affects any particular group or presents an opportunity for promoting equality, consider the questions below in relation to each equality group:</p> |
| <ul style="list-style-type: none"> • Does the policy or function target or exclude a specific equality group or community? Does it affect some equality groups or communities differently? If yes, can this be justified? <p>Inspection of photographic ID will require veils to be removed. This will affect female members of the Muslim faith only - see section 9.</p> |
| <ul style="list-style-type: none"> • Is the policy or function likely to be equally accessed by all equality groups or communities? If no, can this be justified? <p>The requirements of the pilot will apply to all electors.</p> |
| <ul style="list-style-type: none"> • Are there barriers that might make access difficult or stop different equality groups or communities accessing the policy or function? <p>See section 9.</p> |

- **Could the policy or function promote or contribute to equality and good relations between different groups? If so, how?**

- **What further evidence is needed to understand the impact on equality?**

The evaluation of the 2018 pilots did not suggest that any groups were disadvantaged because of the requirement to provide ID. However, any feedback from the consultation will be considered in running the pilot in Broxtowe.

- 9. On the basis of the analysis above what actions, if any, will you need to take in respect of each of the equality strands?**

Age:

From the list of accepted IDs, it is unlikely that there will be anyone in this protected characteristic unable to vote. However Electoral Services will assist any individuals, including by visiting them at home, to obtain local ID if they do not have the necessary photographic ID or advising on the documents which will be acceptable to enable them to vote at a polling station. An invitation will also be sent to all nursing homes in the borough for Electoral Services to speak to residents about the ID requirements.

Disability:

Before polling day, details of the pilot will be sent to all groups represented on the Disability Forum and an offer for Electoral Services to speak further with the Forum or individual groups, if required. Electoral Services will assist any individuals, including by visiting them at home, to obtain local ID if they do not have the necessary photographic ID or advising on the documents which will be acceptable to enable them to vote at a polling station.

Polling staff will be trained to assist any disabled voters who go to polling stations to vote.

An easy to understand process for voting in the pilot will be available on the Council's website to assist voters with learning difficulties.

Gender:

This characteristic has no bearing on the pilot being undertaken.

Gender Reassignment:

Whilst this characteristic has no bearing on the pilot being undertaken, the training for polling staff will include gender reassignment and the need for awareness and discretion if there appears to be a difference between the gender of the voter or the name which a voter gives and details on the register.

Marriage and Civil Partnership:

This characteristic has no bearing on the pilot being undertaken. However, advice is being sought from Cabinet Office on the acceptance of a birth certificate as document evidence where an elector has got married/changed their name by deed poll and their surname is different to that on the register. This document will be updated to reflect that advice. The requirement to provide a marriage certificate or other document where an elector has married/changed their name since the register was published will be included in publicity and included in polling staff training.

Pregnancy and Maternity:

This characteristic has no bearing on the pilot being undertaken.

Race:

This characteristic has no bearing on the pilot being undertaken.

Religion and Belief:

Female Muslims who wear a niqab will need to remove it for the purpose of checking their ID. A separate room or screened off part of the polling station will be available for this. Wherever possible a female will be appointed to each polling station so that ID checks can be carried out by a female if requested. Alternatively, a female from a nearby polling station, Polling Station Inspector or Electoral Services staff will go to the polling station to do this.

Sexual Orientation:

This characteristic has no bearing on the pilot being undertaken.

Head of Service:

I am satisfied with the results of this EIA. I undertake to review and monitor progress against the actions proposed in response to this impact assessment.

Signature of Head of Service:

Action Plan

| Action to be taken | What outcome is wanted? | What milestones will be used? | Who is the Lead Responsible Officer? | What is the Target Date for Completion? |
|--|--|-------------------------------|--------------------------------------|---|
| Communications campaign to begin in January 2019 to include information on | To ensure that all voters are aware of the requirements of the pilot and the assistance which is available to them before polling day and at polling stations. | | Communications Manager | 3 May 2019 |
| Training for polling station staff to include equalities issues | To ensure that all polling staff are aware of the equalities issues which may arise as a result of the pilot and that they know how to respond appropriately. | | Head of Administrative Services | On-going until polling day |
| Production of easy to read guide to voting in a pilot | To help voters with learning difficulties through the pilot process. | | Head of Administrative Services | 15 March 2019 |
| Contact with disability groups in the borough | To publicise not only the requirements of the pilot, but to inform of the assistance which will be available before polling day and at polling stations. | | Head of Administrative Services | February 2019 |

| Action to be taken | What outcome is wanted? | What milestones will be used? | Who is the Lead Responsible Officer? | What is the Target Date for Completion? |
|---|--|--------------------------------------|---|--|
| Attendance at CAT meetings | To publicise not only the requirements of the pilot, but to inform of the assistance which will be available before polling day and at polling stations. | | Head of Administrative Services | January-March 2019 |
| Contact with nursing homes in the borough | To ensure that elderly residents have an opportunity to find out about and ask questions about the ID required. | | Head of Administrative Services | January-March 2019 |