

11th May 2015

Dear Sir/Madam,

ANNUAL COUNCIL MEETING – 19TH MAY 2015

Notice is hereby given that the Annual Meeting of the Newark and Sherwood District Council will be held in the Council Chamber, Kelham Hall on Tuesday, 19th May 2015 at 5.30pm.

Yours faithfully



A.W. Muter
Chief Executive

AGENDA

	<u>Pages</u>
1. Apologies for Absence	
2. Election of Chairman of the Council for 2015/16	
3. Chairman to Sign Declaration of Acceptance of Office	
4. Election of Vice-Chairman of the Council for 2015/16	
5. Vice-Chairman to Sign Declaration of Acceptance of Office	
6. Minutes of the Meeting held on 14 th April 2015	1 – 4
7. Declarations of Interests by Members and Officers	
8. Declaration of any Intentions to Record the Meeting	
9. Communications which the Chairman or the Chief Executive may wish to lay before the Council	
10. Questions from Members of the Public (if any)	

- | | | |
|-----|---|---------|
| 11. | In accordance with Rule No. 10 to receive Petitions from Members of the Council (if any) | |
| 12. | Political Composition of the Council and Allocation of Seats on Committees to Political Groups | 5 - 7 |
| 13. | To appoint the Leader and Deputy Leader of the Council, Committee Chairmen and Vice-Chairmen, Major Opposition Group Spokepersons, Members to Committees and Substitute Members to Committees | |
| 14. | Appointment of Representatives on Outside Bodies and Council Owned Companies | 8 - 9 |
| 15. | Rule No.4.8 – Appointment of a Panel | 10 |
| 16. | Schedule of Meetings for 2015/16 | 11 - 16 |
| 17. | The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 – Disciplinary Procedures | 17 - 26 |
| 18. | Notices of Motion (if any) | |
| 19. | Questions from Members of the Council (if any) | |

DELEGATED DECISIONS

- | | | |
|-----|---|-----------|
| 20. | (a) Special Leisure and Environment Committee – 21 April 2015 | LE1 – LE2 |
| | (b) Planning Committee – 5 May 2015 | PL1 – PL6 |

NOTES:

- (1) The Conservative Group will meet at 4.30pm in Room G21 prior to the Council Meeting.
- (2) The Labour Group will meet at 4.30pm in the Room G23 prior to the Council Meeting.
- (3) The Independent Group will meet at 4.30pm in Room F19 prior to the Council Meeting.
- (4) Tea and coffee will be available in the Group Meeting Rooms.

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of **NEWARK AND SHERWOOD DISTRICT COUNCIL** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 14th April 2015 at 5.30pm.

PRESENT: Councillor Mrs R. Crowe (Chairman)
Councillor G.S. Merry (Vice – Chairman)

Councillors: N.R. Allsopp, T.S. Bickley, R.V. Blaney, J. Bradbury, R.L. Bradbury, Mrs B.M. Brooks, Mrs C. Brooks, G. Brooks, Mrs I. Brown, Mrs G.E. Dawn, Mrs M. Dobson, P.C. Duncan, J.E. Hamilton, G.P. Handley, P.R.B Harris, R.J. Jackson, D. Jones, R.B. Laughton, D.J. Lloyd, D.P. Logue, Mrs S.M. Michael, J. Middleton, J.L. Osborne, D.R Payne, J.M. Peck, M. Pringle, A.C. Roberts, Mrs C. Rose, Mrs S.E. Saddington, M. Shaw, Mrs L.A. Shilling, R. Shillito, Mrs S. Soar, F. R. Taylor, Mrs L.J.M. Tift, Mrs M. Tribe, Mrs A.A. Truswell, I. Walker, B. Wells, T. Wendels and Mrs Y. Woodhead.

APOLOGIES FOR ABSENCE: Councillors: Mrs T. Gurney, D. Staples and D. Thompson.

63. MINUTES

AGREED that the minutes of the Meeting held on 10th March 2015 be approved as a correct record and signed by the Chairman.

64. DECLARATIONS OF INTERESTS BY MEMBERS AND OFFICERS

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

65. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

Councillor P.R.B. Harris declared his intention to record the meeting. In addition the meeting was being recorded by the Council in accordance with usual practice.

66. COMMUNICATIONS FROM THE CHAIRMAN AND CHIEF EXECUTIVE

The Chairman presented a long service award to John Brown who had just retired from his role as a refuse driver after 46 years of service. The Chairman thanked John for all his hard work and loyal service to the Council and wished him a happy and long retirement.

The Chief Executive read a statement on behalf of Councillor J.E. Hamilton. This was worded as follows:

“Councillor Hamilton wishes it to be formally placed on record that he withdraws the use of the term ‘conniving’ in the context of a question which he put before the Council Meeting on 10 February 2015 and to replace this word with ‘caving in’.

He further wishes to offer a full apology to officers for any offence which may have been caused by the use of the term ‘conniving’. He wishes to make it clear that he did not intend to suggest that officers were doing anything unlawful and regrets any

offence which may have been caused.”

67. COMMUNICATIONS FROM THE LEADER OF THE COUNCIL AND COMMITTEE CHAIRMAN

Councillor R.V. Blaney took the opportunity to acknowledge the service given to the Council given by those Members within his group who were not seeking re-election. This was echoed by Councillors Mrs A.A. Truswell and Mrs G.E. Dawn in respect of Members from within their groups not standing for re-election.

In addition Councillor R.V. Blaney paid tribute and thanked Councillor D.R. Payne for his 40 years unbroken service to the Council.

68. CO-OPTED PARISH REPRESENTATIVES AND INDEPENDENT MEMBER ON THE STANDARDS COMMITTEE

The Council considered the report of the Deputy Chief Executive and Monitoring Officer concerning extending the current term of the two co-opted parish councillor representatives and the independent member on the Standards Committee.

The Standards Committee had recommended to the Council that the terms of their two co-opted Parish Representatives, Councillors Ian Harrison and Paul Morris and the co-opted independent member Mrs Pam White, be extended until May 2016. In respect of the appointments for the Independent Person and the Deputy (Mr Richard Dix and Mrs Sharon Jones), it was noted that both positions expired at the date of the Annual Council Meeting in May 2016. It was therefore proposed that the appointments of the two parish representatives, and the co-opted independent member of the Committee be extended until May 2016 in order to provide continuity for the Committee.

AGREED (unanimously) that the appointments of the Parish Council representatives, Councillors Ian Harrison and Paul Morris (subject to them continuing to hold office as parish councillors); and Pam White as co-opted independent member on the Standards Committee, be extended until the date of the Annual Council Meeting in May 2016.

69. BYELAWS FOR THE REGULATION OF COSMETIC PIERCING AND SEMI-PERMANENT SKIN COLOURING BUSINESSES

The Council considered the report of the Director – Safety which sought approval for the adoption of model Byelaws for the control of cosmetic piercing and permanent skin colouring businesses.

The District Council had previously adopted the Local Government (Miscellaneous Provisions) Act 1982 with effect from 16th February 1984 which included provisions to regulate acupuncture, tattooing, ear piercing and electrolysis businesses. The District Council made three sets of relevant byelaws which came into force as from 1st February 1985. To reflect current trends and practices that involved piercing the skin the Local Government Act 2003 had amended the 1982 Act by removing the term ‘ear piercing’ and replacing it with ‘cosmetic piercing’ (piercing of the body including the ear), and introducing the term ‘semi-permanent skin colouring’ (including micro

pigmentation, semi-permanent make up and temporary tattooing). To aid consistency on a national scale, model byelaws for cosmetic piercing and semi-permanent skin colouring had been drafted by the Department of Health. These byelaws had been reproduced in draft format with reference to Newark & Sherwood District Council and these were attached as Appendix A to the report.

The model byelaws had been recommended for adoption by the General Purposes Committee.

The Council raised concerns in respect of the lack of age controls for cosmetic piercing and considered that for all needles used in any treatments that these should be single use, disposable and be disposed of immediately following use.

AGREED (unanimously) that:

- (a) the common seal be affixed to the byelaws;
- (b) Officers carry out the necessary procedure and apply to the Secretary of State for confirmation; and
- (c) following the elections on 7th May, the Council make appropriate representations to central government in respect of imposing age controls in relation to cosmetic piercing and requiring all needles used during any treatments to be single use only and disposed of straight after use.

70. DELEGATED DECISIONS

(a) Policy and Finance Committee – 26 March 2015

(i) Minute No. 86 – Devolution Package to Newark Town Council

Councillor Mrs M. Dobson thanked officers who had played lead roles in facilitating the leasing of Coddington Community Centre.

(ii) Minute No. 95 – Former Municipal Buildings, 20 Balderton Gate, Newark

Councillor Mrs A.A. Truswell asked for an update in respect of the disposal of the Former Municipal Buildings.

The Deputy Chief Executive confirmed that she would send an update to all Members in respect of the disposal.

(b) Economic Development Committee – 11 March 2015

(c) Homes and Communities Committee – 23 March 2015

(i) Minute No. 44 – Allocation Scheme Review

Councillor Mrs G.E. Dawn sought an opinion from Chairman of the

Committee following the announcement today concerning extending the right to buy scheme to housing association properties.

Councillor R.B. Laughton advised that this was a manifesto promise only and could not comment.

- (d) Leisure and Environment Committee – 17 March 2015

Minute No. 76 – National Civil War Centre Events

Councillor Mrs M. Dobson stated that the Council should be thanking those officers of the Council behind the concept of the National Civil War Centre.

Councillor A.C. Roberts agreed that gratitude should be expressed to the many people who had contributed to the success of the project.

- (e) Planning Committees – 25 March and 7 April 2015
- (f) Audit and Accounts Committee – 8 April 2015
- (g) Standards Committee – 11 March 2015

Meeting closed at 6.16pm.

Chairman

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

1.0 Purpose of Report

1.1 Following the results of the District Council Elections held on 7th May 2015, to inform the Council of the political composition of the Council and to consider proposals for the allocation of seats on Committees to Political Groups, as required by Council Procedure Rule No. 17.6.

2.0 Background Information

2.1 Section 15 of the Local Government and Housing Act 1989 requires the Council to consider the political composition of the Council at each Annual Meeting in respect of the new Municipal Year. The Act, together with Local Government (Committees and Political Groups) Regulations 1990, require local authorities to allocate seats on Committees of a local authority on a proportional basis, in accordance with the number of seats on the Council held by each political group.

3.0 Present Position

3.1 Following the elections on 7th May 2015 the seats held by each Group on the Council are as follows:-

	<u>No. of Seats</u>
Conservative	24
Labour	12
Independent	3

3.2 Under the committee style of governance all committees are required to reflect the political balance. Based on the existing committee structure there are a total of 105 seats on Committees which must comply with political balance rules. Based on the existing Committee structure the following calculation can be made:-

a) No of seats on Council = 39

% of total seats held by each Group (rounded) =

	%
Conservative	61.54
Labour	30.77
Independent	7.69

100%

b) The 105 seats on Committees are as follows:

▪ Policy and Finance	= 7
▪ Homes and Communities	= 12
▪ Leisure and Environment	= 12
▪ Economic Development	= 12
▪ Planning	= 15

- Licensing = 15
- General Purposes = 15
- Standards = 8
- Audit & Accounts = 6
- Mansfield and District Joint Crematorium = 3

The allocation of seats to each Group on these Committees would be:-

			<u>Rounded</u>
Conservative	105 x 61.54%	64.6	65
Labour	105 x 30.77%	32.3	32
Independent	105 x 7.69%	8.0	8
			<hr style="width: 100%; border: 1px solid black;"/> <u>105</u> <hr style="width: 100%; border: 1px solid black;"/>

c) The number of seats allocated on Committees to each Political Group is as follows:

Conservative	65
Labour	32
Independent	8

3.3 The proposed allocation of seats on Committees to each political group is set out in the matrix which is attached as **Appendix A** to the report.

3.4 Schedules of appointments to Committees have been forwarded to Group Leaders, based on the calculations made.

4.0 **RECOMMENDATION**

That the Council agree the allocation of seats to Political Groups in accordance with Appendix A to the report.

Background Papers

Nil.

For further information please contact Nigel Hill on 01636 655243.

A.W. Muter
Chief Executive

**ALLOCATION OF SEATS TO
POLITICAL GROUPS**

Committee	Conservative	Labour	Independent	Total
Policy and Finance	5	2	0	7
Homes and Communities	7	4	1	12
Leisure and Environment	8	3	1	12
Economic Development	7	4	1	12
Planning Committee	9	5	1	15
General Purposes	9	5	1	15
Licensing	9	5	1	15
Standards Committee*	5	2	1	8
Audit and Accounts Committee	4	1	1	6
Mansfield & District Crematorium Joint Committee**	2	1	0	3
Councillors' Commission	5	2	1	8
Gilstrap Trustees***	3	2	0	5

** (includes other local authority members)

* (includes 2 parish representatives and 1 independent member – non-voting)

*** (to include one local Member)

APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES AND COUNCIL OWNED COMPANIES

1.0 Purpose of Report

- 1.1 To make appointments to Outside Bodies for the 2015/16 Municipal Year and to the Boards of the Council's two wholly owned companies.

2.0 Background Information

- 2.1 Details of the proposed appointments to outside bodies will be circulated when these have been received from Political Groups.

3.0 Appointments to the Boards of Active4Today Ltd and Newark and Sherwood Homes Ltd

- 3.1 On 9th March, 2015 the Council established Active4Today Ltd, a wholly Council owned leisure and sports development services' company, with the intention of transferring the services to it as from 1st June, 2015. At its meeting on 16th December, 2014 - full Council appointed an 'interim board' covering the period between the establishment of the new company and 1st June. The interim Board comprises three Members, namely: (Councillors: R.V. Blaney, Mrs G E. Dawn and Mrs A.A. Truswell); and two officers (Andrew Muter and David Dickinson). The Council now needs to consider and make Member appointments to the permanent board of the Company for the next four year period of the Council administration. It should be noted that, as the sole shareholder, the Council is able to remove/replace Board Members at any time.
- 3.2 Newark and Sherwood Homes Ltd. is the Council's wholly owned housing company. The Company's Board consists of 5 Council Members, 5 Tenant Representatives and 5 Independent Members. All Board Members are appointed for a three year term and are restricted, (under the Memorandum and Articles of the Company), to being on the Board for a maximum of two terms. The current Council Board members are all in their second term expiring on the dates given below:

Councillor Christine Rose (November 2016)*;
Councillor Betty Brooks (November 2017);
Councillor Robert Bradbury (November 2016);
Councillor Ben Wells (November 2016); and
Councillor Paul Handley (November 2017)

* Robert Bradbury and Mrs Christine Rose are no longer Councillors.

3.0 RECOMMENDATIONS that:

- a) **the appointments of representatives on outside bodies for 2015/16, as set out in the schedule to be circulated, be approved;**

- b) the Council appoint three Members to the permanent board of Active4Today Ltd for the next four year period of the administration and reaffirm the appointment of the two officers, Andrew Muter and David Dickinson as the officer appointments to the permanent Board; and**
- c) full Council appoint five Members as the Council representatives to the Board of Newark and Sherwood Homes Ltd.**

Background Papers

Nil

For further information please contact Nigel Hill on Ext. 5243.

A.W. Muter
Chief Executive

RULE NO. 4.8 – APPOINTMENT OF PANEL

In accordance with Rule No 4.8, the Council is required to appoint a Panel of at least 4 Members in order to be in a position to call an Extraordinary Meeting of the Council should the offices of Chairman and Vice-Chairman of the Council be vacant or both the Chairman and Vice-Chairman are unable to act for any reason.

RECOMMENDATION

That the Panel of Members to be appointed under Rule No. 4.8 be nominated at the meeting.

Background Papers

Nil

For further information please contact Nigel Hill on ext 5243.

A.W. Muter
Chief Executive

SCHEDULE OF MEETINGS FOR 2015/16

1.0 Purpose of Report

1.1 To approve a Schedule of Meetings covering the period May 2015 to May 2016.

2.0 Background Information

2.1 The Council received a report at their meeting held on 14th October 2014 concerning future schedules of meetings. The Councillors' Commission had proposed that an additional cycle of meetings be added to the meeting schedule in the Autumn. This had been incorporated into the schedule attached as Appendix A to the report.

2.2 In addition the Councillors' Commission had also suggested that the new Council may wish to consider meeting start times. Meetings have usually been held at 5.30pm with the exception of the Planning Committee which starts at 4.00pm and the Standards and Audit & Accounts Committees which are daytime meetings with a 10.00am start.

3.0 RECOMMENDATIONS that:

(a) the proposed Schedule of Meetings for 2015/16 be approved; and

(b) the Council determine future meeting start times.

Background Papers

Nil

For further information please contact Nigel Hill on extension 5243.

A.W. Muter
Chief Executive

MAY 2015 – MAY 2016

2015	Monday	Tuesday	Wednesday	Thursday	Friday
May					1
	4 Bank Holiday	5 Planning	6	7 Parliamentary, District & Parish Elections	8
	11	12	13	14	15
	18	19 Annual Council	20	21	22
	25 Bank Holiday	26	27	28	29
June	1	2	3	4 Policy & Finance	5
	8	9 Planning	10	11 GP & Licensing	12
	15 Homes & Communities	16	17	18	19
	22	23	24 Audit & Accounts Economic Development	25	26
	29	30			
July			1	2	3
	6	7 Planning	8	9 Policy & Finance	10
	13	14 Leisure & Environment	15	16	17
	20	21 Council	22	23	24
	27	28	29	30	31

2015	Monday	Tuesday	Wednesday	Thursday	Friday
August	3	4 Planning	5	6	7
	10	11	12	13	14
	17	18	19	20	21
	24	25	26	27	28
	31 BANK HOLIDAY				
September		1	2	3 GP & Licensing	4
	7 Homes & Communities	8 Planning	9 Audit & Accounts Economic Development	10 Policy & Finance	11
	14	15 Leisure & Environment	16 Standards	17	18
	21	22 Council	23	24	25
	28	29	30		
October				1	2
	5 Parish Conference	6 Planning	7	8	9
	12	13	14	15	16
	19	20	21 Economic Development	22	23
	26 Homes & Communities	27 Leisure & Environment	28	29	30

2015/2016	Monday	Tuesday	Wednesday	Thursday	Friday
November	2	3 Planning	4 Audit & Accounts	5 Policy & Finance	6
	9	10 Council	11	12	13
	16	17	18	19	20
	23	24 Leisure & Environment	25 Economic Development	26	27
	30 Homes & Communities				
December		1 Planning	2	3 Policy & Finance	4
	7	8	9	10 GP & Licensing	11
	14	15 Council	16	17	18
	21	22	23	24	25 BANK HOLIDAY
	28 BANK HOLIDAY	29	30	31	
January					1 BANK HOLIDAY
	4	5 Planning	6 Economic Development	7	8
	11	12	13	14	15
	18 Homes & Communities	19	20	21	22
	25	26 Leisure & Environment	27	28 Policy & Finance	29

2016	Monday	Tuesday	Wednesday	Thursday	Friday
February	1	2 Planning	3	4	5
	8	9 Council	10 Audit & Accounts	11	12
	15	16	17	18	19
	22	23	24	25 Policy & Finance (Budget)	26
	29				
March		1 Planning	2	3	4
	7	8	9	10 Council (Tax)	11
	14	15	16 Standards	17 GP & Licensing	18
	21 Homes & Communities	22	23	24 Policy & Finance	25 BANK HOLIDAY
	28 BANK HOLIDAY	29	30 Economic Development	31	
April					1
	4	5 Planning	6 Audit & Accounts	7	8
	11	12 Leisure & Environment	13	14	15
	18	19	20	21	22
	25	26	27	28	29

2016	Monday	Tuesday	Wednesday	Thursday	Friday
May	2 BANK HOLIDAY	3 Planning	4	5 Police & Crime Commissioner Election	6
	9	10	11	12	13
	16	17 Annual Council	18	19	20
	23	24	25	26	27
	30 BANK HOLIDAY	31			

NOTE: Meeting start times to be considered by the Council at the Annual Meeting to be held on 19th May 2015.

THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015

1.0 Purpose of Report

- 1.1 To consider recommendations from the Councillors Commission to amend the Officer Employment Procedure Rules to reflect the provisions of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 and to review the remuneration of the Independent Persons appointed to the Council under S28(7) of the Localism Act 2011.

2.0 Background Information

- 2.1 Relevant legislation previously provided that the Head of Paid Service, Monitoring Officer and Section 151 Officer could not be dismissed unless a Designated Independent Person had first been appointed to investigate and make a binding recommendation on disciplinary action.
- 2.2 DCLG wrote to a limited number of stakeholders in 2013 seeking views on draft amendment regulations which would remove the requirement for a Designated Independent Person (D.I.P.)
- 2.3 The rationale for the proposed changes was that the existing DIP process was bureaucratic and time consuming and often led to authorities making inflated severance payments to senior officers in order to avoid the need to follow the DIP process.
- 2.4 The consultation proposed that any decision to dismiss any of the relevant officers should be taken by full Council with Council being required to consider any report about the proposed dismissal which a panel, drawn from members of the Council's Independent Remuneration Panel, thought fit to put before the Council.
- 2.5 Respondents raised concerns about the dilution of the protection of Statutory Officers, who may be required to make unpopular statutory reports, about the skill set of panel members, and about how the panel might operate. It was suggested by some respondents that Independent Persons appointed under S28(7) of the Localism Act 2011 would be better placed than members of the IRP to fulfil this role.

3.0 Introduction

- 3.1 The Local Authorities (Standing Orders) (England) (Amendment) Regulations were made on 25th March 2015 and came into force on 11th May 2015.
- 3.2 The regulations remove the requirement for a DIP and provide that any decision to dismiss the relevant statutory officer must be taken by the full Council.
- 3.3 The Council must consider any recommendations from an independent panel, the conclusions of any investigation into the proposed dismissal and any representations from the officer concerned.

- 3.4 The regulations go on to provide that, in consulting the Independent Panel, the Council “must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel”
- 3.5 “Relevant Independent Persons” are defined as an independent person who has been appointed to the authority or, where there are fewer than two such persons, independent persons appointed by another authority.
- 3.6 They must be invited to join the panel in the following priority order:-
- An independent person appointed to the authority living inside the authority’s area
 - An independent person appointed to the authority living outside the authority’s area
 - Where the authority has appointed fewer than two independent persons, an independent person appointed by another authority

The panel must be appointed at least 20 working days before the date of the Council meeting at which the decision to dismiss will take place (although the regulations are silent as to when the Panel must meet).

- 3.7 It is expressly provided that the panel constitutes an advisory committee under S102(4) of the Local Government Act 1972. S102(4) of the Local Government Act 1972 provides that such a committee:-

“may consist of such persons (whether members of the appointing authority or authorities or not) appointed for such term as may be determined by the appointing authority or authorities”.

- 3.8 The Council therefore has the option to constitute a panel comprising wholly independent persons or a panel comprising a mix of independent persons and elected members.

- 3.9 In considering the matter, the Councillors Commission, which met on 23rd April 2015, were clear in their view that such a panel should comprise a mix of independent persons, as required by the relevant regulations, and elected members.

- 3.10 Given that, if their recommendation is accepted, the panel would comprise a mix of independent persons and elected members, then it is clear that the Committee would need to reflect political balance. This is set out in Section 13(4)(e) of the Local Government and Housing Act 1989 which provides that the “political balance rules” set out in Section 15 of that Act apply to any advisory committee or sub-committee appointed under S102(4) of the 1972 Act.

- 3.11 It is also clear from S13 of the 1989 Act that those members of the panel (i.e. the “independent persons”) who are not elected members will have voting rights. It is therefore considered that they would be caught by the code of conduct requirements including the requirement to complete a Register of Interests.

- 3.12 A further issue to which the Councillors Commission gave careful consideration, is exactly what role the panel should play in the disciplinary process for relevant statutory officers.

- 3.13 The regulations simply require the Council to taken into account “any advice, views or recommendations of the panel” as well as the conclusions of any investigation into the proposed dismissal and any representations from the officer subject to the disciplinary proceedings before a vote is taken on whether or not to approve the dismissal.
- 3.14 The Councillors Commission considered that the Independent Panel could effectively fulfil the same role as the Investigating and Disciplinary Sub-Committee when dealing with disciplinary matters which could potentially result in the dismissal of a statutory officer. Its remit would remain as currently set out in the constitution save that, where it was dealing with matters relating to the potential dismissal of a statutory officer, it would include the 2 independent persons in addition to its current membership and that, if its recommendation were for the dismissal of a relevant statutory officer, then it could only recommend such action to council.
- 3.15 The Chief Officers Appeal Sub-Committee would also remain as currently constituted save that if the appeal was against a recommendation of the Investigating and Disciplinary Sub-Committee for dismissal, the Chief Officers Appeal Sub-Committee could only endorse that recommendation or substitute its own recommendation to council.
- 3.16 The retention of the Chief Officers Appeal Sub-Committee would also preserve an internal appeal mechanism for all actions short of dismissal and avoid the need for these to be determined by Council.
- 3.17 The procedures in respect of non statutory Chief Officers would remain unchanged and would continue to be dealt with through the Investigating and Disciplinary Sub-Committee and Chief Officers Appeal Sub-Committee. The Councillors Commission considered that this gave further merit to effectively constituting the Independent Panel as the Investigating and Disciplinary Sub-Committee, but to include 2 independent persons where necessary, so that the disciplinary procedures for all Chief Officers remain broadly in line.
- 3.18 However the Councillors Commission noted that, in the case of the Chief Executive, the right for a Designated Independent Person to be appointed is preserved through the JNC terms and conditions of employment for Chief Executive’s notwithstanding the introduction of these regulations. However this was not the case in respect of the Monitoring Officer and Section 151 Officer. The JNC terms and conditions for Chief Officers, which apply to both of those officers, provide as follows :-
- “Those authorities wishing to incorporate the role of an independent third party, in an advisory or decision making capacity, may refer for guidance to paragraph 16 in the Chief Executive Conditions of Service. This may be specifically appropriate where the officer holds a post with statutory accountabilities”.
- 3.19 The Councillors Commission did not consider that the right to the appointment of the Designated Independent Person should be preserved in the case of the Monitoring Officer and Section 151 Officer where there was no contractual requirement to do so.
- 3.20 It should however be noted that none of the 3 statutory officers can ultimately be dismissed unless this is approved by Council. (This requirement does not apply to non statutory Chief Officers where the Investigating and Disciplinary Sub-Committee and Chief Officer Appeal Sub-Committee will retain full delegated powers).

3.21 In voting on the matter the Council must have regard to :-

- (i) any advice and recommendations of the Independent Panel
- (ii) the conclusions of any investigation into the proposed dismissal and
- (iii) any representations from the relevant officer

4.0 Remuneration of Independent Persons

4.1 The regulations expressly state that any remuneration, allowances or fees paid to any independent person appointed to the Panel must not exceed the level of remuneration, allowance or fees paid to them in respect of their role as independent person under the 2011 Act. The purpose of this provision is that no additional costs will be incurred through the introduction of the new arrangements.

4.2 The Council appointed Richard Dix as Independent Person and Sharon Jones as Reserve Independent Person on remuneration of £2064 per annum and £516 per annum respectively. However, under these regulations the Reserve Independent Person, given that she resides within the district, would be invited to join the panel in priority to Richard Dix. In these circumstances the Councillors Commission considered that it would be more equitable for both to receive the same level of remuneration.

4.3 It should be noted that the general view is that the regulations should be interpreted to the effect that the independent persons may receive additional remuneration if they are required to sit on the independent panel, but that the level of that remuneration should not be more than the level of remuneration which they receive in their role as independent person under S28(7) of the Localism Act 2011.

5.0 Timescale for Implementation

5.1 The regulations require that the Council changes its standing orders relating to officer appointments and dismissals at the first “ordinary” meeting after the regulations come into effect on 11th May 2015.

5.2 There are differing views as to whether the annual meeting is an “ordinary” meeting for the purposes of these regulations, but the Councillors Commission considered that it was preferable to err on the side of caution and that the relevant standing orders, the Officer Employment Procedure Rules, be amended accordingly at this meeting. The proposed changes to the standing orders are attached at Appendix 1.

6.0 RECOMMENDATIONS that:

- (a) the Officer Employment Procedure Rules contained in Part 3 of the Constitution be amended as set out in Appendix 1 to reflect the requirements set out in the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015.**
- (b) (i) the Independent Panel constituted in accordance with the Regulations comprise the existing membership of the Investigating and Disciplinary Sub-Committee together with 2 independent persons.**

- (ii) the existing membership of the Investigating and Disciplinary Panel will continue to deal with all disciplinary matters relating to non statutory Chief Officers and all disciplinary matters relating to statutory Chief Officers short of dismissal.
- (iii) where a disciplinary matter relating to a statutory Chief Officer may result in dismissal, the Investigation and Disciplinary Panel will be reconstituted to include the two independent persons and its remit will remain unchanged save that it will have no delegated powers to dismiss a relevant statutory Officer but can only recommend such action to Council.
- (c) Sharon Jones and Richard Dix, the Independent Persons appointed to the Council, be invited to join the Independent Panel for the currency of their term of office as independent persons, appointed under S28(7) of the Localism Act 2011.
- (d) the remuneration for both Independent Persons appointed under S28(7) of the Localism Act 2011 be £2064 with effect from 11th May 2015 and the Independent Persons be entitled to receive an additional remuneration for their role on the Independent Panel, such sum not to exceed the equivalent of the amount which they receive for their role as Independent Person under S28(7) of the Localism Act 2011.
- (e) the composition and remit of the Chief Officer Appeal Sub-Committee remain as currently constituted save that the case of dismissal of a statutory Chief Officer they may only make a recommendation to Council.
- (f) it be noted that the right to the appointment of a designated independent person is preserved in respect of the Head of Paid Service only by reason of their terms and conditions of employment.

Background Papers

Relevant Regulations and explanatory memorandum.

For further information please contact Kirsty Cole on extension 5210.

Kirstin H Cole
Deputy Chief Executive

Officer Employment Procedure Rules

Rule 4 Council Approval of Appointment of Head of Paid Service amend as follows:-

Council Approval of Appointment of Head of Paid Service **and Council Approval of dismissal of Head of Paid Service, Chief Finance Officer and Monitoring Officer.**

Where a Committee, Sub-Committee or officer is discharging, on behalf of the authority, the function of the appointment of an officer designated as the head of the authority's paid service the authority must approve that appointment before an offer of appointment is made to him.

Where a Committee or Sub-Committee or officer is discharging, on behalf of the authority the function of dismissal of an officer designated as the Head of Paid Service, Chief Finance Officer or Monitoring Officer the authority must approve that dismissal before notice of dismissal is given to him.

Rule 6 Disciplinary Action Against Head of Paid Service, Monitoring Officer or Chief Finance Officer. Delete existing rule 6 in its entirety and replace with the following :-

1. In the following paragraphs –
 - (a) “the 2011 Act” means the Localism Act 2011.
 - (b) “chief finance officer”, “disciplinary action”, “head of the authority's paid service” and “monitoring officer” have the same meaning as in regulation 2 of the Local Authorities (Standing Orders) (England) Regulations 2001;
 - (c) “independent person” means a person appointed under section 28(7) of the 2011 Act;
 - (d) “local government elector” means a person registered as a local government elector in the register of electors in the authority's area in accordance with the Representation of the People Acts;
 - (e) “the Panel” means a committee appointed by the authority under section 102(4) of the Local Government Act 1972 for the purposes of advising the authority on matters relating to the dismissal of relevant officers of the authority;
 - (f) “relevant meeting” means a meeting of the authority to consider whether or not to approve a proposal to dismiss a relevant officer; and
 - (g) “relevant officer” means the chief finance officer, head of the authority's paid service or monitoring officer, as the case may be.
2. A relevant officer may not be dismissed by an authority unless the procedure set out in the following paragraphs is complied with.
3. The authority must invite relevant independent persons to be considered for appointment to the Panel, with a view to appointing at least two such persons to the Panel.

4. In paragraph 3 “relevant independent person” means any independent person who has been appointed by the authority or, where there are fewer than two such persons, such independent persons as have been appointed by another authority or authorities as the authority considers appropriate.
5. Subject to paragraph 6, the authority must appoint to the Panel such relevant independent persons who have accepted an invitation issued in accordance with paragraph 3 in accordance with the following priority order –
 - (a) a relevant independent person who has been appointed by the authority and who is a local government elector;
 - (b) any other relevant independent person who has been appointed by the authority;
 - (c) a relevant independent person who has been appointed by another authority or authorities.
6. An authority is not required to appoint more than two relevant independent persons in accordance with paragraph 5 but may do so.
7. The authority must appoint any Panel at least 20 working days before the relevant meeting.
8. Before the taking of a vote at the relevant meeting on whether or not to approve such a dismissal, the authority must take into account, in particular –
 - (a) any advice, views or recommendations of the Panel;
 - (b) the conclusions of any investigation into the proposed dismissal; and
 - (c) any representations from the relevant officer.
9. Any remuneration, allowances or fees paid by the authority to an independent person appointed to the Panel must not exceed the level of remuneration, allowances or fees payable to that independent person in respect of that person’s role as independent person under the 2011 Act.

REVISED REMITS FOR INVESTIGATING AND DISCIPLINARY COMMITTEE AND CHIEF OFFICER APPEALS COMMITTEE

INVESTIGATING AND DISCIPLINARY COMMITTEE

Remit

- (i) To determine, on receipt of the conclusion of any preliminary investigation, that a detailed investigation be carried out;
- (ii) To delegate to an investigating officer to be appointed by them responsibility for the conduct of that investigation;
- (iii) In the case of the Head of Paid Service, to undertake an initial assessment and to determine either that no further formal action should be taken or to refer the matter to a Designated Independent Person;
- (iv) If the decision is to refer the matter to a Designated Independent Person, to appoint the Designated Independent Person and to determine their terms of reference and remuneration;
- (v) In respect of any matter relating to the Head of Paid Service, where necessary and appropriate, to suspend the Chief Executive after it has conducted its initial assessment. In the event that it is necessary to suspend the Chief Executive prior to a meeting of the Investigating and Disciplinary Committee delegated authority to effect such suspension shall be exercisable by the Deputy Chief Executive or, in his or her absence, by any Chief Officer in consultation with the Leader and Deputy Leader;
- (vi) In the case of the suspension of any officer other than the Head of Paid Service, delegated authority shall be given to the Chief Executive/Head of Paid Service or their designated deputy to effect such suspension;
- (vii) To conduct a disciplinary hearing;
- (viii) At the conclusion of the disciplinary hearing to determine whether to:-
 - (a) Take no further action
 - (b) Exonerate the chief officer, or
 - (c) State their opinion as to whether (and if so the extent to which) the evidence they have obtained supports any allegation of misconduct against the chief officer
 - (d) To determine appropriate disciplinary action which may include:-
 1. Recorded oral warning
 2. Written warning
 3. Suspension on half pay or no pay for a specified period
 4. Relegation (ie a reduction in salary) for a specified period
 5. An invitation to resign or accept retirement
 6. Dismissal with notice* (Note: In the case of the Head of Paid Service, s151 Officer and Monitoring Officer the Investigating and Disciplinary Committee has no delegated power to dismiss but may only make a recommendation to Council regarding dismissal of the Officer subject to disciplinary proceedings).
 7. Dismissal without notice* (Note: In the case of the Head of Paid Service, s151 Officer and Monitoring Officer the Investigating and Disciplinary Committee has no delegated power to dismiss but may only make a recommendation to Council regarding dismissal of the Officer subject to disciplinary proceedings).

- (e) To determine alternatives including:
 - 1. Informal resolution or other appropriate procedures
 - 2. Early retirement
 - 3. Secondment
 - 4. Redeployment to a more junior post where there are issues relating to capability
- (f) To refer back to the Investigating Officer (including the Designated Independent Person in the case of the Head of Paid Service) for further investigation and report;

NOTE:-

- 1. the quorum for the Investigating and Disciplinary Committee is three members;
- 2. the Committee will, so far as practicable, reflect political balance;
- 3. delegated authority has been given to the Chief Executive (or his or her designated deputy) to appoint an Investigating and Disciplinary Committee from a panel (comprising the whole of the membership of the Council) as necessary and appropriate in consultation with the Leaders of all political groups entitled to make appointments to the Committee and to appoint an Advisor to the Committee;
- 4. in the event that it is necessary to convene an Investigating and Disciplinary Committee to consider any matter relating to the Head of Paid Service, the delegated authority shall not be exercisable by the Chief Executive but by their designated deputy or in his/her absence, by any Chief Officer. In such a case, the Investigating and Disciplinary Committee shall have delegated authority to appoint an advisor who may be an officer of the authority or an external advisor.

Membership

Five members to be drawn from the whole of the membership of the Council and to include at least one member of the Policy & Finance Committee. (The Chief Executive or his designated deputy has delegated authority to appoint the Committee as set out in notes 3 and 4 above).

Where the disciplinary action relates to the Head of Paid Service, Section 151 Officer or Monitoring Officer and could result in their dismissal, the Investigation and Disciplinary Committee shall include in addition a the two independent persons appointed to the Council under s28(7) of the Localism Act 2011.

CHIEF OFFICERS APPEALS COMMITTEE

Remit

To determine appeals against the decisions of the Investigating and Disciplinary Committee relating to disciplinary action against Chief Officers.

NOTE:-

NOTE:-

- 1. The quorum for the Chief Officer Appeal Committee is three members.
- 2. The Chief Officer Appeal Committee will, so far as practicable, reflect political balance.

3. Delegated authority has been given to the Chief Executive (or his or her designated deputy) to appoint a Chief Officer Appeal Committee from a panel comprising the whole of the membership of the Council as necessary and appropriate after consultation with the Leaders of the political groups entitled to appoint to the Committee and to appoint an Advisor to the Committee.
4. In the event that the appeal is lodged by the Head of Paid Service, such delegated authority is exercisable by their designated deputy or in his/her absence by any Chief Officer. In such appeals, the Chief Officer Appeal Committee shall have delegated authority to appoint an advisor who may be an officer of the authority or an external advisor.
5. The decision of the Chief Officers Appeal Committee will be final.
6. The Chief Officer Appeal Committee shall have the same powers, at the conclusion of the appeal hearing as the Investigating and Disciplinary Committee as set out in paragraph (viii) of their remit and their decision shall replace that of the Investigating and Disciplinary Committee save that in the event of a decision to dismiss in relation to a relevant statutory officer they may only endorse the recommendation of the Investigating and Disciplinary Committee or make a recommendation to dismiss to the Council.

Membership

Five members to be drawn from the whole of the membership of the Council provided that the same members shall not sit on both the Investigating and Disciplinary Committee and the Chief Officer Appeals Committee. (The Chief Executive or his designated deputy has delegated authority to constitute the Committee as set out in notes 3 and 4 above).

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the meeting of the **SPECIAL LEISURE & ENVIRONMENT COMMITTEE** held in Room G21, Kelham Hall, Newark on Tuesday, 21st April 2015 at 5.30 pm.

PRESENT: Councillor A.C. Roberts (Chairman)

Councillors: J. Bradbury, G. Brooks, P.C. Duncan, R.J. Jackson, M. Shaw, Mrs L.A. Shilling, D. Staples and Mrs L.M.J. Tift,

ALSO IN

ATTENDANCE: Councillors: Mrs B. Brooks and Mrs S. Soar.

83. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors D. Logue, Mrs C. Rose and Mrs S. Soar.

84. DECLARATION OF INTERESTS BY MEMBERS AND OFFICERS

NOTED Councillor J. Bradbury declared a Personal Interest regarding Agenda Item 4 – Active4Today Ltd – Management Fee, Business Plan and Specification, as he is a Southwell Leisure Centre Trustee.

85. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

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

86. ACTIVE4TODAY LTD – MANAGEMENT FEE, BUSINESS PLAN AND SPECIFICATION

The Committee considered the report presented by the Director – Customers which informed Members of the three specific items in relation to the Council's new leisure company, Active4Today Ltd. The first item was Active4Today's Business Plan; the second was the Service Specification, devised by the Council to monitor Active4Today's achievement of the objectives, both items were appended to the report; and thirdly the management fee to be paid to Active4Today to operate the Council's leisure and sports development services.

Members suggested the following amendments to the wording of the Business Plan as follows, which would be taken back to the Board of Active4Today:

- 2.9 of the report – comment that the analogy was not reflective of the arrangement.
- 3.10, third bullet point regarding the improvement in the delivery of Sports Development Service, concern was noted with regard to the word 'aligned' and this should be rephrased to ensure that the sports development function continued to engage in the community.
- 5.9 be included within 3.18 of the business plan.
- 3.21 – Vision and Mission, it was suggested that the vision be changed to read as

follows: 'To develop a fitter, healthier and happier community'. It was further suggested that the Misson would be improved if amended to read: 'To raise peoples engagement in physical activity especially through the provision of high quality welcoming and safe facilities and through supportive and enabling staff'.

- 4.3, eighth bullet point to include the additional wording: 'engage with community partners to promote the aims and facilities of the service'.
- 4.4, first bullet point add the word 'more' before 'people', second bullet point add the following to the end of the sentence 'and achieve more involvement', third bullet point add to end of the sentence 'and widen participation' fifth bullet point to remove the wording 'provide' and include nurture or enabling. This was suggested as it was felt that the Company would not provide high quality provision through sports development.

The Director – Safety informed the Committee of the Boards first meeting which took place on the 10th April 2015. Members were informed of one of the resolutions agreed by the Board, which was to establish a separate Audit Committee. Members were asked to approve this request. The Chairman in agreement with the Committee agreed to include this as (g) within the resolution.

AGREED (unanimously) that the following be approved and noted:

- (a) the Business Plan for Active4Today;
- (b) the Specification, which enables the Council and Active4Today to monitor the ongoing performance;
- (c) the reporting arrangements contained within the Specification;
- (d) the management fee payable from the Council to the Company as detailed in paragraph 5.0 of the report;
- (e) the financial arrangements that are in place for the Company;
- (f) all of the governing documents for the Company, namely the Business Plan and Specification, will be subject to annual review; and
- (g) the Council authorises the Company to set up a separate Audit Committee.

The meeting closed at 6.12pm.

Chairman

NEWARK AND SHERWOOD DISTRICT COUNCIL

Minutes of the Meeting of the **PLANNING COMMITTEE** held in the Council Chamber, Kelham Hall, Newark on Tuesday, 5th May 2015 at 4.00pm.

PRESENT: Councillor D.R. Payne (Chairman)
Councillor B. Wells (Vice-Chairman)

Councillors: R.V. Blaney, J. Bradbury, J.E. Hamilton, D. Jones,
Mrs S.E. Saddington, Mrs L.M.J. Tift and I. Walker,
P Handley, Mrs C. Brooks, and G.S. Merry

ALSO IN ATTENANCE: Councillors: I. Brown, R.J. Jackson, R. Shillito.

Prior to the transaction of business the Planning Committee stood in silence in memory of Councillor Mrs M. Tribe.

204. APOLOGIES FOR ABSENCE

Apologies for absence were received on behalf of Councillors T.S. Bickley, Mrs G.E. Dawn and M. Shaw.

205. MINUTES – 7TH APRIL 2015

AGREED that the Minutes of the meeting held on Tuesday, 7th April 2015 be approved as a correct record and signed by the Chairman.

206. DECLARATIONS OF INTEREST BY MEMBERS AND OFFICERS

NOTED: that the following Member declared an interest in the items shown below:

<u>Members</u>	<u>Agenda Item(s)</u>
All Members	Agenda Item No. 12 – Knapthorpe Grange, Hockerton Road, Caunton (15/00349/FUL) Personal interest for all Members as the applicant was another District Councillor.

207. DECLARATION OF ANY INTENTIONS TO RECORD THE MEETING

The Chairman informed the Committee that the Council was undertaking an audio recording. A member of the public in attendance of the meeting indicated that she was undertaking a recording of the meeting.

208. ORDER OF BUSINESS

The Chairman, with the permission of the Committee, changed the order of business on the Agenda. Agenda Item No. 10, Agenda Item 13 and Agenda Item 11 were taken prior to Agenda Item 9 in that order.

209. BARN AT STOKE FIELDS FARM, LOW STREET, ELSTON (14/01720/FUL)

The application was withdrawn from the Agenda.

210. LAND REAR OF 49 THE ROPEWALK, SOUTHWELL (14/02172/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of two detached two storey dwellings with associated parking and garages.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Members discussed flood risk concerns in the area and the lack of confidence in Nottinghamshire County Council as the Lead Local Flood Risk Authority. The concerns from the Southwell Flood Forum were also noted. A Member considered that it would be appropriate to defer consideration of the application until the flood risk could be properly assessed, rather than relying on a condition as was recommended by Nottinghamshire County Council. Members suggested that report should not have been written until the response from Nottinghamshire County Council had been received.

Members considered that the design of the units, as authorised by the 1971 planning permission, was more sympathetic, even now, to properties nearby. It was considered that the design would be incongruous and that the footprint, siting and elevations would be detrimental to the amenities of nearby properties.

AGREED (with 9 votes for 3 votes against) that full planning permission be refused, contrary to the officer recommendation subject to the conditions contained within the report.

In accordance with paragraph 12.5 of the Planning Protocol, as the motion was against Officer recommendation, a recorded vote was taken.

Councillor	Vote
T.S. Bickley	Absent
R.V. Blaney	For
J. Bradbury	Against
Mrs C. Brooks	Against
Mrs G.E. Dawn	Absent
J.E. Hamilton	For
G.P. Handley	For
D. Jones	For
G.S. Merry	For
D.R. Payne	Against
Mrs S.E. Saddington	For
M. Shaw	Absent
Mrs L.M.J. Tift	For
I. Walker	For
B. Wells	For

211. PA FREIGHT SERVICES LTD, INTERNATIONAL LOGISTICS CENTRE, PARK HOUSE, FRANDON ROAD, NEWARK (15/00292/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a gantry crane on an existing industrial estate.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Members noted the very close proximity of the elderly person's residential development to the north of the application site. Members equally noted that the screening provided at present is to a height of c10m.

Members raised concerns at the hours of operation sought for the crane and additionally wanted to understand how the existing site functioned in terms of hours of operation.

AGREED (unanimously) that consideration of the matter be deferred in order to allow Officers to negotiate further with the applicant on appropriate hours of operation for the crane and for more details to be provided on existing site operations.

212. FULLER LEISURE LTD, LOWDHAM ROAD, GUNTHORPE (15/00211/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought full planning permission for the erection of a two bay extension to the vehicle repair workshop building.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published.

Councillor R.J. Jackson spoke against the application, outlining concerns regarding the level of expansion of the site and drainage/flood risk issues. The local Parish Council representation was unable to address the Committee as advance notice had not been given. The Business Manager Development advised the Committee that he had met separately with the Parish Council who had expressed similar concerns to those identified by Councillor R.J. Jackson.

Members noted that an expanding and successful business operated at the site. Members acknowledged the Green Belt issues and constraints. They also agreed that changes in market demand/conditions which lead to the need for the extensions was a significant consideration. With respect to flood risk, it was noted that the building would be sited on an area which was already hardstanding.

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

213. TYNE HOUSE, 43A GAINSBOROUGH ROAD, WINTHORPE, NEWARK (15/00261/FUL)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought planning permission to vary planning condition 2 of planning permission 05/02270/FUL. The previous permission was for the house now constructed on site and for a detached garage. The detached garage had been erected in the wrong position from that permitted.

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

214. 141 CAYTHORPE ROAD, CAYTHORPE (13/01189/OUT)

The Committee considered the report of the Deputy Chief Executive, following a site inspection held prior to the meeting, which sought outline planning permission for the erection of two dwellings with associated garaging.

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the applicant's agent which makes clear the extent of demolition which has taken place.

Members noted that the buildings previously located on the site were significant in size. A Member expressed some sympathy with the applicant in that the delay on the application was caused due to discussions with the Environment Agency. If the application could have been determined closer to the original submission date the buildings would have still been there and harm to Green Belt may be materially different to the position now.

Other Members expressed concern that there would be greater impact on the Green Belt resulting from the proposed development than what is on site at present, and that by siting units away from the previous buildings now demolished there would be encroachment onto areas of the site where built form has not previously existed.

AGREED (with 9 votes for and 3 votes against) that outline permission be refused for reasons set out in the report.

215. 4 TOP ROAD, BLIDWORTH (15/00048/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for a replacement dwelling, re-submission of application reference: (14/01660/FUL).

A schedule of communication was tabled at the meeting, which included correspondence received after the agenda was published from the supporting neighbour and the Parish Council, who also offered support for the proposal.

This application was brought before the Planning Committee on 7 April 2015, where Members resolved to refuse the application due to the impact of the dwellings on the openness of the Nottingham Derby Green Belt. In coming to a view Members wished to make the applicant aware that should a scheme be submitted with the dwelling in closer proximity to the site frontage such a scheme would be considered favourably.

Prior to issuing a refusal discussions took place with the applicant to understand whether Members wishes could be accommodated. The applicant has now revised the proposed siting of the dwelling by relocating it approximately 5 metres back from the front of the site (as opposed to the 31.5m originally before Members).

AGREED (with 11 votes for and 1 abstention) that full planning permission be approved, subject to the conditions contained within the report and to an additional condition to secure remedial works to the exposed gable of the adjoining dwelling following demolition works.

216. KNAPTHORPE GRANGE, HOCKERTON ROAD, CAUNTON (15/00349/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the creation of an all weather ménage and the erection of associated fencing.

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

217. THE FORMER ABATTOIR, TOLNEY LANE, NEWARK (15/00354/FUL)

The Committee considered the report of the Deputy Chief Executive, which sought variation of Condition 6(i) to change the wording from '28 days' to '4 months' and Condition 5(i) to change the wording from '3 months' to '6 months' of Planning Permission 14/01106/FUL – Change of use of former abattoir site and paddock to gypsy and traveller caravan site.

In addition to the suggested amendments to Conditions 5 and 6 set out in the agenda, the Officer Committee presentation included an update on Conditions 7, 8 and 10 of the consent which required details to be submitted prior to the site first being brought into use. Officers were aware of the current situation on site and considered that the none provision of these details was not causing any significant planning harm particularly given the temporal nature of the development. In the circumstances it was considered that conditions 7 and 10 could be amended to ensure any ancillary structures erected are removed and any hard and soft landscaping carried out removed where required in accordance with the site restoration scheme under condition 5. Condition 8 requiring footway reinstatement and access works could be removed without any significant impact on highway safety in the longer term.

Councillor I. Brown spoke on behalf of Newark Town Council and raised concerns that the site needed to be properly controlled and conditions complied with.

The Members noted that the permission would remain temporary as part of this application. The applicants should be made aware that conditions should be complied with.

AGREED (unanimously) that temporary planning permission be granted, subject to the conditions contained within the report and amendments set out in the officer presentation.

218. FIELD REFERENCE NUMBER 3753, RUFFORD LANE, RUFFORD (15/00083/FULM)

The Committee considered the report of the Deputy Chief Executive, which sought full planning permission for the installation of a solar farm comprising a solar panel array, new or upgraded access tracks, inverter units, transformer buildings, substation and associated infrastructure for the generation of renewable energy.

Members discussed the lack of consultation with some properties to the South of the site. The Business Manager, Development stated that the properties were not notified individually of the application albeit the Council had satisfied its required under the relevant legislation. In any event it was necessary to consider all impacts of the development, including upon residential properties, in coming to a view. It was noted that residents had been approached by the applicants at the pre-application stage and that there was sufficient information before Members to come to a decision.

AGREED (with 11 votes for and 1 vote against) that full planning permission be approved subject to the conditions and reasons contained within the report.

219. APPEALS LODGED

NOTED: that the report be noted.

220. APPEALS DETERMINED

NOTED: that the report be noted.

Given that the meeting was the last of the current administration the Chairman took the opportunity to thank all of the Members and Officers for their assistance, work and decision making during his time as Chairman.

The meeting closed at 6.50 pm.

Chairman