

COUNCIL

WEDNESDAY, 17 OCTOBER 2018

Present: Councillor , Chair

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

| <u>For</u> | <u>Against</u> | <u>Abstention</u> |
|-----------------|-------------------|-------------------|
| 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 | |
| | 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:

| <u>For</u> | <u>Against</u> | <u>Abstention</u> |
|--------------|----------------|-------------------|
| E H Atherton | D Bagshaw | R D MacRae |
| L A Ball BEM | S A Bagshaw | R S Robinson |

| <u>For</u> | <u>Against</u> | <u>Abstention</u> |
|-------------------|-----------------|-------------------|
| J S Briggs | B C Carr | |
| T P Brindley | S J Carr | |
| M Brown | T A Cullen | |
| D A Burnett BEM | R H Darby | |
| M J Crow | L A Lally | |
| E Cubley | P Lally | |
| 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 | | |
| C H Rice | | |
| P D Simpson | | |
| A W G A Stockwell | | |

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. Maintinence 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 Greasely (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

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: FURTHER 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.