



Civic Centre,  
Arnot Hill Park,  
Arnold,  
Nottinghamshire,  
NG5 6LU

# Agenda

## Council

Date: **Wednesday 18 November 2015**

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Time: **6.00 pm**

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Place: **Council Chamber**

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For any further information please contact:

**Alec Dubberley**

Service Manager, Elections and Members' Services

0115 901 3906

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# Council

## Membership

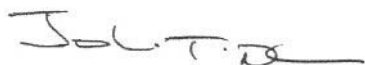
**Mayor** Councillor Meredith Lawrence

**Deputy Mayor** Councillor Sandra Barnes

Councillor Michael Adams	Councillor Gary Gregory
Councillor Bruce Andrews	Councillor Helen Greensmith
Councillor Pauline Allan	Councillor Sarah Hewson
Councillor Emily Bailey	Councillor Jenny Hollingsworth
Councillor Peter Barnes	Councillor Viv McCrossen
Councillor Chris Barnfather	Councillor Barbara Miller
Councillor Denis Beeston MBE	Councillor Marje Paling
Councillor Alan Bexon	Councillor John Parr
Councillor Tammy Bisset	Councillor Michael Payne
Councillor Nicki Brooks	Councillor Carol Pepper
Councillor Bob Collis	Councillor Stephen Poole
Councillor John Clarke	Councillor Colin Powell
Councillor Jim Creamer	Councillor Alex Scroggie
Councillor Kevin Doyle	Councillor Paul Stirland
Councillor Boyd Elliott	Councillor John Truscott
Councillor David Ellis	Councillor Jane Walker
Councillor Roxanne Ellis	Councillor Muriel Weisz
Councillor Andrew Ellwood	Councillor Henry Wheeler
Councillor Paul Feeney	Councillor Paul Wilkinson
Councillor Kathryn Fox	

## SUMMONS

A meeting of the Borough Council will be held in the Council Chamber, Civic Centre, Arnot Hill Park on Wednesday 18 November 2015 at 6.00 pm to transact the business as set out below.



John Robinson  
Chief Executive

## AGENDA

Page

- 1 Thought for the day.
- 2 Apologies for Absence.
- 3 Mayor's Announcements.  
  
Members of the Youth Council will give a presentation that they are delivering in Gedling Schools during National Anti - Bullying Week which runs from the 16th to 20th November 2015.
- 4 To approve, as a correct record, the minutes of the meeting held on 16 September 2015. 7 - 10
- 5 Declaration of Interests.
- 6 To answer questions asked by the public under Standing Order 8.
- 7 To deal with any petitions received under Standing Order 8a.
- 8 To answer questions asked by Members of the Council under Standing Order 9.
- 9 East Midlands Devolution Deal. 11 - 14  
  
Report of the Chief Executive.
- 10 Changes to Representation on Committees. 15 - 16

Report of the Service Manager, Elections and Members' Services.

**11 Updated Planning Committee Protocol and Code of Practice. 17 - 34**

Report of the Service Manager, Planning.

Council is asked to consider the following recommendations:

- 1) To approve the revised version of the Gedling Borough Council Code of Practice for Councillors in dealing with Planning Applications for insertion into the Constitution; and
- 2) To approve the revised arrangements for the Planning Delegation Panel for insertion into the Constitution.

**12 Establishment of an Independent Panel. To Follow**

Report of the Chief Executive.

**13 Amendment to Contract Standing Orders. 35 - 56**

Report of the Council Solicitor and Monitoring Officer

**14 To receive questions and comments from Members concerning any matter dealt with by the Executive or by a Committee or Sub-Committee (Standing Order 11.1).**

- |          |   |                 |
|----------|---|-----------------|
| <b>a</b> | <b>Minutes of meeting Wednesday 2 September 2015 of Planning Committee</b>                | <b>57 - 70</b>  |
| <b>b</b> | <b>Minutes of meeting Tuesday 8 September 2015 of Environment and Licensing Committee</b> | <b>71 - 74</b>  |
| <b>c</b> | <b>Minutes of meeting Wednesday 23 September 2015 of Planning Committee</b>               | <b>75 - 80</b>  |
| <b>d</b> | <b>Minutes of meeting Thursday 24 September 2015 of Cabinet</b>                           | <b>81 - 86</b>  |
| <b>e</b> | <b>Minutes of meeting Monday 5 October 2015 of Overview and Scrutiny Committee</b>        | <b>87 - 96</b>  |
| <b>f</b> | <b>Minutes of meeting Tuesday 6 October 2015 of Licensing Act Committee</b>               | <b>97 - 98</b>  |
| <b>g</b> | <b>Minutes of meeting Tuesday 6 October 2015 of Environment and</b>                       | <b>99 - 104</b> |

## **Licensing Committee**

- |          |  |                  |
|----------|--|------------------|
| <b>h</b> | <b>Minutes of meeting Wednesday 14 October 2015 of Planning Committee</b>                              | <b>105 - 124</b> |
| <b>i</b> | <b>Minutes of meeting Thursday 15 October 2015 of Appointments and Conditions of Service Committee</b> | <b>125 - 126</b> |
| <b>j</b> | <b>Minutes of meeting Thursday 22 October 2015 of Cabinet</b>  | <b>127 - 132</b> |
| <b>k</b> | <b>Decisions made under delegated authority.</b>   | <b>133 - 134</b> |
- 15** To consider comments, of which due notice has been given, under Standing Order 11.03(a).
- 16** To consider motions under Standing Order 12.

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## MINUTES COUNCIL

**Wednesday 16 September 2015**

Councillor Meredith Lawrence (Mayor)

Present:

Councillor Sandra Barnes	Councillor Gary Gregory
Councillor Michael Adams	Councillor Helen Greensmith
Councillor Bruce Andrews	Councillor Sarah Hewson
Councillor Pauline Allan	Councillor Jenny Hollingsworth
Councillor Emily Bailey	Councillor Viv McCrossen
Councillor Peter Barnes	Councillor Barbara Miller
Councillor Chris Barnfather	Councillor Marje Paling
Councillor Alan Bexon	Councillor John Parr
Councillor Tammy Bisset	Councillor Michael Payne
Councillor Nicki Brooks	Councillor Carol Pepper
Councillor Bob Collis	Councillor Stephen Poole
Councillor John Clarke	Councillor Colin Powell
Councillor Jim Creamer	Councillor Alex Scroggie
Councillor Kevin Doyle	Councillor Paul Stirland
Councillor Boyd Elliott	Councillor John Truscott
Councillor David Ellis	Councillor Jane Walker
Councillor Roxanne Ellis	Councillor Muriel Weisz
Councillor Andrew Ellwood	Councillor Henry Wheeler
Councillor Kathryn Fox	Councillor Paul Wilkinson

Absent: Councillor Denis Beeston MBE and Councillor Paul Feeney

### **32 THOUGHT FOR THE DAY.**

In the absence of the Mayor's Chaplain, Pastor Charles Bowler, delivered a thought for the day.

### **33 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor Beeston MBE.

### **34 MAYOR'S ANNOUNCEMENTS.**

The Mayor informed Members that he had undertaken 32 engagements since the last meeting of Council, ranging from visits to schools and Play Forums, to the opening of a brewery shop and a Himalayan restaurant. The Mayor also informed Members that he had written to the Queen on behalf of the Council, congratulating her on becoming the country's longest reigning monarch.

The Mayor informed Members that former Councillors Maggie and Andrew Dunkin had recently won newcomer of the year at a brewery awards for their pub, "The Old Volunteer", which has fast become a vibrant part of the community. The Mayor had written to the Dunkin's to congratulate them on their win.

The Mayor informed Members that at his recent Civic Service at Carlton Pentecostal Church £473 had been donated towards his chosen charity, We R Here.

The Mayor also informed Members that the Chief Executive had recently undertaken a 100 mile bike ride which had raised £1,450 for the Mayor's Charity and encouraged anyone still wishing to donate to do so.

**35 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 15 JULY 2015**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**36 DECLARATION OF INTERESTS.**

None.

**37 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER STANDING ORDER 8.**

None received.

**38 TO DEAL WITH ANY PETITIONS RECEIVED UNDER STANDING ORDER 8A.**

None received.

**39 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER STANDING ORDER 9.**

None received.

**40 AMENDMENT TO CONTRACT STANDING ORDERS**

Consideration was given to a report of the Council Solicitor and Monitoring Officer, which had been circulated prior to the meeting, asking the Council to approve an amendment to the Contract Standing Orders.

**RESOLVED:**



That the matter stand adjourned without discussion to the next ordinary meeting of the Council.

**41 WAIVER OF STANDING ORDERS - BANKING SERVICES CONTRACT**

Consideration was given to a report of the Corporate Director (Chief Financial Officer), which had been circulated prior to the meeting, requesting a waiver of standing orders to enable the Council to enter into a new banking contract with HSBC.

**RESOLVED:**

To waive contract standing orders to enable the agreement of a new banking contract with HSBC for a period of three years commencing 1 April 2016, with an option to extend this for a maximum of five years.

**42 REFERRAL FROM STANDARDS COMMITTEE: RECRUITMENT OF CO-OPTED PARISH REPRESENTATIVES**

Consideration was given to a report of the Council Solicitor and Monitoring Officer, which had been referred to Council by the meeting of Standards on 27 August 2015. The report requested that Council co-opt Pat Woodfield, Councillor for Woodborough Parish Council and John Bailey, Councillor for Calverton Parish Council on to the Standards Committee to fill the 2 vacant posts of co-opted parish representatives until the next annual meeting.

**RESOLVED:**

To co-opt Pat Woodfield, Councillor for Woodborough Parish Council and John Bailey, Councillor for Calverton Parish Council on to the Standards Committee to fill the 2 vacant posts of co-opted parish representatives until the next annual meeting.

**43 TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR BY A COMMITTEE OR SUB-COMMITTEE (STANDING ORDER 11.1).**

In accordance with Standing Order 11.1, a number of comments were made and responded to by the appropriate Cabinet Member or Committee Chair.

**44 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER STANDING ORDER 11.03(A).**

None received.

**45 TO CONSIDER MOTIONS UNDER STANDING ORDER 12.**

None received.

The meeting finished at 6.35 pm

Signed by Chair:

Date:



## **Report to Council**

**Subject:** East Midlands Devolution Deal

**Date:** 18 November 2015

**Author:** Chief Executive

### **1. Purpose**

- 1.1 To update Members on the current position on the devolution deal negotiations with Government.
- 1.2 To delegate authority to the Chief Executive in consultation with the Leader of the Council to continue negotiating with Government and to enter into an "in principle" agreement.
- 1.3 To note that final ratification of the devolution deal will need the approval of the Full Council as well as changes in legislation currently included in the Cities and Local Government Devolution Bill.

### **2. Background**

- 2.1 On 4 September 2015, a joint bid on behalf of all 19 local authorities and the D2N2 Local Enterprise Partnership in the Derbyshire and Nottinghamshire area was submitted to Government for the devolution of more economic powers and resources and greater control over our own affairs. This followed on from discussions over the previous 12 months about the formation of Combined Authorities in Nottinghamshire and Derbyshire and a devolution prospectus which was sent to Government in March 2015. The constituent members of the D2N2 area are Amber Valley Borough Council, Ashfield District Council, Bassetlaw District Council, Bolsover District Council, Broxtowe Borough Council, Chesterfield Borough Council, Derby City Council, Derbyshire County Council, Derbyshire Dales District Council, Erewash Borough Council, Gedling Borough Council, High Peak Borough Council, Mansfield District Council, Newark and Sherwood District Council, North East Derbyshire District Council, Nottingham City Council, Nottinghamshire County Council, Rushcliffe Borough Council and South Derbyshire District Council.
- 2.2 Negotiations with the Government on a devolution deal for the area have

now reached an advanced state with more detailed discussions on the detail of the powers that would be devolved. These negotiations have also clarified that a significant devolution deal would require a single combined authority operating across Derbyshire and Nottinghamshire, giving the area sufficient scale to utilise the powers and resources available.

- 2.3 During the negotiations Government have commented that the name D2N2 is confusing and does not readily identify the areas covered by the deal. As a result of those concerns the Local Authority leaders have proposed that the deal should be renamed as “The East Midlands (Derbyshire Nottinghamshire) Deal” and all future publicity and correspondence on the deal would carry this name.
- 2.4 Devolution deals have already been announced for the Greater Manchester and South Yorkshire Combined Authorities and most recently the North East and Tees Valley Combined Authorities. All of these require directly elected mayors with elections scheduled for May 2017. All devolution deals and the powers and funding attached to them will be subject to the Comprehensive Spending Review, a full public consultation exercise with residents of the D2N2 area on the deal proposal and agreement from the local authorities. Deals will also be subject to enactment of the necessary legislation, including the Cities and Local Government Devolution Bill.
- 2.5 The D2N2 devolution prospectus, which was submitted to Government in March, outlined the type of powers and funding streams that partners would wish to be devolved in a deal in order to significantly improve economic growth. The five themes of the prospectus are Skills to Employment, Built Environment, Transport, SMART infrastructure and Enterprise. The March prospectus was reviewed and further detailed information and proposals have been negotiated and agreed across the 19 local authorities by leaders and chief executives and included as part of the September submission. The prospectus and a summary of the September submission have been circulated previously to elected members.
- 2.6 In addition to the five themes, and in line with proposals being developed in other parts of the country, public sector reform was added as a further theme for negotiation as part of the September submission. These reforms will be subject to further detailed negotiations. The deal is likely to simply state that these are possible options for future discussions. However early decisions will be required on the Police and Crime Commissioner responsibilities. If these are to be devolved to any newly created Mayoral role, it is likely that Government will postpone the 2016 P&CC elections as a result.

- 2.7 Negotiations are continuing at pace with Government and details of the draft deal will be available in the coming days. The draft deal documentation is expected the week beginning 2 November and an announcement on the deal, if it is agreed, will be made in the run up to the Comprehensive Spending Review on 25 November 2015.
- 2.8 It is important to note that whilst deals are on offer the Government cannot deliver on the deal requirements until changes in legislation are made. The Cities and Local Government devolution bill is currently awaiting its third reading in the House of Commons.
- 2.9 The Government has explicitly stated that significant powers would only be devolved if a directly elected mayor is created as they are of the view that this ensures clear accountability over powers, functions and funding that is devolved from national government to the local level.
- 2.10 The directly elected mayor would act as Chair to a single Combined Authority for the area. The mayor, in conjunction with the Combined Authority, would exercise the powers and functions devolved from Government. The earliest a mayoral election could take place is May 2017, although this is subject to agreement and the implementation timetable. The electorate for the areas of the constituent councils across Derbyshire and Nottinghamshire would elect the mayor.
- 2.11 There is no intention to transfer existing powers from local authorities to the new Combined Authority. Combined Authority legislation allows for powers to be held concurrently by local councils and the Combined Authority and this is the preferred model for local councils across Derbyshire and Nottinghamshire. Local Government powers used by the Combined Authority are likely to be exercised by the local authority leaders rather than the mayor who will exercise powers devolved down from Government.
- 2.12 The mayor and the Combined Authority will be held to account by an Overview and Scrutiny Committee. He or she will be required to consult the Combined Authority on his or her plans, which the Combined Authority could reject if two-thirds of its members vote against the proposals. The Combined Authority would also examine the mayor's spending plans and could amend these if two-thirds or more of its members agree to do so.
- 2.13 Proposals for decision by the Combined Authority could be put forward by the mayor or any member of the Combined Authority. The mayor would have one vote as would other voting members.

### **3. Proposal**

- 3.1 It is proposed that Members note the progress so far and give delegated authority to the Chief Executive in consultation with the Leader of the Council to continue to negotiate with government to obtain the best deal possible for the Derbyshire and Nottinghamshire area and to sign any deal document prior to the expected 25 November announcements.
- 3.2 Members should note that any deal document would be subject to ratification by the Full Councils of all 19 local authorities as well as the required changes in legislation before it becomes binding on authorities.

### **4. Financial Implications**

- 4.1 None directly arising from this report. Any financial implications arising from the agreement of the final deal will be addressed in any future report to Council.

### **5. Appendices**

- 5.1 None

### **6. Background Papers**

- 6.1 Devolution Prospectus
- 6.2 Bid documentation

### **7. Recommendations**

#### **It is recommended that:**

- 7.1 the Council notes the progress towards a devolution deal for Derbyshire and Nottinghamshire;
- 7.2 delegated authority be given to the Chief Executive in consultation with the Leader of the Council to continue negotiations and to sign the devolution deal, subject to ratification of the deal by the Full Council;
- 7.3 the Chief Executive be asked to continue to provide regular updates to all Councillors on the progress of the deal; and
- 7.4 a report to consider the final agreement of the deal be brought to Full Council after the necessary changes in legislation and conclusion of a detailed deal document.



## **Report to Council**

**Subject:** Changes to Representation on Committees.

**Date:** 18 November 2015

**Author:** Service Manager Elections and Members' Services

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### **1. Purpose of the Report**

1.1 For Council to approve changes to the membership of the Environment and Licensing, Licensing Act and Joint Consultative and Safety Committees following requests from Group Business Managers.

### **2. Proposal**

2.1 The Labour Group Business Manager has requested that Councillor Roxanne Ellis is replaced on the Environment and Licensing Committee and the Licensing Act Committee by Councillor Bob Collis, with immediate effect. As Councillor Collis is an existing substitute for these Committees it is necessary for a replacement substitute to be named. Councillor Paul Wilkinson has been nominated for this purpose.

2.2 The Conservative Group Business Manager has requested that Councillor Hewson is replaced on the Joint Consultative and Safety Committee by Councillor Bisset, with immediate effect. As Councillor Bisset is an existing substitute for this Committee it is necessary for a replacement substitute to be named. Councillor Hewson has been nominated for this purpose.

### **3. Recommendations**

3.1 That Council approves the following changes to representation on Committees:

- a) Councillor Roxanne Ellis is replaced by Councillor Collis on the Environment and Licensing Committee and the Licensing Act Committee;
- b) Councillor Wilkinson is appointed as substitute member for the Environment and Licensing Committee and the Licensing Act Committee
- c) Councillor Hewson is replaced by Councillor Bisset on the Joint

Consultative and Safety Committee; and

- d) Councillor Hewson is appointed as substitute member for the Joint Consultative and Safety Committee.





## **Report to Planning Committee**

**Subject:** Updated Planning Committee Protocol and Code of Practice

**Date:** 14<sup>th</sup> October 2015

**Author:** Service Manager, Planning

### **1. Purpose of the Report**

To approve the updated Planning Committee protocol, revised Code of Practice for Councillors in dealing with Planning Applications and the Planning Delegation Panel arrangements.

### **2. Background**

The existing Protocol was adopted in January 2011, and it is recognised that it needs to be refreshed to reflect changes in the context in which Planning Committee determines applications, changes to other relevant codes of conduct and emerging examples of good practice.

Members of the Planning Committee will recall that the Local Government Association and the Planning Advisory Service published 'Probity In Planning' in April 2013. This revised previous 2009 guidance for Councillors and Officers involved in the planning process. The guidance was endorsed by the Borough Council's Standards Committee, then referred to Planning Committee to determine what action to take.

A cross party working group of Members has met several times to consider the implications of the revised guidance and to review the Council's Planning Committee Protocol and Code of Practice for Councillors in dealing with Planning Applications. In addition, the working group raised issues about the current arrangements for the Planning Delegation Panel, in particular the make-up of the Panel and the ability for substitutes to attend.

### **3. Proposal**

The protocol has been revised to ensure that

- decision making is fair, open and impartial
- only relevant planning matters are taken into account
- it complies with members Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, the predetermination

briefing note and the Council's Constitution.

The revisions reflect

- guidance on predetermination and predisposition
- lobbying issues
- clarification on members' and officers' roles at committee
- clarification on member decisions contrary to officer advice, and the process for determining these.

Once adopted, the protocol will be reviewed on a regular basis to ensure it remains up to date and represents good practice.

At the same time, the Code of Practice for Councillors dealing with Planning Applications has been updated to reflect the 'Probity In Planning' guidance. In summary the proposed revised version:

- includes a new section clarifying the general role of officers and members
- includes a new section on development proposals submitted by officers, members and the Council.
- provides more detail on the process to be followed when decisions are taken contrary to officer recommendation.
- provides more detail on when site visits should be carried out.

The operation of the Planning Delegation Panel (PDP) has been reviewed. As a result of this, it is proposed to amend the Constitution to incorporate the following changes:

- A statement of the role of the Planning Delegation Panel, which reflects the current officer delegation arrangements;
- Confirmation that all Councillors may attend the meeting and contribute to discussions; and
- Where a permanent member of the PDP is unable to attend, they can send a substitute member of Planning Committee in their place to take part in making recommendations about how planning applications should be determined.

Changes to the Code of Practice and arrangements for the Planning Delegation Panel will need to be approved by Full Council as they represent changes to the Constitution.

#### **4. Resource Implications**

None.

#### **5. Recommendations**

That Planning Committee:

1. **Adopts** the Protocol for use at committee meetings;
2. **Agrees** the revised version of the Gedling Borough Council Code of Practice for Councillors in dealing with Planning Applications and refers it to Council for approval and insertion into the Constitution; and
3. **Agrees** the revised arrangements for the Planning Delegation Panel and refers it to Council for approval and insertion into the Constitution.

## **6. Appendices**

Appendix 1 - updated Planning Committee Protocol

Appendix 2 - revised Code of Practice for Councillors in dealing with Planning Applications

Appendix 3 – revised arrangements for the Planning Delegation Panel

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## **PLANNING COMMITTEE PROTOCOL**

### **Introduction**

1. This protocol is intended to ensure that planning decisions made at the Planning Committee meeting are reached, and are seen to be reached, in a fair, open and impartial manner, and that only relevant planning matters are taken into account.
2. Planning Committee is empowered by the Borough Council, as the democratically accountable decision maker, to determine planning applications in accordance with its constitution. In making legally binding decisions therefore, it is important that the committee meeting is run in an ordered way, with Councillors, officers and members of the public understanding their role within the process.
3. If a Councillor has any doubts about the application of this Protocol to their own circumstances they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.
4. This protocol should be read in conjunction with the Council's Member's Code of Conduct, Code of Practice for Councillors in dealing with Planning Applications, briefing note on predetermination and the Council's Constitution.

### **Disclosable Pecuniary and Non- Pecuniary Interests**

5. The guidance relating to this is covered in the Council's Member's Code of Conduct and Code of Practice for Councillors in dealing with Planning Applications.
6. If a Councillor requires advice about whether they need to declare an interest, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Pre-determination and Predisposition**

7. Councillors will often form an initial view (a predisposition) about a planning application early on in its passage through the system whether or not they have been lobbied. Under Section 25(2) of the Localism Act 2011 a Councillor is not to be taken to have had, or to have appeared to have had, a closed mind when making a decision just because the decision-maker had previously done anything that directly or indirectly indicated what view the decision-maker took, or would or might take in relation to a matter, and, the matter was relevant to the decision.
8. This provision recognises the role of Councillors in matters of local interest and debate, but Councillors who are members of the Planning Committee taking part in a decision on a planning matter should not make up their minds how to vote prior to consideration of the matter by the Planning Committee and therefore should not

comment or make any commitment in advance as to how they intend to vote which might indicate that they have a closed mind (predetermination).

9. If a Councillor has made up their mind prior to the meeting, or have made public comments which indicate that they might have done, and is not able to reconsider their previously held view, then they will not be able to participate on the matter. The Councillor should declare that they do not intend to vote because they have (or could reasonably be perceived as having) judged the matter elsewhere. The Councillor will be then not be entitled to speak on the matter at the Planning Committee, unless they register to do so as part of the public speaking provision. For advice on pre-determination and predisposition, Councillors should refer to the Code of Practice for Councillors in dealing with Planning Applications in the Council's Constitution, and seek the advice of the Council Solicitor and Monitoring Officer.

### **Lobbying**

10. The guidance relating to this is covered in the Code for dealing with Planning Applications.
11. If a Councillor requires advice about being lobbied, they should seek advice from the Council Solicitor and Monitoring Officer as soon as possible and preferably well before any meeting takes place at which they think the issue might arise.

### **Roles at Planning Committee**

12. The role of Councillors at committee is not to represent the views of their constituents, but to consider planning applications in the interests of the whole Borough. When voting on applications, Councillors may therefore decide to vote against the views expressed by their constituents. Councillors may also request that their votes are recorded.
13. The role of Officers at Planning Committee is to advise the Councillors on professional matters, and to assist in the smooth running of the meeting. There will normally be a senior Planning Officer, plus a supporting Planning Officer, a senior Legal Officer and a Member Services Officer in attendance, who will provide advice on matters within their own professional expertise.
14. If they have questions about a development proposal, Councillors are encouraged to contact the case Officer in advance. The Officer will then provide advice and answer any questions about the report and the proposal, which will result in more efficient use of the Committees time and more transparent decision making.

### **Speaking at Planning Committee**

15. Planning Committee meetings are in public and members of the public are welcome to attend and observe; however, they are not allowed to address the meeting unless they have an interest in a planning application and follow the correct procedure.
16. Speaking at Planning Committee is restricted to applicants for planning permission, residents and residents' associations who have made written comments to the Council

about the application and these have been received before the committee report is published. Professional agents representing either applicants or residents are not allowed to speak on their behalf. Anyone intending to speak at Committee must register to do so in writing, providing name and contact details, by 5pm three working days before the Committee meeting. As most Committee meetings are currently held on Wednesdays, this is usually 5pm on the Friday before. A maximum of 3 minutes per speaker is allowed, unless extended at the Chair of the Committee's discretion, so where more than one person wishes to address the meeting, all parties with a common interest should normally agree who should represent them or split the three minutes between them. No additional material or photographs will be allowed to be presented to the committee, and Councillors are not allowed to ask questions of speakers.

17. Other than as detailed above, no person is permitted to address the Planning Committee and interruptions to the proceedings will not be tolerated. Should the meeting be interrupted, the Chair of the Committee will bring the meeting to order. In exceptional circumstances the Chair of the Committee can suspend the meeting, or clear the chamber and continue behind closed doors, or adjourn the meeting to a future date.
18. Where members of the public wish to leave the chamber before the end of the meeting, they should do so in an orderly and respectful manner, refraining from talking until they have passed through the chamber doors, as talking within the foyer can disrupt the meeting.

### **Determination of planning applications**

19. Councillors will then debate the motion and may ask for clarification from officers. However, if there are issues which require factual clarification, normally these should be directed to the case Officer before the Committee meeting, not at the meeting itself. After Councillors have debated the application, a vote will be taken.
20. Whilst Officers will provide advice and a recommendation on every application and matter considered, it is the responsibility of Councillors, acting in the interests of the whole Borough, to decide what weight to attach to the advice given and to the considerations of each individual application. In this way, Councillors may decide to apply different weight to certain issues and reach a decision contrary to Officer advice. In this instance, if the Officer recommendation has been moved and seconded but fails to be supported, or if the recommendation is not moved or seconded, then this does not mean that the decision contrary to Officer advice has been approved; this needs to be a separate motion to move and must be voted on. If, in moving such a motion Councillors require advice about the details of the motion, the meeting can be adjourned for a short time to allow members and Officers to draft the motion, which will include reasons for the decision which are relevant to the planning considerations on the application, and which are capable of being supported and substantiated should an appeal be lodged. Councillors may move that the vote be recorded and, in the event of a refusal of planning permission, record the names of Councillors who would be willing to appear if the refusal was the subject of an appeal.

Oct 2015

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**EXTRACT FROM THE COUNCIL'S CONSTITUTION**

**12. Gedling Borough Council Code of Practice for Councillors in Dealing with Planning Applications**

**12.1 Introduction**

12.1.1 This Code is based upon the Guidance Note issued by the Local Government Association on Probity in Planning for Councillors and Officers. It has been prepared by the Planning Committee and has been adopted by the Council. Failure on the part of any Councillor to comply with this Code may comprise conduct which could reasonably be regarded as bringing his office or the Council into disrepute and may accordingly be a breach of Paragraph 7 of the Members' Code of Conduct.

**12.2 The General Role of Councillors and Officers**

12.2.1 Councillors and Officers have different but complementary roles. Both serve the public but Councillors are responsible to the electorate, whilst Officers are responsible to the Council as a whole. Officers advise Councillors and the Council and carry out the Council's work. They are employed by the Council, not by individual Councillors. A successful relationship between Councillors and Officers will be based upon mutual trust, understanding and respect of each other's positions and roles.

12.2.2 Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct, breaches of which may be subject to disciplinary action by the RTPI. Similarly Officers who are Solicitors are subject to the Solicitors Regulation Authority (SRA) Code of Conduct, breaches of which may be subject to disciplinary action by the SRA. Councillors must not ask officers to act in a way which will put them in breach of their professional rules.

**12.3 Conflicts of Interest and Predetermination**

12.3.1 A member of the Planning Committee who is also a member of another body, whether within the Council such as the Cabinet or a committee, or outside the Council such as a parish council or charitable body, should comply with the requirements of the Council's Members' Code of Conduct with regard to the declaration of interests and the participation or non-participation in the consideration of any planning application submitted by that body.

- 12.3.2 A Member of the Planning Committee who has expressed a clear intention to vote in a particular way or has otherwise predetermined their position on an application before its consideration by the Committee must not take part in the decision as a Member of the Planning Committee.
- 12.3.3 If any member of the Planning Committee has expressed a view on a planning application to be considered by the Planning Committee on any occasion and in any forum in advance of consideration of the matter by the Planning Committee, but is willing to and intends to listen to all the considerations presented to the committee before deciding on how to vote, then they should not be regarded as having fettered their discretion and they may participate and on that application.

#### **12.4 Development proposals submitted by councillors and officers and Council development**

- 12.4.1 Councillors and Officers have a right as members of the public to submit planning applications. Such applications must be handled in the following way so as to avoid accusations of favouritism:
- Officers and Councillors must not act as agents for those pursuing planning matters within the Council even if they are not involved in the decision making.
  - Where a Councillor is the applicant for planning permission or is a relative or close associate of the applicant, that Member should play no part in the decision-making process for those proposals. A Councillor who is the applicant will have a disclosable pecuniary interest in their own application and would commit a criminal offence if they participated in its consideration.
  - Where an Officer is the applicant for planning permission or is a relative or close associate of the applicant, that Officer should play no part in processing, advising on or determining the application.
  - The Monitoring Officer should be informed of any application submitted by a Councillor or Officer.
  - Councillor/Officer applicants must not lobby or bring pressure to bear on other Officers or Councillors in connection with their application.
  - Any planning application submitted by a Councillor or Officer (or their partner or spouse or immediate family member) should be dealt with by the Planning Committee itself and not dealt with by officers under delegated powers.

- The right of an applicant to address the Planning Committee before consideration of the application by the Planning Committee should not apply where the applicant is a member of the Council. In that case, the Councillor may write to the Committee with such representations as they wish to make.

12.4.2 The decision making process for proposals relating to Council owned land or Council development can be open to criticism on the basis that the Council may find it difficult to separate its roles as developer and planning authority. It is therefore important that the application is treated with the same transparency and impartiality as those of private developers. Such applications must therefore be handled in the following way:

- Any Officer involved in the initiation of the proposals must not be involved in the processing and determination of the application.
- Any Councillor/Officer involved in the initiation of the proposals must not lobby or bring pressure to bear on other officers or Councillors in connection with the application.
- Any planning application submitted by or on behalf of the Council should be dealt with by the Planning Committee itself and not dealt with by officers under delegated powers.
- Any Councillor involved in the decision to initiate the proposals can only participate at Planning Committee if they are prepared to make their decision in the light of the information and evidence presented there.

## **12.5 Lobbying of and by Councillor**

12.5.1 Lobbying is a normal part of the planning process; however it can lead to the impartiality and integrity of Councillors being called into question unless care is exercised. When being lobbied by any party on a planning application, members of the Planning Committee should avoid expressing any opinion which might be taken as indicating that they have already made up their mind on the issue. If Councillors do express an opinion, they should make it clear that they will only be in a position to make a final decision after having heard all the relevant arguments and taking into account all relevant material and planning consideration at committee. In order to avoid any allegation of predetermination or bias, Councillors could restrict themselves to giving procedural advice, including advice on how and to whom those lobbying can communicate.

- 12.5.2 Councillors can raise issues which have been raised by their constituents with officers.
- 12.5.3 The consideration of planning applications by the Planning Committee should not be subject to whipping arrangements on behalf of the political groups and Councillors must not decide in group meetings before the Committee how they should vote on the matter in Committee. The use of political whips to seek to influence the outcome of a planning application is likely to be regarded as maladministration.
- 12.5.4 A member of the Planning Committee should avoid organising support for or against a planning application and should avoid lobbying other Councillors on such applications.
- 12.5.5 Councillors should not put improper pressure on officers for a particular recommendation or decision, and should not do anything which compromises or is likely to compromise officers' impartiality or professional integrity. Councillors must recognise that Officers who are chartered town planners are subject to the Royal Town Planning Institute (RTPI) Code of Professional Conduct and may be subject to disciplinary action if they are in breach of the Code. Similarly Solicitors are subject to the Solicitors Regulation Authority Code of Conduct.
- 12.5.6 If any Councillor, whether or not a member of the Planning Committee, acts as a speaker on behalf of a lobby group at Committee, they must withdraw once they have spoken in order to avoid any suggestion that members of the Committee may be influenced by their continued presence.

## **12.6. Decisions Contrary to Officer Recommendations**

- 12.6.1 The Planning Committee must only make planning decisions in accordance with the development plan (which includes the Aligned Core Strategy and adopted Local Plan and supplementary planning documents), unless material considerations indicate otherwise, and Article 11 of the Articles of the Constitution.
- 12.6.2 Planning Committee can make a decision which is contrary to the officer recommendation. This will usually be as a result in the difference in the assessment of how a policy has been complied with or a different weight given to material considerations.
- 12.4.2 When making a decision which differs from the Officer recommendation, Planning Committee will:

- Record the reasons for the decision as part of the mover's motion.
- Adjourn for officers to draft suitable wording to reflect the reasons proposed.
- In any case in which Councillors wish to add to or amend conditions proposed by Officers, adjourn the meeting to give Officers a reasonable opportunity to draft suitable conditions reflecting Councillors wishes
- Give officers the opportunity to explain the implications of the decision, including an assessment of a likely appeal outcome and chance of a successful award of costs against the Council, should one be made.
- Formally agree the detailed reasons for the decision when the meeting re-convenes.
- Consider adjourning the matter to another meeting where there are concerns about the validity of the reasons proposed.

12.4.3 If the Planning Committee makes a decision contrary to the officers' recommendation, the Minutes should contain a detailed note of the Committee's reasons for the decision, which should be placed on the application file. Councillors must be prepared to explain in full their reasons for not agreeing with the officer recommendation. The reasons for the decision should be clear and convincing.

12.4.4 Where Councillors refuse permission contrary to Officer advice, after the Committee meeting, Officers and Councillors will meet to discuss how to pursue the matter. Where it appears that the grounds for refusal could be overcome by further negotiation with the applicant, Officers will pursue this with a view to encouraging a revised application. However, this can involve cost for the applicant and can be time consuming. Therefore, notwithstanding any attempts at negotiation by Officers, the applicant may decide to appeal the decision.

12.4.5 Where an appeal is received, Officers and Councillors will meet to discuss the nature of the appeal, the issues raised and how it will be handled.

12.4.6 For appeals determined by Written Representations, after discussion with the relevant Councillors, Officers will produce the draft written statement, which will reflect and justify the reasons for refusal. This will then be sent to the nominated Member(s) to agree or add to the statement. Officers will provide technical and professional guidance on whether it is appropriate to include or exclude certain information. The statement will then be submitted and the appeal determined.

12.4.7 For appeals determined at Informal Hearings, the statement will be produced as above. Pre-hearing meetings will then be held between Planning and Legal Officers and the nominated Member(s) to discuss what the planning issues are, and how

the nominated Member(s) will present their reasons for the decision and defend the appeal at the hearing.

- 12.4.8 An informal hearing is a round table debate in the form of a discussion led by the Inspector. Cross-examination is not usually permitted unless the Inspector considers that it is required to ensure a thorough examination of the main issues. In such cases the Inspector will consider whether the informal hearing should be closed and a full public inquiry be held instead.
- 12.4.9 Solicitors or other professional advisers (such as highways or landscape officers) do not usually attend informal hearings on behalf of the Council as there is no role for them at the round table discussion. However, it is recognised that in exceptional circumstances there may be grounds for an advocate to attend the informal hearing. In such cases the Council Solicitor and Monitoring Officer in consultation with the Chair of the Planning Committee will determine what attendance, if any, is appropriate.
- 12.4.10 Planning Officers will attend the informal hearing to act in a facilitator role, clarifying any questions regarding process or factual matters, for example regarding points of planning policy, site history or technical issues, and to provide professional advice for Councillors.
- 12.4.11 At the hearing itself, if an application for award of costs is made by the appellant, Planning Officers will support the nominated Member(s) in responding to these, and may respond on issues of procedure and decision-making. In this situation Officers will work with Councillors to emphasise the importance of local decision making and to explain the process which was applied when applying weight to the material considerations of the case.
- 12.4.12 For appeals determined at Public Inquiries, the same process as above will apply. However, as these involve more significant issues, and may require professional legal representation, there are likely to be more meetings before statements are exchanged and before the inquiry itself. It will be important therefore that both Officers and the nominated Councillors attend all of these.
- 12.4.13 Officers and professional legal representatives will act as advocates (or expert witnesses) and will also work with Councillors to prepare them to be cross examined during the Inquiry. This will include investigating potential lines of inquiry.

## **12.5 Site Visits**

- 12.7.1 Site visits will only be arranged for the Planning Committee with the agreement of the Chair of the Committee where the benefit is clear and substantial. A site visit is only likely to be necessary if:

12.7.1.1 the impact of the proposed development is difficult to visualise from the plans and any supporting material, including photographs taken by Officers; or

12.5.1.2 there is a good reason why the comments of the applicant and objectors cannot be expressed adequately in writing

12.5.1.3 the proposed development is particularly contentious or significant in relation to the locality.

12.5.2 Where a site visit is arranged for the Planning Committee:

- the purpose, format and conduct should be clear at the outset and adhered to by all throughout the visit
- a record of the reasons why a site visit is called shall be kept
- the Committee will be accompanied by Officers
- the visit must not be used as a lobbying opportunity by the applicant, objectors or supporters. This will be made clear to parties present
- the visit itself will consist of an inspection of the site by the Committee to gain a better understanding of the issues and will be run on the strict lines of a planning inspector's site visit.
- the merits or otherwise of the application will not be discussed.

12.5.3 Where a site visit is not arranged for the Planning Committee a member of the Committee may be tempted to visit the application site alone. Members do not have the right to enter private property and can only view the site from public vantage points. Even if invited by the owner to do so, Members of the Planning Committee should not enter the site on their own, as this could lead to a perception of bias or pre-determination.

## **12.6 Member Training**

12.8.1 All Councillors of the Council will receive training with regard to the planning system. Only Councillors who are willing to accept within a reasonable time such training will be permitted to serve on the Planning Committee.

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### **13. Planning Delegation Panel**

#### Role of the Planning Delegation Panel

The Planning Delegation Panel will be consulted by the Corporate Director responsible for the planning service in respect of all planning applications which do not fall to be decided by him under his other delegations and to decide which of these applications he will determine and which he will refer to the Planning Committee for determination.

- 13.1 The Planning Delegation Panel will consist of a permanent membership of six Councillors drawn from and agreed by the Planning Committee. In the event that a permanent member of the panel is unable to attend, another member of the Planning Committee may act as substitute.
- 13.2 The quorum for the Planning Delegation Panel shall be three.
- 13.3 Meetings of the Panel will be held each Friday and the agenda for the meeting will be issued in advance.
- 13.4 Where an application is added to the agenda after it has been circulated, the panel members and relevant ward members will be notified.
- 13.5 All Councillors may attend the meetings and contribute to discussions.
- 13.6 Notes of each meeting of the panel will be included as information items on the next available Planning Committee agenda.

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## **Report to Council**

**Subject:** Amendment to Contract Standing Orders

**Date:** 18 November 2015

**Author:** Council Solicitor and Monitoring Officer

### **1. Purpose**

To seek approval for amendments to the Contract Standing Orders in the Constitution.

### **2. Background**

2.1 Members will recall that the attached report (Appendix A) was presented to the Council meeting on 16 September 2015 recommending changes to the Council's Contract Standing Orders. In view of the operation of Standing Order 29, consideration of the report was adjourned without discussion to the next ordinary meeting of the Council.

### **3. Proposal**

- 3.1 It is proposed that the revised Contract Standing Orders attached as Appendix 1 to the previous report to Council be approved.
- 3.2 Once the new Contract Standing Orders are approved, it is proposed that training will be delivered to key Officers.

### **4. Financial Implications**

4.1 None arising from this report.

### **5. Appendices**

5.1 Appendix A – Report to Council 16 September 2015 with Appendix 1 – revised Contract Standing Orders.

### **6. Background Papers**

6.1 None identified.

## **7. Recommendations**

### **It is recommended that:**

- 7.1 the Council approves the revised Contract Standing Orders at Appendix 1 to the attached report; and
- 7.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Orders.



## **Report to Council**

**Subject:** Amendment to Contract Standing Orders

**Date:** 16 September 2015

**Author:** Council Solicitor and Monitoring Officer

### **1. Purpose**

To seek approval for amendments to the Contract Standing Orders in the Constitution.

### **2. Background**

2.1 The existing Contract Standing Orders (CSOs) were originally drafted many years ago but have been amended on a piecemeal basis over the years. This has led to some inconsistencies in terminology and difficulties in interpretation. As a result, it was considered appropriate to carry out a thorough review to ensure that they were fit for purpose in the current climate and reflected current legislation.

2.2 Officers across the Council regularly involved in procurement were consulted and asked to identify any inconsistencies in terminology and any issues they faced when conducting a procurement exercise under the current CSOs. As a result of this, Officers requested that the following provisions be included in any revised version:

- an ability to use framework agreements for all contracts,
- flexibility around where tenders need to be advertised,
- clarity around the contracts the CSOs apply to,
- allowing most economically advantageous tender (MEAT) as a criteria for selecting the successful bidder rather than restricting it to price alone,
- the ability for the Corporate Director to approve the use of certain types of tender processes without the need for Member approval,
- provisions enabling the Council accept tenders electronically instead of being restricted to hard copy submission alone.

2.3 As part of the review, Standing Orders have also been added to address issues which have arisen over the last few years or are simply not covered in the current version as follows:

- an exemption from the requirement to tender if the Council receives grant funding which needs to be spent quickly,
- an exemption from the requirement to tender if the Council is procuring services, supplies or works from another local authority, and
- an exemption from the requirement to tender if the Council is procuring services, supplies or works from a company wholly owned by the Council.

2.4 During the course of the review, the Public Contracts Regulations 2015 came into force and therefore provisions have been included to reflect the requirements of and provisions in those Regulations, as follows:

- If the value of the contract exceeds £25,000 and is advertised, the Regulations require the advertisement to be placed on Contracts Finder.
- The Regulations prohibit the use of a pre-qualification stage in a procurement of supplies and services. A pre-qualification stage can only be used for works contracts of a certain value.
- If the value of the contract exceeds £25,000, the Regulations require the award of the contract to be published on Contracts Finder.
- If the value of the contract exceeds £25,000, the Regulations require the contract to include provisions relating to the payment of undisputed invoices within 30 days.

2.5 The views of a cross party working group of members on the revised CSOs have been sought and a final version, incorporating their comments, prepared (Appendix 1).

### **3. Proposal**

3.1 It is proposed that the revised Contract Standing Orders attached as Appendix 1 to the report reflecting the above amendments, be approved.

3.2 Once the new Contract Standing Orders are approved, it is proposed that training will be delivered to key Officers.

3.3 The proposed change falls within Standing Order 29 which states:

*“29. Variation and Revocation of the Constitution*

*Any motion to add to, vary or revoke the Articles of the Constitution, Procedural Standing Orders, Standing Orders relating to Contracts, Standing Orders for Dealings with Land and Standing Orders relating to staff except for the amendment of financial limits and other amendments appropriate to give effect to changes in officers’ duties, responsibilities and titles, shall, when proposed and seconded, stand adjourned without discussion to the next ordinary meeting of the Council.”*

Consequently, the changes to the Standing Orders cannot be agreed straightaway.

**4. Financial Implications**

4.1 None arising from this report.

**5. Appendices**

5.1 Appendix 1 – Revised Contract Standing Orders.

**6. Background Papers**

6.1 None identified.

**7. Recommendations**

**It is recommended that:**

7.1 the Council approves the revised Contract Standing Orders attached as Appendix 1 to the report; and

7.2 the Council Solicitor and Monitoring Officer is authorised to make the appropriate amendments to the Constitution to incorporate the Standing Orders.

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## **Contract Standing Orders**

### **1. PURPOSE**

1.01 The purpose of these Contract Standing Orders is to:

- achieve value for money, by achieving the optimum combination of whole life costs and quality of outcome;
- ensure consistency with the highest standards of integrity;
- ensure fairness and transparency in allocating public contracts;
- comply with legal requirements, including European Union (EU) treaty principles;
- ensure that non-commercial considerations do not influence any contracting decision;
- prevent fraud and corruption.

### **2. COMPLIANCE**

2.01 Every relevant contract made by or on behalf of the Council shall comply with EU Treaties and with any relevant Directives of the EU for the time being in force in the United Kingdom and these Standing Orders.

2.02 A Waiver from any of the following provisions of these Standing Orders may be made by direction of the Council where it is satisfied that the exemption is justified in special circumstances. A Waiver cannot be given where the Contract value exceeds the EU thresholds set out in the Public Contracts Regulations 2015 (“the 2015 Regulations”).

2.03 A record of any Waiver made in accordance with Standing Order 2.02 shall be made in the Minutes of the Council.

2.04 Where the Council acts as agent for another organisation or authority then if that principal shall so require, the contractual and tendering procedures of the principal shall be used in substitution, in whole or in part, for these Standing Orders.

### **3. RELEVANT CONTRACTS**

3.01 All relevant contracts must comply with these Contract Standing Orders. A relevant contract is any arrangement by, or on behalf of the Council to procure the carrying out of works or provision of supplies or services. This includes arrangements for:

- purchasing goods or materials;
- the hiring, renting or leasing of goods or equipment;
- executing works, including building or engineering works;
- purchasing of any services, including consultancy services;
- concession contracts (eg. operating commercial ventures at the Council’s premises such as vending machines).

3.02 Relevant contracts do not include:

- contracts of employment with individual employees;
- land and property transactions (sales, purchases, leases, licenses etc). These are governed by the Standing Orders for Dealings in Land. The delivery of services associated with land and property transactions are covered by these Contract Standing Orders;
- The payment of grants to third parties. However contracts with voluntary organisations for supplies, services or works are covered by these Contract Standing Orders;
- Treasury management deals for borrowing or investment which will be dealt with in accordance with the approved Treasury Strategy.

#### 4. COMPETITION REQUIREMENTS

- 4.01 The nature of the procurement process to be undertaken will depend on the estimated total value of the contract.
- 4.02 When establishing the total value of the contract, the whole life costs and any possible extension periods which may be awarded must be included. Contracts must not be artificially under or over-estimated or divided into separate contracts to avoid the application of the Contract Standing Orders or EU procurement rules.
- 4.03 Where the estimated total value of the proposed contract is within the values in the first column of the table below, the procurement process in the second column must be followed unless a waiver under Standing Order 2.02 has been granted or an exception under Standing Order 30 applied.

Total Value	Procurement Procedure
Up to £10,000	<p>A price shall be agreed or the method of ascertaining the cost shall be agreed in writing.</p> <p>Quotations may be obtained where the Corporate Director considers it desirable in the interests of economy or efficient management. In such cases at least 3 quotations shall be obtained in accordance with Standing Order 7 unless exceptional circumstances apply.</p>
Between £10,000 and £50,000	At least 3 written quotations must be obtained by the Corporate Director in accordance with Standing Order 7.
£50,000 to EU thresholds	Tenders shall be invited in accordance with Standing Orders 8 to 11 or a Framework Agreement used in accordance with Standing Order 12.

Above EU thresholds set out on the 2015 Regulations	Tenders shall be invited in accordance with the procedures set out in the 2015 Regulations.
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## 5. FUNDING

- 5.01 In accordance with the Council's Financial Regulations, an order must not be placed or a formal process for letting a contract commenced unless expenditure has been included in approved capital or revenue budgets or the approval of the Chief Financial Officer has been obtained.

## 6. SOFT MARKET TESTING

- 6.01 Potential suppliers may be consulted, prior to the issue of an invitation to tender or request for quotation, in general terms about the nature, level, standard and packaging of the supplies, services or works and other relevant matters, so as to best ensure competition and value for money, provided that this does not distort competition or prejudice any potential supplier.
- 6.02 When carrying out soft market testing, it must be made clear to potential suppliers that they will not receive preferential treatment in the tender/quotation process and that there is no guarantee that any procurement exercise will take place.

## 7. QUOTATIONS

- 7.01 When seeking quotations the Corporate Director must ensure that:
- a) The selection process used to determine which suppliers will be invited to quote is fair and equitable;
  - b) The Request for Quotation specifies the supplies, services or works to be procured;
  - c) The Request for Quotation states that the Council is not bound to accept any quotation;
  - d) All suppliers invited to quote are issued with the same information at the same time and subject to the same conditions. Any supplementary information shall be given on the same basis;
  - e) All suppliers invited to quote are given an adequate period of time to prepare and submit a proper quotation;
  - f) All quotations are opened together after the specified return date; and
  - g) A written record of the reasons is made on file if the lowest price is not accepted.
- 7.02 If the value of the contract exceeds £25,000 and the Corporate Director considers that the contract opportunity should be advertised, the

advertisement must be published in accordance with the 2015 Regulations.

- 7.03 Where it is not possible to obtain 3 quotations, due to lack of suitable firms prepared to quote or for some other valid reason, the Corporate Director shall report the reason together with the quotation to be accepted to the Chairman of the Overview and Scrutiny Committee. Such notification shall then be reported to the Overview and Scrutiny Committee for information.

## **8. OPEN PROCEDURE**

- 8.01 The open procedure can be authorised by the Corporate Director. It is a one stage procedure where the contract is advertised and anyone interested can submit a tender.
- 8.02 Public Notice shall be given on the website specified in the 2015 Regulations and, where the Corporate Director considers it appropriate to generate additional interest in the contract in such newspaper, journal or website as he/she sees fit.

The Public Notice shall:

- a) specify details of the contract into which the Council wishes to enter;
- b) invite tenders for the contract;
- c) state how the tenderers should respond;
- d) state the date and time (being not less than 14 calendar days from the date of the publication of the notice) when tenders must be received by the Council.

## **9. RESTRICTED PROCEDURE**

- 9.01 The restricted procedure can be authorised by the Corporate Director. It is a two stage procedure where firstly the contract is advertised and anyone who expressed an interest must complete a pre-qualification questionnaire. These are then evaluated and a number of potential suppliers are shortlisted and invited to tender. This procedure can only be used for works contracts where the value of the works exceeds the threshold in the 2015 Regulations for services. This procedure cannot be used for procuring supplies or services.
- 9.02 Public Notice shall be given on the website specified in the 2015 Regulations and, where the Corporate Director considers it appropriate to generate additional interest in the contract in such newspaper, journal or website as he/she sees fit.

The Public Notice shall:

- a) specify details of the contract into which the Council wishes to enter;
- b) invite persons or bodies interested to express an interest;

- c) state how the tenderers should respond; and
- d) state the date and time (being not less than 14 calendar days from the date of the publication of the notice) when such expressions of interest must be received by the Council.

9.03 After the expiry of the period specified in the Public Notice all the persons or bodies who applied for permission to tender will be assessed to establish that they have sound:

- Economic and financial standing; and
- Technical ability and capacity to fulfil the requirements of the Council,

and met any other criteria relevant to the contract.

Invitations to tender for the contract shall be sent to:

- a) not less than 3 of the persons or bodies who applied for permission to tender and are considered suitable.
- b) where fewer than 3 persons or bodies have applied or are considered suitable, all those persons or bodies which are considered suitable.

## **10. COMPETITIVE PROCEDURE WITH NEGOTIATION**

10.01 This procedure can only be used with the approval of the Monitoring Officer where the nature of the contract is such that specifications cannot be drawn up with sufficient precision to enable the contract to be awarded using the open procedure. This is especially useful for 'intellectual' services.

10.02 Public Notice shall be given on the website specified in the 2015 Regulations and, where the Corporate Director considers it appropriate to generate additional interest in the contract in such newspaper, journal or website as he/she sees fit.

The Public Notice shall:

- a) specify details of the contract into which the Council wishes to enter;
- b) specify that the particular procedure permitted by this Standing Order will be used;
- c) invite tenders for the contract;
- d) state how the tenderers should respond;
- e) state the date and time (being not less than 14 calendar days from the date of the publication of the notice) when tenders must be received by the Council.

- 10.03 The Corporate Director, or an officer or officers nominated by him/her, shall negotiate with those persons or bodies which have submitted a tender with a view to improving their content.
- 10.04 The negotiation may take place in successive stages in order to reduce the number of tenders to be negotiated by applying the award criteria.
- 10.05 When the negotiations are concluded, the Corporate Director will invite final tenders from those persons or bodies which remain party to the negotiations.

## **11. COMPETITIVE DIALOGUE**

- 11.01 This procedure can only be used with the approval of the Monitoring Officer where the Council is unable to define the design, technical, financial or legal elements of the project. It is really intended for complex procurement. Competitive dialogue is a two stage procedure where firstly the contract is advertised and anyone who expressed an interest must complete a pre-qualification questionnaire. These are then evaluated and a number of potential suppliers are shortlisted and invited to enter into a dialogue with the Council. This procedure can only be used for works contracts where the value of the works exceeds the threshold in the 2015 Regulations for services and cannot be used for procuring supplies or services.
- 11.02 Public Notice shall be given on any appropriate website and, where the Corporate Director considers it appropriate to generate additional interest in the contract in such newspaper, journal or website as he/she sees fit.

The Public Notice shall:

- a) specify details of the contract into which the Council wishes to enter;
  - b) define the Council's needs and requirements in the notice, or by reference to a descriptive document to be supplied;
  - c) specify that the particular procedure permitted by this Standing Order will be used;
  - d) invite persons or bodies interested to apply for permission to take part in the competitive dialogue;
  - e) state how the tenderers should respond;
  - f) specify minimum requirements to be met by all tenderers;
  - g) specify the contract award criteria; and
  - h) state the date and time (being not less than 14 calendar days from the date of the publication of the notice) when such expressions of interest must be received by the Council.
- 11.03 After the expiry of the period specified in the Public Notice all the persons or bodies who applied for permission to take part will be assessed to establish that they have sound:
- Economic and financial standing; and

- Technical ability and capacity to fulfil the requirements of the Council,

and meet any other criteria relevant to the Contract.

Invitations to take part in the competitive dialogue shall be sent to:

- a) not less than 3 of the persons, or bodies, who applied for permission to take part, and are considered suitable.
- b) where fewer than 3 persons, or bodies, have applied or are considered suitable, all those persons, or bodies, which are considered suitable.

- 11.04 The Corporate Director, or an officer, or officers nominated by him/her, shall then enter into a dialogue with those persons or bodies, chosen pursuant to Standing Order 11.03 to identify and develop one or more suitable alternatives capable of meeting the Council's requirements and on the basis of which the persons, or bodies chosen are invited to tender.
- 11.05 During the course of the dialogue, information shall be provided by the Council to all participants equally and information provided to the Council by any participant shall be treated as confidential information unless the provider shall have given permission for its disclosure.
- 11.06 The Council will continue with this dialogue until it is able to identify a solution or solutions which are capable of meeting its procurement need.
- 11.07 When the Council has concluded the dialogue it will inform the participants and request them to submit their final tenders on the basis of the solution, or solutions, presented and specified during the dialogue. The tenders shall contain all the elements required and necessary for the performance of the contract.
- 11.08 The Council shall choose the most economically advantageous tender assessed on the basis of the award criteria laid down in the Public Notice and invitation to tender. The approval of the Cabinet Member and Chair of the Overview and Scrutiny Committee shall be obtained before awarding the Contract. Such approval shall then be reported to the Overview and Scrutiny Committee for information.
- 11.09 The tenderer identified as having submitted the most economically advantageous tender may be asked to clarify aspects of the tender or confirm commitments contained in the tender provided that this shall not have the effect of modifying substantial aspects of the tender and does not distort competition, or, cause discrimination.

## **12. FRAMEWORK AGREEMENTS**

- 12.01 A Framework Agreement is a general term for an agreement with providers that sets out terms and conditions under which specific purchases (call offs) can be made throughout the term of the

agreement without the need to enter into a separate full procurement process.

12.02 Framework agreements procured by other local authorities, public bodies or purchasing consortiums may only be used where the Council is either a named participant or where the Council is considered a recognisable class of contracting authority under the terms of the framework agreement.

12.03 Contracts based on framework agreements may only be awarded by either:

- i) applying the terms laid down in the framework agreement (where such terms are sufficiently precise to cover the particular call-off), or
- ii) where the terms laid down in the framework agreement are not sufficiently precise for the particular call off, by holding a mini-competition in accordance with the procedure set out in the framework agreement or if there is no such procedure as follows;

- (a) inviting the persons or bodies within the framework agreement to submit written tenders;
- (b) stating a date and time (being not less than 14 calendar days) when tenders must be received by the Council; and
- (c) awarding the contract to the tenderer who has submitted the best tender on the basis of the award criteria set out in the specification of the framework agreement.

### **13. EVALUATION CRITERIA**

13.01 The evaluation criteria must be defined and clearly set out in the invitation to tender. Such criteria must be that which is best suited to the procurement exercise and designed to secure value for money.

The following criteria are available:

- lowest price where payment is made by the Council
- highest price where payment is to be received by the Council (eg. in respect of concession contracts), or
- most economically advantageous tender (MEAT) where considerations other than price apply.

The invitation to tender must clearly outline the criteria which will be used to evaluate tenders received and, in the case of MEAT, the overall weightings to be attached to each element.

13.02 In the latter case, the Council will use criteria linked to the subject matter of the contract to determine that an offer is the most economically advantageous for the Council. Such criteria may include: price, service, quality, technical merit, aesthetic and functional characteristics, accessibility, environmental characteristics, running



costs, cost effectiveness, safety, organisational qualification and experience of staff assigned to perform the contract, after-sales service, technical assistance, delivery process, delivery date, delivery period and period of completion.

- 13.03 Issues that are important to the Council in terms of meeting corporate objectives can be used to evaluate bids. The criteria can include for example: sustainability considerations, support for the local economy and social value. All criteria must relate to the subject matter of the contract and must be objectively quantifiable and non-discriminatory. The criteria must not include non-commercial considerations; matters which discriminate against suppliers from the EU or matters which are anti-competitive.

#### **14. SPECIFICATIONS AND STANDARDS**

- 14.01 All tenders shall, except to the extent that the Council in a particular case or specified categories of contract otherwise decides, be based on a definite specification that describes the Council's requirements in sufficient detail to enable the submission of competitive bids.
- 14.02 Where an appropriate British Standard Specification or British Standards Code of Practice or European equivalent is current at the date of the tender, every contract shall require that all goods and materials used or supplied, and all the workmanship shall be at least of the standard required by the appropriate British Standards Specification or Code of Practice or European equivalent.

#### **15. SUBMISSION OF TENDERS**

- 15.01 Where an invitation to tender is issued, every invitation shall state that no Tender will be considered unless it is enclosed in a plain sealed envelope which shall bear the word "Tender", followed by the subject to which it relates and the closing date for tender, but no other name or mark indicating the sender. Tenderers shall be notified accordingly.
- 15.02 Such envelope shall be addressed to the Council Solicitor and Monitoring Officer.
- 15.03 The tenders shall be kept in the custody of the Council Solicitor and Monitoring Officer until the time and date specified for their opening.
- 15.04 No tender received after the time and date specified in the invitation to tender shall be accepted or considered. Any late tender must be returned promptly to the tenderer and may be opened to enable this to be done.
- 15.05 Standing Orders 15.01 to 15.03 shall not apply if the tender process is conducted electronically through an e-Tendering System approved by the Council for this purpose. Tenders must be submitted via the approved system and in accordance with instructions given in the invitation to tenders.

## **16. OPENING**

- 16.01 Tenders received shall be opened one at a time by a representative of the Corporate Director who invited the tenders and at least one officer representing the Monitoring Officer or the Chief Financial Officer.
- 16.02 The relevant Cabinet Member, Chair of the Overview and Scrutiny Committee, the Chief Financial Officer and the Monitoring Officer must be notified of the time and place appointed for the opening and any Member of the Council who wishes may be present at the opening of tenders.
- 16.03 All tenders received shall be recorded by the Monitoring Officer.

## **17. ALTERATIONS AND CLARIFICATION OF TENDERS**

- 17.01 Where examination of tenders reveals errors or discrepancies which would affect the tender figure(s) in an otherwise successful tender, the tenderer is to be given details of such errors and discrepancies and accorded an opportunity of confirming or withdrawing his/her offer. If the tenderer withdraws, the next tender in competitive order is to be examined and reassessed on the basis of the award criteria laid down in the invitation to tender.
- 17.02 Discussions with tenderers after submission of a tender and before the award of a contract with a view to obtaining adjustments in price, delivery or content, must not be carried out in a way which distorts competition, particularly with regard to price.
- 17.03 Where post tender negotiations result in a fundamental change to the specification or contract terms, the contract must not be awarded and must be re-tendered.
- 17.04 If post tender negotiations are necessary during an open tender or restricted procedure, then such negotiations shall only be undertaken with the tenderer who has previously been identified as submitting the best tender. Tendered rates and prices shall only be adjusted in respect of a corresponding adjustment in the scope or quality included in the invitation to tender.

## **18. EVALUATION AND ACCEPTANCE OF TENDERS**

- 18.01 Tenders must be evaluated in accordance with the evaluation criteria set out in the invitation to tender. Where the criteria is other than the lowest or highest price, a written record must be kept of the evaluation with scores for each tenderer on each of the stated evaluation criteria.
- 18.02 Where a tender is within the budgetary provision previously approved by the Council, the Corporate Director may accept the lowest tender, if payment is to be made by the Council or the highest tender if payment

is to be made to the Council or the most economically advantageous tender.

18.03 Tenders not within the budgetary provision shall be referred to Cabinet and Council (if necessary) for approval.

18.04 Where tenders are evaluated on lowest or highest price, a tender other than the lowest tender (if payment is to be made by the Council) or the highest tender (if payment is to be received by the Council) may only be accepted by authority of the appropriate Cabinet Member.

## **19. NOMINATED SUB-CONTRACTORS AND SUPPLIERS**

19.01 Where a sub-contractor or supplier is to be nominated to a main-contractor, the following provisions shall have effect:

- i) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier does not exceed £50,000 then, unless the appropriate Corporate Director is of the opinion in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, quotations shall be invited for the nomination in accordance with Standing Order 4.03 and 7.
- ii) Where the estimated amount of the sub-contract or the estimated value of the goods to be supplied by the nominated supplier exceeds £50,000 then, unless the Corporate Director determines in respect of any particular nomination that it is not reasonably practicable to obtain competitive tenders, tenders shall be invited for the nomination in accordance with these Standing Orders.
- iii) The provisions of Standing Orders 13 to 18 shall apply to tenders received under this Standing Order.

## **20. CONTRACTS TO BE IN WRITING**

20.01 Every contract which exceeds £10,000 in value or amount shall:

- a) be in writing and shall be executed in accordance with Article 12.04 of the Articles of the Constitution, and
- b) specify the supplies or services to be provided or the work to be carried out; the price to be paid together with a statement as to the amount of any discount(s) or other deduction(s); the period(s) within which the contract is to be performed and such other conditions and terms as may be agreed between the parties.

20.02 All contracts exceeding £10,000 in value or amount must be concluded formally in writing before the supplies, services or works are delivered or commenced, except in exceptional circumstances and then only with the written consent of the Monitoring Officer.

## **21. CANCELLATIONS**

- 21.01 There shall be inserted in every written contract, a clause empowering the Council to cancel the contract and to recover from the contractor the amount of any loss resulting from such cancellation:
- a) if the contractor shall have offered, promised or given a financial or other advantage to another person; and either the contractor intends the advantage to induce a person to perform improperly, or reward a person for the improper performance of a relevant function or activity in relation to obtaining or execution of the contract or any other contract with the Council; or the contractor knows or believes that the acceptance of the advantage would itself constitute the improper performance of the relevant function or activity in relation to the obtaining or execution of the contract or any other contract with the Council; or
  - b) if the like acts shall have been done by any person associated with the contractor or acting on his/her behalf (whether with or without the knowledge of the contractor); or
  - c) if in relation to any contract with the Council the contractor or any person associated with him/her or acting on his/her behalf shall have committed any offence under the Bribery Act 2010, or shall have given any fee or reward the receipt of which is an offence under Section 117(2) of the Local Government Act 1972.

## **22. ASSIGNMENTS**

- 22.01 Every contract which is estimated to exceed £10,000 in value or amount must contain a clause prohibiting the contractor from transferring, assigning or sub-letting the contract without the written permission of the Council.

## **23. PAYMENTS**

- 23.01 Every contract which is estimated to exceed £25,000 in value or amount must contain a clause requiring payment of undisputed invoices within 30 days as required by the 2015 Regulations.

## **24. LIQUIDATED DAMAGES**

- 24.01 Every contract which is estimated to exceed £50,000 in value or amount and provides for completion by a particular date or series of dates shall provide for liquidated damages of an amount to be determined in each case by the Corporate Director where he is able to arrive at a realistic estimate of the loss likely to be incurred in the event of the non-performance of the contract in the time specified.

## **25. PERFORMANCE BONDS**

- 25.01 Where a contract is estimated to exceed £100,000 in value or amount and is for the execution of works or for the provision of supplies or services by a particular date or series of dates the Corporate Director concerned shall consider whether the Council should require security

for its due performance and shall in consultation with the Monitoring Officer and the Chief Financial Officer either specify in the Conditions of Tender the nature and amount of the security to be given or certify that no such security is necessary. In the former event, the Council shall require and take a bond or other sufficient security for the due performance of the contract.

## **26. ENGAGEMENT OF CONSULTANTS**

- 26.01 It shall be a condition of the engagement of the services of any architect or of any engineer, surveyor or other consultant (not being an officer of the Council) who is to be responsible to the Council for the supervision of a contract on its behalf, that in relation to the contract he/she shall:
- i) comply with these Standing Orders as though he/she were a Corporate Director subject to the modification that the procedure to be followed in inviting and opening tenders shall be approved in advance by the appropriate Corporate Director;
  - ii) at any time during the carrying out of the contract, produce to the appropriate Corporate Director, or his/her representative, on request, all the records maintained by him/her in relation to the contract; and
  - iii) on completion of the contract, transmit all such records to the appropriate Corporate Director.

## **27. PUBLICATION OF INFORMATION ABOUT CONTRACTS AWARDED**

- 27.01 Where a contract which is estimated to exceed £25,000 in value or amount is awarded, information about the contract must be published in accordance with the 2015 Regulations.

## **28. REGISTER OF CONTRACTS**

- 28.01 A register of all contracts exceeding £50,000 entered into by the Council following an invitation to tender or under the Framework Agreement shall be kept and maintained by the Chief Financial Officer. Such register shall for each contract, specify the name of the contractor, the works to be executed or the supplies or services to be provided and the contract value. The register shall be open to inspection by any Member of the Council.

## **29. AVOIDANCE OF CORRUPTION**

- 29.01 Any officer who has a conflict of interest or any material interest, financial or otherwise, which may affect the procurement process must declare that interest to the Corporate Director and shall take no further part in the procurement process, unless the Monitoring Officer gives written approval to that officer's continued involvement.

29.02 No officer shall accept any gift, fee, hospitality or reward in return for favourable treatment in a procurement exercise.

### **30. EXCEPTIONS**

30.01 Where a proposed contract exceeds the EU thresholds, the procedures set out in the 2015 Regulations apply and none of the following exemptions can be relied upon.

30.02 Nothing in these Standing Orders shall require tenders to be invited if:

- i) in the case of contracts for supplies:
  - a) the goods or materials are patented, of such special character or are sold only at a fixed price and no reasonably satisfactory alternative is available;
  - b) the prices of the goods or materials are wholly controlled by trade organisations or Government order and no reasonably satisfactory alternative is available;
  - c) for other reasons, there would be no genuine competition;
- ii) the work to be executed or the supplies or services to be provided constitute an extension of an existing contract (such an extension to be approved by the Cabinet Member responsible). In the case of contracts which exceed the EU thresholds, no extension is permitted unless the option to do so was included in the original OJEU notice and contract documentation. In the case of other contracts, no extension is permitted where it will result in the value of the contract exceeding the EU thresholds;
- iii) the contract is for works, supplies or services certified by the Corporate Director concerned as being required so urgently as not to permit the invitation of tenders such certificate to be reported to the appropriate Cabinet Member;
- iv) the contract relates to repairs to or the supply of parts for existing proprietary machinery or plant;
- v) the supplies are purchased at a public auction;
- vi) the execution of works or provision of supplies or services involves specialist or unique knowledge or skills or are only available from one organisation;
- vii) tenders have been invited on behalf of any consortium, collaboration or similar body of which the Council is a member, provided that such tenders shall have been invited in accordance with the provisions of the Contract Standing Orders or Contract Procedure Rules of the said body or lead authority;

- viii) the contract is funded by time limited grant funding from an external body and the time limitations will not allow a full tender process to be completed. Any contract award must be approved by the Cabinet Member responsible and must not contravene the grant funding conditions;
- ix) the contract relates to shared service or collaborative arrangements with other public bodies, including other local authorities;
- x) the contract is to be awarded to an entity controlled by the Council.

30.03 A written record must be kept on the file where tenders are not invited in reliance on an exception set out in Standing Order 30.02.

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## **MINUTES PLANNING COMMITTEE**

**Wednesday 2 September 2015**

Councillor John Truscott (Chair)

In Attendance:           Councillor Barbara Miller           Councillor Gary Gregory  
                                  Councillor Michael Adams       Councillor Sarah Hewson  
                                  Councillor Pauline Allan        Councillor Marje Paling  
                                  Councillor Sandra Barnes       Councillor Colin Powell  
                                  Councillor Alan Bexon           Councillor Paul Stirland  
                                  Councillor Bob Collis           Councillor Paul Wilkinson

Absent:                        Councillor Peter Barnes, Councillor Chris Barnfather  
  and Councillor Meredith Lawrence

Officers in Attendance:    D Gray, L Mellors, N Morley and L Sugden

### **50            APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Barnfather and Lawrence.

Councillor Ellis attended as a substitute for Councillor Barnes, who had given apologies for his absence.

### **51            TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 AUGUST 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **52            DECLARATION OF INTERESTS**

On behalf of all Members, the Chair declared a non-pecuniary interest in application 2015/0636 as the site is in the ownership of the Borough Council.

### **53            APPLICATION NO. 2014/0856- 21 ETHEL AVENUE, MAPPERLEY.**

Proposed demolition of 21 Ethel Avenue and erection of two dwellings.

Mr Lee Freeley, the applicant, spoke in support of the application.

Mr Andrew Robinson, the resident, spoke against the application.

The Principal Planning Officer presented the report, and informed Members of an amendment to Condition 2 to add the following wording the reflect revised plans:

“and the revised house types (ETH – 1003 Rev A) and revised street scenes (ETH – 1005 Rev A), received on the 16th July 2015; and the revised site plan and site location plan (ETH – 1001 Rev L), received on 2nd September 2015”.

Councillor Powell, seconded by Councillor Bexon, proposed a motion to defer consideration of the application to a future meeting of the Committee. The motion was duly put to the vote and was not carried.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following Conditions:-**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be built in accordance with the details as set out within the application forms received on the 17th July 2014, the Transport Statement and the Tree Survey received on the 17th July 2014 and the revised house types (ETH – 1003 Rev A) and revised street scenes (ETH – 1005 Rev A), received on the 16th July 2015; and the revised site plan and site location plan (ETH – 1001 Rev L), received on 2nd September 2015.
3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of the materials to be used in the external construction of the proposed dwellings. Once these details are approved the dwellings shall be built and retained thereafter in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the existing levels of the site together with the finished floor levels of the dwellings. Once these details are approved the dwellings shall be built in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
5. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site and the individual plot boundaries. The

approved means of enclosure shall be erected before the dwellings are first occupied and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.

6. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of surfacing of the unbuilt on portions of the site. Once these details are approved the development shall be carried out and retained thereafter in accordance with the approved details and be completed in accordance with these approved details before the dwellings are first occupied.
7. Before development is commenced there shall be submitted to and approved by the Borough Council a plan of the site showing the details any proposed planting on site as well as details of the existing planting to be removed or retained. The approved details shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
8. Before development is commenced there shall be submitted to and approved by the Borough Council a scaled plan of the site showing the precise details of the proposed fencing and planting proposed to the area shown on the revised plans outlined in blue which is adjacent to the application site. Once these details are approved the fencing shall be erected before the proposed dwellings are first brought into use and retained thereafter at all times. The proposed landscaping shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
9. Before development is commenced there shall be submitted to and approved by the Borough Council a method statement showing how the existing trees at the site will be safeguarded during site preparation and the development of the site. This shall include precise details of construction works within the root protection areas of the trees, including details of any pruning and protection works required to facilitate the access and development of the site. Once these details have been approved the development, including site preparation, shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.

10. Before development is commenced there shall be submitted to and approved in writing by the Borough Council as Local Planning Authority a Drainage Statement which outlines the measures that would be put in place in order to deal with surface water run-off from the site and details of how the development of the site will ensure that there is no increase in flood risk to the site, neighbouring properties or the area in general. Once these details are approved the development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
11. The development hereby permitted shall not commence until drainage plans for the disposal of surface water and foul sewage have been submitted to and approved in writing by the Borough Council as Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
12. The first floor windows to the north east side elevation of the dwelling to plot 2 which serve a bathroom and en-suite shall be obscure glazed with small top hung opening windows at all times. No additional windows shall be inserted in this first floor north east side elevation of the dwelling at any time.
13. No windows shall be inserted in the first floor north west front elevation of the dwelling to plot 2 at any time.
14. No works permitted under Class A, B, C and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as Local Planning Authority.
15. No part of the development hereby permitted shall be brought into use until the vehicle access arrangements, parking and turning areas are provided in accordance with the submitted details. The vehicle access arrangements, parking and turning areas shall thereafter be retained as such for the life of the development.
16. No part of the development hereby permitted shall be brought into use until the site access/ drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel). The access/surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development.
17. No part of the development hereby permitted shall be brought into use until the access driveway/parking/turning areas are

constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.

18. Before development, including site preparation, is commenced there shall be submitted to and approved in writing a protected species survey in respect to the potential presence of bats on the site. Once these details are approved the recommendations with the survey shall, be adhered to and any mitigation measures implemented.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the materials are appropriate and result in a visually satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
4. To ensure that the dwellings are visually acceptable within the streetscene and have an acceptable relationship with neighbouring properties, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
5. To ensure that the materials are appropriate and result in a visually satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
6. To ensure that the materials are appropriate and result in a visually satisfactory development, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
7. To ensure that the details of the development are visually acceptable, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
8. To ensure that the details of the development are visually acceptable, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
9. To ensure that the trees are protected at all times and the site remains visually acceptable, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.

10. To ensure the details of the development are satisfactory and do not increase the risk of flooding in the area.
11. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce the risk of creating or exacerbating a flooding problem and to minimise the risk of pollution.
12. To prevent the overlooking of the neighbouring properties, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
13. To prevent the overlooking of the neighbouring properties, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
14. To ensure that the amenity of neighbouring properties is protected, in accordance with the aims of Policy 10 of the Aligned Core Strategy 2014.
15. In the interests of highway safety.
16. In the interests of highway safety.
17. In the interests of highway safety.
18. To ensure that the development does not result in a detrimental impact on any protected species at the site.

### **Reasons for Decision**

The proposed development of the site results in no undue impact on neighbouring properties, the area in general and there are no highway safety implications arising from the proposal. The proposal therefore accords with policies contained within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough 2014.

### **Notes to Applicant**

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

You are advised of the need to comply with the Wildlife and Countryside Act 1981 (as amended) at all times in respect to protected species and nesting birds.

You are advised in regard to access for the Fire and Rescue Service that the development would need to comply with Approved Document B - Fire Safety, administered under Building Regulations Approval.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address any adverse impacts identified. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

**54 APPLICATION NO. 2015/0636- SITE OF FORMER GARAGES, BAGNALL AVENUE, ARNOLD.**

Outline planning application for new residential development of land off Bagnall Avenue, Arnold to provide a pair of semi-detached houses.

The Principal Planning Officer presented the report and informed Members of an amendment to Condition 4, to read:

“The proposed dwellings shall not be brought into use until the details approved as part of the plans and particulars to be submitted for the application for the approval of reserved matters referred to in condition 1, 2 and 3 above have been implemented, unless other timescales are prior agreed in writing by the Borough Council.”

**RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:-**

**Conditions**

1. An application for approval of all the reserved matters (design, layout, scale, landscaping) shall be made to the local planning authority before the expiration of three years from the date of this permission.

2. The development hereby approved shall be begun within two years from the date of the approval of the last reserved matter to be approved.
3. Before development is commenced there shall be submitted to and approved by the Borough Council detailed plans, sections and elevations of all buildings.
4. The proposed dwellings shall not be brought into use until the details approved as part of the plans and particulars to be submitted for the application for the approval of reserved matters referred to in condition 1, 2 and 3 above have been implemented, unless other timescales are prior agreed in writing by the Borough Council.
5. Before development (including site preparation) is commenced a Tree and Hedge Survey and a protection plan and method plan, incorporating details of a no dig methodology, to protect the existing hedging, shall be submitted to and approved in writing by the Borough Council as Local Planning Authority. Once these details are approved the development shall be carried out in accordance with the approved details and the tree and hedges protected at all times during site preparation and development.
6. Before development is commenced there shall be submitted to and approved by the Borough Council details a plan of the site showing the details of any proposed planting as well as details of the existing planting to be removed or retained. The approved details shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
7. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the materials to be used in the external elevations of the development. Once approved the development shall be carried out in accordance with these details.
8. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of enclosure of the site. The approved means of enclosure shall be erected before the dwellings are first occupied and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council.
9. Before development is commenced there shall be submitted to and approved by the Borough Council details of the means of



surfacing of the unbuilt on portions of the site. The approved means of surfacing shall be erected before the dwellings are first occupied.

10. No works permitted under Class A, B, C, D or E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.
11. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
12. No part of the development hereby permitted shall be brought into use until the driveway access has been cleared of the hedging on both sides and the driveway to be surfaced in a hard bound material (not loose gravel). The surfaced drive shall then be maintained in such hard bound material for the life of the development.
13. In the event that contamination is found at any time when carrying out the approved development it must be reported immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
3. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).

4. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
5. In the interests of good arboricultural practice and to ensure that the details of the development are acceptable, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
6. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
7. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
8. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
9. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
10. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).
11. In the interests of Highway safety.
12. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.).
13. To ensure that practicable and effective measures are taken to treat, contain or control any contamination and to protect controlled waters in accordance with the aims of Policies ENV1 and ENV3 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development will result in no undue impact on the amenities of neighbours, the character and appearance of the area or on highway safety. The application is therefore in accordance with Policies 8 and 10 of the Aligned Core Strategy (September 2014) and Policies ENV1, H7 and T10 of the Gedling Borough Council Replacement Local Plan (Certain Saved Policies) 2014.

## Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.

The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.to arrange for these works to be carried out.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk).Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

### 55 APPLICATION NO. 2015/0444- KENRICK STREET, NETHERFIELD

Proposed Conversion of the Carlton Constitutional Hall into 10 apartments.

**RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION subject to the following conditions:-**

#### Conditions

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be built in accordance with the details as set out within the application forms received on the 11th May 2015, the plans received on the 18th June 2015, and the Design and Access Statement received on the 18th June 2015.
3. No part of the development hereby permitted shall be brought into use until the cycle parking layout as indicated on drawing no

CLB/CCKS/2015/0/003 Rev A has been provided and that area shall not thereafter be used for any purpose other than the parking of cycles.

4. The precise method of storage of cycles within the dedicated building shall be carried out in accordance with the details submitted by email on 13th August 2015. The cycle store shall be provided in accordance with these details for the life of the development unless otherwise agreed in writing by the Borough Council.
5. No doors or windows shall open out/protrude over the adopted highway, in contravention of Section 153 of the Highways Act 1980.
6. The materials used in any exterior work shall be of a similar appearance to those used in the construction of the exterior of the existing building.

#### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the cycle store is available for storage of cycles.
4. To define the terms of this permission and in the interests of supporting sustainable transport.
5. In the interests of pedestrian safety.
6. To ensure the details of the development are satisfactory, in accordance with the aims of Policy 10 of the Aligned Core Strategy (September 2014).

#### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, the area in general and is acceptable from a highway safety sustainability viewpoint. The proposal therefore accords with Policy 10 of the Aligned Core Strategy (2014) and ENV1, H7, H11, H16 and C4 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

#### **Notes to Applicant**

Should any bat/s be found during demolition, work must stop immediately. If the bat/s does not voluntarily fly out, the aperture is to be carefully covered over to provide protection from the elements whilst leaving a small gap for the bat to escape should it so desire. The Bat Conservation Trust should be contacted immediately on (0845) 1300228 for further advice and they will provide a licensed bat worker to evaluate the situation and give advice. Failure to comply is an offence under the Wildlife and Countryside Act 1981 and the Conservation of Habitats and Species Regulations 2010 which makes it an offence to kill, injure or disturb a bat or to destroy any place used for rest or shelter by a bat (even if bats are not in residence at the time). The Countryside and Rights of Way Act 2000 strengthens the protection afforded to bats covering 'reckless' damage or disturbance to a bat roost.

The resident parking scheme in operation opposite the site on Kenrick Street is fully subscribed and no further permits can be issued at present.

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During consideration of the planning application inconsistencies with the plans submitted have been clarified with the Agent and detailed concerns over the use of the dedicated cycle storage facility have been addressed to ensure a satisfactory scheme and a favourable recommendation.

**56 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**57 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**58 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.45 pm

Signed by Chair:  
Date:

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## **MINUTES ENVIRONMENT AND LICENSING COMMITTEE**

**Tuesday 8 September 2015**

Councillor Marje Paling (Chair)

Present: Councillor Sandra Barnes                      Councillor Carol Pepper  
          Councillor Roxanne Ellis                      Councillor Alex Scroggie  
          Councillor Gary Gregory                      Councillor Jane Walker

Absent:                      Councillor Nicki Brooks, Councillor Bruce Andrews,  
                                  Councillor Barbara Miller and Councillor John Parr

Officers in Attendance:    P Gibbs, L Mellors, K Nealon and L Sugden

### **257            APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Andrews, Brooks, Miller and Parr.

Councillors Collis, Lawrence and Poole attended the meeting as substitutes.

### **258            TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON THE 4 AUGUST AND 11 AUGUST 2015.**

#### **RESOLVED:**

That the minutes of the above meetings, having been circulated, be approved as a correct record.

### **259            DECLARATION OF INTERESTS.**

None.

### **260            NOTICES SERVED.**

#### **RESOLVED:**

To note the contents of the report.

### **261            ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**262 EXCLUSION OF THE PRESS AND PUBLIC.**

**RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**263 APPLICATION TO RENEW JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO3203 - MS**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a renewal of a Joint Hackney Carriage/Private Hire Driver's Licence from MS.

MS attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To refuse MS's application for a Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not considered to be a fit and proper person.

MS was advised of his right to appeal against the decision of the Committee.

**264 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO 2280 - MW**

MW did not attend the meeting.

**RESOLVED:**

To defer consideration of the application for a Joint Hackney Carriage/Private Hire Driver's Licence from MW to a future meeting of the Committee. If MW does not attend his next appointment, his application will be treated as withdrawn.

**265 CHANGE OF CIRCUMSTANCE AND RENEWAL OF HACKNEY**



**CARRIAGE / PRIVATE HIRE DRIVERS LICENCE NO. 2404 - SS**

The Committee considered a report from Corporate Director, David Wakelin, regarding a change of circumstance of a Joint Hackney Carriage/Private Hire Driver's Licence from SS.

SS attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To revoke SS's Hackney Carriage/Private Hire Driver's License without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give SS 21 days to surrender his licence.

SS was advised of his right to appeal against the decision of the Committee.

**266 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - RIK**

RIK did not attend the meeting.

**RESOLVED:**

To treat the application from RIK as withdrawn as a result of a failure to attend Committee on two occasions.

**267 APPLICATION FOR A JOINT HACKNEY CARRIAGE / PRIVATE HIRE DRIVERS LICENCE - GSCT**

The Committee considered a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from GSCT.

GSCT attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To refuse GSCT's application for a Hackney Carriage/Private Hire

Driver's Licence on the grounds that he is not considered to be a fit and proper person.

GSCT was advised of his right to appeal against the decision of the Committee.

The meeting finished at 5.50 pm

Signed by Chair:  
Date:

## MINUTES PLANNING COMMITTEE

Wednesday 23 September 2015

Councillor John Truscott (Chair)

In Attendance:      Councillor Barbara Miller                      Councillor Gary Gregory  
                            Councillor Michael Adams                      Councillor Sarah Hewson  
                            Councillor Pauline Allan                      Councillor Meredith Lawrence  
                            Councillor Peter Barnes                      Councillor Marje Paling  
                            Councillor Sandra Barnes                      Councillor Colin Powell  
                            Councillor Chris Barnfather                      Councillor Paul Stirland  
                            Councillor Alan Bexon                      Councillor Paul Wilkinson  
                            Councillor Bob Collis

Absent:

Officers in Attendance:      P Baguley, N Morley, L Parnell and F Whyley

**59                      APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

None received.

**60                      TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 02 SEPTEMBER 2015.**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**61                      DECLARATION OF INTERESTS**

The Chair, on behalf of all Members, declared a none pecuniary interest in application numbers 2015/0920 and 2015/1012 as the sites are in the ownership of Gedling Borough Council and in application number 2015/1000 as the applicant is Gedling Borough Council.

**62                      APPLICATION NO. 2015/0920- 9 PENINE CLOSE, BESTWOOD**

Change of use of land to residential curtilage.

The Service Manager, Planning, introduced the application and clarified the location of the land in question.

**RESOLVED to GRANT CONDITIONAL PLANNING CONSENT.**

### **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the following plans: Site Location Plan and the proposed fencing as shown on 'Side view of the house', both received by the Local Planning Authority on 21 July 2015. The development shall thereafter be undertaken in accordance with these plans unless otherwise agreed in writing by the Local Planning Authority.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring residential properties and amenities, and results in no unduly detrimental harm to the character and setting of the locality. The proposal therefore accords with Policy 10 (Design and Enhancing Local Identity) of the Aligned Core Strategy 2014 and saved Policies ENV1 (Development Criteria) and H10 (Extensions) of the Gedling Borough Replacement Local Plan.

### **Notes to Applicant**

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Discussions have taken place during the consideration of the application to address adverse impacts identified by officers and/or address concerns raised in letters of representation submitted in connection with the proposal. The application for planning permission is subsequently approved subject to conditions.

63

### **APPLICATION NO. 2015/1000- PROPOSED CCTV COLUMN, COLLYER ROAD, CALVERTON**

Proposed CCTV Column, Collyer Road, Calverton, Nottinghamshire.

**RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION.**

## **Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans received on 4th August 2015 and the detailed specification contained in two emails dated 25th and 27th August 2015 which form part of this permission unless otherwise agreed in writing by the local planning authority.

## **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.

## **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, and seeks to reduce crime and disorder in the area. The proposal therefore accords with the requirements of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy (2014) and ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

## **Notes to Applicant**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application a number of details were clarified with the applicant to ensure that the development is appropriate and can proceed as envisaged. Such details were controlled by the imposition of a suitably worded planning condition.

The applicant is advised that it is necessary to obtain a Licence to construct a structure on the public highway. In this regard, the applicant is required to contact the County Council's Highway Liaison Team on telephone 0115 9774474 to arrange for these works to be carried out.

**64 APPLICATION NO. 2015/1012- JUBILEE DEPOT. JUBILEE ROAD, DAYBROOK**

New modular 2 storey building to replace old tyre store, canteen and toilet block.

**RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION.**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development hereby permitted shall be carried out in complete accordance with the plans and drawings received on 6th August 2015 which are attached to and form part of this permission unless otherwise agreed in writing by the local planning authority.
3. The development permitted by this planning permission shall be carried out in accordance with the approved Design and Access Statement and the following mitigation measures: The internal finished floor levels shall be set no lower than 300mm above the adjacent external ground levels. The mitigation measures shall be fully implemented prior to occupation.

**Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. To ensure that the development is carried out in accordance with the details as approved.
3. To reduce the risk of flooding to the proposed development and future occupants.

**Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, and introduces no flood risk concerns. The proposal therefore accords with the requirements of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy (2014) and ENV1 of

the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

It is noted that the applicant intends to select contrasting colours for the wall cladding of the proposal at ground and first floor. Whilst it is not considered necessary to impose a planning condition to agree the precise colour of the material with the Local Planning Authority, owing to the location of the site within the confines of the depot, the applicant is informed that the use of more subtle colours would be appropriate.

In the event that contamination is found at any time when carrying out the approved development it must be reported in writing immediately to the Local Planning Authority and once the Local Planning Authority has identified the part of the site affected by the unexpected contamination development must be halted on that part of the site. An assessment must be undertaken in accordance with the requirements of the Local Planning Authority, and where remediation is necessary a remediation scheme, together with a timetable for its implementation and verification reporting, must be submitted to and approved in writing by the Local Planning Authority.

The applicant shall consider all appropriate flood resilient design and construction techniques and shall give consideration to the recommendations of the Environment Agency and DEFRA Report, 'Improving the flood performance of New Buildings - Flood Resilient Construction' (ISBN 9781859462874).

**65**

### **PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the information.

**66 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the information.

**67 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 6.07 pm

Signed by Chair:  
Date:



## MINUTES CABINET

Thursday 24 September 2015

Councillor John Clarke (Chair)

Councillor Michael Payne  
Councillor Peter Barnes  
Councillor Kathryn Fox

Councillor Jenny Hollingsworth  
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather

Absent: Councillor David Ellis

Officers in Attendance: J Robinson, H Barrington, S Bray, M Kimberley,  
D Wakelin and A Dubberley

### 25 APOLOGIES FOR ABSENCE.

Apologies for absence were received from Councillor David Ellis.

### 26 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 30 JULY 2015.

#### RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### 27 DECLARATION OF INTERESTS.

None.

### 28 ERASMUS + EUROPEAN FUNDING PROGRAMME - PROCESS FOR DISTRIBUTING GRANT AND ASSOCIATED MATTERS

Corporate Director Stephen Bray introduced a report, which had been circulated prior to the meeting, seeking authority to commence the process of deploying European grant monies received as part of a successful bid for funding.

#### RESOLVED to

- 1) Authorise the Council to hold the grant monies and to distribute them in accordance with the successful ERASMUS + bid;

- 2) Authorise the Council to enter into contracts with European and Canadian partner organisations to deliver the programme contracts and ensure that the money is spent in accordance with the ERASMUS + grant agreement; and
- 3) Establish by virement the income and expenditure budgets for GBC's share of the grant received from the European Union for the ERASMUS + programme as detailed in paragraph 4 of the report.

**29 PERFORMANCE INFORMATION FOR QUARTER 1 OF THE FINANCIAL YEAR**

The Council Solicitor and Monitoring Officer introduced a report, which had been circulated prior to the meeting, giving information about the Council's performance indicators against target for the first quarter of the financial year.

**RESOLVED:**

To note the information.

**30 RECORDING OF MEETINGS.**

The Service Manager for Elections and Members' Services introduced a report, which had been circulated prior to the meeting, which sought Cabinet approval, on the recommendation of the Overview and Scrutiny Committee, to implement a system for recording of some meetings of the Council.

**RESOLVED:**

- 1) To approve the implementation of a system to record and broadcast the audio from meetings of Council and Planning Committee as described in the report;
- 2) That the system is trialled for a period of six months; and
- 3) To request that a further report is submitted to Cabinet after the six month trial to consider whether audio webcasting should be continued.

**31 FORWARD PLAN**

Consideration was given to a report of the Service Manager, Elections and Members' Services, which had been circulated prior to the meeting, detailing the Executive's draft Forward Plan for the next four month period.

**RESOLVED:**

To note the report.

**PROGRESS REPORTS FROM PORTFOLIO HOLDERS.****Councillor Kathryn Fox (Community Development)**

- Successful school holiday activities were delivered by the Council and its partners.
- A feasibility study on the mineral railway line was now complete and further information would follow.
- The Gedling show and Carlton play day were recently held and well attended.

**Councillor David Ellis (Public Protection)**

- Councillor Payne (on behalf of Councillor Ellis who had given apologies) praised the quick thinking of staff that spotted a fake taxi license plate which led to the perpetrator being jailed for 21 months.
- A new CCTV camera was, following the granting of planning permission, to be installed on Collyer Road, Calverton.
- There had been little recent change in the levels of reported crime figures for the area.

**Councillor Michael Payne (Resources and Reputation)**

- The Council was in the process of completing the sale of housing land at Teal Close which would bring in a capital receipt of in the region of £3 million. Katie Walters, the Council's Estate's Surveyor, was thanked for her work on this.

**Councillor Jenny Hollingsworth (Growth and Regeneration)**

- The Council's development partner Keepmoat had recently held a series of consultation events for the development of the former Gedling Colliery site which were very well attended and informative.
- Affordable housing projects at the former Grove pub, Dunstan Street and the Blue note pub were all either under construction or progressing towards the construction phase very well.
- The refreshed local planning document would be presented to the Cabinet meeting in December.

- Works to refresh the appearance of Arnold marketplace would commence very soon.
- A planning department improvement plan was written and would be shared with members soon.
- 2 interns had recently been appointed to the Economic Development Team.

#### **Councillor Peter Barnes (Environment)**

- The Council's Transport Fleet had recently been awarded an eco-star
- Developments to enhance Gedling Country Park were still on-going.

#### **Councillor Henry Wheeler (Housing, Health and Well-being)**

- Officers were praised for their quick action following a recent incident at the Richard Herod Centre.
- Online ticket sales were now live for the Bonnington Theatre.
- Floodlights at the Redhill Leisure Centre had been recently removed due to them being structurally unsafe. Replacement lights as well as work to resurface the outdoor playing surface would be in place soon.
- Funding of £120,000 had been secured to deliver "Girls make it happen", a sports development programme for women, thanks to the work Jane Ansell in Community Relations for successfully bidding.
- The Council would be supporting the "Stoptober" campaign wherever it could.
- Further dementia friendly courses were being planned as well as the Alzheimer's memory walk which would take place soon.
- The Clinical Commissioning Group was currently consulting on the cessation of gluten-free foods being made available on prescription which was causing some concern.
- A decision was due soon on the closure of Broom Hill House and some concern had been expressed about the closure of such a vital service.

#### **Councillor John Clarke (Leader of the Council)**

- The leader said that he was keen to learn of the experience of residents in the rural areas of the Borough and how services could be tailored for their needs.
- The Chief Executive updated Cabinet on the issue of refugees. The national picture, he said was unclear. Central government had announced that 20,000 Syrian refugees would be settled into the UK over the next five years and funding would be made available to local authorities for one year to help with this. Beyond this initial funding allocation the situation was unclear. It was also not known whether Gedling would be allocated any families to resettle.
- Local residents had made a number of offers to help refugees and a meeting of Nottinghamshire Council Leaders was planned to see if a co-ordinated response could be made to the wider issue of refugee resettlement.

**33 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.**

None.

**34 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 1.46 pm

Signed by Chair:  
Date:

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## **MINUTES OVERVIEW AND SCRUTINY COMMITTEE**

**Monday 5 October 2015**

Councillor Viv McCrossen (Chair)

Councillor Gary Gregory	Councillor Marje Paling
Councillor Bruce Andrews	Councillor Colin Powell
Councillor Sandra Barnes	Councillor Alex Scroggie
Councillor Kevin Doyle	Councillor John Truscott
Councillor Paul Feeney	

Apologies for absence: Councillor Tammy Bisset, Councillor Helen Greensmith and Councillor Stephen Poole

Officers in Attendance: H Barrington, H Lee, A Callingham, D Jayne and D Wakelin

Guests in Attendance Youth Councillors: Harry Gabb, Ashela Pringle, George Sullivan. Paddy Tipping, Police and Crime Commissioner, Superintendent Mark Holland and Councillor D Ellis, Portfolio Holder Public Protection.

**86 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

**87 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 20 JULY 2015**

**RESOLVED:**

That the minutes of the above meeting, having been circulated, after amendment to include Councillor John Truscott as present, be approved as a correct record.

**88 DECLARATION OF INTERESTS.**

None.

**89 QUARTER 1 PERFORMANCE**

The Council Solicitor and Monitoring Officer Helen Barrington provided an overview of Quarter 1 2015/2016 performance which was presented to Cabinet on 24<sup>th</sup> September.

- The data in this report refers to the first quarter of the financial year only and is expected that performance targets identified for the year will be met
- In the main performance at the end of quarter 1 is positive but largely below target. 10 of the 29 performance indicators that are appropriate for quarterly monitoring are on target and of the remainder, two are at amber status and 15 are red
- Targets have yet to be set for two indicators relating to crime within the South Nottinghamshire Community Safety Partnership
- Quarter 1 targets are often behind, particular areas which are below target are:
  - Number of visits to leisure centres
  - Preventing Homelessness – average time to process applications
  - Preventing Homelessness – provision of support and advice
  - Percentage of fly tipping incidents removed within 2 working days. There has been an unusually high number of fly tipping incidents reported, the majority of which relate to the dumping of builders rubble. Prosecutions of both offenders and householders are undertaken if there is sufficient evidence. Officers report incidents and elected members are encouraged to report any occurrences they see.
- Currently, all 63 actions are either on target or completed.

**RESOLVED:**

To note the Quarter 1 performance information.

90

**SCRUTINY WORK PROGRAMME 2015/2016**

**Scrutiny Reviews 2014/2015**

**Transport Links to, and within Gedling Borough**

The Members Services Officer informed Members about the responses and comments received from the Portfolio Holder, Notts. County Council, Nottingham City Transport and Trent Barton. Members of the Committee, and the three members of the Youth Council who had been part of the working group, were invited to comment on the responses.



Recommendation 7 included a response from the Commercial Manager, Nottingham City Transport regarding working on marketing campaigns for young people. Members of the Youth Council indicated that they would like to take up this offer. They also asked for some clarification regarding the response from Notts. County Council to Recommendation 5 regarding the age limit for statutory concessionary fares.

The Chair thanked the three members of the Youth Council for attending the meeting and their valuable input into the working group.

## **2015/2016 Work Programme**

### **1. Scrutiny at committee**

- **Programme of Portfolio Holding holding to account**

Members were informed that Councillor David Ellis, Portfolio Holder for Public Protection, would be attending the next meeting of the committee to discuss and respond to questions on the responsibilities within his Portfolio. Members were invited to identify areas of performance they would like to consider at the next meeting.

After discussion areas agreed for examination:

- Radicalisation
- Safeguarding of vulnerable adults
- Emergency planning in relation to the provision of grit bins
- Progress of the animal welfare policy

Members were reminded of the importance of submitting questions in advance of the meeting. None executive members will also be asked to suggest questions for the Portfolio Holder.

- **Bonington Theatre**

After considering the written report and discussion it was decided that a working group would be set up to look at this report and additional reports to determine if this is an issue that they would like to examine further in further detail.

Councillor Gregory will chair this group and Councillor S Barnes, M Paling and B Andrews will be involved in this review.

- **Recording of Meetings**

The Members' Service Officer gave a verbal update on the progress of the recommendation to introduce a system of audio recording and webcasting which went to Cabinet on the 24<sup>th</sup> September. Cabinet has agreed to adopt the recommendation for Council and Planning Committee meetings. The success of this will be reviewed after 6 months when consideration will be given to extending it to other committees including Cabinet.

- **Information Requested**

Members were informed that information regarding the Planning Improvement Plan and report would be going to the Planning Committee on 14<sup>th</sup> October. An update will be available at the next Overview Committee meeting in December.

## **2. Scrutiny in working groups**

- **Smoking and Obesity working group**

The Committee were informed that the first meeting of the working group had taken place and that the review would be divided into two separate sections with obesity the initial focus. Representatives from Public Health attended the meeting and presented data regarding the prevalence and growing problem of excessive weight and the work undertaken to help people lose weight and maintain a healthy lifestyle.

### **RESOLVED:**

- I. note the responses to the Transport Links, to and within the Borough scrutiny review recommendations and receive an update on the progress of Recommendation 7 and clarification on Recommendation 5
- II. agreed the four areas in the Public Protection Portfolio identified for examination at the next meeting
- III. to set up a working group to explore the possibility of reviewing the Bonington Theatre

- IV. note the Cabinet response to the recommendation regarding the recording of meetings and receive a progress report on the 6 month Cabinet review of the success of the system
- V. receive information regarding the Planning Advisory Report at the December meeting of the Overview and Scrutiny Committee
- VI. Note the information on the progress of the Smoking and Obesity working group.

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## **SCRUTINY OF CRIME AND DISORDER**

David Ellis, Portfolio Holder, David Wakelin, Corporate Director, Andy Callingham, Service Manager Public Protection and David Jayne, Community Safety and Safeguarding Manager attended the meeting to inform members about the work of the Crime and Disorder Partnership and provide essential background information about how the partnership works, and what it does, to enable them to determine issues for examination at the December meeting.

Local authorities and the police to work in partnership with other agencies to develop and implement a strategy for tackling crime and disorder in their area, working to reduce crime and antisocial behaviour and fear of crime. Members were informed that the South Notts. Crime and Disorder partnership is made up of Broxtowe, Gedling and Rushcliffe and membership includes the three local authorities the Police, the fire and rescue authority, the clinical commissioning group. Ruth Hyde CEX Broxtowe is chair of the strategic group, and David Wakelin chair of the executive group which has responsibility for managing performance. The Partnership has three strategic themes:

- Early intervention
- Prevention of offending
- And increasing public confidence

Allied to this are programme groups for:

- Targeted support and Youth Justice Partnership
- Substance misuse
- Reducing re-offending
- Hate crime
- Domestic violence,

Reducing crime and anti-social behaviour is not just the Police and local authority working together but a whole range of organisations including community partners. Members learnt about locality working and how a whole range of partners including the local authority, housing providers, youth services, children's centres and schools work together in a number of ways. Information and data analysis enable focused interventions in high crime and antisocial behaviour areas which can include targeting offenders, improving physical environments, installing CCTV and supporting victims. Netherfield is a Partnership Plus which attracts extra resources to combat high crime and anti-social behaviour levels.

Gedling ASB/Vulnerable Persons Panel is chaired by the Community Safety and Safeguarding Manager. Referrals are taken from a wide range of agencies for vulnerability, including hate crime and repeat victimisation and there is a multiagency response for victims and families. These groups work with victims and look at what makes people vulnerable, one of the key partners in this is the Mental Health from the County Council.

The ASB and Policing Act allow 6 powers to be used:

- Injunctions to prevent annoyance and nuisance– none have been served as has not been necessary
- Criminal behaviour orders – 3 served by the Police
- Dispersal Powers – 4 undertaken by the Police
- Community Protection Notices – 25 notices, possibly noise nuisance that has escalated
- Public Space Orders – none served
- Closure Orders – none served.

There is also a community trigger where 3 cases of ASB in the last 6 months can result in the case being reviewed to see if they meet the threshold for action. None of these have been issued.

Performance in Gedling on the whole is good and crime figures are falling. Gedling performed better than the Community Safety Partnership average for all the main crime groups over the last 3 month rolling period – 2<sup>nd</sup> best for all crime. Performance for all crime types with the exception of robbery (placed 8<sup>th</sup>) over the last 12 months – 2<sup>nd</sup> for all crime and best performer for criminal damage. Areas of concern and where the partnership is not performing well are dwelling robbery, robbery, vehicle crime and violence against a person with injury.

Overall crime 2015-2016 year to date is 7.7%down. This has been bought about by sharing information, knowledge and expertise.

Developments in the future to support and enhance this work include:

- A Safer Nottingham Community Safety Partnership strategic away day: a partnership review – October 2015
- Implementation of a new Family Service – November 2015
- Improvements to Safeguarding procedures to include licensing
- The effects of the Care Act 2014 on the Vulnerable Persons Panel improving work with local people identified to the district community safety partnerships as vulnerable to, for example, antisocial behaviour and hate crime.

Members listened to the information provided and asked a number of questions relating to the presentation.

Members asked for clarification about how some of the figures were generated particularly in relation to violence against the person. They were informed that the increase in incidents could in part be due to occurrences formerly being recorded as one incident; now each person involved is logged as a separate incident. Concern was raised about how the partnership works with the City and numbers of perpetrators travelling from the City to Gedling to undertake crime. There were informed there is a successful working partnership with the City but improved sharing of information and good practice would enhance this relationship. Collaborative work is undertaken regarding domestic violence as the agencies involved tend to work across boundaries. Members were particularly concerned about the fall in the number of domestic violence incidents reported and this is one area where they would consider an increase in reported incidents as a positive. The problem of policing legal highs was also discussed.

Members were reminded that this presentation was to enable them to consider which issues they would focus on at the next meeting when they will be scrutinising the work of the CRDP. Domestic violence was highlighted as one area of concern, Members will be asked to submit other areas for examination in advance of the meeting.

**RESOLVED:**

Request information regarding the recording of domestic violence incidents and the work undertaken by the Partnership to support victims and survivors

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**POLICE COMMUNITY SUPPORT OFFICER REDUCTIONS**

The Chair welcomed Paddy Tipping, Police and Crime Commissioner and Chief Superintendent Mark Holland and invited Mr Tipping to give an overview of the reduction in the number of Police Community Support Officers.

A report which informed the Police and Crime Panel about a petition primarily organised by Unison regarding the proposed reductions was circulated.

Paddy Tipping then presented an overview of the scale and explained the need to make the reductions. Even with the reduction of 70 Nottinghamshire is still well above the national average for numbers of PCSOs and all parts of the County will have access to a neighbourhood policing team which will include PCSOs. The decision to reduce the number of has been driven entirely by the tough financial climate, Nottinghamshire Police has had to make savings of £45 million pounds over the last three years, last year £11 million was saved and there may be a need to save even more after the comprehensive spending review in November. It is envisaged that between 2010 and 2020 Nottinghamshire Police will have lost 50% of its Government Grant. Funding for the police is made up of 70% government grant and 30% council tax. As a consequence of these reductions a review and reconfiguration of services has been required. Approximately 80% of the Police budget is spent on officers and staff and it has been necessary to look at all staffing to identify where reductions can be made. Nottinghamshire is currently not recruiting officers and as officers leave and retire this could lead to a reduction of up to 110 posts next year. Other staff reductions at senior level, including assistant Chief Constables and Chief Superintendents, the closure of front counters and changes in back office services have also been made.

The need to make budget reductions has underlined the necessity to concentrate resources in areas of high crime. Areas that have low crime rates will have a reduced number of PCSO's; areas of high crime will get more. Deployment of officers is the responsibility of the Chief Constable.

Maximising efficiencies includes:

- a focus on mental health. From February this year no children with a mental health issue have been taken into custody this has been rolled out to include adults from the first of October. This is supported by partnership work with other agencies to achieve this for example a community psychiatric nurse accompanying police officers to incidents.
- retraining of backroom staff to identify priority telephone calls and those which are relevant for the police action. Not all crime incidents need a visit and it is important to establish early during reporting if a visit is required.

- response officers spending less time in custardy suites – prison handler roles now undertake this role.
- allocating where there is demand, some neighbourhood teams may cover larger areas where crime levels are low
- generally local beat meetings will be maintained however they may be less frequent in rural areas
- sharing of back office functions and looking at joint procurement with other forces.

Resources will be deployed to areas of greatest need, responding to areas where demand is greatest. Taken as a whole there has been an 8% reduction in crime and anti-social behaviour. The growth in child sexual exploitation and fewer reported incidence of violence requires reprioritising of resources to meet need. In conclusion there is still a commitment to neighbourhood policing and by looking at prioritising resources and maximising efficiencies all parts of Gedling will still have access to a neighbourhood police unit.

Members were concerned that these efficiencies and fall in crime figures could result in greater budget cuts but were informed that 70% of the grant money is distributed by complex formulas driven by levels of crime and this would not happen.

**RESOLVED:**

- I. To thank the Police and Crime Commissioner and Superintendent Mark Holland for attending the meeting
- II. To note the information provided.

**93**

**ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.30 pm

Signed by Chair:  
Date:

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## **MINUTES LICENSING ACT COMMITTEE**

**Tuesday 6 October 2015**

Councillor Marje Paling (Chair)

Councillor Nicki Brooks	Councillor John Parr
Councillor Bruce Andrews	Councillor Alex Scroggie
Councillor Sandra Barnes	Councillor Jane Walker
Councillor Gary Gregory	Councillor Bob Collis
Councillor Barbara Miller	

Apologies for absence: Councillor Roxanne Ellis

Officers in Attendance: L Mellors, K Nealon, R Pentlow and F Whyley

### **23 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

An apology for absence was received from Councillor Roxanne Ellis, who was substituted at the meeting by Councillor Collis.

### **24 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 10 MARCH 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **25 DECLARATION OF INTEREST.**

None.

### **26 GEDLING GAMBLING STATEMENT OF PRINCIPLES**

Consideration was given to a report by the Corporate Director of the progress made producing the new Gedling Gambling Statement of Principles and the recommendation to refer the policy to full Council to adopt the new Gambling Statement.

#### **RESOLVED:**

1. To approve the amendments to the existing Gambling Statement of Principles as detailed in the report.

2. Refer the amended Gambling Statement of Principles to full Council for adoption.

**27 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 4.10 pm

Signed by Chair:  
Date:

## MINUTES ENVIRONMENT AND LICENSING COMMITTEE

Tuesday 6 October 2015

Councillor Marje Paling (Chair)

Present: Councillor Nicki Brooks                      Councillor John Parr  
Councillor Bruce Andrews                      Councillor Carol Pepper  
Councillor Sandra Barnes                      Councillor Alex Scroggie  
Councillor Gary Gregory                      Councillor Jane Walker  
Councillor Barbara Miller                      Councillor Bob Collis

Absent: Councillor Roxanne Ellis

Officers in Attendance: R Pentlow, L Mellors, K Nealon and F Whyley

### **268 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillor Roxanne Ellis, who was substituted by Councillor Collis.

### **269 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 8 SEPTEMBER 2015**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **270 DECLARATION OF INTERESTS.**

None.

### **271 CHANGES TO THE STATEMENT OF POLICY AND GUIDELINES FOR THE CONSIDERATION OF APPLICATIONS FOR HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS AND PRIVATE HIRE OPERATORS**

Consideration was given to a report from Corporate Director, David Wakelin, which had been circulated prior to the meeting, asking Members to consider consultation response and to seek adoption of the new Statement of Policy and Guidelines for the consideration of applications for Hackney Carriage/Private Hire Drivers and Private Hire Operators.

**RESOLVED to:**

1. Approve the amendments to the Statement of Policy and Guidelines for the Licensing of Hackney Carriage Drivers, Private Hire Drivers and Private Hire Operators, with the additional amendments detailed in the report, and that the amended policy come into effect immediately;
2. Amend the Hackney Carriage/Private Hire Driver Licence Conditions to include the requirement for holders of 3 year licences to sign a declaration after each 12 month period, as detailed in the report, and to undergo a DVLA check; and
3. Amend the Private Hire Operator's Conditions to include the requirement for holders of 5 year licences to sign a declaration after each 12 month period, as detailed in the report.

**272 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

None.

**273 EXCLUSION OF THE PRESS AND PUBLIC.**

**RESOLVED:**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraph 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

**274 APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS - NA**

Consideration was given to a report from Corporate Director, David Wakelin, regarding an application for a renewal of a Joint Hackney Carriage/Private Hire Driver's Licence from NA.

NA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve NA's application for the renewal of a Joint Hackney Carriage/Private Hire Driver's Licence for 1 year.

**275 CHANGE OF CIRCUMSTANCE OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - MW**

Consideration was given to a report from Corporate Director, David Wakelin, regarding a change of circumstance of a Hackney Carriage/Private Hire Driver's Licence from MW.

MW attended the meeting, accompanied by his wife who addressed the Committee on his behalf.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To revoke MW's Hackney Carriage/Private Hire Driver's Licence without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give MW 21 days to surrender his licence.

MW was advised of his right to appeal against the decision of the Committee.

**276 APPLICATION FOR A HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - BSS**

Consideration was given to a report from Corporate Director, David Wakelin, regarding an application for a Joint Hackney Carriage/Private Hire Driver's Licence from BSS.

BSS attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve BSS's application for a Joint Hackney Carriage/Private Hire Driver's Licence for 1 year.

**277 APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - DD**

Consideration was given to a report from Corporate Director, David Wakelin, regarding an application for a renewal of a Joint Hackney Carriage/Private Hire Driver's Licence from DD.

DD attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To approve DD's application for a renewal of Joint Hackney Carriage/Private Hire Driver's Licence for DD for 3 years.

**278 APPLICATION FOR THE RENEWAL OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - DZA**

Consideration was given to a report from Corporate Director, David Wakelin, regarding an application for a renewal of a Joint Hackney Carriage/Private Hire Driver's Licence from DZA.

DZA attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To refuse DZA's application for a renewal of Joint Hackney Carriage/Private Hire Driver's Licence on the grounds that he is not a fit and proper person.

DZA was advised of his right to appeal against the decision of the Committee.

**279 CHANGE OR CIRCUMSTANCES OF HACKNEY CARRIAGE/PRIVATE HIRE DRIVERS LICENCE - HN**

Consideration was given to a report from Corporate Director, David Wakelin, regarding an application for a change of circumstance of a Hackney Carriage/Private Hire Driver's Licence from HN.

HN attended the meeting and addressed the Committee.

In making its decision, the Committee applied the Council's approved Policy and Guidelines. On the basis of what it heard, the Committee was satisfied on balance that no exceptional circumstances existed which warranted departure from this policy.

**RESOLVED:**

To revoke HN's Hackney Carriage/Private Hire Driver's Licence without immediate effect, on the grounds that he is no longer considered a fit and proper person and to give HN 21 days to surrender his licence.

HN was advised of his right to appeal against the decision of the Committee.

The meeting finished at 6.55 pm

Signed by Chair:  
Date:

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## MINUTES PLANNING COMMITTEE

Wednesday 14 October 2015

Councillor John Truscott (Chair)

In Attendance:           Councillor Barbara Miller           Councillor Sarah Hewson  
                                  Councillor Michael Adams       Councillor Meredith Lawrence  
                                  Councillor Peter Barnes         Councillor Marje Paling  
                                  Councillor Sandra Barnes       Councillor Paul Stirland  
                                  Councillor Alan Bexon           Councillor Paul Wilkinson  
                                  Councillor Gary Gregory

Absent:                       Councillor Pauline Allan, Councillor Chris Barnfather,  
                                  Councillor Bob Collis and Councillor Colin Powell

Officers in Attendance:   P Baguley,   C Goodall,   D Gray,   L Parnell   and  
                                  L Sugden

### **68           APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Allan, Barnfather, Collis and Powell.

Councillors Parr and Doyle attended as substitutes for Councillors Barnfather and Powell.

### **69           TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 23 SEPTEMBER 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **70           DECLARATION OF INTERESTS**

The Chair declared a non-pecuniary interest, on behalf of all Members, in application no. 2015/0954 as Gedling Borough Council are the owners of the site.

### **71           APPLICATION NO. 2014/0242- LAND ADJACENT 4 NORTHCLIFFE AVENUE, MAPPERLEY, NOTTINGHAMSHIRE.**

Construct 4 New Detached Dwellings.

Mr Howie, local resident, spoke against the application.

**RESOLVED to GRANT PLANNING PERMISSION**, subject to the following conditions:

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. The development shall be built in accordance with the details as set out within the application forms received on the 27th February 2014 and the plans received on the 27th February 2014.
3. Before development is commenced there shall be submitted to and approved by the Borough Council precise details and samples of all materials to be used in the external construction of the proposed dwellings and the garage. Once these details are approved the dwellings and garage shall be built in accordance with these details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.
4. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of enclosure of the site and the individual plot boundaries. Once these details are approved the development shall be carried out in accordance with the approved details. The proposed means of enclosure shall be erected before the dwellings are first occupied, and shall thereafter be retained unless alternative means of enclosure are agreed in writing by the Borough Council as Local Planning Authority.
5. Before development is commenced there shall be submitted and approved by the Borough Council precise details relating to the landscaping of the site. This shall include the position, type and planting size of all trees and shrubs proposed to be planted. The approved landscape scheme shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
6. Before development is commenced there shall be submitted to and approved by the Borough Council precise details of the means of surfacing of the unbuilt on portions of the site. Once these details are approved the development shall be carried out in accordance with the approved details and be completed in accordance with the approved details before the dwelling is first occupied.

7. No works permitted under Class A, B, C, D and E of Part 1 Schedule 2 of the Town & Country Planning (General Permitted Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council as local planning authority.
8. The shared private driveway shall be laid out to a width of not less than 5.25 metres for at least 5.0 metres back from the nearside edge of carriageway and 4.8 metres thereafter and shall provide for vehicle parking and turning areas in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The vehicle parking and turning areas shall not be used for any purpose other than the turning and parking of vehicles.
9. No part of the development hereby permitted shall be brought into use until the dropped vehicular footway crossing has been widened and is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
10. No part of the development hereby permitted shall be brought into use until all drives and any parking or turning areas are surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the Highway boundary. The surfaced drives and any parking or turning areas shall then be maintained in such hard bound material for the life of the development and the parking areas retained thereafter.
11. No part of the development hereby permitted shall be brought into use until the access driveway / parking / turning areas are constructed with provision to prevent the unregulated discharge of surface water from the driveway/parking/turning areas to the public highway in accordance with details first submitted to and approved in writing by the Borough Council as Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
12. The gates to the refuse store shall open inwards only, and not onto the private driveway.
13. The first floor side elevation windows serving the stairwells to the end two dwellings shall be obscure glazed and either fixed shut or have small top hung opening windows at all times.
14. Before development is commenced there shall be submitted to and approved in writing by the Borough Council precise details of

the enclosure of the refuse storage area, this shall include details of the materials to be used in the construction of the refuse storage area. Once these details are approved the development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Borough Council as Local Planning Authority.

15. The first floor front elevation windows serving the en-suites to Plot 1 shall be obscure glazed at all times.
16. No part of the development shall be brought into use until the tree located within the highway to the front of the site has been felled and removed in its entirety.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To ensure that the materials to be used in the construction of the dwelling are appropriate, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
4. To ensure that the means of enclosure of the site are appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
5. To ensure that the site appears visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
6. To ensure that the materials are visually acceptable, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
7. To protect the amenity of adjoining and nearby dwellings, in accordance with the aims of policy ENV1 of the Gedling Borough Replacement Local plan (Certain Saved Policies 2014).
8. In the interests of highway safety.
9. In the interests of highway safety.
10. To reduce the possibility of deleterious material being deposited on the public highway (loose stones etc.)

11. To ensure surface water from the site is not deposited on the public highway causing dangers to road users.
12. To ensure that the driveway width is not reduced, and allows 2 cars to pass side by side.
13. To ensure that the proposal results in no undue overlooking impact onto neighbouring properties, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
14. To ensure that the means of enclosure of the storage area appropriate in terms of appearance and protect the privacy of the proposed and neighbouring dwellings, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan. (Certain Saved Policies 2014).
15. To ensure that the proposal results in no undue overlooking impact onto neighbouring properties, in accordance with the aims of Policy ENV1 of the Borough Council Replacement Local Plan (Certain Policies Saved 2014).
16. In the interests of highway safety.

### **Reasons for Decision**

The proposed development of the site would result in no undue impact on undue impact on neighbouring properties, the area in general and there are no highway safety implications arising from the proposal. As the highway tree is proposed to be felled the proposal will result in no undue impact on any trees. The proposal therefore accords with policies ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014), the National Planning Policy Framework March 2012 and the Aligned Core Strategy for Gedling Borough.

### **Notes to Applicant**

You are advised to contact the Arboricultural Team at Nottinghamshire County Council on 0300 500 80 80 to arrange for a replacement tree to be planted along Northcliffe Avenue.

The proposal makes it necessary to widen the vehicular crossing over a footway of the public highway. These works shall be constructed to the satisfaction of the Highway Authority. You are, therefore, required to contact the County Council's Customer Services to arrange for these works on telephone 0300 500 80 80.

The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. Negotiations have taken place during the consideration of the application to address adverse impacts identified by officers. Amendments have been made to the proposal, addressing the identified adverse impacts, thereby resulting in a more acceptable scheme and a favourable recommendation.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

Your attention is drawn to the attached letter from the Nottinghamshire Wildlife Trust.

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

**72 APPLICATION NO. 2014/1168- NEWSTEAD AND ANNESLEY COUNTRY PARK, TILFORD ROAD, NEWSTEAD.**

Wind turbine with a maximum tip height of 100m, associated infrastructure to include control building and crane hardstanding.

The Service Manager, Planning, introduced the application providing Members with an overview of the issues to be considered. The Service Manager also introduced a minor amendment to the proposed conditions to remove the word "restricted" in condition 23, and replace with the word "terminated".

Charles Baker, trustee of RCAN (the applicant), spoke in favour of the application.

Kris Von Wollan, local resident, spoke against the application.

**RESOLVED to GRANT CONDITIONAL PLANNING PERMISSION:**

**Conditions**

1. The development hereby permitted shall begin not later than three years from the date of this decision. Written confirmation of the date when electricity is first exported to the grid from the wind turbine hereby permitted (First Export Date) shall be submitted to the Borough Council within one month of the date of this taking place.
2. This permission shall endure for a period of 25 years from the First Export Date (of electricity to the grid), after which the use shall cease, and the turbine, ancillary structures, crane erection and lay down areas shall be removed from the site, and the land restored in accordance with details to be approved in writing under condition 18 below. The site shall be decommissioned in accordance with the details to be approved under condition 18.
3. The development hereby permitted shall be carried out in accordance with the following approved plans except insofar as may be otherwise required by other conditions of this planning permission: Newstead and Annesley Wind Turbine Environmental Report dated October 2014 received on 14th October 2014; The Planning Statement dated November 2014; The Design and Access Statement received on 14th October 2014; and the GLM Ecology - The Newstead 3 Addendum dated 16th September 2015.
4. Before development hereby approved is first commenced, precise details and elevations of the proposed wind turbine and transformer cabin housing shall be submitted to and approved in writing by the Borough Council. The wind turbine shall be of a 3-blade configuration and not exceed an overall height of 100 metres measured from ground level to the tips of the turbine blades. The blades of the wind turbine shall not have a rotor diameter of more than 77 metres. The hub height of the turbine shall be no more than 61.5 metres measured from ground level to the top of the hub. The transformer cabin shall have the following parameters: No wider than 4.5 metres, no longer than 10.5 metres, and it shall have a ridge height no more than 3 metres. The development shall be implemented in accordance with the written approval.
5. Before the development hereby approved is commenced, and any associated materials transported to the site, a Construction Traffic Management Plan shall be submitted to and approved in writing by the Borough Council. The Plan shall include the following: (i) A comprehensive study of the agreed delivery route to the application site including identification of the route where highway accommodation works will be required including the clearance of any vegetation and removal of street furniture; (ii) A schedule indicating the time for off peak construction deliveries; (iii) Details of measures to be taken to manage and control

construction traffic on the agreed construction route and site access to include advance notification signage, abnormal load traffic warning signs and any temporary speed limits/traffic regulation orders; (iv) Details of measures to be taken to manage the proposed hedge and tree cutting including signage. (vi) details specifying how any damage caused by construction traffic to the highway along the agreed route shall be made good. The Construction Traffic Management Plan shall thereafter be implemented as approved prior to any construction works taking place on site and as required during the construction of the development.

6. Before the development hereby approved is commenced, and any associated materials transported to the site, precise details of the hardstanding for construction traffic and details of improvements to the access track for the turbine delivery vehicles shall be provided in accordance with the plans to be first submitted to and approved in writing by the Borough Council. The hardstanding and servicing areas as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.
7. Before the development hereby approved is commenced, a habitat management plan to deal compensatory area to be managed specifically for woodlarks shall be submitted to and approved in writing by the Borough Council (as indicated in the GLM Ecology Addendum 3). The schedule shall contain the precise location of the mitigation area outside of the 50 metre buffer zone of the blade overhang, details of the works to be undertaken and a timescale for the works to be carried out. Ecological site enhancement works shall be completed in accordance with the approved schedule. Mitigation should not compromise features which give the site botanical interest within the Local Wildlife Site boundary.
8. All construction work associated to the installation shall be undertaken outside of the bird-breeding season (March - September inclusive). Should works be carried out during this time, a suitably qualified ecologist shall be on site to survey for nesting birds, with a copy of the survey undertaken and any works required at the site to be submitted to and approved in writing by the Borough Council prior to the commencement of development at the site. Works shall be completed in accordance with the approved details.
9. Prior to the erection of the wind turbine, details of the colour finish of the turbine tower, nacelle and blades shall be submitted to and approved in writing by the Borough Council. Development shall thereafter be carried out in accordance with the approved details.



10. Prior to the erection of the substation, details of the colour and type of materials to be used for the external walls and roof shall be submitted to and approved in writing by the Borough Council. The size of the substation shall be in accordance with the parameters set out in condition 4 above. Development shall thereafter be carried out in accordance with the approved details.
11. Before development hereby approved is first commenced, precise details, including depths of the proposed wind turbine foundations to be constructed shall be submitted to and approved in writing by the Borough Council. The foundations as approved shall thereafter be retained for the life of the development and decommissioned in accordance with details submitted under condition 19 of this approval.
12. All cables within the development site from the turbine to the substation shall be set underground.
13. Prior to the First Export Date, a scheme providing a protocol for the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the wind turbine shall be submitted to and approved in writing by the Borough Council. The protocol shall also include full contact details of who to contact in relation to the development should the Borough Council receive a complaint from a local resident within 12 months of the first export date. The protocol shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use Class C3 and C4 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the developer by the Borough Council within 12 months of the first export date. Where impairment is determined by the qualified television engineer to be attributable to the development, mitigation works shall be carried out in accordance with the protocol which has been approved in writing by the Borough Council
14. The Applicant must notify East Midlands Airport in writing that the wind turbine is in operation. This shall be done within 1 month, of the turbine commencing operation and the Borough Council shall be sent a copy of the notification made to East Midlands Airport.
15. The rating level of noise from the wind turbine (including the application of any tonal penalty) when calculated in accordance with the method described in the guidance document 'ETSU-R-97: The Assessment and Rating of Noise from Wind Farms' shall not exceed 35dBa for daytime and 43dBa for night time at the

nearest residential property (Foundry Terrace: Grid Reference easting 452,079 Northing 353,048).

16. Within 28 days from the receipt of a written request from the Borough Council, following a substantiated complaint to it, the wind turbine operator shall, at its expense, employ an independent consultant approved by the Borough Council to assess the level of noise generated by the wind turbine, following the method described in ETSU-R-97 referred to in condition 15. Within 60 days of appointing the independent consultant, unless agreed otherwise in writing with the LPA, the ETSU-R-97 noise assessment shall be completed and submitted to the Borough Council. Prior to the commencement of the noise measurement and assessment the monitoring locations shall be agreed in writing with the Borough Council. If wind turbine Noise levels are measured and found to exceed those levels set out in Condition 15 the necessary corrective action should be taken within 30 days to reduce the levels to those set out in condition 15 and further noise assessment carried out to ensure compliance with condition 15. Copies of the results on noise assessments made after remedial action has been taken should also be submitted to the Borough Council. A complaint shall be considered 'substantiated' where the Borough Council has conducted a preliminary investigation and taken into consideration the data requested as per condition 15 and judged that the complaint warrants further investigation by the operator to demonstrate that the noise limits are not being breached.
17. The wind turbine operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1 (d) of ETSU-R-97. These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1 (e) to the Borough Council on its request, within 14 days of receipt in writing of such a request.
18. If the wind turbine hereby approved ceases to operate for a continuous period of 6 months unless otherwise approved in writing by the Borough Council, a scheme for the decommissioning and removal of the wind turbine and any other ancillary equipment, including a timetable for its removal, shall be submitted to and approved in writing by the Borough Council, within 3 months of the end of the 6 month cessation period. The approved scheme shall thereafter be implemented in accordance with the approved details.
19. Prior to the decommissioning of the site a scheme setting out a programme of works required to undertake decommissioning works, together with details of any access widening required, alteration to junctions, details of the abnormal load routes

together with details of how any required off-site traffic management measures along the proposed route of decommissioning traffic, details of how the site shall be restored and landscaped once structures have been removed and a schedule of works required and timescales for undertaking the restoration shall be submitted to and approved in writing by the Borough Council. The site shall be decommissioned in accordance with the approved details.

20. Prior to the first export of electricity a legally binding agreement between Rural Community Action Nottinghamshire (RCAN) and the Friends of Newstead, who will manage the annual £7.5k annual community fund, shall be submitted to and approved in writing by the Borough Council. Rural Community Action Nottinghamshire shall provide the £7.5k fund annually in line the terms of the legally binding agreement. The agreement shall be adhered to for the life of the development unless otherwise agreed in writing by the Borough Council.
21. Before the development hereby approved is commenced, a reptile mitigation management plan should be submitted to and approved by the Borough Council which meets the criteria for designation as a herptile Local Wildlife Site. The reptile mitigation plan should include details of the habitat to be created and its location. Any reptiles found during the construction and decommissioning of the development should be removed to the receptor area that is suitably fenced to prevent them from re-entering the proposed construction area.
22. Prior to the commencement of the development hereby approved, a scheme setting out a monitoring programme in relation to Bats shall be submitted to and approved in writing by the Local Planning Authority. The monitoring programme shall cover a period of three years from the first export date of electricity to the grid. A minimum of 3 transect surveys per year between April and October including 1 dawn survey shall be carried out. The findings and the results of the surveys, together with any proposed mitigation measures and timescales for carrying out any mitigation shall be submitted as a report to the Local Planning Authority and shall be approved in writing by the Borough Council. The reports shall be submitted within three months of each survey being undertaken. Any further mitigation required shall be carried out in accordance with the approved details in relation to each survey undertaken.
23. Should Newstead and Annesley Country Park cease to operate and access to the open space for the general public be terminated then the wind turbine shall be decommissioned within 6 months of the date of the closure of the Country Park in accordance with details submitted under Condition 19 above.

24. Prior to the first export of electricity the formal approval from NATS with regards to the approved mitigation measures shall be submitted to and approved by the Borough Council in writing. The wind turbine installation shall conform with the mitigation measures approved for the life of the development.
25. The applicant must notify the Ministry of Defence (MOD) the date that construction starts and ends; the maximum height of the equipment and the latitude and longitude of the turbine. Prior to development commencing the Borough Council shall be sent a copy of the notification made to the MOD.
26. Before the development hereby approved is commenced, a plan indicating a 50 metres buffer from the rotor swept area, showing the extent of tree and shrub removal required (calculated with reference to Natural England's Technical Information Note TIN051 and taking into account of the adjacent topography) shall be submitted to and approved in writing by the Borough Council. The 50 metre buffer zone shall be provided in accordance with the approved details before the first generation of electricity from the wind turbine. Once approved the trees and shrubs within this area shall be stump treated (to prevent re-growth) and the area shall be maintained as grassland for the life of the development.
27. The development hereby permitted shall be carried out in accordance with the mitigation measures outlined in sections 1.78 and 1.80 of the GLM Ecological Assessment dated 2014 with regards to the protection of badgers, reptiles and amphibians.

### **Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. This is a temporary permission and condition 2 is attached for the avoidance of doubt.
3. For the avoidance of doubt.
4. To ensure a satisfactory development in accordance with the aims of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
5. In the interests of highway safety
6. For the avoidance of doubt.
7. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the

National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

8. In order to safeguard the local bird population in accordance with the requirements of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
9. To ensure a satisfactory development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
10. To ensure a satisfactory development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
11. To ensure that the precise details of the turbine are defined in order for the Borough Council to control the nature of the development in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
12. To safeguard the appearance of the site in accordance with the aims of of Policy ENV1 of the Gedling Borough Replacement Local Plan (Certain Policies Saved 2014).
13. To ensure that any adverse impacts on terrestrial television reception in the area is appropriately mitigated.
14. To ensure that East Midlands Airport are advised that the turbine has commenced operation
15. In order to safeguard the aural amenity of the site and neighbouring residential properties in accordance with the guidance contained within EN-3, paragraph 2.7.6.
16. In order to safeguard the aural amenity of the site and neighbouring residential properties in accordance with the guidance contained within EN-3, paragraph 2.7.6.
17. To enable the Borough Council to monitor noise impacts and to monitor against condition 18.
18. To ensure that the site is decommissioned appropriately should the turbine cease to operate for a continuous period of 6 months.
19. To ensure that when the site ceases operation at the time stated within condition 2 above that decommissioning works take place in an appropriate manner and that the site is restored to a suitable condition.

20. In order to secure the financial public benefit of the scheme with the relevant stakeholders in the community.
21. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
22. To ensure the provision of ecological enhancements to enhance biodiversity, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).
23. To ensure the site is decommissioned appropriately should the Country Park cease to operate for the benefit of the local community.
24. In order to safeguard potential impacts on air traffic in the local area.
25. In order to ensure the MOD have received the requested information relating to the development.
26. To ensure there is no adverse impacts on the local bat population as a result of the wind turbine in line with paragraph 118 of the National Planning Policy Framework (March 2012).
27. To ensure there is no adverse impacts on the local wildlife populations, in accordance with the aims of Section 11 of the National Planning Policy Framework and Policy 17 of the Aligned Core Strategy for Gedling Borough (September 2014).

### **Reasons for Decision**

Paragraph 98 of the NPPF advises that when determining planning applications for renewable energy schemes, local planning authorities should approve the application if its impacts are, or can be made acceptable. In the opinion of the Borough Council it has been demonstrated that the impacts of the proposal are acceptable.

### **Notes to Applicant**

For the purpose of good public relations you are advised that it would be beneficial if a letter drop was undertaken to residents of Tilford Road asking that they park on one side of the carriageway on the date of the abnormal load to ensure adequate passage. You are advised to contact the Highway Authority Network Coordination Officer with regards to the abnormal load to check for road closures and road works.

In assessing this application, officers have worked with the applicant in a positive and proactive manner consistent with the requirements of paragraphs 186-187 of the NPPF. This included seeking additional information in order to assess the application and its impacts. Further information was sought with regards to mitigation measures required given the Local Wildlife designation of the application site and the requirements of NATS with regards to air traffic.

There is an international civil aviation requirement for all structures of 300 feet (91.4 metres) or more to be charted on aeronautical charts. In the interests of Aviation safety, the Civil Aviation Authority requests that any feature/structure 70 feet in height, or greater, above ground level is notified to the Defence Geographic, including location(s) height(s) and lighting status of the feature/structure, the estimated and actual dates of construction and the maximum height of any construction equipment to be used, at least 6 weeks prior to the start of construction to allow for the appropriate notification to the relevant aviation communities.

**73 APPLICATION NO. 2015/0941- 231 MAPPERLEY PLAINS, ARNOLD.**

Variation of Condition 2 and removal of Conditions 4 and 8 of Application 2013/1003 (Erect two storey house following demolition of existing bungalow) relating to amended plans, landscaping and tree protection measures.

Peter Elliot, on behalf of the applicant at the Chair's discretion, spoke in favour of the application for a variation of conditions.

**RESOLVED to Grant Removal/Variation of Condition:**

**Conditions**

1. This permission relates to the approved plans Ref. 214-377-P01 'Location Plan', 214-377-P02 'Floor Plans', 214-377-P03 'Elevations', 214-377-P04 'Sections AA + BB', 214-377-P05 'Site Plan', 214-377-P06 'Boundary Wall', 214-377-P07 'Flat Roof Layout', the details contained in the Application Form, the email received on 8th September 2015 with regard to construction materials and the detail of the 'feature wall tiling' and the email received on 10th September 2015 attaching the 'Planting Plan', the 'Landscape Layout - Isometric' and the 'Landscape Layout' all dated 6th November 2014.
2. Prior to the dwelling being first occupied, the means of enclosure as shown on drawing ref. 214-377-P06 'Boundary Wall' and 214-377-P05 'Site Plan' shall be erected.
3. No works permitted under Class A, B, C, or D of Part 1 Schedule 2 of the Town & Country Planning (General Permitted

Development) (England) Order 2015 (or in any provision equivalent to that Class in any Statutory Instrument revoking and re-enacting that Order) shall be undertaken without the prior written permission of the Borough Council.

4. Notwithstanding the approved plans, there shall be no access to the garage flat roof from the first floor of the proposed dwelling.
5. The approved 'Landscape Plan' dated 6th November 2014 shall be carried out in the first planting season following the substantial completion of the development and any planting material which becomes diseased or dies within five years of the completion of the development shall be replaced in the next planting season by the applicants or their successors in title.
6. No part of the development hereby permitted shall be brought into use until a dropped vehicular footway crossing is available for use and constructed in accordance with the Highway Authority specification to the satisfaction of the Local Planning Authority.
7. No part of the development hereby permitted shall be brought into use until the driveway is surfaced in a hard bound material (not loose gravel) for a minimum of 5.5 metres behind the highway boundary. The surfaced driveway shall then be maintained in such hard bound material for the life of the development.
8. No part of the development hereby permitted shall be brought into use until the driveway is constructed with provision to prevent the unregulated discharge of surface water from the driveway to the public highway in accordance with details first submitted to and approved in writing by the Local Planning Authority. The provision to prevent the unregulated discharge of surface water to the public highway shall then be retained for the life of the development.
9. The access hereby approved onto Gedling Road shall serve one dwelling only.
10. The illumination of the 'feature walls' identified on drawing numbers PR-01 and PR-02 comprising part of the email received on 8th September 2015 shall not exceed a level of 305.5 candelas, and the means of illumination must not be intermittent, pulsing or flashing kind.

### **Reasons**

1. For the avoidance of doubt and to ensure that the development is carried out in accordance with the details as approved.



2. To ensure a satisfactory development, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
3. In order to protect the residential amenity of the site and adjoining dwellings, in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
4. In order to protect the amenity of neighbouring properties in accordance with the aims of Policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
5. To ensure satisfactory development, in accordance with the aims of policy ENV1 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014) and Policy 10 of the Aligned Core Strategy (September 2014).
6. In the interests of highway safety.
7. In the interests of highway safety.
8. In the interests of highway safety.
9. In the interests of highway safety.
10. In the interest of neighbouring amenity and highway safety.

### **Reasons for Decision**

In the opinion of the Borough Council the proposed development is visually acceptable, results in no significant impact on neighbouring properties, and introduces no highway concerns. The proposal therefore accords with the requirements of the National Planning Policy Framework, Policy 10 of the Aligned Core Strategy (2014) and ENV1, H7 and H16 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved 2014).

### **Notes to Applicant**

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During consideration of the planning application the changes made since the original approval (2013/1003) were clarified with the Applicant's Agent for the avoidance of doubt. The Applicant was also given the opportunity to submit a landscaping scheme during the processing of the application to ensure

that a pre-commencement condition is not imposed. Moreover, as it became apparent that two street scene facing elevations would contain an element of 'feature wall tiling' backlit with LED's the level of illuminance was sought to ensure no adverse impact on amenity.

The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to The Coal Authority on 0845 762 6848. Further information is also available on The Coal Authority website at [www.coal.decc.gov.uk](http://www.coal.decc.gov.uk). Property specific summary information on past, current and future coal mining activity can be obtained from The Coal Authority's Property Search Service on 0845 762 6848 or at [www.groundstability.com](http://www.groundstability.com).

The attached permission is for development which will involve building up to, or close to, the boundary of the site. Your attention is drawn to the fact that if you should need access to neighbouring land in another ownership in order to facilitate the construction of the building and its future maintenance you are advised to obtain permission from the owner of the land for such access before beginning your development.

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**APPLICATION NO. 2015/0954- GEDLING COUNTRY PARK, SPRING LANE.**

Create snack van hard standing area in Gedling Country Park.

**RESOLVED to GRANT PLANNING PERMISSION subject to the following conditions:**

**Conditions**

1. The development must be begun not later than three years beginning with the date of this permission.
2. This permission shall be read in accordance with the plans and details received by the Local Planning Authority on 2nd October 2015. The development shall thereafter be undertaken in accordance with these plans and details unless otherwise agreed in writing by the Local Planning Authority.

**Reasons**

1. In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt and to define the terms of this permission.

**Reasons for Decision**

In the opinion of the Borough Council the proposed development would help facilitate a use that would enhance recreational opportunities within the Borough and would not unduly impact upon the amenity of local residents, the visual amenity or character of the area. The proposal therefore accords with the National Planning Policy Framework (2012) and policies ENV1, R1 or R2 of the Gedling Borough Replacement Local Plan (Saved Policies 2008).

### **Notes to Applicant**

This application is associated with Planning Approval 2014/0650 'To allow the change of use of land from Public Car Park (Sui Generis) to a pitch for the siting of an ice cream van (A1 use)'

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework. During the processing of the application there were no problems for which the Local Planning Authority had to seek a solution in relation to this application.

## **75            UPDATED PLANNING COMMITTEE PROTOCOL AND CODE OF PRACTICE**

The Service Manager, Planning, introduced the report, which had been circulated prior to the meeting, seeking approval of the updated Planning Committee protocol, revised Code of Practice for Councillors in dealing with Planning Applications and the Planning Delegation Panel arrangements.

### **RESOLVED to:**

1. Adopt the Protocol for use at committee meetings;
2. Agree the revised version of the Gedling Borough Council Code of Practice for Councillors in dealing with Planning Applications and refer it to Council for approval and insertion into the Constitution; and
3. Agree the revised arrangements for the Planning Delegation Panel and refer it to Council for approval and insertion into the Constitution.

## **76            DEVELOPMENT MANAGEMENT IMPROVEMENT PLAN**

The Service Manager, Planning, presented the report, which had been circulated prior to the meeting, seeking Members' comments on the draft Development Management Improvement Plan, produced following the recent independent service review.

A number of comments were made by Members for noting by the Service Manager.

**RESOLVED:**

To note the report.

**77 APPEAL DECISION- 16 COTTAGE MEADOW, COLWICK.**

Replace the hipped roof to the property with a partially hipped roof in order to provide accommodation within the roof space together with the erection of a dormer to the front elevation roof slope.

**RESOLVED:**

To note the report.

**78 PLANNING DELEGATION PANEL ACTION SHEETS**

**RESOLVED:**

To note the report.

**79 FUTURE PLANNING APPLICATIONS**

**RESOLVED:**

To note the report.

**80 ANY OTHER ITEMS WHICH THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 7.05 pm

Signed by Chair:  
Date:

## **MINUTES APPOINTMENTS AND CONDITIONS OF SERVICE COMMITTEE**

**Thursday 15 October 2015**

Councillor John Clarke (Chair)

Councillor Michael Adams  
Councillor Marje Paling

Councillor Michael Payne

Apologies for absence: Councillor Chris Barnfather, Councillor Bob Collis and  
Councillor Colin Powell

Officers in Attendance: J Robinson, D Archer and A Dubberley

### **6 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.**

Apologies for absence were received from Councillors Barnfather, Collis and Powell.

### **7 DECLARATION OF INTERESTS.**

None.

### **8 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 29 JULY 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **9 SMOKING POLICY**

The Service Manager Organisational Development introduced the report, which had been circulated prior to the meeting, which gave details of the revised smoking at work policy which was being presented to the Committee for formal adoption following a period of consultation.

#### **RESOLVED:**

To adopt the revised Smoking at Work Policy shown at Annex 1, Appendix 3 to the report with effect from 1 January 2016.

### **10 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.**

There was no urgent business.

**11 EXCLUSION OF PRESS AND PUBLIC**

That, the Members being satisfied that the public interest in maintaining the exemption outweighs the public interest in disclosing the information that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting during the consideration of the ensuing reports on the grounds that the report involves the likely disclosure of exempt information as defined in Paragraphs 1 and 4 of Part 1 of Schedule 12A of the Local Government Act 1972.

**12 RE-ORGANISATION OF COUNCIL MANAGEMENT ARRANGEMENTS**

The Chief Executive introduced the report, which had been circulated prior to the meeting, giving details about a proposed reorganisation of the Council's management arrangements.

The Chair commented that members recognised reports of this nature were often presented under difficult circumstances and thanked officers involved for their work.

**RESOLVED:**

To approve the proposed new management arrangements for consultation with staff and unions.

The meeting finished at 11.25 am

Signed by Chair:  
Date:

## **MINUTES CABINET**

**Thursday 22 October 2015**

Councillor John Clarke (Chair)

Councillor Peter Barnes  
Councillor David Ellis  
Councillor Kathryn Fox

Councillor Jenny Hollingsworth  
Councillor Henry Wheeler

Observers: Councillor Chris Barnfather

Absent: Councillor Michael Payne

Officers in Attendance: L Parnell, M Kimberley, J Robinson, D Wakelin,  
C Goodall, L Juby, C Newson and F Whyley

### **35 APOLOGIES FOR ABSENCE.**

Apologies for absence were received from Councillor Payne.

### **36 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2015.**

#### **RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

### **37 DECLARATION OF INTERESTS.**

None.

### **38 COMMUNITY ASSET TRANSFER POLICY**

Portfolio Holder, Kathryn Fox, and Corporate Director, David Wakelin, introduced a report, which had been circulated prior to the meeting seeking the adoption of the Council's Community Asset Transfer Policy.

The Portfolio Holder asked that thanks be passed on to those Officers who had worked on the Policy and its related documents.

#### **RESOLVED:**

To adopt the Community Asset Transfer Policy.

**PROGRESS REPORTS FROM PORTFOLIO HOLDERS.****Councillor Henry Wheeler (Housing, Health and Well-being)**

- A decision will shortly be made relating to the Christmas opening hours of the Borough's Leisure Centres. The Richard Herrod Centre's opening hours would be different to other centres to take into account the bar facilities at the venue.
- A festive cinema program is planned for the Bonington Theatre and it is hoped that this will include the new James Bond film.
- The reception screens at the Civic Centre are currently showing various healthy living campaigns, including smoking cessation, the "stay well" campaign and information about flu jabs.
- A cross party, County wide, tobacco group has been relaunched to reduce the impact of smoking.
- New Leaf will no longer be providing smoking cessation services in Nottinghamshire and this will be transferred to a new company.
- The Council's dementia and loneliness plans will be refreshed to broaden their impact to include local business.
- It is now possible to self- refer to DNA Health for all residents ages over 16 with a health condition.
- The Health and Wellbeing Board recently adopted a Young People's Strategy and a new website will be rolled out.
- There has been an increase in homelessness applications, with 13 received in September. Work will be done at looking at managing this increased demand.
- The Council took part in Homeless Watch to identify rough sleepers.
- A Housing Needs Officer with the Council recently represented Great Britain at an international power lifting competition.
- The Severe Weather Policy will be in place shortly ready for the Winter season.

**Councillor Kathryn Fox (Community Development)**

- Gedling CVS closed on the 16<sup>th</sup> of October, following a failed merger with Newark and Sherwood and Rushcliffe CVS'. The transport scheme for Gedling remains and voluntary advice will now be provided by Newark and Sherwood CVS in the North of the Borough and Rushcliffe CVS in the South of the Borough. A discussion is ongoing regarding assessing the impact of the closure and the future for advice provision to Gedling based groups.
- Debz4Coffee, a local group providing help for children with SEN and their families. Work will be carried out to identify support for clients going forward. Gedling Play Forum and the Borough Council will now provide SEN support at Gedling Borough Council's events in the place of Debz4Coffee.



- A Mineral Line feasibility study has been completed by Nottinghamshire County Council. The implications of this are being considered and will be discussed at the Netherfield Steering Group. A report will be seen by the Senior Leadership Team and Cabinet in the new year and a briefing for Members will follow.
- A Halloween Arts and Crafts event will be held on Saturday, 24<sup>th</sup> October at the Civic Centre.

### **Councillor David Ellis (Public Protection)**

- Took part in a South Nottinghamshire Crime Safety Partnership (CSP) Away Day.
- Gedling is currently the best performing Borough in our CSP family of 15 District/Borough areas.
- Crime was down 8% in the first 6 months of 2015 and anti social behaviour, in particular, was down 4%.
- The nature of crime is changing and there is now an emphasis on organised and digital crime. The Police and Crime Commissioner is working on this and the Borough and considering what we can do as partners to combat this.
- Safeguarding training will become mandatory for all taxi drivers licensed by Gedling Borough, giving drivers the skills to identify young people at risk of exploitation.
- Large scale integrated enforcement action has been undertaken in Nottingham and at East Midlands Airport resulting in the revocation of 3 taxi licenses due to inappropriate behaviours.
- The Borough's neighbourhood wardens recently reunited two dogs stolen from Skegness and found stray in the Borough with their owners. The video has now gone viral on the internet.

### **Councillor Jenny Hollingsworth (Growth and Regeneration)**

- The Community Infrastructure Levy charging began on the 16<sup>th</sup> of October.
- Contracts have been exchanged on land north of Papplewick Lane and a large commuted sum has been agreed for the provision of affordable housing.
- Congratulations to the Service Manager, Housing, Alison Bennett, who has now successfully negotiated over £1 million in contributions for social housing in the Borough.
- The employability framework has been rolled out in schools and has been well received.
- A petition was received from Councillor Ellwood regarding 72/74 Westdale Lane. A Section 215 notice was served in March and further action will now be taken to enforce this.
- Housing Zone status has been received for land at Teal Close and the Gedling Colliery site. This will be used to employ a

Planning Officer to speed up the development process of these sites.

- A visit is planned to the Larkhill Extra Care Village in Clifton with a view to looking at the potential for such a development within the Borough.
- The Grove development is now well underway and will hopefully be occupied in the New Year.

#### **Councillor Peter Barnes (Environment)**

- Following a discussion at a recent APSE conference, Members of Mansfield District Council recently visited the Civic Centre to look at the co- location of the Citizens Advice Bureau and Department of Work and Pensions within the building to consider whether a similar arrangement could work in Mansfield.
- The temporary car park at Gedling Country Park is now in place, as is the hardstanding for a snack van. Temporary toilet facilities will be in place shortly.
- There is a hope that the design of the visitors centre will stay in house thanks to links to a Nottingham based PHD student who is looking at issues of eco-design.
- Gedling Country Park has been entered for a Green Flag award.
- A “Keep Gedling Green for the Queen” week will be held during the week of the Queen’s 90<sup>th</sup> birthday.

#### **Councillor John Clarke (Leader of the Council)**

- Business rates will soon be handed over to Local Authorities. More details in relation to this are expected from Central Government on the 25<sup>th</sup> of November, although it is anticipated that this will be fiscally neutral.
- There is a frustration with the situation that is ongoing relating to Carlton and Arnold police stations which Officers will be progressing the Police partners.
- Our devolution, combined authority bid is progressing and will bring potential economic benefits to the Nottinghamshire and Derbyshire area. A full report to Council will follow in due course.

#### **Councillor Michael Payne (Resources and Reputation)**

In his absence, Councillor Payne requested that the Service Manager, Communications updated members of the Cabinet on a new email communication system which is being rolled out called “Keep Me Posted”. The system is designed to drive channel shift and reduce avoidable contact with the Council by proactively providing information to people signed up to the system. The system will be promoted in the upcoming Contacts magazine, the Council’s public website and Social Media. Users currently signed up for updates from partner organisations,

such as Nottinghamshire County Council, will also have the opportunity to sign up for Gedling Borough updates.

**40 MEMBER'S QUESTIONS TO PORTFOLIO HOLDERS.**

None.

**41 ANY OTHER ITEMS THE CHAIR CONSIDERS URGENT.**

None.

The meeting finished at 1.55 pm

Signed by Chair:  
Date:

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**DECISIONS MADE UNDER DELEGATED AUTHORITY**

<b><u>Business</u></b>	<b><u>Summary</u></b>	<b><u>Ref.</u></b>	<b><u>Date</u></b>	<b><u>Portfolio</u></b>
Amendment to delegation to Cabinet Member	To move Inward investment, business engagement, promotion and support from the Growth and Regeneration portfolio to the Leader's portfolio.	D363	11/09/2015	Leader of the Council
Draft Development Brief for the Top Wighay Farm site	To approve the publishing of the draft development brief for the Top Wighay Farm site as a Supplementary Planning Document for consultation.	D364	18/09/2015	Growth and Regeneration
Proposed Street Names for development at land off Wighay Road, Linby	To approve Street names for a new development	D365	24/09/2015	Growth and Regeneration
Procurement of Construction Services for the manufacture and erection of a 'modular style' building –Jubilee Depot	To approve procurement for new building at Jubilee Depot.	D358	30/09/2015	Resources and Reputation
Sale of disused land at Bagnall Avenue, Daybrook	To approve the sale of disused land.	D367	30/09/2015	Housing, Health and Well-being
National Non-Domestic Rates - Charitable Relief Application	To allow an application for discretionary charitable relief under section 47 of the Local Government Finance Act 1988.	D369	21/10/2015	Resources and Reputation

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