



TOWN COUNCIL MEETING

WEDNESDAY 17TH DECEMBER 2014

Thursday 11th December 2014

Dear Councillors

You are summonsed to attend a meeting of the Town Council at 19:00 on Wednesday 17th December 2014 to be held in the Council Chamber at the Town Hall.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. C. Mellor'.

Mr Alan Mellor
Town Clerk



A G E N D A

1	Apologies for Absence		
2	To approve the Minutes of the Meeting of the Town Council held on Wednesday 15th October 2014	Minutes Attached	Page 5
3	To receive Declarations of Interest from Members and Officers	Verbal	
4	To receive the Minutes of the following Committees:		
4a	Planning & Regeneration Committee held on Wednesday 29th October 2014	Minutes Attached	Page 9
4b	Environment & Leisure Committee, held on Wednesday 5th November 2014	Report Attached	Page 15
4c	Planning & Regeneration Committee, held on Wednesday 26th November 2014	Minutes Attached	Page 17
4d	Youth Council Committee, held on Wednesday 3rd December 2014	Report Attached	Page 23
4e	Finance & Policy Committee, held on Wednesday 3rd December 2014	Minutes Attached	Page 25
5	Town Mayor's Announcements	Verbal Report	
6	Town Council Leader's Announcements	Verbal Report	
7	Town Clerk's Announcements	Verbal Report	
8	Devolved Services	Report Attached	Page 29

Pre-Group Meetings:

1	18:30	Conservative Group	Committee Room
2	18:30	Independent Group	Pickin Room



NEWARK TOWN COUNCIL

Town Hall, Market Place, Newark, Nottinghamshire, NG24 1DU
 Tel: 01636 680 333 ~ Fax: 01636 680 350
 Email: post@newark.gov.uk ~ Website: www.newark.gov.uk

Agenda Item No: 2

Committee Date: Wednesday 17th December 2014

Minutes of the Meeting of the Town Council held on Wednesday 15th October 2014 in the Council Chamber of the Town Hall.

Membership Present:	Town Mayor	Cllr T Bickley JP (in the Chair)
	Councillors	P Baggaley Mrs I Brown K Clayton M G Cope Mrs R Crowe R A Crowe Mrs G Dawn Miss R Dawn (Ap) L Goff D Jones D Lloyd D R Payne B Richardson T Roberts MBE Mrs M Tribe S Wallace (Ap) C Wetton
Apologies received from:	Councillors	Miss R Dawn, S Wallace
Town Council Staff:	Town Clerk Mayor's Secretary/PA to the Town Clerk	Alan Mellor Helen Crossland – taking minutes
Public:	There were 8 members of the public present.	
Venue:	Council Chamber	Town Hall

TC27/14/15 Minutes of the Town Council Meeting held on Wednesday 13th August 2014

The Minutes of the last Town Council Meeting held on Wednesday 13th August 2014 were **AGREED** as a true and accurate record, and signed by the Chairman.

TC28/14/15 Declarations of Interest

It was **AGREED** to accept any Declarations of Interest as they may arise during the meeting.

TC29/14/15 Planning & Regeneration Committee Minutes, Wednesday 3rd September 2014

The Chairman, Cllr L Goff, presented the Minutes of the Meeting of the Planning & Regeneration Committee held on Wednesday 3rd September 2014.

TC30/14/15 Environment & Leisure Committee Minutes, Wednesday 17th September 2014

The Chairman, Cllr D Jones, presented the Minutes of the Meeting of the Environment & Leisure Committee held on Wednesday 17th September 2014.

TC31/14/15 Planning & Regeneration Committee Minutes, Wednesday 1st October 2014

Cllr Mrs R Crowe declared a personal interest in **PR30/14/15 – Outstanding Planning Applications, 14/01553/FUL 29 Winchilsea Avenue, Newark.**

Cllr M Cope declared a personal interest in **PR30/14/15 – Outstanding Planning Applications, 14/01435/FUL Bowbridge Primary School, Bailey Road, Newark.**

The Chairman, Cllr L Goff, presented the Minutes of the Meeting of the Planning & Regeneration Committee held on Wednesday 1st October 2014.

Cllr D Lloyd informed the meeting that in relation to **PR30/14/15 – Outstanding Planning Applications, 14/01598/FULM Land at the Junction of Kelham Road and Great North Road, Newark** there had been 2 sets of comments from the Highways Authorities since the meeting; this application should now be re-submitted to the next Planning & Regeneration Meeting as agreed. The Town Clerk undertook to obtain copies of these comments to be included in a future report back to the Planning & Regeneration Committee.

TC32/14/15 Youth Council Minutes, Wednesday 6th August 2014

Cllr Mrs G Dawn presented the Minutes of the Youth Council held on Wednesday 6th August 2014.

TC33/14/15 Finance & Policy Committee Minutes, Wednesday 8th October 2014

The Chairman, Cllr D Lloyd presented the Minutes of the Meeting of the Finance & Policy Committee, marked 'MINUTES TO FOLLOW' in the Agenda, held on Wednesday 8th October 2014.

TC34/14/15 Town Mayor's Announcements

The Town Mayor extended the thanks of the full Town Council to Reverend Judith Pollard who had attended the full Town Council meeting tonight for the last time, as she was moving to take up a new position in Norfolk. Reverend Pollard was presented with a gift from Newark Town Council; she gave a short thank you speech and said she had enjoyed her time in Newark very much.

The Town Mayor then reminded Members that the All Souls Ceremony of Homage would take place on Sunday 26th October, and he hoped that Councillors would attend.

The Town Mayor also announced that his next Charity Event was to be a World War One themed Last Night of the Proms Concert on Friday 12th December and he hoped that Councillors would support it.

TC35/14/15 Town Council Leader's Announcements

The Town Council Leader, Councillor Mrs Gill Dawn, had No Announcements.

TC36/14/15 Town Clerk's Announcements

The Town Clerk, Mr Alan Mellor, informed Members that since the Agenda had been sent out, significant progress had been made with the portrait of Sam Derry.

It was planned to hold an 'unveiling' of the portrait on Wednesday 19th November and Members were asked to note the date; official invitations would be sent out in due course.

TC37/14/15 Public Speaking at Town Council Meetings

This Agenda item was discussed at some length. There were concerns raised that should public speaking be permitted, there was no regulation in place to ensure that meetings would remain orderly.

Concerns were raised that whilst Councillors are regulated, there is a Standards Authority, local Standing Orders, and various other regulations that have to be adhered to; members of the public are not bound by any of these.

The point was also raised that there is an Annual Meeting in May of each year, which specifically invites members of the public to speak and that this has not been very well attended in the past.

It was also noted that within Newark Town Council Standing Orders there was an opportunity for public speaking, if those Standing Orders were suspended by the Chairman.

The Leader of the Council stated that as it was very late in this Council's administration, perhaps the decision should be delayed until after the elections next May.

After due consideration, it was proposed by Councillor Mrs G Dawn that:

'this Agenda Item be deferred until the next Town Council administration is in place after the elections in May of next year. It should be put forward again, with detailed proposals for specific arrangements should public speaking be allowed, at the earliest opportunity'.

This was seconded by Cllr M Cope.

A vote was held and this was **AGREED**.

TC38/14/15 Review of Polling Districts, Polling Places & Polling Stations

Members made no formal comments from the Town Council on the review of Polling District & Polling Places being undertaken by the District Council and **NOTED** the report.

It was **AGREED** that individual comments could be submitted to the District Council if Members so wished.

TC39/14/15 Honorary Recorder

Councillor D Payne addressed the meeting for this Agenda Item. He asked for Standing Orders to be suspended to allow both the retiring and incoming Honorary

Recorders to speak if they so wished; this was **AGREED**.

He gave the background of the Honorary Recorder position, and the history of how Judge Richard Ingles had been appointed. Councillor D Payne thanked Judge Inglis on behalf of the full Town Council for the magnificent job he had done whilst in the position for the last 14 years.

The resignation of Richard Inglis from the position of Honorary Recorder of Newark was then formally **ACCEPTED** by Members.

The Town Mayor then presented Judge Inglis with a gift from the Town Council, and gave his thanks to him also.

Judge Inglis gave a short speech and said that although he was sorry to be leaving, he was sure that, if appointed, his successor would serve the Town Council very well.

Councillor D Payne then introduced James Howlett to Members, who was also in attendance. Judge Inglis had recommended him as a replacement, and the necessary agreements had been sought, and gained.

Cllr D Payne gave some background in support of James and why he was a suitable person to take on the role of Honorary Recorder of Newark.

Cllr D Payne then recommended to Members that James Howlett be appointed as the new Honorary Recorder of Newark; this was seconded by Cllr Mrs D Dawn.

A vote was taken and this was **AGREED** unanimously.

James Howlett gave a short acceptance speech, and thanked the Town Council; he said he would be honoured to accept.

The Town Mayor then signified the end of the meeting and all Members and guests were invited to attend the Parlour.

Meeting Closed:	7.45pm	Next Meeting:	17th December 2014
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Agenda Item No: 4a

Committee Date: Wednesday 17th December 2014

PLANNING & REGENERATION COMMITTEE MINUTES

Minutes of the Meeting of the Planning & Regeneration Committee held on Wednesday 29th October 2014 in the Council Chamber of the Town Hall.

Membership Present:	Councillor	L Goff (Chairman)
	Councillor	P Baggaley (Ap) Mrs I Brown K Clayton (Ap) R Crowe D Lloyd B Richardson (Vice Chairman) A Roberts MBE S Wallace
In Attendance	Town Clerk	Alan Mellor
Apologies	Cllrs P Baggaley, K Clayton	
Taking Minutes:	PA to the Town Clerk	Mrs H Crossland
Public:	There were two members of the public present.	
Venue:	Council Chamber, Town Hall	

PR33/14/15 Minutes

The Minutes of the last meeting held on Wednesday 1st October, 2014 were **AGREED** and signed as a true and correct record.

PR34/14/15 Matters Arising

14/01598/FUL – Land at the Junction of Kelham Road and Great North Road, Newark

The Town Clerk circulated a briefing pack that has been received from the Developers of the proposed Sainsbury' Supermarket. He also updated Members on the progress of the application and advised them that both Nottinghamshire County Council and the Highways Agency had submitted objections. In addition the

Highways Agency had used its power to stop the application being determined for a period of three months, which would expire at the end of the calendar year. It was proposed therefore that the application would be brought back to the Committee for consideration when the final position of these two bodies was known.

14/01591/FUL – Northgate Retail Park, Newark

The Town Clerk handed round a copy of an email that had been received from the Managing Director of Northgate Park, which went through the various objections that this Committee had raised to the application at the last meeting.

The Town Clerk reported that he had spoken to the planners earlier in the day and he had been informed that they will be re-consulting on the application in the future. He suggested that the Committee await for this re-consultation before making any further decisions and this was **AGREED**.

PR35/14/15 Declarations of Interest

It was **AGREED** to accept Members declarations as and when they arose during the meeting.

PR36/14/15 Outstanding Planning Applications

14/01525/FUL BR Electrics, 37B North Gate, Newark

Demolition of existing building and extension to existing food store car park.

No Objection was raised to this application.

14/01632/LBC 63C London Road, Newark

Replacement of 5 rotten/failing twentieth century top open timber casement rear windows with double glazed timer casements.

No Objection was raised to this application.

14/01691/FUL 1 Taylors Paddock, Tolney Lane, Newark

Erection of amenity block.

Cllr D Lloyd joined the meeting at 7.20pm during discussion of this application.

Objection was raised to this application, for the following reasons:

- It is a permanent building on a flood plain
- Its' size is excessive for the purpose identified in the application
- Its' size is also out of proportion to the caravan it would serve

Also during discussion of this item it was **AGREED** that the Town Clerk should write to N&SDC pointing out that the Central Government advice with regard to building on flood plains is quite clear that building in flood plains should be avoided wherever possible. The Town Council is unhappy that despite its objections and the above advice the District Council has recently been approving additional building in this area.

- 14/01787/LBC** **62A Victoria Street, Newark**
Create new pedestrian access in boundary wall.
No Objection was raised to this application.
- 14/01790/FUL** **8 The Paddocks, Newark**
Householder application for the erection of two storey extension to rear of premises.
No Objection was raised to this application.
- 14/01840/FUL** **62A Victoria Street, Newark**
Householder application to create new pedestrian entrance in boundary wall.
No Objection was raised to this application.
- 14/01822/FUL** **H & H Wholesale, 301 Bowbridge Road, Newark**
Change of use from existing cash and carry warehouse (use class B8) to offices, research and manufacture of gaming machines for Reflex Gaming (use class B1). External alterations including cladding to the walls, new glazed entrance and alterations to the windows and doors.
No Objection was raised to this application.
- 14/01823/ADV** **H & H Wholesale, 301 Bowbridge Road, Newark**
1 no. fascia sign and 2 no. freestanding signs displaying the company's logo for identification purposes.
No Objection was raised to this application.
- 14/01889/FUL** **Blockbuster Video Express, 36 Lombard Street, Newark**
Refurbishment of a currently unoccupied retail unit, minor amendments to layout and signage to accommodate new tenant along with change of use from A1 (Retail) to A5 (Hot Food Takeaway).
Objection was raised to this application for the following reasons:
- Litter – no provision has been made to address the additional litter that will arise from such an outlet
 - Access – there is no access for deliveries
 - Parking – there are no parking facilities to 'pick up' food, the shop has double yellow lines directly outside it
 - Highway safety – the pedestrian crossing near to the shop is already considered to be dangerous and this would exacerbate that problem
 - The shop is adjacent to a bus stop which, if there was to be illegal parking outside, would lead to major safety concerns.
 - There is already a surfeit of these types of premises in the Town

14/01906/FUL 114 Hawton Road, Newark

Residential development of 1 no. bungalow (revised Design II)

Cllr T Roberts MBE declared a personal interest in this application.

No Objection was raised to this application.

PR37/14/15 Notice of NSDC Planning Decisions

The Committee **NOTED** the District Council Planning Decisions received since the last meeting.

PR38/14/15 Miscellaneous Applications

a. Nottinghamshire County Council Applications

Newark Orchard School, London Road, Newark

20mph School Speed Limit

Following discussion, **No Objection was raised to this application.**

Bowbridge Primary School, Bailey Road, Newark

Construction of a new single storey building to provide a nursery as part of the early years and early intervention service.

No Objection was raised to this application.

Nottinghamshire Minerals Local Plan

Additional Consultation on Sand and Gravel Provision – Shelford West.

Cllr D Lloyd spoke to Members with regard to this consultation; he said that the Town Council was objecting to this Plan due to the traffic impact on Newark that would arise from the proposals for two new sites close to Newark at Coddington and Averham. The Town Council is of the view that the use of these sites, and that over 65% of extraction is in the North of the County, would result in a significant increase in traffic volumes in and around Newark, particularly through additional HGV movements and that this would exacerbate the traffic congestion that was already being experienced in the Newark area and the town centre in particular.

It was against this background that Cllr Lloyd argued that the plan to extract gravel at Shelford should be supported. If this site was included in the Plan it would potentially reduce the need and scale of extraction from the two sites around Newark. It was also not accepted that the two sites at Coddington and Averham were in anyway better than the Shelford site, and that the Traffic Impact Assessments undertaken by the County Council have not been made available for scrutiny. This is especially relevant given the proximity of Shelford to growth areas and the likely reduction in distance of HGV journeys which, in turn, is more sustainable. If Shelford were included in the Plan then other

proposals can be shelved or the levels of extraction revised downwards.

It was **AGREED** that the Town Council would therefore support the proposal to include Shelford in the Minerals Local Plan.

The Wharf, Newark

Public Consultation – Additional No Waiting at any time restrictions (double yellow lines) TRO 3219

No Objection was raised to this consultation.

Meeting Closed:	7.55pm	Next Meeting:	Wednesday 26th November, 2014
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Agenda Item No: 4b

Committee Date: Wednesday 17th December 2014

ENVIRONMENT & LEISURE COMMITTEE MINUTES

Minutes of the Meeting of the Environment & Leisure Committee held on Wednesday, 5th November 2014 in the Council Chamber, Town Hall.

Owing to a lack of substantive business and Councillors apologies for the above, this Committee Meeting was CANCELLED.



NEWARK TOWN COUNCIL

Town Hall, Market Place, Newark, Nottinghamshire, NG24 1DU

Tel: 01636 680 333 ~ Fax: 01636 680 350

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Agenda Item No: 4c

Committee Date: Wednesday 17th December 2014

PLANNING & REGENERATION COMMITTEE MINUTES

Minutes of the Planning & Regeneration Committee held on Wednesday, 26th November 2014 in the Council Chamber, Town Hall.

Membership Present:	Councillor	L Goff (Chairman)
	Councillor	P Baggaley Mrs I Brown K Clayton R Crowe D Lloyd B Richardson (Vice Chairman) A Roberts MBE (A) S Wallace
In Attendance	Town Clerk	Alan Mellor
	Councillor	Mrs R Crowe & M Cope
Apologies	There were no Apologies	
Taking Minutes:	PA to the Town Clerk	Mrs H Crossland
Public:	There were 2 members of the public present.	
Venue:	Council Chamber, Town Hall	

PR39/14/15 Minutes

The Minutes of the last meeting held on Wednesday 29th October, 2014 were **AGREED** and signed as a true and correct record.

PR40/14/15 Matters Arising

There were no matters arising.

PR41/14/15 Declarations of Interest

It was **AGREED** to accept Members declarations as and when they arose during the meeting.

PR42/14/15 Outstanding Planning Applications

14/01897/FUL 51 Mill Gate, Newark

Change of use of a section of the ground floor from A1 and B8 mixed use (discount furniture warehouse) to D2 Assembly and Leisure (Boxing Training Gymnasium).

Cllr P Baggaley declared a non-prejudicial interest in this application.

No Objection was raised to this application.

14/01907/LBC Newark Volunteer Bureau, Bedehouse Chapel, Bedehouse Court, Newark

Fitting of ventilation grilles, fitting of security bars to opening panel on east window and grille over ventilation outlet to extractor fan in wc.

No Objection was raised to this application.

14/01918/FUL 12 Winterdale Close, Newark

Use of existing pool for swimming tuition including:

- 1) Use the pool for two students in lessons simultaneously and
- 2) Provision for an employee who does not reside at 12 Winterdale Close to work alongside the applicant at the pool.

No Objection was raised to this application.

14/01923/ADV Phones 4U, 33 Middle Gate, Newark

Erection of new illuminated shop signage including projecting sign and internal promotions.

No Objection was raised to this application, providing it is in accordance with the District Council Policy.

14/01950/FULM Teknowledge Group, 111 Sleaford Road, Newark

Erection of 51 houses and 21 flats with associated vehicular access, parking and open space.

Cllr D Lloyd joined the meeting at this point.

No Objection was raised to this application provided the following points are taken into account:

- There is only one access/egress route into the site
- The intensity of the site must be kept in mind

14/01978/OUTM Land South of Newark, Bowbridge Lane, Balderton, Newark

Application to vary conditions of Outline Planning Permission 10/01586/OUTM with means of access (in part) for development

comprising demolition of existing buildings and the construction of up to 3,150 dwellings (class 3); two local centres including retail and commercial premises (classes A1 to A5), a 60 bed care home (class 2), 2 primary schools, day nurseries/creches, multi use community buildings including a medical centre (class D1), a mixed use commercial estate of up to 50 hectares comprising employment uses (class B1, B2 and B8) and a crèche (class D1); provision of associated vehicular and cycle parking; creation of ecological habitat areas; creation of general amenity areas, open space and sports pitches; creation of landscaped areas; new accesses for vehicles, pedestrians and cyclists (including the Southern Link Road); sustainable drainage measures, including storage ponds for surface water attenuation; associated engineering operations (including flood compensation measures); provision of utilities infrastructure and all enabling and ancillary works.

There was a general discussion with regard to this application and the following concerns about the development were raised:

- There is now no allotment provision, it was felt that such provision should be made given the full occupancy of the Town Council's current allotment sites.
- Open spaces – there appeared to be no detail on what S106 provision would be made and the corresponding resources to establish them and maintain them in the future.
- Sports provision appears to have been reduced from earlier plans. It was felt that the plan should make specific provision for new cricket pitches.
- The landscaping buffer zones– Members were concerned that these elements of the plan were not appropriate as they would potentially mark out the houses from the rest of the town. The new boundary of the Town Council will incorporate most of the houses into Newark and therefore the housing should be seen as an integral part of the town not a separate from it.
- There was significant concern about the traffic impact for the town that would arise from the development. This related to the main access roads into the development, and concern that the Southern Link Road would not be dualled. There was also concern about the timeline for the completion of this road, it was expected that the road should be completed before any houses are built.
- It was noted that a proportion of the development would fall in the Balderton parish Council area, it wasn't clear what if any road access would be provided from Balderton.
- It was felt that a comprehensive Traffic Plan should be produced that covered the town centre to try and minimise the impact of any further traffic congestion.
- Members also felt that strict conditions should be put on

the contractors to ensure that no construction traffic should be permitted through the town centre.

- Members were not convinced that there was a need for a community centre given the problems that were currently being experienced with the two centres provided in the town.

Members **AGREED** to raise **No Objection** to the development but asked the Town Clerk to meet with the planning officers to submit the above concerns, observations and requests as set out above.

14/02012/FUL

9 The Park Newark

Householder application for demolition and rebuilding of single storey garage with link. Minor amendments and alterations.

No Objection was raised to this application.

14/01794/FUL

8 Harrisons Way, Newark

Proposed 1 bed flat and extension to No 8 Harrisons Way with associated parking.

No Objection was raised to this application.

14/01864/OUTM

Land off North Gate, Newark

Proposal consists of 28 semi-detached town houses/mews houses with 56 integral car parking spaces, these intended to occupy a site currently consented for 99 apartments and two retail units.

No Objection was raised to this application, however the following points were made:

- Access and egress from Northgate will be difficult
- Any S106 agreement should be directed to improve the Riverside Walk

14/01972/FUL

40 Riverside Road, Newark

Householder application for the erection of shower room extension to the rear, garage and porch extension to the front with pitched roof over.

No Objection was raised to this application.

14/01990/FUL

33A King Street, Newark

Householder application for proposed detached annexe.

No Objection was raised to this application.

14/02038/LBC

Newark Town Council, Town Hall, Market Place, Newark

Siting of cellular radio on the small extension building between Newark Town Hall and Natwest Bank and mount a small external cellular radio antenna on to the outside wall of the 2nd floor.

No Objection was raised to this application.

14/02041/FUL 111 Valley Prospect, Newark

Householder application for proposed new front porch canopy, new roof to existing garage, new single storey rear extension.

No Objection was raised to this application.

14/02049/FUL Merkur House, Bowbridge Road, Newark

Application to vary condition 14 of planning permission 11/01533/FUL and condition 16 of planning permission 12/01701/FUL to allow A1 (retail) uses to open between the hours of 07:00 and 23:00 at all times.

No Objection was raised to this application.

PR43/14/15 Notice of NSDC Planning Decisions

The Committee **NOTED** the District Council Planning Decisions received since the last meeting.

PR44/14/15 Miscellaneous Applications

a. Amended/Additional Applications

Northgate Retail Park, Newark

Erection of two adjoining retail units to accommodate Costa Coffee and Subway.

Amended description and additional information received 11th November, 2014 was considered by Members.

After discussion of this item, it was **AGREED** that an **Objection** to this application should be raised as per the original decision.

- Over intensification of the site
- Removal and loss of car parking spaces
- Increased traffic impact
- Increase in litter

The additional information received was not deemed to make any difference to the original objection to this application.

b. Nottinghamshire County Council Applications

Members were asked to consider the introduction of 20mph speed limits outside the following schools in Newark:

William Gladstone C of E Primary School

- It was suggested that the speed limit should start on Boundary Road, on the other side of Holden Crescent.

Barnby Road Academy Primary and Nursery School

- It was noted that there are no signs informing motorists as they come over the bridge.
- The limit should be extended to John Gold Avenue and Cromwell Road

- The zig zag lines should be enforced in line with legislation

Mount C of E Primary School and Newark Orchard School (Town site)

Bearing in mind the points made above, **No Objection** was raised to these applications.

Pelham Street Area, Newark – Proposed Residents’ Parking Scheme

Members were asked to consider the above scheme and **No Objection** was raised.

Safety Camera Interactive Speed Signs – Eton Avenue, Newark

Members were asked to consider the above scheme and **No Objection** was raised.

c. Notification of Appeals

20 Pelham Street, Newark

Change of use of existing outbuilding to detached single bedroom dwelling.

Members **NOTED** that an Appeal had been made to the Secretary of State following refusal of planning permission.

d. Adoption of the Householder Development Supplementary Planning Document (SPD), the Conversion of Traditional Rural Buildings SPD and the Shopfronts and Advertisements Design Guide SPD.

Members **NOTED** the adoption of the SPD as in the Agenda.

Meeting Closed:	8.30pm	Next Meeting:	Wednesday 30th December, 2014
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Agenda Item No: 4d

Committee Date: Wednesday 17th December 2014

YOUTH COUNCIL MINUTES

Minutes of the Meeting of the Youth Council held on Wednesday, 3rd December 2014, at 5pm in the Council Chamber at the Town Hall.

Owing to a lack of business and availability of members to attend, this meeting was **CANCELLED** by the Chairman of the Youth Council.



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Agenda Item No: 4e

Committee Date: Wednesday 17th December 2014

FINANCE & POLICY COMMITTEE MINUTES

Minutes of the Finance & Policy Committee held on Wednesday, 3rd December 2014 in the Council Chamber, Town Hall.

Membership Present:	Councillor	D Lloyd (in the Chair)
	Councillors	K Clayton M G Cope Mrs G Dawn L Goff D Payne B Richardson (Vice-Chairman) S Wallace (Ap) C Wetton (Ap)
In attendance:	Councillors	T Bickley JP, Mrs I Brown, D Jones, T Roberts MBE, Mrs M Tribe
Apologies for Absence	Councillors	S Wallace, C Wetton
Officers Present:	Town Clerk Deputy Town Clerk	Alan Mellor James Radley
Taking Notes:	PA to the Town Clerk	Helen Crossland
	There were three members of the public present.	
Venue:	Council Chamber, Town Hall	

FP32/14/15 Minutes

The Minutes of the meeting held on Wednesday 8th October 2014 were **AGREED** as a true and accurate record and signed by the Chairman.

FP33/14/15 Matters Arising

Cllr M Cope asked the Town Clerk if Minute **FP31/14/15 – Newark Market** should be exempt; the Town Clerk was happy that the content of the Minute did not contain any

sensitive information which could be classified as being exempt and therefore could be put in the public domain.

There were no other Matters Arising.

FP34/14/15 Declarations of Interest

It was **AGREED** that any Declarations of Interest be taken as they arise on the Agenda.

FP35/14/15 Payment Schedules 6/15 & 7/15

Members **AGREED** that payment in accordance with Payment Schedule 6/15 in the sum of £183,253.05 (one hundred and eighty three thousand, two hundred and fifty three pounds 05p), and Payment Schedule 7/15 of £76,885.29 (seventy six thousand, eight hundred and eighty five pounds 29p) be **NOTED**.

FP36/14/15 Voluntary Body Grant Applications

(i) Newark Young Sinfonia

The Town Clerk informed Members that since the Agenda had been sent out, the date of Sunday 1st March 2015 had been chosen.

The request for concessionary use of the Ballroom for Newark Young Sinfonia was **AGREED**.

(ii) Violin School Concerts – 1st and 2nd May 2015

The request for free use of the Ballroom for the above Concerts was **AGREED**.

(iii) British Violin Making Association 20th Anniversary Celebrations

Members considered a possible reduction in the hire fee for the above Association to hold their celebration event in the Town Hall next autumn. It was **AGREED** in principle to offer a reduction if one was required to attract this prestigious event to Newark.

Bearing in mind the aforementioned decision, Members then also granted delegated authority to the Town Clerk, in consultation with the Chairman of the Finance & Policy Committee, to negotiate a concessionary rate if one is required.

Cllr D Payne asked if this would be shown as a cost against the Grant Applications and the Town Clerk **AGREED** that this would be so.

FP37/14/15 Street Collection Licences

Members **AGREED** to recommend to Newark & Sherwood District Council that the following applications for Street Collection Licences be **APPROVED**:

1. The Salvation Army on Saturday 20th December 2014.
2. Marie Curie Cancer Care on Saturday 21st March 2015.
3. Save The Children Fund on Saturday 11th July 2015.
4. R.A.F.A. on Saturday 19th September 2015.
5. The Royal British Legion Poppy Appeal between 31st October and 7th November 2015.

The following collections were **DECLINED** as they did not meet the criteria as set out for Street Collections:

1. Meningitis Research Foundation on any Saturday in 2015.
2. Action Against Hunger on either Saturday 7th or 14th February 2015.

FP38/14/15 Financial Out Turn 2013/14

Cllr L Goff asked a question with regard to 'Other Expenditure' on page 50 of the Agenda, namely the Defibrillator; he asked if there had been any progress with this.

The Town Clerk informed Members that a Listed Building Application had been submitted, and that an acknowledgement of receipt had been received approximately ten days ago.

Cllr Mrs Tribe declared a personal interest in the Allotments; she then asked a question about the underspend on Maintenance of Allotments, as shown on page 52 of the Agenda. She felt that with this potential underspend more resources could be allocated towards this service.

After discussion of this item, it was **AGREED** that a further report should be put before the next Environment & Leisure Committee on Wednesday 21st January 2015.

Members then **RECEIVED** and **NOTED** the remainder of the Financial Out Turn Report as at 31st October 2014.

Meeting Closed:	7.20pm	Next Meeting:	Wednesday 11th February 2015
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TOWN COUNCIL

SUBJECT:	DEVOLVED SERVICES
REPORT BY:	TOWN CLERK

1. Recommendations

- 1.1 Members are asked to :
- (i) Consider whether or not to accept the devolution package as outlined in the report,
 - (ii) Consider whether or not to accept the proposed Heads of Agreement as set out at appendix 1 of the report,
 - (iii) Subject to (i) & (ii) above grant delegated authority to the Town Clerk, in consultation with the Leader of the Council and the Chairman of the Finance & Policy Committee, to take all necessary steps to enable the transfer of services to be effective from 1st April 2015.

2. Background

- 2.1 The Town Council considered, in February 2014, a report on the possibility of taking on the responsibility for a package of additional services from the District Council. Approval was given to enter into detailed negotiations with the District Council, these have continued since then and the report below sets out a proposal for Members consideration.
- 2.2 From the District Council’s perspective this package will form part of wider devolution programme of a range of services and facilities to larger town and parish councils within the district including Southwell Town Council and Ollerton Town Council with whom discussions are also currently ongoing.
- 2.3 The purpose of the devolution package is to give the Town Council greater autonomy power and responsibility in the strategic operation and management of certain services and facilities within the parish of Newark, giving the Town Council a stronger voice and influence in respect of its local area.
- 2.4 Following extensive discussions a package of services has been identified which could form the basis of an agreement which could be acceptable to both Councils, together with a Heads of Agreement which sets out the details of the package and the financial arrangements which would accompany it. This document is attached at Appendix 1 for Members consideration.

The District Council considered both the package of services and the Heads of Agreement at its Policy & Finance Committee on 4th December 2014 and gave approval for the transfer to proceed.

3. The Package

- 3.1 The proposed package of services together with a brief description is given below.

- 3.2 Newark Market Place – the District Council will grant a 99 year full repairing lease to the Town Council in respect of the Market Place.

The market will be operated through a service level agreement with the District Council for an initial 2 year term after which the Town Council will be free to continue with the service level agreement or to make its own arrangements.

The District Council will grant the Town Council such rights as are necessary to hold markets and fairs under its market charter.

- 3.3 Parks and Open Spaces – the District Council will transfer to the Town Council the freehold interest in the following parks and open spaces: -

- Riverside Park
- Tolney Lane Play Area
- Arena Play Area
- Beaumont Gardens including Bowls Pavilion (but excluding the library)
- Friary Gardens
- Fountain Gardens
- Sherwood Park East – Bowls club including Bowls Pavilion, Tennis Courts and car park
- Sherwood Avenue Park West – including skate park, play area and multi-use games area

- 3.4 Environmental Improvement Sites – the district Council will transfer to the Town Council such interest as it holds in the following sites: -

- Riverside Walk to the rear of 22 to 32 Castlegate
- Riverside Walk from the end of Town Wharf to Water Lane
- Riverside Walk Cow Lane (excluding land to the rear of 65 Northgate)
- Otter Park Millgate and road and yard adjacent thereto
- Railway Walk Beacon Hill to Clay Lane
- Land to the south side of Clay Lane
- Albert Street / Portland Street bedding scheme
- Shrub beds at junction of Hawton Road, Windsor Road, and Boundary Road
- Footpath link from Beacon Hill Road to Stanley Terrace

Certain sections of the Riverside Walk are not owned by the District Council but have been maintained by the District Council and form an integral part of the Riverside Walk. The package will include an obligation on the part of the Town Council to maintain these sections of the Riverside Walk unless prevented by the owner from doing so.

The Town Council will also maintain Beastmarket Hill roundabout and the adjacent bedding scheme. This has also been maintained by the District Council but its legal

ownership is still subject to clarification.

3.5 Open Space on Private Estates – the package will include the transfer of the following open spaces and play areas located on private estates : -

- Broughton Drive Amenity Open space
- College Close amenity open space and play area
- Farndon Road – The Ivies (two areas)
- Farndon Road – De Havilland Way
- Newbury Road Estate – Open space and play areas (excluding part)
- Autumn Croft Road Estate – Amenity open space, play area and path adjacent to Phillipott Close
- Houndsfield Close open space
- Hine Avenue
- Ringrose Close open space
- Pine Close open space
- Wheatsheaf Avenue – amenity open space and play areas (two areas)
- John Pope Way open space
- Clarks Lane open space
- Barnby Road Community Park

As detailed above, the District Council will retain some of the land at Newbury Road in the light of its redevelopment potential but the whole of the open space area will be maintained by the Town Council pending its redevelopment. For this reason the whole of the commuted payment relating to Newbury Road open space will transfer to the Town Council.

3.6 Parks, Open Space and Environmental Sites – other issues.

- (i) In respect of all the sites to be transferred, the Town Council will be free to utilise the land as it wishes but in the event of a freehold disposal or a leasehold disposal for a term of 7 years or more will be required to account for the net proceeds from any disposal as to 50% to be payable to the District Council and 50% to the town council. Unless otherwise agreed by the parties the Town Council will be required to obtain best value for any qualifying disposal.
- (ii) The Town Council will enter into a service level agreement with the district council for the maintenance of the parks, open spaces, environmental improvement sites and open spaces on private estates for a 3 year period but after that time will be free to make its own arrangements. The District Council will undertake to reduce the cost of the service level agreement by 5% each year in years 2 and 3.

3.7 Public Conveniences:

The package will also include the freehold transfer of the London road toilets and adjoining retail unit, a leasehold transfer of the Arena car park toilet and adjoining retail

unit for a term of 25 years and the assignment of the District Council's leasehold interest in St Marks toilets to the Town Council.

The Town Council will retain the rental income from the two kiosks adjacent to the London Road toilets and adjacent to the Arena car park toilet but in the event of any freehold disposal of the London Road toilets or London Road kiosk would be required to account to the District Council in respect of any net proceeds of sale as to 50% to the District Council and 50% to the Town Council.

3.8 Services and items specifically excluded from the package are:

- (i) Lincoln Road Playing Fields and the Bridge Community Centre playing area have been excluded from the package pending a review of the recommendations of the Bridge Ward Neighbourhood Study, but it is the intention that, following completion of any residential development of the Lincoln Road Playing Fields, the remaining open space will be transferred to the Town Council subject to negotiations as to an appropriate commuted payment in respect of future maintenance liability. The transfer would also include the Lincoln Road Pavilion.
- (ii) Similarly the package excludes the Bridge Community Centre pending negotiations as to its potential disposal to St Leonards Church, and Hawtonville Community Centre pending the conclusion of the Hawtonville Neighbourhood Study. However should an alternative route not be identified, the parties have agreed that positive discussions will take place with a view to their transfer to the Town Council. St Leonards Church have currently indicated that they are keen to acquire the freehold of the Church and adjoining community centre, subject to the receipt of a commuted payment from the District Council in respect of future maintenance liabilities for the community centre. However any transfer would be dependent on the church first preparing a detailed business plan and obtaining approval of the Diocese for the transfer. They have advised that this is unlikely to be forthcoming prior to 1st April 2015. Notwithstanding this it is recommended that discussions with the Church continue with a view to a transfer being effected in 2015.

4. Financial Arrangements

4.1 The package should achieve a net annual saving of £260,000 to the District Council calculated with reference to the revenue spend currently shown in the District Councils approved budget for 2014/15.

In order to deliver the devolution package, the proposals include a mix of the transfer of services and assets which carry an ongoing maintenance liability (for example parks and open spaces) together with an agreed income stream from the District Council to the Town Council which is equivalent to the additional cost over and above £260,000 which would otherwise fall to the Town Council through the transfer of the said services and assets. The income stream payable to the Town Council, in the sum of £189,000, has been calculated by taking the cost to the District Council in 2014/2015 of providing and maintaining the assets and services together with the costs of providing services to the Town Council for the operation of the market (including trade refuse and cleansing) and for grounds maintenance and deducting from that figure the required £260,000 saving to be achieved by the District Council through the devolution package. The income stream will be payable to the Town Council for a 20 year period and will be fixed at the sum of £189,000 per annum.

4.2 The Town Council is currently in a healthy financial position with General Reserves expected to rise to around £700,000 by 31st March 2015. The budget for the current year and in the medium term show an excess of income over expenditure which, if no

remedial action is taken, will result in a level of reserves which are excessive and cannot be justified. In the short term therefore the Town Council is in a position to accommodate some additional expenditure, it is clearly a matter for Members to assess what are their priorities for any additional spending.

- 4.3 On the 1st April 2015 the new town boundary will become effective following the Community Governance Review which was carried out by the District Council. This was at the request of the Town Council and will result in the majority of the new housing which will arise from the two Growth Points to the South and East of the town, being located within the town boundary. This will deliver a significant financial benefit to the Town Council in the longer term with an estimated total of over 5,800 houses producing additional Council Tax income of over £450,000 per annum when the developments are complete.

In the long term therefore the Town Council will be in a position to accommodate additional spending without requiring a corresponding significant increase in the Council Tax rate.

- 4.4 The focus of attention, from a financial perspective, is therefore to be able to accommodate the additional expenditure of £260,000 per annum in the medium term. Attached at Appendices 2 and 3 are two high level financial summaries which show the impact of these proposals for the period up to 2021/22.

Appendix 2 shows the impact with a 1% increase in the Council Tax rate in each year and shows that the General Reserves would fall into a deficit position in 2019/20. However the income arising from the new house build will start to reduce the deficit from then on and would eventually put the Town Council back into a positive reserve position.

Appendix 3 shows the impact with a 2% increase in the Council Tax rate in each year and shows that the General Reserves would fall into deficit position but would fall below the stated minimum level of £100,000 in 2020/21. However the income arising from the new house build will start to recover this position quickly and put the Town Council back into a positive reserve position.

These two financial scenarios show how sensitive the predictions are to very small increases in the Council Tax rate. To put these into perspective a 1% increase in the Council Tax rate equates to an amount of £1.03 per annum per house at the Band D rate.

The District Council is aware of the potential financial problems that the Town Council could face in the Medium term and are prepared to delay payment for the grounds maintenance work to assist with any cash flow issues.

- 4.5 It has also been agreed that the District Council will provide three further financial safeguards to the Town Council:
- (i) The District Council will reduce the cost of the Service Level Agreements in respect of grounds maintenance and markets by 5% each year in years 2 and 3 of the Agreement.
 - (ii) As a further safeguard to the Town Council, if a minimum of 5,829 additional houses have not been built within 20 years of the Agreement taking effect, the annual payment will be recalibrated in the 21st year and each year thereafter to pay a proportion of the £189,000 which equates to the under achievement in housing growth.
 - (iii) By way of further financial assistance, the package includes the transfer by the District Council to the Town Council of appropriate sums held in its repairs and renewals account in respect of the assets and services which will transfer,

Section 106 contributions held by the District Council in respect of the assets to be transferred and commuted payments received in respect of the future maintenance of the private amenity open spaces. These sums amount to just over £325,000 and can be of assistance to the Town Council in the future maintenance of these assets and the financial impact on the revenue account. None of the above financial scenarios include any credit from these sums.

- 4.6 As Members will appreciate providing accurate financial information for a transfer of this size and complexity is not possible. The above analysis has been based on the information provided from the District Council and is the best that can be given at this point in time. No doubt over the next few years more accurate knowledge and understanding of the financial expenditure associated with these services will be developed.

The financial advice contained in the report is based on the information which has been made available and is the best that can be given to my knowledge.

With the above proviso I feel confident in advising Members that the package of services included within the transfer and the accompanying income and expenditure represents a financial position that would be affordable in the long term and I would anticipate that medium term financial shortfall can be accommodated given the safeguards identified above along with a relatively small increase in the rate of Council Tax.

5.1 Financial, Legal, Equality and Risk Issues

- 5.2 The report includes an analysis of the financial implications of the proposed devolution package.

There is a clear risk associated with the proposal which, in the main, is associated with its affordability in the medium term. This will need to be closely monitored to ensure that the Town Council's financial stability and strength is not undermined.

Background Papers:	Devolved Services working files.
Lead Officer:	Alan Mellor Tel: 01636 684801 Email: alan.mellor@newark.gov.uk

APPENDIX 1

HEADS OF AGREEMENT

DEVOLUTION OF SERVICES AND ASSETS FROM NEWARK & SHERWOOD DISTRICT COUNCIL TO NEWARK TOWN COUNCIL

1.0 PARTIES

1.1 Newark & Sherwood District Council (“the District Council”) and Newark Town Council (“the Town Council”).

2.0 PURPOSE

2.1 The purpose of the Agreement is to devolve a range of services and assets from the District Council to the Town Council.

3.0 OBJECTIVES OF THE DEVOLUTION PACKAGE

3.1 The main objective of the devolution package is to give the Town Council greater autonomy and powers in the strategic operation and management of certain services and facilities within the parish of Newark, thereby giving the Town Council a stronger voice and responsibility in respect of its local area.

3.2 The devolution package to the Town Council will form part of a wider devolution programme of a range of services and facilities to other larger town and parish councils within the district including Southwell Town Council and Ollerton Town Council.

4.0 CONSEQUENCES TO THE DISTRICT COUNCIL

4.1 The District Council, in common with other principal councils, is reducing its expenditure in the face of reductions in government grant. The District Council wishes, as a consequence of the devolution package to the Town Council, to deliver a net annual saving of approximately £260,000 to the District Council calculated with reference to the revenue spend currently shown in the District Council’s approved budget for 2014/15.

5.0 NATURE OF THE DEVOLUTION PACKAGE

5.1 The package of services and assets to be transferred will include a mixture of assets which carry an ongoing maintenance liability (for example parks and open spaces) and those which generate income (for example kiosk adjacent to London Road toilets and kiosk adjacent to Arena toilets). The District Council will also provide an income stream through a payment to the Town Council which will assist the Town Council in meeting the costs of maintaining the said services and assets. This sum will be adjusted or other appropriate financial arrangements made in the event of other services of assets being transferred in the future.

5.2 The total annual cost to the Town Council of the transferred services and assets has been calculated (including operational and management costs) as £449,000. The annual payment to be made by Newark & Sherwood District Council to the Town Council has been calculated as £189,000. This payment will be made annually for a period of twenty years, during which period projections of housing growth will enable the Town Council's precept to grow significantly. The number of houses is projected to grow by 5,829 from its current baseline. Annual payments by the District Council will cease after 20 years unless a minimum of 5,829 houses have not been built. In that case the annual payment will be recalibrated in the twenty-first year, and each year thereafter, to pay a proportion of the £189,000 which equates to the under-achievement in housing growth.

5.3 Notwithstanding clause 5.2 above, the income stream may be adjusted or other appropriate financial arrangements made in the event of agreement to transfer other services or assets in the future.

Moreover the parties agree that the sums set out in paragraph 5.2 may be adjusted after the expiry of an initial 12 month period in the event that there have been any significant miscalculations which may have prejudiced either party.

5.4 Consideration has been given to the fact that, in the longer term, the Town Council is likely to benefit from a significant increase in precept income following the Community Governance Review and consequent changes to the parish boundaries and because of significant planned growth in housing. In the first two years after the devolution package is effected, the Town Council intends to meet the additional revenue costs from reserves. However, in the event of there being a cash flow issue in year 3, the parties agree that the Town Council may carry over any monies due to the District in respect of the Service Level Agreement for grounds maintenance as a debtor account to be paid in the following year. This will not affect the payment by the District Council of a revenue income to the Town Council (clause 5.1 refers).

In the event of the Town Council continuing to experience cash flow problems beyond year 3, the District Council and Town Council will enter into positive dialogue as to how best the financial pressure falling to the Town Council can be eased.

5.5 The package will include the transfer of appropriate sums, to be agreed between the parties, from the District Council to the Town Council which are held in the District Council's reserves including sums held by way of commuted payments for ongoing maintenance of open spaces and play areas on private estates and an appropriate sum to be agreed from monies held in repairs and renewals accounts. The amounts to be transferred are set out in Schedule 1 to this Agreement.

5.6 The District Council recognises through this agreement that the Town Council has the discretion to maximise income generation, cease to provide services, or resolve to provide services to a lower or different standard than that currently provided.

5.7 In addition, where property or assets are transferred to the Town Council, unless express covenants, conditions, prohibitions or restrictions are attached, they may choose to dispose of

those assets by way of a leasehold disposal to generate an additional income stream or by way of freehold disposal to generate a capital receipt subject to any such net capital receipt so generated by a lease of 7 years or more or freehold disposal being shared as to 50% to the District Council and 50% to the Town Council (such provision to apply for a period of 80 years). Other than with the express consent of the District Council, the Town Council shall be under an obligation to obtain best value in any disposal.

6 SERVICES AND ASSETS TO BE TRANSFERRED

- 6.1 The package of assets and services to be transferred to the Town Council will include the following:-
- (i) A leasehold interest in Newark Market Place as set out in clause 8 of this agreement
 - (ii) Those parks and open spaces within the parish of Newark as are specified in clause 9 of this Agreement
 - (iii) Those environment improvement sites as are set out in clause 10 of this Agreement including such interest as the District Council holds in the Riverside Walk but, for the avoidance of doubt, excluding the Millennium Bridge
 - (iv) Those open spaces on private estates detailed in clause 12 of this Agreement
 - (v) The freehold or leasehold transfer of all public toilets owned or leased by the District Council within the parish of Newark as set out in clause 13 of this Agreement including the adjoining kiosks at the London Road toilets and the Arena toilets.
- 6.2 The package currently excludes the Bridge Community Centre pending negotiations as to its potential disposal to St Leonard's Church and excludes Hawtonville Community Centre pending the conclusion of the Hawtonville Neighbourhood Study. However, the parties agree that further discussions will take place regarding their potential transfer to the Town Council should an alternative route not be identified.
- 6.3 The package will include the transfer from the District Council to the Town Council of all fixed and moveable assets used exclusively in respect of the services or land and buildings to be transferred, including fixed electricity boxes, litter bins, benches, life belts, market stalls, market sheets, market trollies and other market equipment to be agreed as detailed in Schedule 2 to this Agreement.
- 6.3.1 The parties will agree an overall valuation for the said assets and this will be reflected in the overall package. However, for the avoidance of doubt, there shall be no direct payment from the Town Council to the District Council in respect of the said assets.
- 6.3.2 The Town Council will be responsible for the ongoing maintenance and repair of the said fixed and moveable assets and the District Council agrees to transfer the benefit of any maintenance agreements in respect thereof (subject to consent for such transfer being first obtained and given).

6.3.3 For the avoidance of doubt the transfer will not include any CCTV equipment or wi-fi apparatus. The District Council shall be entitled to retain the said equipment including cameras and poles on the relevant land or premises in perpetuity at no cost and further shall have uninterrupted rights to enter the land with or without vehicles and equipment to maintain, repair or replace the same.

7 REVIEW OF DEVOLUTION PACKAGE

7.1 Both parties agree to undertake a review of the devolution package within a period of eighteen months after the initial transfers are effected on 1st April 2015

7.2 In particular the parties will consider the potential transfer of car parks and street furniture and other services or assets.

7.3 In the event of such further transfers being agreed, the terms of this agreement, including the income stream payable by the District Council to the Town Council will be renegotiated (clause 5.3 refers).

7.4 The parties will also give detailed consideration to the staffing implications should such further transfers be effected.

7.5 In the event of any changes to the devolution package being agreed by the parties, there shall be a minimum of 6 months notice before such changes take effect.

8.0 NEWARK MARKET PLACE

8.1 The District Council will grant a 99 year lease to the Town Council for the exclusive use of the Newark Market Place (as defined on the attached plan) to include the holding of markets and other events and activities.

8.2 The District Council will not seek to impose any restrictions on the Town Council as to the use of the Market Place during the currency of the lease.

8.3 The market will be operated through a service level agreement with the District Council for an initial 2 year term at a price of £110,370 in the first year, reducing by 5% in the second year. In the event that the Town Council wish to terminate the Agreement they shall be required to give a minimum of 6 months notice.

8.4 The Town Council, will also enter into a Service Level Agreement with the District Council for an initial 12 month period for the removal of trade waste and cleansing of Newark Market Place at a price of £100,000. In the event that the Town Council wish to terminate the Service Level Agreement at the expiry of the initial period, they shall be required to give a minimum of 6 months notice.

8.5 The lease to the Town Council will be a full repairing lease.

- 8.6 The District Council and Town Council will agree a schedule of condition of the Market Place prior to the commencement of the lease to the Town Council.
- 8.7 The District Council will grant the Town Council such rights as are necessary and appropriate to hold markets and fairs under its Market Charter (such rights also to relate to any other property to be transferred in addition to the Market Place).

9.0 PARKS AND OPEN SPACES

- 9.1 The District Council will transfer to the Town Council the freehold interest (or such lesser interest as it may hold) in the following parks and open spaces:-

Riverside Park

Tolney Lane Play Area

Arena Play Area

Beaumont Gardens including bowls pavilion but excluding the library

Friary Gardens

Fountain Gardens

Sherwood Avenue Park East – Bowls Club including bowls pavilion, tennis courts and car park (subject to a lease dated 6 October 2006 between the District Council and Newark Northern Bowls Club

Sherwood Avenue Park West – including skate park, play area and multi-use games area

- 9.2 There will be no covenants, prohibitions or restrictions on the transfers other than those to which the relevant titles are already subject save that in the event of the Town Council disposing of any of the said assets, the net proceeds from any disposal shall be distributed as to 50% to the District Council and 50% to the Town Council for a period of 80 years from the date of the transfer.
- 9.3 A disposal shall be deemed to be a freehold disposal or a leasehold disposal for a term of 7 years or more.
- 9.4 Unless expressly agreed by the parties, the Town Council shall be required to obtain best value for any qualifying disposal.

10.0 ENVIRONMENTAL IMPROVEMENT SITES

- 10.1 The District Council shall transfer to the Town Council such interest as it holds in the following sites:

Riverside Walk to rear of 22-32 Castlegate (*NOTE: this includes a small area of unregistered land shown edged blue on the relevant plan which is not in the district councils ownership*)

Riverside Walk from the end of Town Wharf to Water Lane (*NOTE: this is in 3 separate ownerships, the District Councils ownership is shown edged red on the relevant plan, Nottinghamshire County Councils ownership is shown edged green and Portland Homes and Field Estate companies split ownership is shown edged in blue*)

Riverside Walk Cow Lane (this extends from Cow Lane to approximately _ metres short of Trent Lane). The transfer of this parcel of land will reserve a right for the Council and its successors in title to obtain access over the land to maintain the Millennium Bridge and a right to undertake

any necessary works on the land in connection with the repair, refurbishment and general maintenance of the bridge including and repairing supporting structures on the land transferred to the Town Council (*NOTE: this parcel of land includes The Riverside Walk but expressly excludes the land to the rear of 65 Northgate*)

Otter Park Millgate and road and yard adjacent thereto subject to the reservation of a right on the part of the Council to erect appropriate signage in relation to the civil war trail with the prior agreement of the Town Council.

Railway Walk Beacon Hill to Clay Lane (*NOTE: this includes a small area of unregistered land which is not in the District Councils ownership*)

Land on the south side of Clay Lane

Albert Street / Portland Street bedding scheme

Shrub beds at junction of Hawton Road, Windsor Road and Boundary Road

Footpath link (including steps) from Beacon Hill Road to Stanley Terrace (*NOTE: this includes a small area of unregistered land which is not in the District Councils ownership*)

For the avoidance of doubt the package excludes any part of the Town Wharf and mooring rights attached to the Barge.

- 10.2 The said transfers shall include all fishing and mooring rights (if any) attaching to the land to be transferred.
- 10.3 In respect of those sections of the Riverside Walk in which the District Council does not have a freehold or leasehold interest but which form an integral part of the Riverside Walk the Town Council shall be under an obligation to maintain the same as if a freehold interest had been transferred unless prevented by the freehold owner from doing so.
- 10.4 Subject to negotiations with the landowner, if identified the Town Council will maintain Beastmarket Hill roundabout and the adjacent bedding scheme. (The title to Beastmarket Hill roundabout is unregistered and ownership is currently unknown)
- 10.5 For the avoidance of doubt the transfer does not include the Millennium Bridge.
- 10.6 The Town Council shall have absolute discretion as to the standard of repair and maintenance of the said environmental improvement sites.

11.0 OPEN SPACE ON PRIVATE ESTATES

- 11.1 The package will include the transfer of such interest as the District Council holds in the following open spaces and play areas located on private estates:-

Broughton Drive amenity open space

College Close amenity open space and play area (2 areas)

Farndon Road – the Ivies (2 areas)

Farndon Road – De Havilland Way

Newbury Road Estate amenity open space, roundabout, verges and play areas (excluding part as shown edged purple which will be retained in the ownership of the District Council) *NOTE: the devolution package includes areas of land at Newbury Road Estate which are not in the District*

Council's ownership but which are currently maintained by it. The commuted payment received from the developer included these areas although the land was not formally transferred to the District Council by the developer (these areas are shown edged in blue)

Autumn Croft Road Estate – amenity open space, play area and path adjacent to Phillipott Close

Hounsfield Close open space

Hine Avenue

Ringrose Close open space

Pine Close open space

Wheatsheaf Avenue – amenity open spaces and play areas (2 areas)

John Pope Way open space

Barnby Road Community Park

- 11.2 The District Council will not impose any covenants, restrictions or prohibitions on the said transfers other than those to which the respective titles are subject save that in the event of any disposal of any of the assets by the Town Council, the net proceeds of such disposal shall be distributed as to 50% to the District Council and 50% to the Town Council for a period of 80 years.
- 11.3 A disposal shall be deemed to be a freehold disposal or a leasehold disposal for a term of 7 years or more.
- 11.4 Unless expressly agreed by the parties, the Town Council shall be required to obtain best value for any qualifying disposal.
- 11.5 In addition to the above, the Town Council will maintain the remainder of the open space at Newbury Road Estate which is retained in the ownership of the District Council, at its expense, until such time as it is redeveloped by the District Council. In consideration of the Town Council assuming such maintenance liability, the District Council will transfer the whole of the commuted payment in respect of the same to the Town Council. In the event of any open space provision being required as a consequence of the redevelopment of the land, this will be transferred to the Town Council by the District Council following completion of the redevelopment of the land.

12.0 MAINTENANCE OF PARKS OPEN SPACES AND ENVIRONMENTAL IMPROVEMENT SITES

- 12.1 For an initial period of 3 years from the date of the transfer of assets set out in clause 9, 10 and 11 ante, the Town Council will enter into a service level agreement with the District Council for the maintenance of the said assets to the current specification at a price of £186,692 in the first year, reducing by 5% per annum in the two subsequent years. Should the Town Council wish to vary the specification after the first year this would be subject to agreement between the parties to vary the price and specification and subject to a minimum of 6 months' notice in respect of a reduction in the level of maintenance. Should the Town Council wish to terminate the Service Level Agreement at the expiry of the initial 3 year term, it shall be required to have first given the District Council a minimum of 6 months' notice of such termination.

13.0 PUBLIC TOILETS

- 13.1 The District Council will transfer the freehold of the London Road toilets and adjoining retail unit to the Town Council.
- 13.2 The District Council will not impose any covenants, restrictions or prohibitions in the transfer set out in clauses 13.1 above save that in the event that the Town Council resolves to close and dispose of the said public toilets or enter into a freehold disposal of the retail unit, the net proceeds of disposal shall be distributed as to 50% to the District Council and 50% to the Town Council.
- 13.3 The District Council will transfer a leasehold interest in the Arena car park toilets and adjoining retail unit to the Town Council for a term of 25 years.
- 13.4 For the avoidance of doubt, clause 13.2 shall not apply to any rental income deriving to the Town Council in respect of the retail units adjacent to the London Road toilets (or, for the avoidance of doubt, the Arena toilets) which shall be retained by the Town Council as part of the overall package.
- 13.5 Subject to receiving the appropriate consents from the Landlord, the District Council will assign its leasehold interest in the St Mark's Toilets to the Town Council subject only to the terms of the said lease.

14.0 BACK OFFICE SERVICES

- 14.1 A Service Level Agreement may be entered into between the parties for the provision by the District Council to the Town Council of back office services associated with the assets and services to be transferred in particular asset management.

15.0 MISCELLANEOUS

- 15.1 As part of the agreed package the Town Council will maintain all District Council planters (as listed in Schedule 3) within the parish of Newark at its sole expense excluding those held by the Council in its housing revenue account.

16. DESCRIPTION OF ASSETS TO BE TRANSFERRED

- 16.1 Schedule 4 includes a list and plans of the parks, open spaces, environmental improvement sites, open spaces on private estates, public toilets and kiosks to be transferred by the District Council to the Town Council.

17. FINANCIAL AND OTHER INFORMATION

- 17.1 The District Council and the Town Council will provide each other with such detailed financial information and other information as may be required in order that the transfer of assets, services and payments can be made.

18. FUTURE TRANSFER OF ASSETS

- 18.1 Lincoln Road Playing Fields and the Bridge Community Centre Playing Field have currently been excluded from the package pending a review of the recommendations from the Bridge Ward Neighbourhood Study. It is the intention of the District Council that part of the site will be developed for residential purposes with a proportion of the sale proceeds being applied towards environmental improvements in the Bridge Ward and enhancement of the area of open space/playing field to be retained as public open space. The Town Council agrees that on completion of such a review it will accept a transfer from the District Council of the Lincoln Road Playing Fields subject to an agreed percentage of the proceeds of any disposal of the remainder of the land being transferred by the District Council to the Town Council in respect of future maintenance.
- 18.2 For the avoidance of doubt the said transfer will include the Lincoln Road Pavilion.

19. FUTURE OPEN SPACE PROVISION

- 19.1 Where further open space provision comes forward within the parish of Newark, principally through residential development schemes, the District Council will consult with the Town Council to clarify whether it wishes to take on responsibility for its future ownership and maintenance.
- 19.2 The Town Council agrees that it will accept a freehold transfer from the developer of any strategic open space provision within the parish of Newark subject to receipt of a commuted payment from the developer in respect of future maintenance.

20. TOWN HALL OFFICES AND MARKETS AND CAR PARKS OFFICE

- 20.1 As part of the agreed package the Town Council agrees to accept a surrender of the leases of the Town Hall offices and/or markets and car parks office from the District Council if the District Council, at any time prior to the expiry of the said lease terms, wishes to vacate the said premises. The Town Council shall not require any payment from the District Council for the said surrender.

21. DATE OF TRANSFER

- 21.1 Both parties agree to use their best endeavours to secure the devolution of the package of services and functions as described in this Agreement to Newark Town Council on 1 April 2015.

SIGNED by
On behalf of NEWARK & SHERWOOD DISTRICT COUNCIL

SIGNED by
On behalf of NEWARK TOWN COUNCIL

Dated
Schedule One

Repairs and Renewals pots to be transferred:-

Repairs & renewals to be transferred

Public Conveniences	General repairs and redecoration	900
Parks & Playing Fields	Footpath & Paving repairs	4,030
Parks & Playing Fields	Replace Play Equipment	4,495
Parks & Playing Fields	Seats & bins repair/repaint	620
Parks & Playing Fields	Tree Works & Inspections	1,240
Parks & Playing Fields	Landscape Renewals	1,860
Sherwood Ave Amenity Area	Sign Renewal	371
Sherwood Ave Amenity Area	Play Equipment Repairs	1,600
Sherwood Ave Amenity Area	Replace Play Surface/Wall - Kickabout	4,330
Sherwood Ave Amenity Area	Play Equipment Repairs	1,100
Private Estates	Play Area Repairs	2,900
Private Estates	Landscape Refurbishment	2,320
		25,766

Section 106 contributions and commuted payments to be transferred:

Development	NSDC Site	
Newark Shelton Avenue (Peveril)	Broughton Drive amenity open space	539
Grange Road	College close play area	38,075
Newark-Farndon Rd, Garrard & Allen The Ivies	Farndon Road - The Ivies open space	197
Farndon Road Newark (H Boot) maintenance	Farndon Road - De Havilland Way open space	5,551
Beacon Hill part year only	Newbury Road estate - amenity open space & Play area	114,463
New Millar Homes	Autumn Croft Road Estate - amenity, POS & play area	55,000
Lincoln Road Newark - Barratt - Castlefields	Wheatsheaf Avenue- amenity open space and play area	3,387
Newark Stephen/Winthorpe Rd (Wilcon)(POS)	John Pope way open space	1,687
Newark Stephen/Winthorpe Rd (Wilcon)(POS)	John Pope way open space	311
Barnby Road	Barnby Road Open Space	27,033
	TOTAL RELATING TO DEVOLVED ASSETS	246,242

OTHER S106 FUNDING

Beacon Hill - Newbury Rd estate	Planned Maintenance	53,845
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TOTAL TO BE TRANSFERRED TO NEWARK TOWN COUNCIL **325,854**

Schedule Two

Assets to transfer with Newark Market Place

Description	No:	Model	Price	
Weights	20		£20	£400
Vitabrae Stalls	4		£250	£1,000
Umbrellas and Stands	6		£200	£1,200
Zapp Stalls	161		£300	£48,300
Static Stalls	8			£4,000
New Market Sheets	3		£500	£1,500
Canvas Top Stalls	5		£200	£1,000
Stall Boards	135		£20	£2,700
240v Cables	Various			£1,000
110v lighting catenaries	Various			£750
Waterpump, bear post / trough				£500
New Trestles	200			£2,200
Old Trestles	580		£5	£2,900
Electricity Hubs	3			£13,000
Market Barrow	4			£600
Maccs Database				£6,000
Cash Safe	1			£2,000
Lighting Columns	16			£8,000
Market transformers etc				£1,000
Promotional flags	4		£50	£200
Drainage channel covers	353		£15	£5,295
Containers at lorry park	3		£700	£2,100
Wins speed monitor	1			£500
Stall canopy gutters	100		£5	£500
Bungee ties				£100
Ground anchor pins	600		£7	£4,200
Electricity Hub posts	5		£100	£500
				£111,445

Schedule 2

Assets to transfer with parks, open spaces, environmental improvement sites and open space on private estates

(Information awaited)

Schedule 2

Assets to transfer with public toilets and kiosks

(Information awaited)

Schedule Three

Planters to be maintained by Newark Town Council

2 concrete planters at the side of the Palace Theatre

Schedule Four

Assets to be transferred to Newark Town Council

Parks and Open Spaces

Riverside Park
Tolney Lane Play Area
Arena Play Area
Beaumont Gardens including bowls pavilion but excluding the library
Friary Gardens
Fountain Gardens
Sherwood Avenue Park East – bowls club including bowls pavilion, tennis courts and car park (subject to a lease to Northern Bowls Club dated)
Sherwood Avenue Park West – including skate park, play area and multi-use games area

Environmental Improvement Sites

Riverside Walk to rear of 22-32 Castlegate
Riverside Walk from the end of Town Wharf to Water Lane
Riverside Walk Cow Lane
Otter Park Millgate and road and yard adjacent thereto
Railway Walk Beacon Hill to Clay Lane
Land on south side of Clay Lane
Albert Street / Portland Street bedding scheme
Shrub beds at junction of Hawton Road, Windsor Road and Boundary Road
Footpath link from Beacon Hill Road to Stanley Terrace

NOTE: The package includes sections of the Riverside Walk which are not in the ownership of the District Council as detailed in clause 10.1 of the Agreement and Beastmarket Hill roundabout and adjacent bedding scheme whose ownership is currently unknown.

Open Space on Private Estates

Broughton Drive amenity open space
College Close amenity open space and play area
Farndon Road – the Ivies (2 areas)
Farndon Road – De Havilland Way
Newbury Road Estate amenity open space, roundabout, verges and play areas (excluding part)
Autumn Croft Road Estate – amenity open space, play area and path adjacent to Phillipott Close
Hounsfield Close open space
Hine Avenue
Ringrose Close open space
Pine Close open space
Wheatsheaf Avenue – amenity open spaces and 2 play areas
John Pope Way open space
Barnby Road Community Park

NOTE: the whole of the Newbury Road open space will be maintained by the Town Council under the terms of this package but part will be retained in the ownership of the District Council.

PUBLIC TOILETS

London Road toilets and adjoining retail unit
Arena car park toilets and adjoining retail unit (25 year lease)
St Mark's toilets (assignment of leasehold interest)

FINANCIAL PLAN – NEW+£200k+ 1%

	2014/15	2015/16	2016/17	2017/18
	£000	£000	£000	£000
Expenditure	-751	-966	-989	-1,012
Income	868	839	832	840
Net	117	-127	-157	-172
Balances B/F	581	699	572	415
Balances C/F	699	572	415	243
	2018/19	2019/20	2020/21	2021/22
	£000	£000	£000	£000
Expenditure	-1,036	-1,061	-1,087	-1,113
Income	905	971	1,041	1,113
Net	-131	-90	-46	0
Balances B/F	243	112	22	-24
Balances C/F	112	22	-24	-24

FINANCIAL PLAN – NEW+£200k+2%

	2014/15	2015/16	2016/17	2017/18
	£000	£000	£000	£000
Expenditure	-751	-966	-989	-1,012
Income	868	854	848	857
Net	117	-112	-141	-155
Balances B/F	581	699	587	446
Balances C/F	699	587	446	291
	2018/19	2019/20	2020/21	2021/22
	£000	£000	£000	£000
Expenditure	-1,036	-1,061	-1,087	-1,113
Income	921	988	1,058	1,113
Net	-115	-73	-29	0
Balances B/F	291	176	103	74
Balances C/F	176	103	74	74