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To: Chair & Members of the Growth  
Scrutiny Committee

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Tuesday, 2nd June 2020

Dear Councillor

**EXTRAORDINARY GROWTH SCRUTINY COMMITTEE**

You are hereby summoned to attend an extraordinary meeting of the Growth Scrutiny Committee of the Bolsover District Council taking place as a Virtual Meeting on Wednesday, 10th June, 2020 at 10:00 hours. The meeting will be live streamed via the Council's website.

Members will be sent the details on how to access the Virtual Meeting by email.

Register of Members' Interests - Members are reminded that a Member must within 28 days of becoming aware of any changes to their Disclosable Pecuniary Interests provide written notification to the Authority's Monitoring Officer.

You will find the contents of the agenda itemised from page 2 onwards.

Yours faithfully



Joint Head of Corporate Governance & Monitoring Officer



**We speak your language**  
Polish **Mówimy Twoim językiem**  
Slovak **Rozprávame Vaším jazykom**  
Chinese **我们会说你的语言**

**If you require this agenda in large print  
or another format please call us on 01246 217753**

If you require an adjustment to enable you to participate in or access the meeting please contact the Governance Team at least 72 hours before the meeting starts.

**EXTRAORDINARY GROWTH SCRUTINY COMMITTEE  
AGENDA**

*Wednesday, 10th June, 2020 at 10:00 hours taking place as a Virtual Meeting*

Item No.	<b><u>PART 1 – OPEN ITEMS</u></b>	Page No.(s)
1.	<b>Apologies For Absence</b>	
2.	<b>Declarations of Interest</b>	
	<p>Members should declare the existence and nature of any Disclosable Pecuniary Interest and Non Statutory Interest as defined by the Members' Code of Conduct in respect of:</p> <p>a) any business on the agenda b) any matters arising out of those items and if appropriate, withdraw from the meeting at the relevant time.</p>	
3.	<b>Call In of Delegated Decision Sale of Land at Glapwell (DD-025-20-DC)</b>	3 - 23

~~***NB:** If Members wish to discuss any exempt information under this item, the meeting will need to move into private session and exclude the public in accordance with the Local Government (Access to Information) Act 1985 and the Local Government Act 1972, Part 1, Schedule 12a for that part of the meeting only.*~~

*On further review of documents marked as Exempt, it has been agreed by the Monitoring Officer that the restriction be removed and all documents relating to this item have now been published.*

## Bolsover District Council

### Growth Scrutiny Committee

10<sup>th</sup> June 2020

#### Call In of Decision DD/025/20/DC – Sale of Land at Glapwell

### Report of the Scrutiny & Elections Officer

This report is public.

#### Purpose of the Report

- To consider a Call In relating to the proposed sale of land on Park Avenue, Glapwell.

#### **1** Report Details

- 1.1 The sale of a parcel of land is recommended to facilitate vehicular access as part of a new residential development scheme. In order to commence development of the scheme on land to the East of Park Avenue in Glapwell, approval is sought for the disposal of the Council owned ransom strip.
- 1.2 At an informal meeting of Executive on 21<sup>st</sup> April, Members considered a report relating to the sale of land on Park Avenue, Glapwell. This report was to consult Executive as the decision was due to be taken under delegated power by the Director of Development. It is noted that Members supported the proposal and advised Officers as such, but did not take a formal decision as Executive.
- 1.3 Subsequently, on the 7<sup>th</sup> May, the Director of Development resolved via delegated decision, in line with Members considerations and Officer recommendations:

To dispose of the parcel of land, shown edged in red on the attached plan, on Park Avenue, Glapwell on the terms as set out in the report.
- 1.4 The decision was published on 7<sup>th</sup> May 2020 and Members were informed that they had until the end of 15<sup>th</sup> May 2020 to call the decision in. A valid Call In of the decision by Councillors P. Clough; T. Kirkham and A. Clarke, was received on 15<sup>th</sup> May 2020.
- 1.5 The decision was called in based on the following decision-making principles (See Appendix 1 for further detail):
  - Proportionality - The controversial sale of the land (to a local developer) is rushed.

- Due consultation and the taking of professional advice from officers - Consultation has been minimal and range of advice limited.
  - Respect for human rights - Resident needs and the use of the land has not been taken into account.
  - A presumption in favour of openness - The decision to sell to one party is not transparent.
  - Clarity of aims and desired outcomes - Lack of clarity risks accusations of conflict of interest.
  - Regard for equal opportunities - Deprivation of space for disabled, elderly and vulnerable
  - Options are considered and reasons given for the decision - Offer to one developer is not justified.
  - Consideration of all relevant factors - The sale will increase pressure on village which is recognised by officers as at capacity.
  - Decision is in the best interests of the District as a whole - The sale is not in the social and economic interests of the District.
- 1.6 In line with the Council's Constitution, the Portfolio Holder for Housing and Community Safety, the Leader and the Deputy Leader were all invited to attend the Call In, but have declined at the Director of Development is attending as the decision-maker.
- 1.7 Members of the Committee are reminded that some of the supporting detail in relation to the Delegated Decision is restricted by virtue of paragraph 3, Part 1 of Schedule 12A of the Local Government Act 1972. As this meeting is open to the public to observe, Members must not make reference to these details and instead to refer to the 'proposed purchaser' and the 'agreed valuation amount' during committee deliberations. Failure to adhere to this would be a breach of the Members Code of Conduct.
- 1.8 Attached to this report for Members consideration is the Call In submission, the Delegated Decision and supporting paperwork previously circulated, submissions from other Members, and submissions from local residents.
- 1.9 Furthermore, Members are also able to view the details of the residential scheme referred to as part of this delegated decision – both the minutes of Planning Committee and the outline of the scheme and engineers report.
- 1.10 Members are reminded that this decision on the proposed sale of land is taken in the authority's capacity as a landowner. This is a separate decision to that taken by Planning Committee performing the Council's role as the planning authority. As such there is no conflict of interest for Members reviewing or being consulted on the land sale decision if they were also on Planning Committee.
- 1.11 The process for considering the Call In is set out below:
- (a) Lead signatory submission – The lead signatory to the Call In will be invited to address the Scrutiny Committee and make a statement of explanation in respect of the decision called-in. They should aim to explain how the decision is in breach of the decision-making principles. The address should be limited to 20 minutes. The lead signatory may share the 20 minutes with other signatories. The Scrutiny Committee may ask questions of the lead

signatory. The three signatories to the Call In are asked to set out their reasons for calling in the item.

- (b) Portfolio Holder/Decision-Maker submission – The lead Portfolio Holder (or the Decision-maker if a delegated decision) will be invited to address the Scrutiny Committee. Relevant officers can be called upon to support the submission. The address should be limited to 20 minutes and should address the reasons given by the lead signatory for the call-in. They should also aim to explain why the decision has not breached the principles of decision-making. The Scrutiny Committee may ask questions of the portfolio-holder/decision-maker.
- (c) Scrutiny Committee deliberations – The Scrutiny Committee needs to make a decision based on the discussion that has taken place. The Chair should make it clear that no submissions from the Portfolio Holder/Decision-Maker or lead signatory (or any other signatory if they have already spoken) will be heard whilst the Committee deliberates. The Call In signatories, Portfolio Holder and Officers may remain in the room while this happens.
- (d) Right of Reply – The Portfolio Holder/Decision-Maker followed by the lead signatory may exercise a right of reply responding to the submissions and questions previously heard. No questions may be asked after the Rights of Reply. Closing statements should last no longer than 5 minutes.
- (e) Scrutiny Committee decision – The Scrutiny Committee may decide to:
  - Take no further action.
  - Refer the matter back to Executive or to the Decision Maker for delegated decisions, setting out the reasons for its concerns.

All Members of the Scrutiny Committee designated to hear the Call In may participate in the vote, including any signatories to the Call In.

- 1.12 If the Committee decides on the evidence considered to take no further action and endorses the decision by the Director of Development then the decision may be implemented immediately after this meeting.
- 1.13 If the Committee decides to refer the matter back to the Decision-Maker (in this case the Director of Development) then it will be reconsidered by them subsequent to the Scrutiny Committee meeting. Having reconsidered the original decision, the Director may decide to affirm their original decision or to take a different decision.
- 1.14 The Committee may not refer the matter to Council unless, supported with reasons and evidence and advice from the 3 statutory officers, it is deemed to be contrary to or not wholly in accordance with the Budget & Policy Framework. The Executive must be involved in the process before Council considers the matter. This is a different procedure to the Call In and has not been raised in the reasons for this Call In.

## **2 Conclusions and Reasons for Recommendation**

- 2.1 The background detail in this report is to enable the Committee to consider a Call In requested by three Scrutiny members.

- 2.2 Based on the detail contained in the Call In submission and the concerns highlighted the Committee have two options available to them, as outlined in 1.12-1.13 of this report.

### **3 Consultation and Equality Impact**

- 3.1 The report supporting DD/025/20/DC states that there are no equality implications arising directly from this decision.
- 3.2 As part of the delegated decision process, the decision-maker was required to consult the S151 Officer and the Monitoring Officer and the Leader, Deputy Leader and Portfolio Holder. Executive were consulted at an informal meeting.

### **4 Alternative Options and Reasons for Rejection**

- 4.1 This report sets out the options and it is for the Committee to decide, by a positive resolution, which option to choose.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

- 5.1.1 There is a capital receipt to the Council as a result of the land disposal. Costs associated with the transfer will be met by the purchaser.

#### **5.2 Legal Implications including Data Protection**

- 5.2.1 The transaction will be handled by the Council's legal department on behalf of Property and Commercial Services and Housing.

#### **5.3 Human Resources Implications**

- 5.3.1 The sale of land will result in no direct HR implications.

### **6 Recommendations**

- 6.1 There are no Officer recommendations in respect of this report, the Committee are advised to draw their conclusions from the evidence presented and then vote on the course of action to be taken in relation to the delegated decision as outlined in 6.2.
- 6.2 Based on the issues raised in the Call In, the evidence presented and Member considerations, the Committee must choose between the two following options, in line with the Scrutiny Procedure Rules outlined at 4.5.14 (11) and (12):
- (a) To take no further action and endorse the decision taken by the Director of Development. The decision may be implemented immediately after this meeting.

Or

- (b) To refer the matter back to the Director of Development for reconsideration. The Committee should state its concerns and reasons for referring back. The decision may not be implemented until the matter has been reconsidered.

## 7 Decision Information

<p><b>Is the decision a Key Decision?</b>  A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds:  <i>BDC: Revenue - £75,000</i> <input type="checkbox"/>  <i>Capital - £150,000</i> <input checked="" type="checkbox"/>  <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/>  <i>Capital - £250,000</i> <input type="checkbox"/>  <input checked="" type="checkbox"/> Please indicate which threshold applies</p>	<p>Yes – the decision taken by the Director of Development was a key decision.</p>
<p><b>Is the decision subject to Call In?</b>  (Only Key Decisions are subject to Call-In)</p>	<p>Yes – this is the Call In</p>
<p><b>Has the relevant Portfolio Holder been informed</b></p>	<p>Yes</p>
<p><b>District Wards Affected</b></p>	<p>Ault Hucknall</p>
<p><b>Links to Corporate Plan priorities or Policy Framework</b></p>	<p>Aim: Economy  Priority: Enabling Housing Growth: increasing the supply, quality and range of housing to meet the needs of the growing population and support economic growth</p>

## 8 Document Information

Appendix No	Title
1	Call In Notice
2	Delegated Decision DD/025/20/DC
3	Delegated Decision DD/025/20/DC - Appendix
4	Delegated Decision Appendix – Report (Exempt)
5	Call In Procedure
6	Additional Member submissions
7	Resident submissions
<p><b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
<p>Background paper 1: Draft Minutes of Planning Committee, 12<sup>th</sup> February 2020</p>	
<p>Background paper 2: Indicative layout for proposed development</p>	

Background paper 3: Site Access Technical Note for proposed development	
Background paper 4: Officer Valuation Report 2019 (Exempt)	
Background paper 5: Joint Disposals & Acquisitions Policy, March 2017	
<b>Covering Report Author</b>	<b>Contact Number</b>
Scrutiny & Elections Officer	01246 242385

## Bolsover District Council

### Notice of Call-In Request

In accordance with Rule 4.5.14 of the Scrutiny Rules, that are contained within the Council's Constitution, we the undersigned hereby give notice that we wish to call-in the following Key Decision:

Decision (please include minute / delegated decision no.)	DD-025-20-DC
Title of item / decision	Sale of land at Glapwell
Date of Decision Publication	5 <sup>th</sup> May 2020

We believe that the following principles of decision-making have been breached by the making of this decision:

Principle	Tick	Reason why breached
Proportionality	✓	<p><b>The controversial sale of the land (to a local developer) is rushed.</b></p> <p>The use of delegated powers is questionable as no time pressure exists nor is there a need to make this decision without the proper scrutiny of the council.</p>
Due consultation and the taking of professional advice from officers	✓	<p><b>Consultation has been minimal and range of advice limited.</b></p> <p>It is standard practice to get a valuation from three independent sources, which was not done. The local parish council or other local bodies have not been consulted on the sale or potential interest to buy the land that they may have.</p>
Respect for human rights	✓	<p><b>Resident needs and the use of the land has not been taken into account.</b></p> <p>Residents and the wider district rely on this strip of land for access to local footpaths and exercise space. The sale of the land does not respect residents' human rights to rest and leisure time for which this land is a key element.</p> <p>The Park Ave location includes many who are less mobile, vulnerable, elderly and disabled who use the land regularly as an essential part of their leisure time.</p> <p>The land is vital part of the Community-led Glapwell events such as the local Gala, Bonfire Night and other events serving the district. The strip is the allocated disabled parking at those events. The loss of this will deny the small local businesses, local groups and charities of much needed revenue and advertising.</p>

		Article 14 of the act and Howard v UK 1987 established the balance between community and private uses where the provision of new facilities are reflected in the price. No evidence of the views of residents nor alternative provision is evident.
A presumption in favour of openness	✓	<b>The decision to sell to one party is not transparent.</b> Lack of consultation and reasoning behind the method of sale demonstrates lack of openness.
Clarity of aims and desired outcomes	✓	<b>Lack of clarity risks accusations of conflict of interest.</b> The land enables access to land for which planning was granted against officer advice. No consultation has taken place with respect to the land sale with residents either prior to or since the planning meeting.  The land enables access to a development outside of the local plan which was voted in March 2020 by full Council as providing enough housing for BDC. Thus, the aims and outcomes for the sale with respect to enabling new housing in BDC are not clear.  Furthermore no minutes of meetings demonstrating discussion of the aims and objectives of the sale are available.
Regard for equal opportunities	✓	<b>Deprivation of space for disabled, elderly and vulnerable</b>  Losing this strip will deny access to essential exercise on a regular basis and parking at community events.
Options are considered and reasons given for the decision	✓	<b>Offer to one developer is not justified.</b>
Consideration of all relevant factors	✓	<b>The sale will increase pressure on village which is recognised by officers as at capacity.</b>  Pressure on the village amenities (even more apparent since Covid) will be increased.  The sale would increase the rate and volume of industrial traffic during the development. Once developed the volume or traffic from new householders and necessary deliveries would increase.

		<p>This volume of traffic would create noise and the fumes would impact on both physical and mental health and wellbeing.</p> <p>Public discontent has not been taken into account. Over 100 people have attended a public meeting to request that the strip is not sold and the Parish and District Councillors have received significant amounts of correspondence from concerned residents.</p>
<p>Decision is in the best interests of the District as a whole</p>	<p>✓</p>	<p><b>The sale is not in the social and economic interests of the District.</b></p> <p>The value to BDC of the sale is below what can be expected from the land. This is based on the universally accepted guidelines from Stokes v Cambridge and comparison with similar local land sales.</p> <p>The leader of the Council voted on planning to approve the housing. As part of the executive the leader has also approved the sale of the strip of land. This is a potential conflict of interest and if the sale goes ahead will cause damage to the reputation of the council.</p>

SIGNED ORIGINAL HELD BY THE GOVERNANCE TEAM

Lead signatory: .....

Name: ..Patricia Joy Clough..... Date: 14.05.2020

Signed: .....

Name: ...Anne Clarke..... Date: 14.05.2020

Signed: .....

Name: ....Tom Kirkham.....Date: 14.05.2020

**BOLSOVER DISTRICT COUNCIL**

**RECORD OF DECISION TAKEN BY THE  
DIRECTOR OF DEVELOPMENT**

**5TH MAY 2020**

**SALE OF LAND AT GLAPWELL**

<b>Authority for decision</b>	<b>Decision</b>	<b>Reasons</b>	<b>Alternative options considered and rejected</b>	<b>Conflicts of interest and any dispensation</b>
<p><u>Scheme of Delegation 4.10.9 (General Powers delegated to all Directors and Heads of Service)</u> To acquire, dispose of, grant and obtain rights in land and premises on such terms and conditions as considered appropriate where expenditure is within approved budgets.</p> <p>This power was extended by <u>Emergency Delegation (DD-015-20-SS) approved 23rd March 2020:</u> ...whether or not the decision is above or below the key decision threshold.</p>	<p>To dispose of the parcel of land, shown edged in red on the attached plan, on Park Avenue, Glapwell on the terms as set out in the report.</p>	<p>To generate a capital receipt for the Council and to facilitate access to the scheme of development to the East of Park Avenue in Glapwell.</p>	<p>There was no other alternative option available in order to achieve sustainable development.</p>	<p>None.</p>

Please complete the following where relevant:

<b>Key Decision?</b>	<b>Confidential/ Exempt (if yes, please state paragraph)?</b>	<b>Do General Exception or Special Urgency Rules apply to this decision?</b>	<b>Consultation has taken place with the Section 151 &amp; Monitoring Officer?</b>	<b>The Leader, Deputy Leader or relevant Portfolio Member have been consulted?</b>
Yes	The report is Exempt under Paragraph 3	No	Yes	Yes

Authorising Signature: Grant Galloway

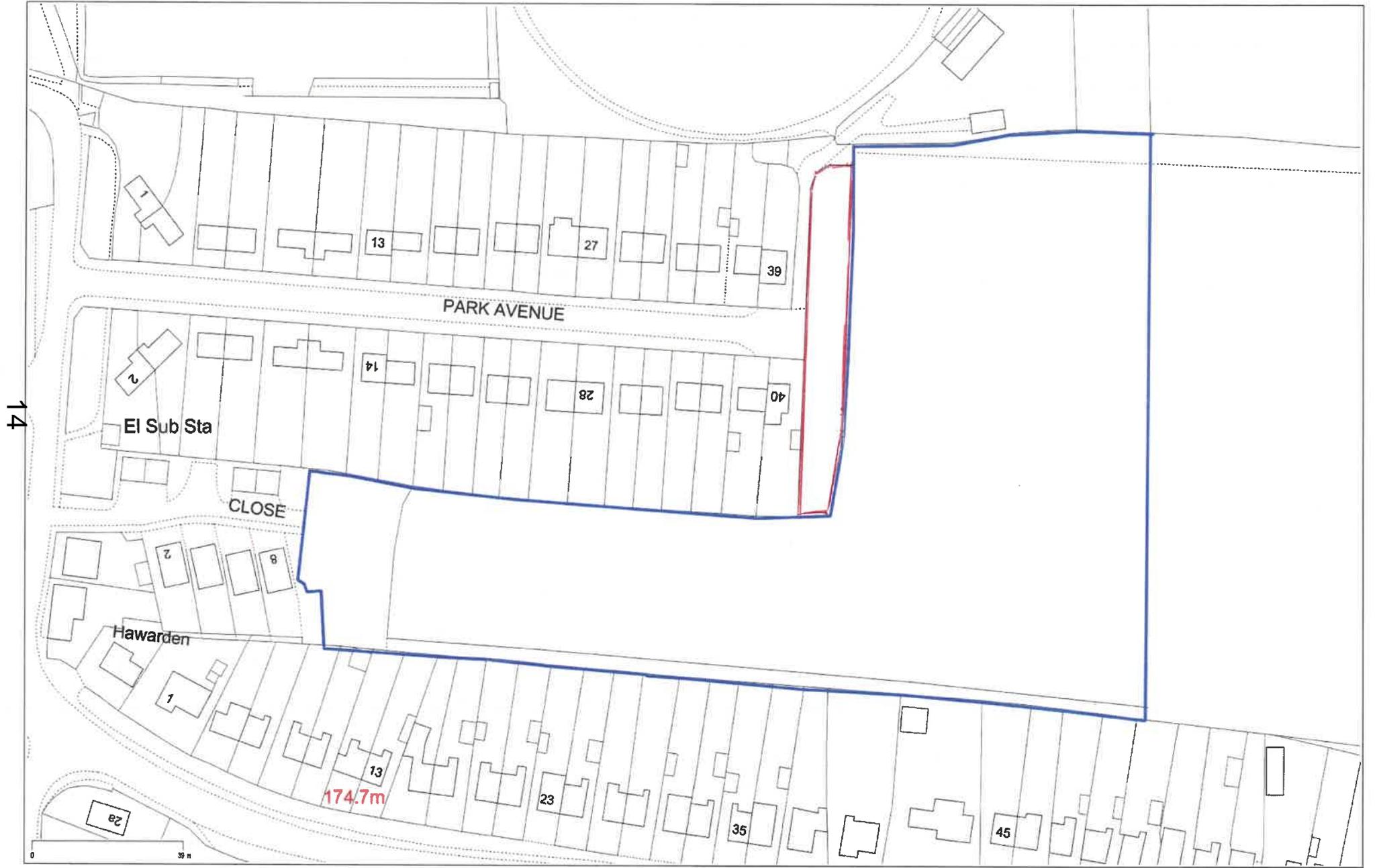
Job title: ...Director of Development...

Unique Reference Number: DD-025-20-DC

Date decision may be implemented if not called in: 15th May 2020

Circulation to:

Head of Paid Service  
Monitoring Officer  
Section 151 Officer  
Scrutiny Officer  
Internal Audit



**On further review of this document, it has been agreed by the Monitoring Officer that the restriction be removed and the document be published.**

**Bolsover District Council**

**Director of Development**

**1<sup>st</sup> May 2020**

<p><b>Land at Park Avenue, Glapwell</b></p>
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~~This report is not for publication under Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972~~

**Purpose of the Report**

- To recommend the sale of a parcel of land to Mr S Hill of Glapwell Nurseries, to facilitate a vehicular access as part of a new residential development scheme.

**1 Report Details**

- 1.1 Mr Hill has obtained outline planning permission for the construction of 62 dwellings (and associated works) on land to the East of Park Avenue, Glapwell as shown edged blue on the plan.
- 1.2 At its meeting on 20th February 2020 the Council's Planning Committee granted planning permission for the proposed development.
- 1.3 To obtain vehicular access to the development site access is required over the Council owned land shown edged red on the plan which is currently a small wooded area.
- 1.4 It is considered that the Council has a ransom element in the granting rights for access across its land to serve the development.
- 1.5 The Senior Valuer and the Director of Development have negotiated with Mr Hill to proceed on the transfer of the strip of land for the sum of £240,000. The Heads of Terms include the payment of the Council's Legal and Surveyors fees and Mr Hill bearing the cost of relocating a street light.
- 1.6 Executive Members considered the proposal at an informal meeting on 21<sup>st</sup> April 2020 and they supported the disposal.

**2 Conclusions and Reasons for Recommendation**

- 2.1 In order for Mr Hill to commence development of the scheme on land to the East of Park Avenue in Glapwell, approval is sought for the disposal of the Council owned ransom strip to Mr Hill.

### **3 Consultation and Equality Impact**

3.1 There are no equality implications arising directly from this report.

### **4 Alternative Options and Reasons for Rejection**

4.1 There was no other alternative option available in order to achieve sustainable development.

### **5 Implications**

#### **5.1 Finance and Risk Implications**

5.1.1 There is a capital receipt of £240,000 to the Council.

#### **5.2 Legal Implications including Data Protection**

5.2.1 The transaction will be handled by the Council's legal department on behalf of Property and Commercial Services and Housing.

#### **5.3 Human Resources Implications**

5.3.1 The sale of land will result in no direct HR implications.

### **6 Recommendations**

6.1 That approval be granted for the disposal of the parcel of land on Park Avenue Glapwell to Mr Hill.

### **7 Decision Information**

<b>Is the decision a Key Decision?</b> A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000 <input type="checkbox"/></i> <i>Capital - £150,000 <input type="checkbox"/></i> <i>NEDDC: Revenue - £100,000 <input type="checkbox"/></i> <i>Capital - £250,000 <input type="checkbox"/></i> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i>	Yes
<b>Is the decision subject to Call-In?</b> (Only Key Decisions are subject to Call-In)	Yes
<b>Has the relevant Portfolio Holder been informed</b>	Yes
<b>District Wards Affected</b>	Ault Hucknall

<b>Links to Corporate Plan priorities or Policy Framework</b>	All
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**8 Document Information**

<b>Appendix No</b>	<b>Title</b>
1	Site Plan
<b>Background Papers</b> (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)	
N / A	
<b>Report Author</b>	<b>Contact Number</b>
Roger Owen	ext. 2419

4.5.14 Call In

- (1) When a Key Decision<sup>1</sup> is made by the Executive or a committee of the Executive, or under joint arrangements, or in line with any delegation within the Constitution, the decision shall be published electronically and shall be available at the main offices of the Council within two working days of being made.
- (2) Copies of the Notice of Decision will be provided to all Members within the same timescale.
- (3) All Key Decisions will come into effect five working days after the publication of the decision unless three Scrutiny Members give notice in writing to the Governance Manager requesting to call in the decision.
- (4) If no notice requesting call in of a Key Decision is received in this five working day period the decision may be implemented.
- (5) The call in request should be on a completed 'call in' request form and include the names and signatures of the three signatories, the decision making principles it is believed have been breached and also the reasons for this. The decision making principles are:-
  - Proportionality (the decision must be proportionate to the desired outcome)
  - Due consultation and the taking of professional advice from officers
  - Respect for human rights
  - A presumption in favour of openness
  - Clarity of aims and desired outcomes
  - Regard for equal opportunities
  - Options are considered and reasons for the decision given
  - Consideration of all relevant factors
  - Decision is in the best interests of the District as a whole

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<sup>1</sup> A Key Decision is an Executive decision likely to result in the Council incurring expenditure which is, or the making of savings which are, significant having regard to the Council's budget for the service or function to which the decision relates or which is significant in terms of its effects on communities living or working in an area comprising two or more wards in the District. The Council has decided that revenue income or expenditure of £75,000 or more and capital income or expenditure of £150,000 or more is considered significant.

- (6) Upon receipt of the call in form, the Governance Manager will consider the request to ensure the correct information has been submitted. The Monitoring Officer may reject it if:-
- It relates to a non-Executive decision or is a decision where a statutory appeal is available
  - Insufficient information has been provided
  - It is vexatious, malicious or politically motivated
  - It contains insufficient evidence as to how the decision making principles have been breached
  - The decision has been previously called in
  - The reasons given have been addressed in a previous call in
- (7) Reasonable steps will be taken to make the lead signatory aware of any issues regarding the validity of the call in request prior to the closure of the five working day call in period.
- (8) Upon determining that the call in request is valid the Monitoring Officer will decide, having regard to the functions of each Scrutiny Committee, which Scrutiny Committee will hear the call in. The Executive and relevant Council officers will also be notified of the call in request. The Governance Manager will then call a meeting of the relevant Scrutiny Committee.
- (9) The relevant Scrutiny Committee must meet to consider the call in as soon as reasonably practicable and at the latest within 10 working days of the receipt of the call in notice. If the meeting does not take place in this period then the decision may be implemented. Special meetings of the Scrutiny Committee will be called if necessary to consider call ins in this period.
- (10) The lead signatory, being the first named Member on the call in, will be invited to attend the relevant Scrutiny Committee to present the call in, outline the reasons for the request and answer questions from the Committee. They will not be entitled to vote unless they are a Member of the Scrutiny Committee that considers the call in. The relevant Executive Member/decision making officer will also be entitled to attend the meeting and be invited to address the Scrutiny Committee and answer questions from the Committee. The format for the call in consideration is set out in the Call In Procedure Rules.
- (11) If, having considered the decision, the Scrutiny Committee is still concerned about it; they may refer the matter back to the decision maker setting out in writing the reasons for its concerns. If the decision is a decision made by the Executive, the Executive shall reconsider it at their next meeting (or a special meeting if

necessary), amending the decision or not, before adopting a final decision.

- (12) If the Scrutiny Committee decides not to refer the decision back to the decision-maker it may be implemented on the date of the Scrutiny Committee.
- (13) If the Scrutiny Committee concludes that the decision is outside the Budget and Policy Framework then it may refer the decision to Council. When exercising this option, the Scrutiny Committee must evidence how and why the decision is outside the Framework and give due regard to the advice of the Chief Executive Officer and Monitoring Officer on this matter.
- (14) If the matter is referred to Council and the Council does not object to a decision that has been made then the decision may be implemented on the date of the Council meeting.

**Call In of DD25/20/DC – Additional Member Submissions**

Cllr N Hoy

I would like to refer back to the original planning application, of which I objected as it went against officers recommendation.

Glapwell's Infrastructure will struggle to cope with the increase in traffic and this increase in an already busy area, could pose a significant danger to residents.

The village also lacks amenities, which have been clearly highlighted during the coronavirus pandemic.

On that basis I oppose the sale of the land which enables access to be obtained.

Cllr N Clarke

My concerns over the sale of the Ransom Strip are as follows.

1. The land was potentially undervalued, how many quotes were asked for to determine the value.
2. If the sale is approved it will allow the proposed development to proceed (subject to full planning permission) this will have a detrimental effect on the residents of Park Avenue with increased traffic flow which will affect the air quality in the area and increase the likelihood of road traffic collisions.
3. As I understand it the majority of the residents in Park Avenue are opposed to the proposed development which can only go ahead if the sale of the Ransom Strip is approved, how much weight was given to the opinions and views of the residents?
4. The proposed development would necessitate the removal of two mature trees on the Ransom Strip, during the planning hearing we were informed that a survey had been carried out which stated that the trees had a limited life. Who commissioned the survey and was the surveyor independent of the applicant for the development?
5. Whilst I understand that the Council have to be financially responsible, I also feel that as a responsible and ethical authority we have a duty of care to all our residents across the District and they should not be outweighed by those who are purely interested in financial gain (in this case the developer).
6. The planning decision went against Officer advice and the fact that the developer was prepared to submit a planning application before he had acquired the land necessary to facilitate the development is his risk and not one that the Council should be considering.

**Call In of DD25/20/DC – Resident Submissions**

Photos supplied by Park Avenue resident and member of the Glapwell Community Development Group showing community use of the land from Glapwell Gala (July 2018) and Halloween celebrations (November 2018)



Email received from Park Avenue resident

Dear Madam,

I am emailing this grave concern in response to the sale by the Council of the Ransom Strip at the top of Park Avenue in Glapwell to allow entrance by builders and their traffic to build 60+ dwellings on Green Land at the back of Mansfield Road. I am one of many elderly, vulnerable residents of Park Avenue and the noise, dirt, pollution and disruption to our safety would be horrendous. This very narrow Avenue, recommended for entrance, already has parking at a limit with sometimes, dangerous parking on both sides of the very narrow Avenue on Grass Verges.

Then, of course we'd have the subsequent new residents, probably 2 car families, creating more havoc in the already busy Avenue and village with an overwhelmed and exhausted Glapwell Doctors Surgery.

Presently this Ransom Strip and adjacent Cricket Field is regularly used by ramblers, families, dog walkers for daily exercise in this Coronavirus Climate.

Also, the Ransom Strip is a quite, peaceful Haven of Wildlife, including mammals, rodents, birds, butterflies and insects which would be, sadly, lost forever.

For these important reasons could you please show a bit of concern for us, the residents, and put a stop to this atrocity and upheaval of our lives, in the name of respect and safety, not money.

Could you please pass this objection on to the rest of the Committee members. I don't know how to do it. Thank you kindly.

Yours Faithfully,  
Resident  
Park Avenue,  
Glapwell.