

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 th 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	✓	The controversial sale of the land (to a local developer) is rushed. 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.
Due consultation and the taking of professional advice from officers	✓	Consultation has been minimal and range of advice limited. 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.
Respect for human rights	✓	Resident needs and the use of the land has not been taken into account. 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. 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. 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.

		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	✓	The decision to sell to one party is not transparent. Lack of consultation and reasoning behind the method of sale demonstrates lack of openness.
Clarity of aims and desired outcomes	✓	Lack of clarity risks accusations of conflict of interest. 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	✓	Deprivation of space for disabled, elderly and vulnerable 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	✓	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. 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>The sale is not in the social and economic interests of the District.</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