

## NOTTINGHAM CITY COUNCIL

### OVERVIEW AND SCRUTINY - CALL IN PANEL

**MINUTES of the meeting held at LB31 - Loxley House, Station Street, Nottingham, NG2 3NG on 22 June 2015 from 13.02 - 13.45**

#### Membership

##### Present

Councillor Glyn Jenkins  
Councillor Brian Parbutt (Chair)  
Councillor Anne Peach

##### Absent

Councillor Azad Choudhry  
Councillor Mohammed Ibrahim  
Councillor Gul Nawaz Khan  
Councillor Neghat Nawaz Khan

#### Colleagues, partners and others in attendance:

Cllr Jim Armstrong - Councillor, Nottingham City Council  
Cllr Graham Chapman - Councillor, Nottingham City Council  
Cllr Georgina Culley - Councillor, Nottingham City Council  
  
Nancy Barnard - Governance Manager, Nottingham City Council  
Bevis Mackie - Estates Surveyor, Nottingham City Council  
Rob Percival - Area Planning Manager, Nottingham City Council  
Angela Rawson - Licensing Manager, Nottingham City Council  
Kevin Shutter - Interim Director for Strategic Asset and Property Management  
James Welbourn - Governance Officer, Nottingham City Council  
  
Dr Anthony Swannell - Wollaton Vale Resident's Association

### **2 DECLARATIONS OF INTERESTS**

None.

### **3 CONFIRMATION OF VALIDITY OF CALL-IN**

Councillor Brian Parbutt (Chair) explained the procedure for the hearing to the attendees. He outlined the reasons for the call-in and requested the Panel to confirm its validity.

#### **RESOLVED to**

**(1) confirm the call-in request as valid on the following grounds:**

**(a) Relevant information not considered:**

**(i) the variation of the user clause could allow for the intensification of retail on the site;**

**(b) Justification for the decision open to challenge on the basis of evidence considered:**

**(ii) the site is close to residential properties and an increase in retail activity would not be welcomed by local residents;**

#### **4 CONSIDERATION OF CALL-IN REQUEST**

Following the report from the Head of Democratic Services, the Committee was asked to:

- consider the information provided in relation to Delegated Decision 2011 and the reasons given for requesting a call-in of that decision and use that information to inform questioning and discussion;
- focus on the reasons for the call-in as given in the call-in request form, and based on the evidence from the Portfolio Holder, his supporting colleague(s), and the councillors who requested the call-in decide to either:
  - i) require that the decision is reconsidered, and make recommendation(s) as to what should be taken into consideration; or
  - ii) agree that the decision does not need to be reconsidered and can be implemented.

The following points were raised by attendees:

- (a) the Conservative Group was not represented on the call-in panel as all three Conservative Councillors had been required to sign the call-in form and could not therefore participate as Panel members;
- (b) the Council's Constitution is to be amended to allow Groups of three members or fewer to both request a call-in and participate as members of the Call-in panel by reducing the requirement for the number of signatories in these circumstances;
- (c) the Panel considered the remainder of the issues related to the Call-in alongside the next item on the agenda.

#### **5 WOLLATON VALE SERVICE STATION, NG8 2GR - VARIATION OF USER CLAUSE**

Councillor Graham Chapman, Portfolio Holder for Resources and Neighbourhood Regeneration, presented the Panel with the following information in relation to the reasons for taking the decision:

- (a) this is a variation on a lease, allowing for the intensification of retail. The lease does not restrict the hours of operation of the business and any plans to allow 24 hour alcohol sales would be a licensing matter;
- (b) it would be extremely unusual for a ground lease to lead to varying usage;

- (c) the original lease was granted in 1972, with alcohol being sold;
- (d) intensification does not just include alcohol sales. The view is that local demand might want increased retail;

The call-in signatories responded with the following information:

- (e) these are not premises on a route out of the city – they are in the heart of a residential area. The sale of petrol, as well as the sale of alcohol could lead to problems at the site;
- (f) there is already a significant amount of retail premises in the area including premises on nearby Bramcote Lane that provide food and alcohol. There is also the new branch of Waitrose that has opened up in Wollaton. Next door to the Wollaton Vale Service Station is a public house that provides sufficient supply of alcohol and hot food;
- (g) local residents have been spoken to about the proximity of the unit to people's back gardens and are concerned about potential increases in anti-social behaviour. The adjoining Health Centre carpark has been a site for anti-social behaviour due to its unsecure carpark;
- (h) previous tenants Q8 petrol reduced the hours during which they sold alcohol because of problems;
- (i) bringing people into the area in the middle of the night is a cause for concern. There are many outlets already selling alcohol. There are problems dating back to 2003 around anti-social behaviour;

Dr Anthony Swannell, of Wollaton Vale Resident's Association added to the points made by Councillors Culley and Armstrong:

- (j) the Resident's Association believe that a 24 hour outlet is unnecessary due to the proximity of other units. The Hemlock Stone pub is nearby;
- (k) the proposed new retail outlet should have the same opening hours as existing retail units, ie 6am-10pm, or 7am-11pm;
- (l) there is a delegated decision to vary the lease over developing a larger scale shop. The lease does not include having a small retail unit;

Councillor Graham Chapman responded to the points raised:

- (m) the concerns raised relate to Licensing and Planning, rather than the lease. The anti-social behaviour element of the argument can be discussed via Licensing and the expansion of the retail unit was considered via Planning;
- (n) there is existing licensing permission for the sale of alcohol until midnight. It would be very difficult to put the hours back to 11pm through the ground lease. Alcohol sale is not an issue for the ground lease;

Members of the Call-in Panel added the following points:

- (o) 18 months ago there was an application for 24 hour alcohol sales at a petrol filling station within Sherwood ward. This application was refused by a Licensing Panel;
- (p) speaking to the Police about this case at a Licensing hearing could be beneficial;
- (q) in the Council's role as a land-owner, planning and licensing matters cannot be considered;
- (r) The Portfolio Holder's role is to manage the Council's property portfolio, and get a good return. Anti-social behaviour would not normally be managed through leasing. Lease changing is not necessarily a satisfactory mechanism in this case;

**RESOLVED to agree that the delegated decision 2011, 'Wollaton Vale Service Station, NG8 2GR – Variation of User Clause' does not need to be reconsidered and can be implemented for the following reasons:**

- **the Council does not have grounds to use the lease to prevent the intensification of retail on the site;**
- **finer points of the argument discussed above should be left with the Licensing Committee or have been addressed via the planning process;**
- **Council's responsibility as a landlord is satisfied, and the decision can be implemented.**

## **6 EXCLUSION OF THE PUBLIC**

The panel decided to exclude the public from the meeting during consideration of the next agenda item in accordance with Section 100A (4) of the Local Government Act 1972 on the basis that, having regard to all the circumstances, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

## **7 EXEMPT APPENDIX - CONFIRMATION OF VALIDITY OF CALL-IN**

The Panel considered the exempt appendix to the Head of Democratic Services' report.

The Panel noted its content.