Nottinghamshire County Council

minutes

Meeting	Culture Committee
Date	26 January 2016 (commencing at 10.30am)

Membership
Persons absent are marked with an 'A'

COUNCILLORS

John Knight (Chairman)
Pauline Allan (Vice-Chairman)

Chris Barnfather
Alan Bell
John Clarke
John Cottee
A Maureen Dobson
Sybil Fielding
Tom Hollis
A Roger Jackson
Mike Pringle

Ex-officio (non-voting)
A Alan Rhodes

OTHER COUNTY COUNCILLORS IN ATTENDANCE

Jim Creamer
Stephen Garner
Diana Meale
John Wilkinson
John Wilmott

OFFICERS IN ATTENDANCE

Pete Barker	-Democratic Services
Eddie Brennan	-Countryside Access
Steven Eastwood Snr	-Legal Services
Peter Gaw	-Group Manager, Libraries, Archives & Information
Sally Gill	-Group Manager, Planning
Linda Hardy	-Country Parks
Derek Higton	-Service Director, CFCS
Neil Lewis	-Countryside Access
Philippa Milbourne	-CFCS
Heather Stokes	-Conservation
Linda Turner	-Libraries

MINUTES OF THE LAST MEETING

That the minutes of the last meeting held on 8 December 2015 were taken as read and were confirmed and signed by the Chairman.

APOLOGIES FOR ABSENCE

Apologies were received from Councillor Dobson (other County Council business).

DECLARATIONS OF INTEREST

None.

APPLICATION TO REGISTER A TOWN OR VILLAGE GREEN – LAND KNOWN AS SANDHURST AVENUE CRICKET GROUND, MANSFIELD

The Chairman reminded the Committee of their responsibilities regarding the quasi-judicial nature of Town and Village Green decisions.

Eddie Brennan, Definitive Map Officer, introduced the report and confirmed the following to the Committee:

"The recent 2014 Supreme Court case of Barkas has disapproved of the decision in Beresford, holding instead that where people take part in recreational activities on land provided by a local authority as a recreation ground under statutory powers, they do so "by right" rather than "as of right" and any application to register a TVG on such a basis must fail".

Councillor Garner spoke against the Recommendation contained in the report.

Mr. Steven Eastwood (Principal Legal Officer) clarified, upon request from the Chairman, that the crucial point which officers were highlighting was the significance of the land having been held by Mansfield District Council (certainly from very early on if not throughout) as public open space, as evidenced by regulating use by means of the byelaws. Mr. Eastwood stated that this brought the matter within the scope of the 2014 Supreme Court case of *Barkas* which expressly disapproved of their earlier 2004 decision in *Beresford*, upon which the Applicants had relied, and indicated that use of the Sandhurst Cricket Ground had been "by right" rather than "as of right" as is required by the legal test.

Mr. Eastwood also clarified, upon further request from the Chairman, that the NE3 and NE5 planning designations referred to by the applicants as applied to the land by Mansfield District Council would indicate that Mansfield District Council were taking an interest in protecting the site's ecological and environmental value but such designations were under different legislation for a different purpose. Here, for the purposes of determining whether to register land as a Town or Village Green, the crucial factor was not of its ecological or environmental value, but of the activities which the public had undertaken on the land and their right to undertake the same, as per Mr. Eastwood's earlier clarification regarding the 2014 Supreme Court case of *Barkas*.

RESOLVED 2016/001

That the application be rejected for the reasons set out in the report.

Councillor Hollis requested that his vote dissenting against the above decision be recorded.

HERITAGE TOURISM REVIEW – PRESENTATION

Laura Simpson, Senior Practitioner for Heritage and Tourism, gave a presentation on the Heritage development work carried out to date.

RESOLVED 2016/002

That Committee note and comment on the presentation.

SERVICE UPDATE FOR THE PERIOD 16 NOVEMBER 2015 TO 3 JANUARY 2016

RESOLVED 2016/003

That the update on a range of initiatives being undertaken to improve and enhance the quality of life for Nottinghamshire people be noted.

RESPONSE TO PETITION – GIVE US BACK OUR LOOS CAMPAIGN

Councillor Wilmott spoke against the Recommendation contained in the report.

Following a debate, an amendment to the motion was moved by Councillor Hollis which was not seconded.

Following a show of hands the motion was declared to be carried, the requisite number of Members requested that the vote was recorded and it was ascertained that the following 7 Members voted **'For'** the motion:-

Councillor Pauline Allan
Councillor Alan Bell
Councillor John Clarke
Councillor John Cottee
Councillor Sybil Fielding
Councillor John Knight
Councillor Mike Pringle

and the following 2 Members voted **'Against'** the motion:-

Councillor Chris Barnfather
Councillor Tom Hollis

The motion was therefore carried and it was:-

RESOLVED 2016/004

That Committee confirms the Authority will not provide a public toilet in Hucknall Library for the reasons contained in the report and that the lead petitioner be informed accordingly.

LIBRARIES, ARTS, ARCHIVES, INFORMATION AND COMMUNITY LEARNING SERVICES: NEW OPERATING MODEL – PROGRESS UPDATE

RESOLVED 2016/005

That the update on progress on the development of an alternative operating model for cultural, learning and library services be noted.

FEES AND CHARGES 2016/17 FOR LIBRARIES, ARCHIVES AND INFORMATION

RESOLVED 2016/006

That the fees and charges set out in Appendices 1 and 2 of the report be approved for 2016/17, with implementation from Friday 1 April 2016.

FEES AND CHARGES 2016/17 FOR THE COUNTRY PARKS SERVICE

RESOLVED 2016/007

1) That the raising of the hourly hire fee for mobility scooters from £1.50 to £2 per hour at Rufford and Sherwood be approved.

2) That all other fees and charges remain unchanged for the 2016/17 financial year.

A STRATEGY FOR NOTTINGHAMSHIRE'S LIBRARIES – ANNUAL PROGRESS REPORT 2015

RESOLVED 2016/008

That the update on the implementation of the Strategy for Nottinghamshire's Libraries between January and December 2015 be noted.

TUXFORD COMMUNITY PARTNERSHIP LIBRARY OPENING HOURS

RESOLVED 2016/009

That a change to Tuxford Community Partnership Library's opening hours, as detailed in Option B in the report, be approved.

CHILDREN AND YOUNG PEOPLE'S PROMISE – PUBLIC LIBRARY SERVICES OFFER FOR CHILDREN AND YOUNG PEOPLE

RESOLVED 2016/010

That the recommendations resulting from the publication of the Children and Young People's Promise be noted.

RUFFORD ABBEY COUNTRY PARK SATISFACTION SURVEY 2015

Linda Hardy, Visitor Services Manager, introduced the report and undertook to provide a copy of the survey to Members on request.

On behalf of the Committee the Chairman agreed to send a letter of congratulations to all those teams responsible for achieving such a positive result.

RESOLVED 2016/011

That the information about the annual visitor satisfaction survey and its results for Rufford Abbey Country Park be noted.

CHANGE TO STAFFING ESTABLISHMENT FOR CULTURAL SERVICES

RESOLVED 2016/012

That the establishment of a Cultural Services Commissioner and Contract Manager be approved.

Councillor Hollis requested that his abstention from the above vote be recorded.

WORK PROGRAMME

RESOLVED 2016/013

That the committee's work programme be noted.

The meeting closed at 12.50pm

CHAIRMAN