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Date: 6th November 2024

**INDIVIDUAL CABINET
MEMBER DECISION**

Dear Sir/Madam,

The Cabinet Member for Leisure, Communities and Health (Councillor T. Jenkins) is to consider the following reports and make a decision on **Thursday 14th November 2024 at 11.00pm** in the Committee Room D, Town Hall, Nuneaton.

Yours faithfully,

TOM
SHARDLOW
Chief Executive

A G E N D A

PART 1

PUBLIC BUSINESS

1. EVACUATION PROCEDURE

A fire drill is not expected, so if the alarm sounds, please evacuate the building quickly and calmly. Please use the stairs and do not use the lifts. Once out of the building, please gather outside Lloyds Bank on the opposite side of the road.

Exit by the door by which you entered the room or by the fire exits which are clearly indicated by the standard green fire exit signs.

If you need any assistance in evacuating the building, please make yourself known to a member of staff.

Please also make sure all your mobile phones are turned off or set to silent.

2. PUBLIC CONSULTATION - Members of the public will be given the opportunity to speak on specific agenda items if notice has been received.

Members of the public will be given three minutes to speak on a particular item and this is strictly timed. The chair will inform all public speakers that: their comments must be limited to addressing issues raised in the agenda item under consideration: and that any departure from the item will not be tolerated.

The chair may interrupt the speaker if they start discussing other matters which are not related to the item, or the speaker uses threatening or inappropriate language towards Councillors or officers and if after a warning issued by the chair, the speaker persists, they will be asked to stop speaking by the chair. The chair will advise the speaker that, having ignored the warning, the speaker's opportunity to speak to the current or other items on the agenda may not be allowed. In this eventuality, the chair has discretion to exclude the speaker from speaking further on the item under consideration or other items of the agenda.

3. DECLARATIONS OF INTEREST - To receive declarations of Disclosable Pecuniary and Other Interests, in accordance with the Members' Code of Conduct.

Declaring interests at meetings

If there is any item of business to be discussed at the meeting in which you have a disclosable pecuniary interest or non-pecuniary interest (Other Interests), you must declare the interest appropriately at the start of the meeting or as soon as you become aware that you have an interest.

Arrangements have been made for interests that are declared regularly by members to be appended to the agenda (**Page 4**). Any interest noted in the Schedule at the back of the agenda papers will be deemed to have been declared and will be minuted as such by the Committee Services Officer. As a general rule, there will, therefore, be no need for those Members to declare those interests as set out in the schedule.

There are, however, TWO EXCEPTIONS to the general rule:

1. When the interest amounts to a Disclosable Pecuniary Interest that is

engaged in connection with any item on the agenda and the member feels that the interest is such that they must leave the room. Prior to leaving the room, the member must inform the meeting that they are doing so, to ensure that it is recorded in the minutes.

2. Where a dispensation has been granted to vote and/or speak on an item where there is a Disclosable Pecuniary Interest, but it is not referred to in the Schedule (where for example, the dispensation was granted by the Monitoring Officer immediately prior to the meeting). The existence and nature of the dispensation needs to be recorded in the minutes and will, therefore, have to be disclosed at an appropriate time to the meeting.

Note: Following the adoption of the new Code of Conduct, Members are reminded that they should declare the existence and nature of their personal interests at the commencement of the relevant item (or as soon as the interest becomes apparent). If that interest is a Disclosable Pecuniary or a Deemed Disclosable Pecuniary Interest, the Member must withdraw from the room. Where a Member has a Disclosable Pecuniary Interest but has received a dispensation from Audit & Standards Committee, that Member may vote and/or speak on the matter (as the case may be) and must disclose the existence of the dispensation and any restrictions placed on it at the time the interest is declared.

Where a Member has a Deemed Disclosable Interest as defined in the Code of Conduct, the Member may address the meeting as a member of the public as set out in the Code.

Note: Council Procedure Rules require Members with Disclosable Pecuniary Interests to withdraw from the meeting unless a dispensation allows them to remain to vote and/or speak on the business giving rise to the interest.

Where a Member has a Deemed Disclosable Interest, the Council's Code of Conduct permits public speaking on the item, after which the Member is required by Council Procedure Rules to withdraw from the meeting.

4. EXPANSION OF BRITISH GHURKHA VETERANS ASSOCIATION GURKHA MEMORIAL BY THE (BGVA) a report of the Parks and Green Space Manager attached **(Page 5)**

Councillor T. Jenkins - Schedule of Declarations of Interests – 2024/2025

| | Name of Councillor | Disclosable Pecuniary Interest | Other Personal Interest | Dispensation |
|--|--|---------------------------------------|---|--|
| | General dispensations granted to all members under s.33 of the Localism Act 2011 | | | Granted to all members of the Council in the areas of: <ul style="list-style-type: none"> - Housing matters - Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992 - An allowance, payment given to members - An indemnity given to members - Any ceremonial honour given to members - Setting council tax or a precept under the Local Government Finance Act 1992 - Planning and Licensing matters - Allotments - Local Enterprise Partnership |
| | T. Jenkins | Managing Partner – Gribblybugs LLP | The Labour Party (sponsorship) - Committee Member of Warwickshire Amphibian & Reptile Team - Member of Warwickshire Wildlife Trust - Member of Equity – Trade Union Members of National Trust and English Heritage Representative on the following Outside Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum, • Safer Warwickshire Partnership Board, • Warwickshire Health and Wellbeing Board, • Warwickshire Police and Crime Panel, • Biodiversity Champion • Committee of Management of Hartshill and Nuneaton Recreation Ground • Exhall Education Foundation • Foleshill Charity Trustee – Proffitt's Charity | |

Individual Cabinet Member Decision

Report Summary Sheet

Date: 14th November 2024

Subject: Expansion of Gurkha Memorial by the British Ghurkha Veterans Association (BGVA)

Portfolio: Councillor T. Jenkins – Portfolio Holder Leisure, Communities & Health

From: David Truslove – Parks and Green Space Manager

Summary: To seek approval for the British Ghurkha Veteran Association (BGVA) to remove a large conifer and install 12 benches, a memorial wall, statue and associated hard surfacing in Riversley Park, Nuneaton.

Recommendations: It is recommended that approval in principle is given for the Gurkha Memorial extension, subject to the outlined conditions and requirements associated with each stage.

Options:

1. To approve in principle all memorial extension stages.
2. To approve in principle some but not all of the memorial extension stages.
3. To not approve any of the proposed memorial extension stages.

Reasons: To allow the Gurkha Memorial in Riversley Park, Nuneaton to expand as desired by the BGVA.

Consultation undertaken with Members/Officers –

Portfolio Holder – Leisure, Communities & Health

Strategic Director - Public Services

Assistant Director – Recreation and Culture

Subject to call-in: Yes

Ward relevance: Chilvers Coton

Forward plan: N/A

Building a Better Borough Priorities:

Live

Prioritise community safety and empowerment

Work

Grow a strong and inclusive economy

Visit

Create vibrant and diverse town centres

Celebrate and promote our heritage

Relevant statutes or policy:

N/A

Equalities Implications: None anticipated but this is subject to the design.

Human resources implications: N/A

Financial implications:

The delivery and future maintenance of this project is to be financed entirely by the Gurkha organisation secured via a license agreement.

Health Inequalities Implications:

N/A

Section 17 Crime & Disorder Implications:

N/A

Risk management implications:

Removal of tree near A444.

Organisation do not raise sufficient funds to deliver the whole of the project, to meet NBBC required specifications.

Organisation do not upkeep the facilities in line with agreement and falls upon NBBC to oversee and maintain.

Environmental implications:

Removal of large conifer, mitigation for this loss may be required and the organisation have detailed they will support this and plant new trees.

Legal implications:

Planning permission as in conservation area and formal signing of the agreements.

Contact details: David Truslove – Parks and Green Space Manager

NUNEATON AND BEDWORTH BOROUGH COUNCIL

Report to: Portfolio Holder - Councillor T. Jenkins
From: Parks & Greenspace Manager - David Truslove
Subject: Riversley Park – Gurkha Memorial Extension
Portfolio: Public Services - Leisure, Health & Communities

1. Purpose of Report

1.1. To seek approval for the British Ghurkha Veteran Association (BGVA) to remove a large conifer and install 12 benches, a memorial wall, statue and associated hard surfacing in Riversley Park, Nuneaton.

2. Recommendation

2.1. It is recommended that approval in principle is given for the Gurkha Memorial extension, subject to the below conditions and requirements associated with each stage.

3. Conditions and requirements associated with each stage.

3.1. Stage 1 - Conifer removal, reprofiling of bund and re distribution of soil

Proposal - The BGVA are proposing the removal of the Conifer using an independent contractor. They are also proposing to reprofile the soil bund that the conifer is currently sitting on, redistributing the soil onsite into sunken/lower areas. It is also proposed that these areas are seeded.

Conditional approval subject to - the prominent conifer being safely removed, 3 replacement trees being provided (detail to be determined), all other trees being protected from harm, the impact on the park is minimalised, future maintenance of the area is safe and economical and the Council is protected from any potential liability.

Reasons for conditions – to keep the public and workers safe, to ensure that other memorials and other trees are not damaged by works, to minimise financial risk, to retain the appearance and public use of the front of The Park.

Further satisfactory information/action required prior to commencement to satisfy Council requirements (indicative not exhaustive list)

- Provision of a comprehensive services plan.
- Provision of a tree plan showing root protection and canopy areas.
- Provision of plan showing new bund location, slope profiles, and soil deposit locations.
- Confirmation from planning that soil movement will/will not require planning permission.
- Provision of working methods, risk assessments, insurance.
- Correspondence from WCC showing they are aware/satisfied with removal methods.
- Signing of Licence prior to work commencing.

3.2. Stage 2 - Installation of 12 benches and associated hardstanding.

Proposal -The BGVA are proposing to install 12 benches in a circular arrangement around current and future memorial items and alongside the path into the woodland area. In the current sketch plan it is indicated that these benches will be located alongside a circular path/circular path sections, however we have been informed that the type and provision of a path is subject to funds. Planning permission has been gained for 13 benches conditional on a satisfactory plan being submitted regarding locations.

Conditional approval subject to - The benches being laid out in a formal circular arrangement and then going off into the woodland alongside the path. The benches being each installed with a hard surface base and connecting footpath where required and installation of benches and associated hardstanding avoiding damage to retained trees, particularly the Anti-Slavery Memorial Tree. A licence being gained for the installation and maintenance of the benches.

Reasons for these conditions - These requirements are in place to ensure that further formal symmetry is created complimenting the formal landscape, the benches are safe and accessible to use in all weathers, that retained trees, and existing memorials are suitably protected and so that features are installed and maintained without additional cost to the Council.

Further satisfactory information/action required prior to commencement to satisfy Council requirements (indicative not exhaustive list)

- Provision of a comprehensive services plan.
- Check of highways extent/NBBC boundaries.
- Provision of a tree plan showing root protection areas and canopy extent.
- Provision of detailed labelled landscape plan showing surfacing/path and bench locations.
- Provision of specification for paths and for bench base.
- Provision of bench specification inclusive of installation method.
- Provision of a delivery plan indicating what hard surfacing will be provided with each bench.
- Written confirmation gained that benches/path layout will satisfy the planning conditions.
- Provision of working methods, risk assessments, insurance for installations.
- Licence for installation and maintenance signed prior to work commencing.

3.3. Stage 3 Installation of the Memorial Wall.

Proposal – The BGVA are proposing to build a memorial wall with curved or octagonal features to reflect on the circular or octagonal features found nearby in the park. The current planning permission is for a wall that is approximately 2.5 m high and is conditional on the location being agreed.

Conditional approval subject to - The wall reflecting the octagonal or circular symmetry found in Riversley Park. The wall being installed with the necessary hard standing and paths as required. The wall avoiding impact to the Anti-Slavery Memorial Tree or other trees in the locality. The wall's design and location avoiding creating blind corners near paths or creating opportunities for graffiti. A licence must be gained for the installation and maintenance of the wall.

Reasons for these conditions – That the wall is accessible and safe for unsupervised public enjoyment, is installed and maintained without cost to the Council, and the position and form of the wall avoids increasing antisocial behaviour, crime, or fear of crime.

Further satisfactory information/action required prior to commencement to satisfy Council requirements (indicative not exhaustive list)

- Provision of a services plan.
- Check of highways extent/NBBC boundaries.
- Provision of a plan showing root protection areas and canopy extent.
- Provision of plan showing wall size, location and associated hardstanding/surfacing.
- Provision of wall specification (above and below ground) and sketch image of wall.
- Written confirmation that wall specification and position will satisfy the planning conditions.
- Provision of working methods, risk assessments, insurance for installations.
- Licence for installation and maintenance signed prior to work commencing.

3.4. Stage 4 Installation of a Memorial Statue

Proposal – The BGVA propose to erect a memorial statue up to 2m high. It is currently proposed that this statue will be bronze. The current planning permission for this item is conditional on materials of the statue being agreed.

Conditional approval subject to - The statue position and form adding formal symmetry in the park. Hardstanding being provided around and in the form of paths to the statue as required. The location, installation and anticipated use of the statue avoiding impacting the Anti-Slavery Memorial Tree or other trees in the locality. A licence for installation and maintenance of the statue and associated infrastructure being gained.

Reasons for these conditions – That the statue is attractive, accessible and safe for unsupervised public enjoyment and is installed and maintained without cost to the Council.

Further satisfactory information/action required prior to commencement to satisfy Council requirements (indicative not exhaustive list)

- Provision of a services plan.
- Check of highways extent/NBBC boundaries.
- Provision of a plan showing root protection areas and canopy extent.
- Provision of plan showing statue size, location and associated hardstanding/surfacing.
- Provision of statue specification (above and below ground) and associated image of statue.
- Written confirmation that statue specification/ position will satisfy the planning conditions.
- Provision of working methods, risk assessments, insurance for installations.
- Licence for installation and maintenance signed prior to work commencing.

4. Background

4.1. The BGVA wish to progress the extension of their memorial area in Riversley Park.

4.2. The proposed location of memorial extension sits within a general memorial location identified in the concept plan for Riversley park. The nature and extent of each memorialisation is not however defined in this plan.

4.3. The Gurkhas have gained planning permission for this memorial extension but now need to satisfy the planning conditions associated with their proposal and gain the Councils permission as landowner to proceed.

4.4. Extracts of The Planning Permission are contained in The Appendix pages 13-16 and includes for the below items.

13 benches.

1 bronze statue.

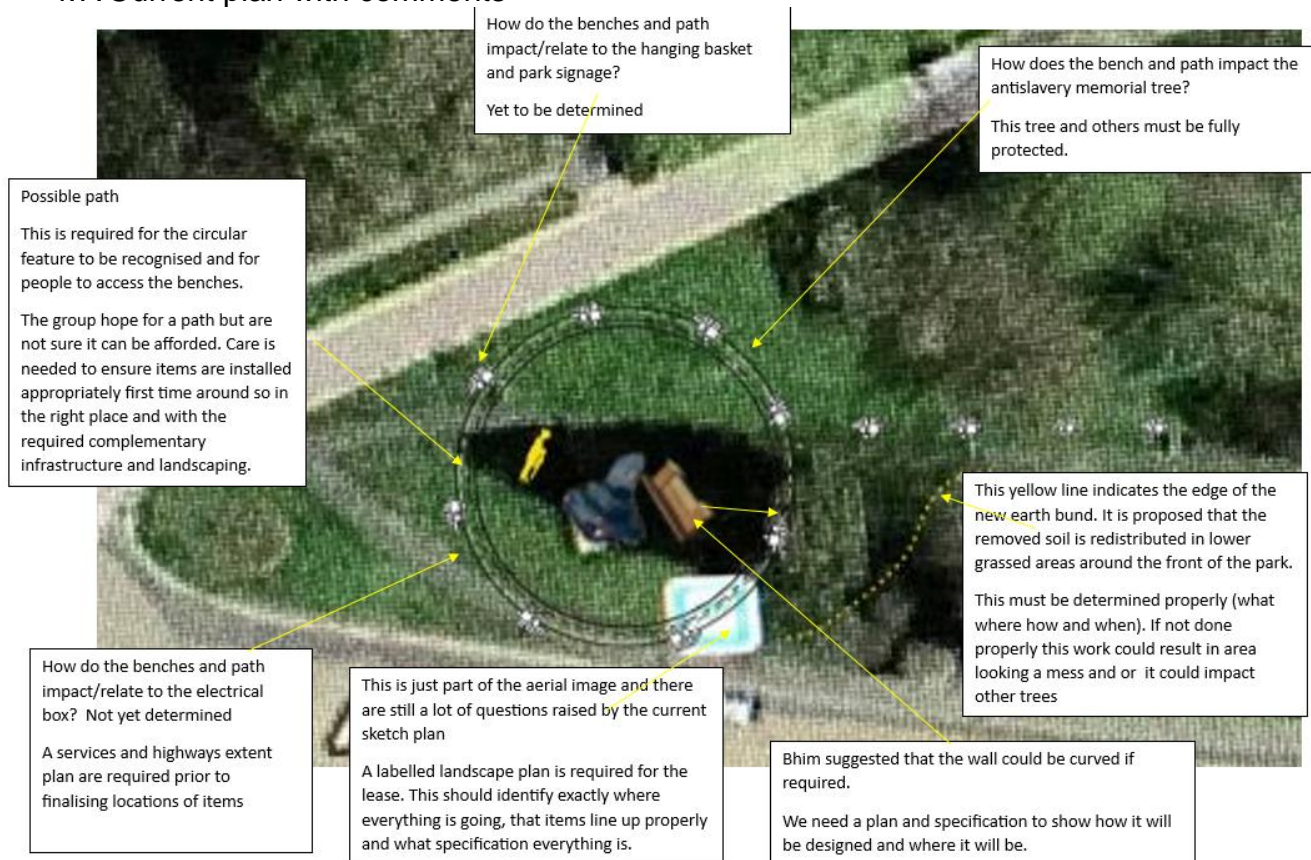
1 wall approx. 2.5 m high and 6.4m long.

Removal of a prominent large conifer and x2 two (small/medium) silver birch trees behind it.

4.5. Following consultation with the Parks and Greenspaces team, who raised some concerns, relating to road and pedestrian safety, aesthetics, tree retention, event management and antisocial behaviour, The Gurkhas have revised their plans to the below.

4.6. It is anticipated that the memorial extension will be completed in stages, as funds become available for each part.

4.7. Current plan with comments



4.8. Subject to approval, the BGVA will be required to enter into a licence agreement with the Council to deliver the agreed works and maintain them going forward.

4.9. The licence agreement should

- Include the specification and location of all memorial items.
- Include a plan showing the extent of the area under the control of the lease.
- Include details of the risk assessments completed for the installation, maintenance and use of all items
- Safeguard against any future costs associated with all installations, maintenance and identify future liability of all items.
- Outline that any further work required to make this area safe during events or to manage antisocial behaviour, will also be the responsibility of The Gurkha Group.

5. **Financial Implications**

5.1. This project will be fully funded and managed by the BGVA via a licence agreement so there should be no associated capital or revenue costs to the Council.

David Truslove
Parks & Greenspace Manager