

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COUNCIL

2nd December 2020

The meeting of the Nuneaton and Bedworth Borough Council was held on Wednesday, 2nd December 2020. Due to government guidance during the COVID-19 pandemic this meeting was held virtually at various remote locations and live streamed.

Present

The Mayor (Councillor J. Tandy)
The Deputy Mayor (Councillor W.J. Hancox)

Councillors J.B Beaumont, K. Brindley-Edwards, D. Brown, S. Croft, G. Daffern, S. Doughty, P.M. Elliott, K. Evans, D. Gissane J. Glass, C. Golby, S. Gran, J. Gutteridge, L. Hocking, J.A. Jackson, K.A. Kondakor, A. Llewellyn-Nash, I.K. Lloyd, B. Longden, B. Pandher, N.J.P. Phillips, G.D. Pomfrett, M. Rudkin, A. Sargeant, J. Sargeant, J. Sheppard, T. Sheppard, R. Smith, R. Tromans, H. Walmsley, C. Watkins and K.D. Wilson.

CL21 **Minutes**

RESOLVED that the minutes of the meeting held on 16th September 2020 and the continuation meeting held on 5th October, were approved and signed by the Mayor with an amendment to reflect Councillor Llewellyn-Nash's votes being noted on all items.

CL22 **Declarations of Interests**

RESOLVED that the Declarations of Interests for this meeting are as set out in the schedule attached to these minutes with the amendments requested by Councillors Phillips and J. Sheppard.

CL23 **Announcements**

The Mayor requested a minutes silence as a sign of respect for those no longer with us due to the ongoing COVID-19 pandemic.

CL24 **Public Participation**

Question/Statement 1

Mr Sam Margrave submitted the following question to the Leader of the Council:

Please can the Leader, Cabinet member or appropriate officer of the Council tell us tonight; and publish online, which Councillors no longer reside in this Borough or are not currently on the electoral roll or not eligible to be local government electors for the Borough of Nuneaton and Bedworth ; and when those Councillors moved out of Nuneaton, Bedworth or Bulkington or ceased to be currently on, or not eligible to be on the electoral roll, and the qualification for eligibility criteria that all Councillors currently are on the electoral roll under?

Councillor Julie Jackson, Leader of the Council responded:

The answer is: no we can't. This is for a number of reasons:

Publication of the electoral roll is strictly controlled by law. It is open to inspection but cannot be reproduced online. Importantly, it is unlawful to be able to search the register by name, as it is a property based register.

The consent to nomination which is completed during the nomination process giving the reason to eligibility of a candidate is open for inspection at the close of nomination and up until the day before poll. After this time, nominations are not available for inspection and are destroyed 12 months later. This information is, therefore no longer available.

The only information the Council publishes is in connection with Members' declarations of interest, which can be viewed on the Council's website.

However, members can request, in certain circumstances, that their address be withheld. This would be, for example, there is a risk of harm or intimidation to the member or their family.

Question/Statement 2

Mr Lee Downs submitted the following question to the Leader of the Council:

Could the Council please inform me, how much money it wasted on seeking legal advice in banning Councillor Evans from speaking at the last Full Council after the Mayor wouldn't let him speak?

I believe the Council had to take legal advice from a QC after the meeting to determine whether it was legal for the Council to ban Councillor Evans from speaking, if this is the case could the council please state how much it cost?

Councillor Julie Jackson, Leader of the Council responded:

The question in relation to the lawfulness of the motion passed by full council to silence Cllr Evans from speaking further at the meeting on 16th September was raised by Councillor Evans himself , as a result it was deemed appropriate to seek independent legal advice from a barrister to support the advice given by officers of the Council alongside other issues that had arisen in that meeting. The barrister is not a QC but was suitably qualified and advises local authorities in such matters regularly. There was no separate fee sought for this advice specifically.

Question/Statement 3

Mrs Ann Brown submitted the following question to the Leader of the Council:

I recently read in an Audit and Standards Committee report that the Council decided to override the decision of a Full Council Budget meeting by increasing the menu at the Civic Hall Bistro, this was due to the Council receiving a petition. From my recollection the petition at the time was an online petition which the Council bans residents from using. Could I ask Cllr Ian Lloyd whether the petition submitted to the Councils regarding the Civic Hall Bistro was a petition submitted in accordance with the Councils Petition Scheme?

Councillor Ian Lloyd, Portfolio Holder for Arts & Leisure responded:

It is understood a hard copy petition was forwarded to the Managing Director as the nominated Petitions Officers in January 2018 and it was dealt with in accordance with the Borough Council's Petition Scheme as an "Ordinary Petition.

Question/Statement 4

Mrs Michele Kondakor submitted the following question to the Leader of the Council:

The rates of Covid Infection, particularly in North Warwickshire and Nuneaton and Bedworth, has led to the whole County being in Tier 3 restrictions. The Covid Recovery Plan that went to Cabinet made little reference to the current Second Wave or tackling any 'hot-spots' such as those recently seen in Bedworth. How, specifically, are the Borough Council working with the County Council to help those wards with high rates of Covid, to reduce the rates and get the Borough and County into tier 2, and hopefully quickly into Tier 1?

Councillor Julie Jackson, Leader of the Council responded:

The aim of the COVID Recovery Plan is to support all areas of the borough in recovering from the COVID-19 pandemic rather than dealing with the response to the second wave. For that, we are working closely with Warwickshire County Councils Public Health Team, as the statutory body, and have an Incident Management Team in place which meets weekly. This team reviews current case data and trends, and agrees actions to take forward to help reduce the case rates in the borough. This includes a wide range of communications being sent to our residents on a regular basis. Most recently we have sent targeted text messages to thousands of residents to highlight the increase in cases in their area and encourage them to follow the government guidelines closely. We have also written a joint letter to all schools and have worked with schools and local businesses in particular hot spots to display posters with COVID awareness messages. We are now working with Public Health to implement targeted community testing, which will run alongside drive-through and walk-in tests sites, both of which currently operate from borough council buildings. All of this of course still relies on our residents following the latest government guidelines and tier 3 restrictions to reduce our case numbers.

Question/Statement 5

Mr Jeff Langsbridge submitted the following question to the Portfolio-holder for Planning, Public Protection & Health, Councillor John Beaumont:

How very disappointed i was to hear that this councils planning committee's decision to refuse the application for North Warwickshire and Hinckley college had been overturned by the planning inspectorate.

Last year we were told with confidence by the ruling labour group that if we adopted a local plan , we would be able with ease stop big development, especially in green spaces outside of the plan until the current plan ends.

Big problems ahead one thinks given it is only just shy of 18 months into a plan that has 11 years to go. Given the current situation would it maybe a good idea too speed ahead with the " Review" of the local plan housing targets as promised by a previous full council vote. It could be said that the current worrying situation is like going back in time to [2015](#) when the then portfolio holder for planning and ex councillor Danny Aldington claimed that not having a plan in place left the planning committee "POWERLESS" regards major developments.

There seems no point to residents in actually having the current inflated numbers within the plan, if the council cannot maintain a five year land supply, which, could you tell me, currently stands at ?

Councillor John Beaumont, Portfolio Holder for Planning, Development & Health responded:

The Council's current 5 year land supply position stands at 5.135 years. This position was challenged at the North Warwickshire and Hinckley College planning appeal and the planning inspector did not determine to change the position.

With respect to the adopted Borough Plan the housing figures identified in the Plan are a minimum. The requirement for the figures to be a minimum was inserted by the Borough Inspector and is commonplace in Local Plans across the country.

With respect to a Borough Plan Review the Council have committed to undertaking this, and the first round of consultation is scheduled for May 2021. Under planning legislation there are statutory steps the Council must follow to ensure that the Plan can be found sound. These steps will, in part, determine the speed at which a review can be undertaken. In addition the Council are keen to ensure suitable public involvement is incorporated in the review, which again will have a bearing on the timescales for completing the review.

Question/Statement 6

Mr Carl Mayer submitted the following statement to the Leader of the Council:

Given that the ruling Labour group have not listened to one single resident of this borough regards the local plan since its existence, its ever likely the brains behind the plan have all gone, it could be alleged that they could see what the future would bring. It's really time for the borough plan committee

that thus far has been as much use as a chocolate tea pot to step up to the plate and review immediately and stops dragging its feet, especially given the stern work done by local campaigner on exposing ONS miscalculated figures on housing targets for the area, i'm pretty sure some of you would have read it in the Guardian.

Many months ago this council voted to review its housing targets within its local plan, then after some waffle of excuses from the previous portfolio holder for planning we have ended up nowhere fast, currently i understand the reason for not reviewing, is that we are awaiting the results of a Government consultation, oddly this doesn't seem to affect other parts of council planning business which seem unaffected and roar on with gusto. During a recent single member for planning meeting the debate was laughable, with certain participants in the ruling labour group not understanding the difference between consultation proposals and the actual result that will occur when the Government white paper is adopted to law. The highlight of the debate was when councillor Glass after the usual rhetoric about the Tories and developers being involved in developers charter was told by an officer that under the current Government consultation proposals mechanism the housing targets would be far less than the one councillor Glass voted to adopt, given the duty to cooperate is proposed to be scrapped, this would instantly reduce this councils housing targets by 4020 dwellings. The review is needed as soon as possible for many reasons especially given the lack of progress with the adopted plan itself which seems to be becoming to big to handle, and with the recent loss of an appeal against development at the college in Hinckley road its seems to suggest that the very basic reasons we were told by the ruling group that we needed a plan has been lost after a mere 18 months and the developers with sites not within the plan are circling above the planning committee like vultures smelling the insecurity and powerlessness we were told by the portfolio holder for planning and the chair of the planning committee would be a thing of the past. It could be said that this plan has already run out of ideas regards functioning properly and that the five year land supply has fallen below its five year legal requirement?

Councillor John Beaumont, Portfolio Holder for Planning, Development & Health declined to respond.

Question/Statement 7

Mr Lubs Cvetvokic submitted the following statement to the Leader of the Council:

During the October half term holiday the Borough Council organised a scheme to provide meals and hampers for families who had children on free school meals. Why therefore were the only places you could get a hamper from based in Nuneaton, while in Bedworth there was only provision to pick up packed lunches? In Bulkington there was no provision for Packed lunches or hampers, depriving several dozen families of food they were entitled too. For a Bulkington based resident to go to Nuneaton for a Hamper would have cost £6.10 return bus fare. I and many others in our community found this

unacceptable that some of the most financially disadvantaged were not given easy access to an essential service.

Once again (and not for the first time) Bulkington has been forgotten by this Borough Council, this time to the detriment of children who had to go without food. I have written to the Council about this matter and received an acknowledgement of my complaint, but a month later I have heard nothing further. I would like the leader of the Council to assure me that Bulkington will NOT be overlooked during the Christmas holidays and that outlets will be found within the village that will supply lunches and hampers for the most vulnerable.

Furthermore, could I also once again ask that these sorts of schemes are not just publicised on the Borough Councils Social media, as many do not read or follow NBBC on Social media. Could you please take the time to write to schools or individuals making them aware that this help and support is available.

Councillor Julie Jackson, Leader of the Council responded:

The provision of Free School Meals is a County Council responsibility, but given the issues nationally and locally around the October half-term, the Council supported a local project in Nuneaton to be able to increase the amount of support they were able to give. We did approach similar projects in Bedworth but found that they were already adequately supported and did not need any further assistance. We did agree to promote the schemes that they were offering to encourage take-up. In terms of Christmas, the government has now provided a COVID Winter Grant Scheme which is to provide support for those families who would normally access a Free School Meal. This will be delivered by Warwickshire County Council so I'm not able to confirm whether there will be a scheme specifically in Bulkington or how the scheme will be promoted. However, we continue to work with our Voluntary and Community Sector locally to identify any gaps in support and how the borough council may be able to support them.

Question/Statement 8

Corinne from the Bulkington Residents Voice submitted the following statement to the Leader of the Council:

The Council assured residents of this Borough that once the Borough Plan was adopted that we would have a housing land supply which would take us over the 5-year threshold and would protect and safeguard the Borough from further approaches by developers. It seems that this is not the case as North Warwickshire College has now been given permission to build further houses which are outside the plan. Why is this Council intent on over developing this Borough. It feels like once again this Council has been dishonest and underhanded with the residents on this emotive matter.

It is now time to start the promised review of the Borough Plan as a matter of urgency. You did not get the Government guidance that you expected last month giving you the green light to build, build, build. Instead, we see

Coventry City Council come under pressure to review their numbers by both local Labour and Conservative MP's. Surely now is the time to admit that the plan you have put in place is not fit for purpose and the numbers it is based on are flawed and need to be urgently reviewed. It is time to cull at least 4,000 houses from the Borough Plan, starting with the Coventry allocation

Councillor John Beaumont, Portfolio Holder for Planning, Development & Health

With respect to the North Warwickshire and Hinckley College planning decision the Planning Committee refused permission. The applicant appealed the decision which is within their gift. While the Council defended its position the Planning Inspector decided to grant the permission.

With respect to the adopted Borough Plan the housing figures identified in the Plan are a minimum. The requirement for the figures to be a minimum was inserted by the Borough Inspector and is commonplace in Local Plans across the country.

With respect to a Borough Plan Review the Council have committed to undertaking this, and the first round of consultation is scheduled for May 2021.

CL25 Special Urgency Decisions

The Chair reported that the Executive Director – Operations and Executive Director - Resources had exercised their delegated authority, pursuant to Regulation 13 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 & the Openness of Local Government Bodies Regulations 2014, due to urgency, between 24th September 2020 and 12th October 2020 in order to continue the business of the Council and provide financial support to the community during the COVID-19 virus pandemic.

RESOLVED that the Special Urgency Decisions taken under delegated officer authority by the Executive Director – Operations, and Executive Director – Resources on 24th September 2020 and 12th October 2020, as detailed in the agenda, be noted.

CL26 Cabinet

The Leader of the Council submitted her report on behalf of Cabinet. The report highlighted matters considered at the Cabinet meetings held on the 14th October and 11th November 2020 and also details of reports from the West Midlands Combined Authority Board, which had a direct impact on NBBC, namely the Board meetings of 18th September and 13th November 2020.

Several questions were raised to which the Leader of the Council, or the appropriate Portfolio Holder, gave a response.

RESOLVED that the report be noted.

CL27 **Recommendations from Cabinet and Other Committees**

a) Report Of The Climate Change Emergency Working Party.

Councillor Watkins moved the recommendations of the report, seconded by Councillor Phillips.

A recorded vote was taken on the recommendations of the report

Abstain: Councillors K. Brindley-Edwards, D. Brown, S. Croft, K. Evans, D. Gissane, C. Golby, S. Gran, J. Gutteridge, A. Llewellyn-Nash, B. Pandher, R. Smith, R. Tromans, H. Walmsley, K. Wilson

For: Councillors J. Beaumont, G. Daffern, S. Doughty, P. Elliott, J. Glass, W.J. Hancox, L. Hocking, J. Jackson, I. Lloyd, B. Longden, N.J. Phillips, G. Pomfrett, M. Rudkin, A. Sargeant, J. Sargeant J. Sheppard, T. Sheppard, J. Tandy, C. Watkins

Against: Councillor K. Kondakor

The motion was approved.

Councillor Jackson moved that Councillor Watkins be nominated to attend the Warwickshire wide Climate Change Group as a representative of the Council. This was seconded by Councillor Hancox.

Councillor Evans proposed an amendment to the proposal, that Councillor Brown be nominated. This was seconded by Councillor Tromans.

A recorded vote was taken on the amendment.

For: Councillors K. Brindley-Edwards, D. Brown, S. Croft, K. Evans, D. Gissane, C. Golby, S. Gran, J. Gutteridge, K. Kondakor, A. Llewellyn-Nash, B. Pandher, R. Smith, R. Tromans, H. Walmsley, K. Wilson

Against: Councillors J. Beaumont, G. Daffern, S. Doughty, P. Elliott, J. Glass, W.J. Hancox, L. Hocking, J. Jackson, I. Lloyd, B. Longden, N.J. Phillips, G. Pomfrett, M. Rudkin, A. Sargeant, J. Sheppard, T. Sheppard, J. Tandy, C. Watkins

Abstain: Councillor J. Sargeant.

The amendment was lost.

A vote was taken on the motion.

Councillor Evans, Councillor Kondakor and Councillor A. Sargeant requested that their vote for the amendment be recorded in the minutes.

They are as follows:

Councillor Evans – Against.

Councillor Kondakor – Against.

Councillor A. Sargeant – For

The motion was carried.

RESOLVED that:

- a) the Action Plan drawn up by the Climate Change Working Group (attached as Appendix A of the report) be approved;
- b) and Councillor Watkins be nominated to attend the Warwickshire wide Climate Change Group supported by an appropriate officer.

b) Member Allowances – Appointment Of The Independent Remuneration Panel

A vote was taken on the motion. The motion was carried.

RESOLVED that

- a) Warwickshire & Solihull Community & Voluntary Action be asked to nominate a representative to the Independent Remuneration Panel; and
- b) the Constitution be amended accordingly.

c) Question Submitted by Councillor Evans To Audit & Standards Committee

Councillor Evans moved the following motion:

“This Council resolves to delete articles 4.19.3 and 4.19.4 from the Constitution with immediate effect”

Councillor Croft seconded the motion.

A recorded vote was taken.

For: Councillors K. Brindley-Edwards, D. Brown, S. Croft, K. Evans, D. Gissane, C. Golby, S. Gran, J. Gutteridge, K. Kondakor, A. Llewellyn-Nash, B. Pandher, A. Sargeant, J. Sargeant, R. Smith, R. Tromans, H. Walmsley, K. Wilson

Against: Councillors J. Beaumont, G. Daffern, S. Doughty, P. Elliott, J. Glass, W.J. Hancox, L. Hocking, J. Jackson, I. Lloyd, B. Longden, N.J.

Phillips, G. Pomfrett, M. Rudkin, J. Sheppard, T. Sheppard, J. Tandy, C. Watkins

Upon the Mayor using her casting vote the amendment was lost.

The motion was lost.

d) Treasury Management – Mid Year Review – 2020/21

Councillor Jackson moved to note the report.

Councillor Lloyd seconded the motion.

A vote was taken was Councillor Jackson's motion

The motion carried.

RESOLVED that

(a) the Treasury Management – Mid-Year Review – 2020/21 be noted;
and

(b) A message of thanks be sent to the Council's Finance Team and be put on record.

e) Licensing Act 2003 – Statement of Licensing Policy 2021

Councillor Hancox moved the recommendation from the Licensing Committee.

A vote was taken on the recommendation.

Councillor Evans requested his vote be recorded.
Councillor Evans - For

The motion was carried.

RESOLVED that the Statement of Licensing Policy be adopted.

CL28 **Questions by Members**

Question 1

Councillor Kyle Evans will ask the following question of the Portfolio Holder for Housing & Communities

In accordance with the Crime & Policing Act 2014, the Council can issue Community Protection Notices in order to deter anti-social behaviour across the Borough. Could the Portfolio Holder please inform me how many Community Protection Notices the Council has issued the 1st January 2020?"

Councillor Chris Watkins, Portfolio Holder for Housing & Communities responded:

The Council has not issued any Community Protection Notices since 1st January 2020, in relation to Anti-Social Behaviour. However, the Council has issues since January

- 63 warnings (advising the perpetrator to cease the unwanted behaviour)
- 23 notices (to seek possession of the property due to persistent ASB)
- 3 injunctions (to seek possession of properties due to ASB)

In partnership with the Police:

- 14 warnings (advising the perpetrator to cease the unwanted behaviour)
- 5 notices (CPN's – usually decided via the ASB Partnership meeting)

Question 2

Councillor Keith Kondakor asked the following question of the Leader of the Council Councillor Julie Jackson:

Over the last 4 years I have been reading the minutes of the Coventry and Warwickshire Local enterprise partnership board meetings and have been concerned by lack of recorded input from our borough council representative when they attend. We are not using the opportunity of a place on the LEP board strongly enough to get a more successful and sustainable borough. Now that LEP agendas are published before board meetings take place, can myself and a few members from other parties have an informal meeting with our representative ahead of each LEP board meeting to discuss items on the LEP board agenda?

Councillor Julie Jackson, Leader of the Council responded:

As always I am happy to speak with fellow Councillors. However I will not be arranging specific meetings before each LEP Board meeting

Question 3

Councillor Neil Phillips will ask the following question of the Portfolio Holder for Housing & Communities

With reference to the Cleaver Gardens area, where I know you have done a lot of work could you tell me if the WCC Councillor for the area has spent any of his delegated budget to help improve the area with you because I understand that he has been asking for improved parking facilities for the football areas to be marked out to stop people parking and emergency work to the highway.

Councillor Chris Watkins, Portfolio Holder for Housing & Communities responded:

Thank you for your question Councillor Phillips, since becoming Cabinet member for Housing and Communities in 2019 I have been very involved in all the work that we have been doing. When we started doing the slabs to tarmac work at Cleaver Gardens I went to take a look at the excellent work that was being done on not only the slabs to tarmac work but also the surround groundwork that was being done to compliment this work. I also noticed that the public footpaths, public roadway, drains and streetlighting was in a poor state of repair so I started to ask questions about this.

It would seem that the estate was applied for by NUNEATON BOROUGH COUNCIL to be built back in 1974-76 and was finished in 1978 and so all the roads, paths, drains and streetlights should have been taken over by WCC and maintained at public expense when it was finished some 42 years ago under THE HIGHWAYS ACT 1980. I asked officers to start conversations with WCC about this and asked for some information myself and we are now in talks with WCC about the adoption of Cleaver Gardens. I also found out that the Councillor for the area who keeps making demands of emergency work to be done, parking areas for football players and areas to be marked out for no parking has £130,266 in his delegated budget account which is for "HIGHWAYS IMPROVEMENTS" and so he could have and should have spent some of this money on improving the area along with all the work NBBC are doing.

To finish up Councillor Phillips, I am very proud of all of the work that NBBC staff do to improve the areas and lives of people in the Borough and by working with WCC in the future I hope that we can look at and solve many more problems rather than misleading people and not doing the work.

Mayor