

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COUNCIL

5th October 2020

A continuation meeting of the Nuneaton and Bedworth Borough Council was held on Monday, 5th October 2020. This meeting was a continuation of the adjourned Council meeting held on 16th September, 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, 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.

Apologies were received from K. Brindley-Edwards who had recently welcomed her first child, Albert George Brindley-Edwards.

Councillor Tromans moved a motion as follows:

“It is resolved that the Council is incapable of holding a reasonable debate or even a meeting in accordance with the Council Constitution and that accordingly the Chief officers should contact the Ministry of Housing, Communities and Local Government to request that Commissioners be appointed to take over running of the Council until the next election”

Following legal advice, the Mayor ruled that this motion could not be taken.

CL19 Recommendations from Cabinet and Other Committees

a) General Fund, Housing Revenue Account (HRA) and Capital Programme Outturn 2019/20

Councillor Kondakor moved an amendment to the recommendation as follows:

"That the council approves the General Fund and HRA capital fund report to cabinet subject to the council publishing a detailed progress report on the fire safety works in the housing capital programme within 4 weeks of this meetings and provide regular updates until the works are complete "

Councillor Wilson seconded the amendment by Councillor Kondakor

Councillor Golby moved a procedural motion in accordance with Part 4a of the constitution to adjourn the meeting in order to investigate alleged voting irregularities that may have occurred in the previous meeting held on 16th September 2020 of which this meeting is a continuation of.

Councillor Walmsley seconded Councillor Golby's procedural motion to adjourn the meeting.

**A recorded vote was taken on Councillor Golby's procedural motion
For: Councillors 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**

Against: Councillors J. Beaumont, G. Daffern, S. Doughty, P. Elliott, J. glass, W.J. Hancox, L. Hocking, J. Jackson, k. Kondakor, I. Lloyd, B. Longden, N.J. Phillips, G. Pomfrett, M. Rudkin, J. Sheppard, t. Sheppard, J. Tandy, C. Watkins

Abstention: A. Sargeant and J. Sargeant

Councillor Golby's motion was lost.

A vote was taken on Councillor Kondakor's amendment

Councillor Evans and Councillor Kondakor requested that their vote for the amendment be recorded in the minutes

Councillor Kondakor's amendment was lost.

RESOLVED that the updated General Fund and HRA Capital Programmes for 2020/21 as attached at Appendix E of the report be approved.

b) Annual Treasury Management Report 2019/20

Councillor Evans requested that his vote for the recommendations be recorded in the minutes.

RESOLVED that

- i) the actual 2019/20 Treasury and Prudential Indicators detailed in the report and summarised in Appendix 1 of the report be approved; and
- ii) the Annual Treasury Management Report for 2019/20 be noted.

c) General Fund and Housing Revenue Account Quarterly Budget Monitoring Report Q1 2020/21

Councillor Wilson moved the following amendment

‘amend table 9.9 to remove reduction in opening hours and substitute that the In Touch is ceased, with a saving of £27k’

Councillor Brown seconded the amendment

A vote was taken on the amendment

Councillor Evans, Tromans, Walmsley and Wilson requested that their votes for the amendment be recorded in the minutes

The amendment was lost

Councillor Golby moved the following amendment:

‘amend table 9.9 to remove the words reduction in opening hours of the contact centre’

Councillor Wilson seconded the amendment

A vote was taken on Councillor Golby’s amendment

Councillors Evans, Gutteridge, Llewellyn-Nash, Walmsley and Wilson requested their vote for the amendment be noted in the minutes

Councillor Golby’s amendment was lost

RESOLVED that

- i) The virements for the General Fund as para 9.9 of the report be approved; and
- ii) The revised capital programme for the General Fund and HRA for 2020/21 as detailed at Appendix D of the report be approved.

d) Updated Statement of Community Involvement (SCI) - Adoption

Councillor Wilson moved the amendment that the report be deferred to such a time when it has been updated correctly.

Councillor Golby seconded the motion

A vote was taken was Councillor Wilson’s amendment

Councillors Evans, Llewellyn-Nash, Walmsley, and Wilson requested that their votes for the amendment be included in the minutes.

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

Councillor Beaumont moved the following alteration:

2.3 Subject to 2.2 above and before publication, delegated authority be given to the Head of Planning, in consultation with the Portfolio holder for Planning, Development & Health to update Appendices A, C & E of the adopted Statement of Community Involvement to reflect the consultee bodies currently in existence.

Councillor Jackson seconded the amendment

A vote was taken on the amendment

Councillor Evans requested that his vote against the amendment be recorded in the minutes

The amendment was carried which then became the substantive motion.

The Mayor moved in accordance with Part 4A.12 of the constitution to move standing orders to the end of agenda item 10 and that the remaining Member Questions receive a written response. Councillor Lloyd seconded the motion.

A vote was taken on the moving of standing orders

Councillors Evans, Kondakor, Llewellyn-Nash, Walmsley and Wilson requested that their vote against the moving of standing orders be recorded in the minutes.

The motion to end the meeting at agenda item 10 was carried.

Councillor Hancox moved the procedural motion that Council move to the vote in respect of the substantive motion on the Statement of Community Involvement. Councillor Phillips seconded the procedural motion.

A vote was taken on the procedural motion

Councillor Evans, Llewellyn-Nash, Walmsley and Wilson requested that their votes against the procedural be recorded in the minutes.

A vote was taken on the substantive motion.

Councillors Evans, Kondakor, Llewellyn-Nash and Wilson requested that their votes against the substantive motion be recorded in the minutes.

Councillors Glass and Phillips requested that their votes for the substantive motion be recorded in the minutes.

The vote was carried.

RESOLVED that

- a) the Statement of Community Involvement be adopted and the Statement of Community Involvement be published on the Council's website.
- b) Subject to the above and before publication, delegated authority be given to the Head of Planning, in consultation with the Portfolio holder for Planning, Development & Health to update Appendices A, C & E of the adopted Statement of Community Involvement to reflect the consultee bodies currently in existence.

e) **Local Development Scheme (LDS) update**

Councillor Wilson moved the following amendment:

2.2 delete "Car Parking Standards SPD (2003)" and insert "Transport Demand Management Matters SPD (2020)"

Councillor Smith seconded the amendment

A vote was taken on the amendment

Councillor Evans and Llewellyn-Nash requested that their votes for the amendment be recorded in the minutes

The amendment was lost

RESOLVED that

- i) The Local Development Scheme at Appendix A of the addendum be approved; and
- ii) The Local Development Scheme be published on the Council's website

CL20 **Questions by Members**

Question 1

Councillor S. Gran submitted the following question to the Portfolio Holder for Planning, Development and Health:

The Planning Committee unanimously refused the application behind 99 Woodlands Road in the name of A R Cartwrights (erection of 9 dwellings). Can the Portfolio Holder confirm that if the applicant does appeal this decision through the Planning Inspectorate, then the Council will send legal representatives to defend the decision of the Committee?

Councillor J. Beaumont, Portfolio Holder for Planning, Development and Health gave the following written response:

Planning application 036687 for 9 dwellings and associated infrastructure was determined by Planning Committee on the 25 August 2020. The recommendation was for refusal for the reasons set out within the officer report. Planning Committee refused permission and the applicant can decide

to appeal. The reason for refusal relates to highways and it is relevant that in this case Warwickshire County Council failed to respond to an updated request for information. However, the Council did receive three previous objections from highways which informed the recommendation.

The failure to respond to the additional request for information puts the decision making authority in a difficult position and in this instance the planning authority has had to make a decision without the benefit of updated technical comments. To date we have not received an appeal. Should the council receive one we will defend the position. However, it is relevant to consider that the appeal may not take the form of an inquiry, it could be via written representations or a hearing. We would request the County Council highways to provide information and if a hearing or inquiry were to take place we would expect them to attend. Should highways comments mean that the reason for refusal no longer stands then we would need to re consider our position, which may mean we present an update report to Planning Committee with an alternative recommendation. If the appeal goes to an inquiry, the Council will be legally represented.

Question 2

Councillor D. Brown submitted the following question of the Portfolio Holder for Arts and Leisure:

Official figures show that 82,000 meals were discounted across Bedworth and North Warwickshire as part of the Government's 'Eat Out to Help Out' scheme. Could the Portfolio Holder for Arts and Leisure tell me how many discounted meals were sold at the Civic Hall Bistro under the scheme and whether the Bistro has increased its takings as a result of its participation in the Governments 'Eat Out to Help Out scheme'?

Councillor I. Lloyd, Portfolio Holder for Arts and Leisure gave the following written response:

The Civic Hall supported 148 meals during the 'Eat Out To Help Out' scheme, maintaining the social distancing required to meet the Government guidelines. The need to reduce the number of tables from existing 17 to 7 reduced the ability to maximise income opportunities. However, the scheme was welcomed and positively supported by local residents that did take part and verbally detailed they felt secure in coming into the Bistro.

Question 3

Councillor K. Kondakor submitted the following question to the Portfolio Holder for Arts and Leisure:

Around 160 residents of the borough have died with Covid 19 so far and it has been very difficult for relatives and friends. Many people are helped by having somewhere to go to remember someone special. For some that is a formal memorial, while others have benches and trees. For example, there was a very successful memorial tree planting at Hartshill Hayes. Both our parks are expected to have a makeover soon. Can the borough council look at having a memorial somewhere like Riversey Park and can we allow residents to have memorial trees and benches in suitable open spaces?

Councillor I. Lloyd, Portfolio Holder for Arts and Leisure, gave the following written response:

COVID-19 is changing the way our families, friends & indeed, our wider neighbourhoods interact together and for some unfortunately, this has also meant the loss of a loved one. Such a loss can be difficult to come to terms with & having somewhere to remember them, can be an important part of the healing process. As such, I have asked Officers to investigate potential locations for a memorial & also look at ways we could facilitate the placing of both memorial trees & benches within our green spaces.

Question 4

Councillor K. Evans submitted the following question to the Portfolio Holder for Planning, Development and Health

Last month, British Telecom consulted the Council's Planning Department on the removal of seven public telephone boxes across the Borough, the Council had the power to veto BT's attempts to remove these telephone boxes. Those on the list for removal include the telephone boxes on Pine Tree Road, Bedworth (15 calls per month), Astley Lane/ Smorrall Lane, Bedworth (21 calls per month) and Somers Road, Keresley (27 calls per month). Could I ask the Portfolio Holder why, despite his previous promises, Ward Councillors were not consulted about BT's plans, why the Planning Department decided not to object to the removals despite its power to veto, and why the Council did not carry out a public consultation regarding this matter like Stratford upon Avon District Council?"

Councillor J. Beaumont, Portfolio Holder for Planning, Development and Health gave the following written response:

Thank you for your question. Following the departure of the Head of Planning the consultation from British Telecom was received into the planning department. The officers dealing with the matter were unaware of the consultation protocol and responded to say that, from a planning perspective, there were no objections to the proposal. However, the officers were made aware of the protocol and advised me of the error. I immediately requested that the response be withdrawn and arrangements made to consult with ward Councillors. The response from the Council was withdrawn immediately. The consultation doesn't end until 25th October and I believe that arrangements are in place to consult ward Councillors in accordance with the Council's protocol.

Mayor