

NUNEATON AND BEDWORTH BOROUGH COUNCIL

COUNCIL

16th September 2020

The meeting of the Nuneaton and Bedworth Borough Council was held on Wednesday, 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, 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.

CL11 **Minutes**

RESOLVED that the minutes of the meeting held on 15th July 2020, were approved and signed by the Mayor.

CL12 **Declarations of Interests**

RESOLVED that the Declarations of Interests for this meeting are as set out in the schedule attached to these minutes.

CL13 **Announcements**

The Leader of the Council, Councillor Julie Jackson, announced that as from 16th September 2020, Councillor Neil Phillips would be resigning from his position as Cabinet member of Planning, Development and Health. Councillor Julie Jackson would be covering his portfolio until a new Cabinet member is selected.

CL14 **Business deferred from Council – 17th February 2020**

a) **Review of Polling Districts and Polling Places**

A report from the Returning Officer was submitted at the 17th February 2020 Full Council meeting to review comments received arising from the Polling Station Review. The recommendations put forward in the report were as part of the Electoral Commission's best guidance practice that a survey be undertaken on the 7th May 2020, polling day, to obtain customer feedback on potential improvements, location/site highlighted in the consultation. However due to the COVID-19 pandemic the election has been postponed till May 2021.

RESOLVED that the review of the Polling Districts and Polling Places report be brought back to Council for consideration at the September 2021 Full Council meeting when the survey data has been collected and analysed.

b) Questions from Members

A question remained from the meeting held on 17th February 2020 from Councillor K. Evans to the Leader of the Council who in the interim sent a written reply. A copy of the question and answer are noted below:

"Nuneaton & Bedworth Borough Council as a district Council in Warwickshire has the statutory right to sit and vote on the Warwickshire Police & Crime Panel; however, since the start of the municipal year the Borough has not had representation on the Panel for over half of the meetings. The Panel has a crucial role in scrutinising the work of the Police & Crime Commissioner and policing in Warwickshire. Can the Leader of the Council please inform me why our representative has only attended two meetings since May, why a substitute has not been sent in his place, and will she consider appointing another Councillor amongst us this evening who will actually turn up?"

The Leader of the Council, Councillor Julie Jackson replied as follows:

"Thank you for your question.

All Councillors do their utmost to attend meetings but on occasion we do sometimes get ill at short notice. I confirm that I will not be replacing Councillor Watkins on the Warwickshire Police and Crime Panel."

CL15 Public Participation

Question/Statement 1

Mr Karl Mayer (Woodland Action Group) submitted the following statement:

At last weeks cabinet meeting on the 9th September the portfolio holder for planning councillor Neil Phillips spoke of the need for NBBC to put the community infrastructure levy or CIL has it's known to be put out for public consultation, could the action group remind councillor Phillips that this has already been done when this council put the local plan out for public consultation in what we believe was 2015. The public consultation in 2015 included NBBC putting on a series of exhibitions at Goodyear's End school and the civic hall in Bedworth explaining the various implications of what the local plan would deliver, part of which was the councils CIL promises to charge developers £50 per square metre on sites above 298 dwellings. Another public consultation on something the public has already been consulted on is another waste of money and proof that councillor Phillips is not up for the job. It really is time for councillor Phillips to resign his post of

portfolio holder for planning and let someone more capable take over, given at the last full council he voted for something he has openly admitted in public was dangerous, his excuse for doing so was that he was voting for the whole sites concept plans on block although i think it was councillor Walmsley had suggested a vote on sites individually. The action group suggests to councillor Phillips that he concentrates if carrying on as the portfolio holder for planning with the review of housing targets before this councils dwindling 5 year land supply falls short of the laws 5 year land supply and brings back major problems we the residents were promised would go away with a local plan to Councillor Hancox's planning committee.

Councillor J. Jackson, Leader of the Council responded as follows:

The Cabinet meeting on 9 September it was agreed to a period of public consultation on a potential Community Infrastructure Levy. It is important that the Council obtain the view of the public and other interested stakeholders in the preparation of planning policy documents. With respect to the Community Infrastructure Levy, consultation has previously been undertaken. However this consultation is dated and it is necessary for the Authority to undertake further consultation. This is required because the proposals contained in this consultation are different from the previous version. It is therefore appropriate to obtain feedback on the revised proposals. In addition should the Council decide move towards adopting a Community Infrastructure Levy it will need to be independently examined by the Planning Inspectorate. To do so the Council's evidence and consultation needs to be up to date.

Question/Statement 2

Mr Lubs Cvetovic submitted the following statement:

In this years NBBC budget a sum of £5,000 was allocated to celebrate the 75th Anniversary of VE Day across the Borough. As this event did not go ahead due to Covid 19 restriction I would like to know what plans the Council has for this money and if the Council would consider allowing local veterans charities to access these fund?

Councillor J. Jackson, Leader of the Council, responded as follows:

'It is very unfortunate that the Council was not able to go ahead with it's plans for the VE Day celebrations due to the COVID-19 restrictions in place at the time. The pandemic is forecast to cost the Council in the region of £3.5m this year and so at this stage the £5k saving will need to go towards balancing the budget this year in such exceptional circumstances. However, we will ensure the budget is available next year so that the Council can support events to support VE Day in 2021.'

Question/Statement 3

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

At last weeks Cabinet, two of the items on the agenda were the general fund revenue account and the report of the Climate Change Emergency Working Party. One of the obvious things that was missing from both items was mention of the Mayor's car. Given that during the civic year 2019-2020, the cost of the Mayor's car and driver was close to £21,000, including invoices for ludicrously short journeys and hours paying the driver to wait around, for example a trip to Coton Road costing the Borough £142, with the driver being on duty for 7 hours. Why is this not even being discussed as it would help balance the budget as well as helping to tackle the climate emergency we are facing?

Councillor J. Jackson, Leader of the Council responded as follows:

Thank you for your question. I can confirm that I had already asked officers to review the arrangements with the Mayor's car, in light of the restrictions on social gatherings. No decision has yet been taken. As you can imagine, the impact of the pandemic on Council suppliers has been significant and so the options are being weighed up very carefully, with an eye to the future. I'm afraid I can't share too much information at this stage, until a final decision is made on the matter. However, the Council's declaration of a climate emergency will form part of those deliberations.

Question/Statement 4

Mr Jeff Langbridge submitted the following question to the Portfolio Holder of Planning, Development and Health:

At last month's planning committee the members voted for the officers recommendations for refusal of 9 dwellings at 99 Woodlands road Bedworth, the reasons for refusal were that WCC highways objected as did this councils own planning policy team.

Question.

Could councillor Neil Phillips give the worried residents a guarantee that if the applicant appeals to the inspectorate that this council will use a planning barrister like they did at the local plan examination to defend the planning committees correct decision?

Councillor J. Jackson, Leader of the Council, responded as follows:

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 have to reconsider 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.

CL16 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 21st July 2020 and 29th July 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 21st July 2020 and 29th July 2020, as detailed in the agenda, be noted.

CL17 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 22nd July and 9th September 2020 and also details of reports from the West Midlands Combined Authority Board, which had a direct impact on NBBC, namely the Board meeting of 24th July, 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.

CL18 Devolution White Paper And Review Of Local Government In Warwickshire

The Executive Directors – Resources and Operations submitted a report to Cabinet on the 9th September, 2020 to provide an update on the latest developments on the devolution agenda. Cabinet at the meeting proposed a motion to Council which is included in the addendum to the agenda.

Councillor K. Wilson moved an amendment to the motion put forward by Cabinet:

KEEP:

“Council notes that Warwickshire County Council Cabinet has voted to submit plans to government for a single Warwickshire Unitary Authority.”

DELETE REST OF MOTION AND INSERT:

“The Council resolves that in the next phase of work to shape a future model for local government in Warwickshire, conversations should take place at all levels, including with residents, based on the following principles:

- (a) Double devolution – moving influence and power closer to communities, levelling up health and wellbeing and tackling inequalities;**
- (b) Ensuring that Climate Change and adaptation are built into a new model of local government;**
- (c) Achieving better value for our taxpayers;**
- (d) Simplified governance with clear, accountable leadership;**
- (e) Co-design of the model is undertaken; and**
- (f) A balance of local focus with a strategic approach when needed.**

In addition, this Council regrets the decision of the Leader of Nuneaton and Bedworth Borough Council to approach the Leader of Coventry City Council to discuss merging the Borough into Coventry without consulting members and local residents, and despite any evidence base.”

Councillor C. Golby seconded the amendment

Councillor I. Lloyd moved in accordance with Council procedural rules section 4.13.11 that the amendment be moved to the vote. Councillor G. Pomfrett seconded the motion.

A vote was taken on the procedural motion to move to the vote.

Councillor K. Evans, H. Walmsley and K. Wilson wished to place their vote against the procedural motion to be recorded in the minutes.

Upon using the Mayor’s Casting vote the motion to move to the vote was carried.

A recorded vote on the amendment put forward by Councillor K. Wilson was taken as follows:

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

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

Abstentions: Councillor K. Kondakor

The amendment was lost.

Councillor J. Beaumont moved the procedural motion in accordance with Council procedural rules section 4.13.11 that the substantive motion be moved to the vote. Councillor G. Pomfrett seconded the motion.

Councillor K. Kondakor moved the following amendment to the added to substantive motion

‘Any reform must be put to the public via either some form of referendum or citizens assembly.’

Councillor K. Wilson seconded the amendment

Councillor P. Elliott moved the procedural motion to move to the vote. Councillor J. Beaumont seconded the motion.

A vote was taken on the amendment proposed by Councillor Kondakor

The vote was carried. The amendment was moved to be added as part of the substantive motion.

Councillor K. Kondakor moved in accordance with Part 4A.12 of the constitution to suspend standing orders to 9.30pm. Councillor G. Pomfrett seconded the motion

A vote was taken and the suspension of standing orders to 9.30pm was carried.

Councillor J. Tandy moved in accordance with the constitution part 4.19.3 that Councillor K. Evans be not heard further in the meeting. Councillor J. Jackson seconded the motion.

A recorded vote was taken:

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

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

ABSTENTIONS: None

Upon the Mayor using her casting vote the motion was carried that Councillor Evans be heard no further in the meeting.

Councillor J. Tandy moved the procedural motion to move to the vote on the substantive motion.

A recorded vote was taken on the substantive motion:

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

AGAINST: Councillors K. Brindley-Edwards, D. Brown, S. Croft, K. Evans, D. Gissane, S. Gran, J. Gutteridge, B. Pandher, A. Sargeant, J. Sargeant, R. Smith, H. Walmsley, and K. Wilson

ABSTENTIONS: Councillor C. Golby, K. Kondakor, A Sargeant, J. Sargeant and R. Tromans

The substantive motion was carried.

RESOLVED that Council notes that Warwickshire County Council cabinet has voted to submit plans to government for a single Warwickshire Unitary authority. Council expresses regret that Warwickshire County Council has decided to do this without regard for the views of districts. Council does not understand the rush, given the Government white paper on devolution is not yet published. This Council resolves to call on the County Council Full Council to withdraw the proposals and begin a full, open and transparent discussion on the future of local government with all stakeholders, including district councils, once the white paper is published.

In light of the County Councils plan, Council believes the status quo has now been put at risk and if local government reform is to happen then a solution that best protects the interests of our residents should be developed. Council therefore resolves to continue to work with the district and boroughs in Warwickshire to explore all the options available with a view to submitting detailed plans to government once the options appraisal and public consultation has been completed.

Any reform must be put to the public via either some form of referendum or citizens assembly.

The meeting had reached the agreed 9.30pm finish time and therefore a continuation meeting would be arranged in accordance with the constitution.

Mayor