

NUNEATON AND BEDWORTH BOROUGH COUNCIL

CABINET

26th July 2023

A meeting of Cabinet was held on Wednesday 26th July, 2023 in the Council Chamber which was recorded and uploaded onto the Council's website.

Present

Councillor C. Golby (Deputy Leader and Housing and Communities)
Councillor S. Croft (Finance and Corporate)
Councillor J. Gutteridge (Health and Environment)
Councillor S. Markham (Public Services)
Councillor R. Smith (Planning and Regulation)

CB18 **Apologies**

Apologies received for Councillor K. Wilson (Leader and Business and Regeneration (Chair)

CB19 **Declarations of Interest**

RESOLVED that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes. In addition, the following was declared:

Councillor R. Smith declared in relation to Item 8 of the agenda that he is a trustee of the Bulkington Sports and Social Club therefore he would not participate in the debate nor vote on this item.

CB20 **Minutes**

RESOLVED that the minutes of the Cabinet meeting held on 21st June 2023, be approved, and signed by the Chair.

CB21 **Bedworth Civic Hall**

The Assistant Director – Recreation and Culture provided a report setting out the recommendations from the OSP meeting on 28th June 2023 following an accepted 'Call In' on the area/definition of 'Third Sector Model' articulated in Council Minute CL40 on 6th December 2022

Councillor C. Golby made a declaration of contact on this matter by way of members of the public who sent her personal messages via social media platforms regarding the Civic Hall and published them on social media pages.

RESOLVED that

- a) the Council Minute of CL40 be not amended at this time;
- b) Delegated Authority be given to the Strategic Directors – Finance & Governance and Economy & Transformation in consultation with the Assistant Director Recreation & Culture and Portfolio Holder for Public Services to undertake the selection exercise to award a lease agreement in accordance with the timetable as set out at Appendix 2 from 27th July 2023; and
- c) Delegated Authority be given to the Strategic Directors – Finance & Governance and Economy & Transformation in consultation with the Assistant

Director Recreation & Culture and Portfolio Holder for Public Services to award a lease agreement to the successful bidder.

Speakers:

Rachel Hardy,

Steven Young,

Janet Batterbee,

Joanne Browning,

Nikki Smith,

Michele Kondakor,

Statement received by Jackie Hall which was pre-circulated to Cabinet.

Councillor Keith Kondakor

Options

Accept recommendations in full

Do not accept recommendations

Reasons

Following the delay in advertising the opportunity for a potential lease agreement for the Civic Hall (Venue) as presented to Cabinet on 24th May due to call-in, the formal selection exercise in accordance with the legislation and guidance that is being followed in this instance be approved to commence for the venue, as per Appendix B of the report.

CB22 Playing Pitch and Outdoor Sports Strategy (PPOSS) 2023

The Assistant Director –Recreation and Culture submitted a report to Cabinet recommending the adoption of the NBBC Playing Pitch and Outdoor Sports Strategy 2023

RESOLVED that

- a) the Playing Pitch and Outdoor Sports Strategy 2023 as at Appendix C be adopted; and
- b) the Playing Pitch and Outdoor Sports Strategy Action Plan 2023 in Appendix D be adopted

Speakers:

Peter Smith,

Michele Kondakor

Councillor Keith Kondakor

Options

Adopt the Strategy

Do not approve the Strategy

Reasons

- the 2023 Playing Pitch and Outdoor Sports Strategy (PPOSS) provides a clear, strategic framework for the maintenance and improvement of existing outdoor sports pitches and ancillary facilities in Nuneaton and Bedworth,
- it looks at developments or proposals in relation to playing pitches,

- the existing PPOSS strategy was last completed in 2016 and required a total refresh to provide up to date evidence and data for the Borough.

CB23 Lease and Licence Agreement – Bulkington Sports and Social Club

A report of the Assistant Director – Recreation and Culture was submitted to Cabinet to seek approval for Bulkington Sports and Social Club to enter a renewed lease for the self-management of the pavilion and a licence of use for the sports facilities within Bulkington Recreation Ground.

NB: Councillor Richard Smith did not take part in the debate nor voted on this matter (see Declarations of Interest above)

RESOLVED that

- a) a renewed lease agreement with revised terms for the pavilion be approved for a period of 35 years
- b) a new licence agreement for sports pitches be approved as detailed in Appendix A of the report; and
- c) Delegated Authority be given to the Strategic Director – Economy & Transformation in consultation with the Head of Regeneration and Estates, the Assistant Director – Recreation and Culture and Portfolio Holder for Health and Environment to negotiate the terms of the lease agreement.

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

Accept the recommendations in full.
Request additional information.

Reasons

The current lease expired in November 2022 and therefore there is a requirement for the Council to review the terms of the current lease and the format that is required within this for the future to maximise external funding opportunities and improve the pitch playing surfaces.

CB24 Leisure Operator Procurement Update

A report by the Assistant Director – Recreation & Culture and the Assistant Director – Democracy & Governance was submitted to Cabinet to provide an update on the progress of the Leisure Operator Procurement for the operation of Council Leisure facilities within the Borough.

RESOLVED that

- a) the Leisure Operator Procurement update be noted;
- b) a 12 month extension to the current Leisure Contract be approved; and

- c) Delegated Authority be given to the Strategic Director – Public Services in consultation with the Assistant Director – Democracy & Governance and Assistant Director – Recreation & Culture and Portfolio Holder for Public Services to negotiate the terms of the contract extension.

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

Accept the recommendations in full
Request additional information
Do not accept the recommendations

Reasons

The Leisure Operator Procurement process began in October 2021 with soft market testing. Then a series of Member Workshops have taken place to discuss and agree key priorities for the proposed new Leisure Management Contract as Leisure is a key strategic outcome for the Council, supporting residents with opportunities for improvements in their health and wellbeing. Due to the pausing of the Bedworth Physical Activity Hub (BPAH) project, a decision is required on the timings of the re-procurement of the Leisure contract and it is recommended that a 12-month extension is given to the incumbent operator.

CB25 Statement of Community Involvement

A report from the Assistant Director – Planning was submitted to Cabinet for approval of the new Statement of Community Involvement for adoption at the September full council.

RESOLVED that it be recommended to Council that the Statement of Community involvement be adopted.

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

To recommend with or without amendments, or to not recommend

Reasons

To comply with the Town and Country Planning (Local Planning) (England) Regulations 2012, which state that local authorities must review their Statement of Community Involvement (SCI) every five years, and whilst the SCI was reviewed in 2020, this was simply to include coronavirus amendments, and therefore the document has not been subject to a more in-depth review since 2015.

CB26 Borough Plan Review

A report of the Assistant Director – Planning was submitted to Cabinet to update Members on the Borough Plan Review and associated draft documents forming the new Local Plan and to recommend that Cabinet approve the review process so that it can continue to Regulation 19 (Publication) Stage. In addition, the report

included recommendations to Cabinet on the Main modifications to the Gypsy and Traveller Site Allocations Development Plan Document (DPD) and addendum to the DPD's Sustainability Appraisal required by the Planning Inspector can be consulted upon.

RESOLVED that

- a) the Regulation 19 public consultation stage for the Borough Plan Review be progressed including the draft DPD, draft appendices listed in 6.1 of the report and other evidence base documents over a period of 6 weeks in September/October 2023;
- b) the Assistant Director for Planning be given Delegated Authority to make any amendments necessary to the documentation in consultation with the Portfolio Holder for Planning & Regulation up to the public consultation stage;
- c) the Main Modifications required to the Gypsy and Traveller Site Allocations DPD be approved and to progress to public consultation on the Main Modifications and Sustainability Appraisal Addendum as required by the Planning Inspector; and
- d) the Assistant Director for Planning be given Delegated Authority to amend further the DPD, Main Modifications and Sustainability Appraisal Addendum in consultation with the Portfolio Holder for Planning & Regulation as may be required by the Planning Inspector.

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

To approve the recommendations.
To not approve the recommendations and recommend an alternative.

Reasons

To enable the Council to comply with the requirements of the Planning and Compulsory Purchase Act 2004 (as amended) and in line with timetable established within the Local Development Scheme.

CB27 General Fund Revenue Outturn 2022/23

The Strategic Director – Finance & Governance provided a report to Cabinet to update on the final revenue outturn position on the General Fund for 2022/23.

RESOLVED that

- a) the forecast outturn position and key variances be noted; and
- b) the earmarked reserve balances be approved

Speakers

Michele Kondakor
Councillor Keith Kondakor

Options

To accept the report or request further information on the outturn position

Reasons

The Council is required to achieve a balanced budget each year

CB28 HRA Revenue Outturn 2022/23

The Strategic Director – Finance & Director provided a report to Cabinet to provide detail regarding the Housing Revenue Account outturn position for 2022/23.

RESOLVED that

- a) the outturn position and key variances be noted; and
- b) the earmarked reserves balances be approved.

Speakers

Councillor Keith Kondakor

Options

To accept the report
Request further information on the outturn position.

Reasons

The Council is required to achieve a balanced budget each year.

CB29 Capital Outturn 2022/23

The Strategic Director – Finance & Governance provided a report to Cabinet on the final Capital Outturn position on the General Fund and Housing Revenue Account (HRA) for 2022/23.

RESOLVED that

- a) the final capital outturn position for 2022/23 for the General Fund and HRA be noted;
- b) the updated capital budget for 2023/24 as detailed in Appendix 2 of the report be recommended for Council approval; and
- c) the Capital reserve position at the end of 2022/23

Speakers

Councillor Keith Kondakor

Options

To accept the report
Request further information on the outturn position.

Reasons

To ensure the Council has an accurate capital budget.

CB30 Collection Fund 2022/23

The Strategic Director – Finance & Governance provided a report to Cabinet detailing the outturn position on the Collection Fund for 2022/23, detail of which has been shared with Warwickshire Preceptors.

RESOLVED that the Collection Fund position as detailed in the report be approved.

Speakers

None

Options

To note and accept the position on the Collection Fund as to be reported in the 2022/23 Statement of Accounts

Reasons

To enable the Statement of Accounts to be finalised for 2022/23

CB31 Annual Treasury Management Report 2022/23

The Strategic Director – Finance & Governance submitted a report to Cabinet detailing the results of the Council's Treasury Management activities for 2022/23 as required by the Prudential Code.

RESOLVED that it be recommended to Council that

a) the actual 2022/23 Treasury and Prudential Indicators detailed in this report and summarised in Appendix 1 of the report be approved; and

b) the Annual Treasury Management Report for 2022/23 be noted.

Speakers

Councillor Keith Kondakor
Councillor Richard Baxter-Payne

Options

None

Reasons

It is a requirement of the CIPFA Prudential Code for the Treasury Outturn to be reported to Council annually following review by the Cabinet

CB32 Local Levelling Up Plan Update

The Strategic Director of Economy and Transformation submitted a report to Cabinet on the progress of the Local Levelling Up Plan for the Borough of Nuneaton and Bedworth which the Council is developing in partnership with Warwickshire County Council.

RESOLVED that the report be noted.

Speakers

Councillor Keith Kondakor

Options

Note the report; or

Provide feedback to the Strategic Director of Economy and Transformation around alternative action.

Reasons

Following the Levelling Up and Regeneration Bill 2022, Warwickshire County Council has begun work on a County Wide Levelling Up plan. The key focus of the work is to improve the lives, health and outcomes of the residents of the County. The work is done in partnership with NBBC and is at a pre-engagement stage.

CB33 Corporate Building Maintenance Framework 2023 - 2027

The Principal Building Surveyor submitted a report to Cabinet to seek approval for the creation of a Corporate Building Maintenance Framework for works on Corporate, Civic and Commercial (Non HRA) buildings.

RESOLVED that

- a) a procurement exercise for a Corporate Building Maintenance Framework for works on Corporate, Civic and Commercial (Non HRA) buildings be undertaken: and
- b) Delegated Authority be given to the Strategic Director – Economy and Transformation to award a new Building Maintenance Framework and enter into Framework Agreements with multiple contractors.

Speakers

None

Options

Accept the recommendation

Do Nothing: this may place the Council in breach of its Contract Procedure Rules and Financial Standing Orders

Reasons

To ensure ongoing compliance with Contract Procedure Rules, Financial Standing Orders and to contribute to the discharge of our duty to comply with Health & Safety legislation.

CB34 Recommendations From Overview and Scrutiny Panels

None

CB35 Any Other Items

Bedworth Physical Activity Hub (BPAH) Update

The Assistant Director – Recreation & Culture submitted a report to Cabinet providing an update on the above following the project being ‘paused’ after notification from the selected contractor that the revised cost to deliver the project are now detailed at being just under £34M.

RESOLVED that

- a) Delegated Authority be given to the Strategic Director for Economy & Transformation and Strategic Director for Finance & Governance in consultation with the Assistant Director for Recreation & Culture and the Portfolio Holder for Public Services and Portfolio Holder for Environment & Health, to formalise contractual terms to construct a new pedestrian crossing point in Bedworth and a new connecting footpath into the Miners' Welfare Park;
- b) Delegated Authority be given to the Strategic Director for Public Services, in conjunction with the Cabinet Member for Public Services and the Cabinet Member for Finance & Corporate, to seek/apply for any other appropriate sources of funding to support the BPAH project; and
- c) a further update report be brought by officers to advise of outcomes of discussions with existing funding partners, delivery of the BPAH and if applicable any applications that may have been made for any other appropriate sources of funding.

Speakers

Councillor Keith Kondakor

Options

Accept the recommendations

Do not accept the recommendations

Request additional information

Reasons

The Council at this time cannot afford any additional prudential borrowing to the value to meet the shortfall in the project costs. Further borrowing will expose the Council to a significant risk given the current financial strain the authority is under to provide a balance budget and its Medium-Term Financial Planning strategy (MTFP).

The delivery of the new crossing is part of the outcomes required for the LUF submission. Funding to support this delivery has been received.

Chair

PUBLICATION DATE: 15TH AUGUST 2023

DECISIONS COME INTO FORCE: 23RD AUGUST 2023

Cabinet - Schedule of Declarations of Interests – 2023/2024

	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
	S. Croft	Employed at Holland & Barrett Retail Ltd	Treasurer of the Conservative Association Member of the following Outside Bodies: <ul style="list-style-type: none"> • Champion for Safeguarding (Children and Adults) • Local Government Superannuation Scheme Consultative Board West Midlands Employers	
	C. Golby		Member of Warwickshire County Council Membership of Other Bodies: <ul style="list-style-type: none"> • Nuneaton and Bedworth Safer and Stronger Communities Partnership • Nuneaton and Bedworth Community Enterprises Ltd. • Nuneaton and Bedworth Home Improvement Agency • Safer Warwickshire Partnership Board • Warwickshire Housing and Support Partnership • Warwickshire Police and Crime Panel • George Eliot Hospital 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			<p>NHS Trust – Public/User Board</p> <ul style="list-style-type: none"> • George Eliot Hospital NHS Foundation Trust Governors • District Leaders (substitute) • Local Enterprise Partnership (substitute) • Coventry, Warwickshire and Hinckley and Bosworth Joint Committee (substitute) 	
	J. Gutteridge		<p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Warwickshire Health and Wellbeing Board • Age UK (Warwickshire Branch) • Committee of Management of Hartshill and Nuneaton Recreation Ground • West Midlands Combined Authority Wellbeing Board <p>Member of NABCEL</p>	
	S. Markham	County Councillor – WCC (Portfolio Holder for Children’s Services)	<p>Governor at Ash Green School</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • Nuneaton and Bedworth Sports Forum • Warwickshire Direct Partnership • Warwickshire Waste Partnership • Sherbourne Asset Co Shareholder Committee • Hammersley, Smith and Orton Charities 	
	R. Smith		<p>Chairman of Volunteer Friends, Bulkington;</p> <p>Trustee of Bulkington Sports and Social Club;</p> <p>Director of NABCEL;</p> <p>Member of the following Outside Bodies:</p> <ul style="list-style-type: none"> • A5 Member Partnership; • PATROL (Parking and Traffic Regulation Outside of London) Joint Committee; • Building Control Partnership Steering Group • Bulkington Village Community and Conference Centre • West Midlands Combined 	

	Name of Councillor	Disclosable Pecuniary Interest	Other Personal Interest	Dispensation
			Authority and Land Delivery Board	
	K.D. Wilson	Acting Delivery Manager, Nuneaton and Warwick County Courts, HMCTS, Warwickshire Justice Centre, Nuneaton	<p>Deputy Chairman – Nuneaton Conservative Association</p> <p>Corporate Tenancies: properties are leased by NBBC to Nuneaton and Bedworth Community Enterprises Ltd, of which I am a Council appointed Director.</p> <p>Representative on the following Outside Bodies:</p> <ul style="list-style-type: none"> • Director of Nuneaton and Bedworth Community Enterprises Ltd (NABCEL) • Coventry, Warwickshire and Hinckley & Bosworth Joint Committee • District Council Network • Local Government Association • Director of Coventry and Warwickshire Local Enterprise Partnership Ltd (CWLEP) • West Midlands Combined Authority 	