

## **NUNEATON AND BEDWORTH BOROUGH COUNCIL**

### **CABINET**

**11<sup>th</sup> January 2023**

A meeting of Cabinet was held on Wednesday 11<sup>th</sup> January, 2023 in the Council Chamber which was recorded and live streamed.

### **Present**

Councillor K. Wilson (Leader and Business and Regeneration (Chair))  
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)

#### **CB86 Chairs Announcements**

The Chair wished everyone a Happy New Year

#### **CB87 Apologies**

None

#### **CB88 Declarations of Interest**

**RESOLVED** that the Declarations of Interest for this meeting are as set out in the Schedule attached to these minutes.

#### **CB89 Minutes**

**RESOLVED** that the minutes of the Cabinet meeting held on 7<sup>th</sup> December 2022, be approved, and signed by the Chair.

#### **CB90 Procurement of Electricity**

A report by the Strategic Creditors and Procurement Manager was submitted to cabinet seeking approval to award a new service contract with the Eastern Shires Purchasing Organisation [ESPO] as agents for the procurement of electricity from 1<sup>st</sup> October 2024 until 20<sup>th</sup> September 2028, and an electricity supply contract for the same period via its public sector framework for the supply of the electricity.

**RESOLVED** that the Borough Council awards a new service contract with the Eastern Shires Purchasing Organisation [ESPO] as agents for the procurement of electricity from 1 October 2024 until 30 September 2028 and a supply contract for the same period via its public sector Framework for the supply of the electricity.

#### **Speakers:**

Peter Smith  
Councillor Keith Kondakor

#### **Options**

Accept the recommendations; or

Do not approve the recommendation and seek an alternative procurement agent for electricity or undertake our own procurement tendering exercise, both of which

presents risks of non-supply or financial uncertainty.

Reasons

To allow the Council to benefit from the economies of scale as part of a consortia purchasing arrangement, obtaining fixed rates for each 12-month period, a comprehensive bill validation service, industry updates including pricing, market risks, forthcoming challenges as well as opportunities for potential green tariff transition.

The Council currently does not have the optimal level of capacity or industry knowledge to procure electricity itself due to the complexities of the market. Furthermore, doing so would reduce economies of scale and present a risk of non-supply as the Council in isolation would not be attractive enough to attract sufficient competition in a tender exercise.

CB91 **Water Safety Policy**

The Director – Public Services submitted a report to Cabinet seeking approval for the adoption of the Councils Water Safety Policy.

**RESOLVED** that the Water Safety Policy be approved

**Speakers:**

Peter Smith

Sue Tonks

Ruth Kennedy submitted a written statement as she was unable to attend the meeting therefore her statement was circulated to Cabinet prior to the meeting and attached to the minutes at Appendix 1.

Councillor Keith Kondakor

Councillor Brian Hammersley

Options

Accept the recommendation

To not accept the recommendation

Reasons

This policy document provides clarity to management, officers and contractors when undertaking water safety inspections and associated activities.

CB92 **Arrangements for Short Notice Burials**

The Director – Public Services seeking approval to adopt the Arrangements for Short Notice Burials Policy.

**RESOLVED** that the Arrangements for Short Notice Burials Policy be adopted.

**Speakers:**

None

Options

Accept the recommendations in full; or

Do not accept the recommendations

Reasons

To provide clarity to the applicant, Cemetery's Officer and contractors when undertaking a Short Notice Burial.

**CB93 Bedworth Physical Activity Hub**

The Director – Public Services submitted a report to Cabinet providing a Leisure Development update in relation to the Bedworth Physical Activity Hub (BPAH). This was following a notification from the selected construction company, that the revised project cost to deliver the project would now be £34M. Due to the increased costs and the subsequent financial strain this will place the council under by extending prudential borrowing by a further £6/7M, it was recommended to Cabinet that the Borough Council delay any further work on the BPAH project at this time.

**RESOLVED** that

- a) any further work be delayed by the Borough Council on the BPAH project at this time, whilst additional funding streams are sought;
- b) Officers be instructed to formally consult with DLUHC as to options available for the £14.95M grant and changes to the agreement with them that would allow a staged approach to constructing the BPAH;
- c) Officers liaise with Sport England as to the confirmed capital funding approved and changes to the project delivery that would allow a staged approach to constructing the BPAH;
- d) Officers identify any other sources of external funding that could support in delivering the BPAH;
- e) delegated authority be given to the Director - Public Services, in conjunction with the Cabinet Member for Public Services and the Cabinet Member - Finance and Corporate, to apply for any other appropriate sources of funding as soon as practicable; and
- f) a further update report be brought back to Cabinet to advise of outcomes of discussions with current and other potential external funding partners and if applicable any applications that may have been made for any other appropriate sources of funding.

**Speakers:**

Councillor Keith Kondakor

Options:

To accept the recommendation in full  
Do not accept the recommendations

Reasons:

The Council at this time cannot afford any additional prudential borrowing to the value of £6/7M, 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).

**CB94 Recommendations from Civic Honours Sub-Committee**

**a) Street naming in Honour of Simon Valentine**

A report on the above was submitted to the Civic Honours sub-committee held on 5<sup>th</sup> December 2022. At this meeting recommendations were made to Cabinet for consideration and approval.

**RESOLVED** that

- i) a section of Rye Piece Ringway between the traffic islands and Coventry Road be renamed in honour of Sergeant Simon Valentine
- ii) delegated authority be given to the Director – Planning & Regulation in consultation with the Chair to confirm the precise name of the road and implement the proposal.

**Speakers:**

Councillor Keith Kondakor

**b) Nuneaton and Bedworth Award of Merit**

A report on the above was submitted to the Civic Honours sub-committee held in 5<sup>th</sup> December 2022 on the arrangements for the Nuneaton and Bedworth Award of Merit. From this, recommendations to Cabinet were made for consideration and approval.

**RESOLVED** that

- i) the arrangements for the Nuneaton and Bedworth Award of Merit as set out in Appendix A of the report, with the amendments as set out in the minutes of the Civic Honours sub-Committee be approved; and
- ii) delegated authority be given to the Director – Customer & Corporate Services in consultation with the Cabinet Member for Finance and Corporate to implement the approved arrangements.

**c) Any Other Items**

At the meeting of the Civic Honours sub-committee on 5<sup>th</sup> December a recommendation was made to Cabinet under Any Other Business for the Chief Executive to convene an Extraordinary Council to vote upon the nomination of Dave Leach for Freeman of the Borough for his service to the Council for over 27 years.

**Speaker:**

Councillor Keith Kondakor

**RESOLVED** that the Chief Executive be requested to convene an Extraordinary Council to vote upon the nomination of Dave Leach for Freeman of the Borough for his service to the Council for over 27 years.

CB95 **Recommendations From Overview and Scrutiny Panels**

a) **Business, Regeneration and Planning OSP – 8<sup>th</sup> December 2022**

At its meeting the panel considered a petition received by the Council 'Keep the Nuneaton Lilypad Fountain in its current location between Queens Road, Market Place and Coventry Street Station' and after debate the recommendation to Cabinet was proposed that the decision made by Cabinet to remove the fountain be supported.

**Speaker:**

Councillor Keith Kondakor

**RESOLVED** that the above recommendation be noted.

CB96 **Any Other Items**

None

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Chair

**PUBLICATION DATE: 20<sup>TH</sup> January, 2023**

**DECISIONS COME INTO FORCE: 30<sup>TH</sup> JANUARY 2023**

## Statement from R. Kennedy

To whom it may concern

I am writing to you regarding the Nuneaton and Bedworth BC meeting that I understand is due to take place tomorrow (Wednesday 11th January 2023). I have recently been made aware that a proposal is to be motioned banning people from entering any body of open water within the borough. I strongly oppose this and believe it to be the wrong decision.

I believe this ban is in response to the tragic events that happened recently at Babbs Mill Pool. What happened there is undeniably an absolute tragedy that no-one wants to see repeated anywhere if it can be avoided. However, I don't think banning those children from the water would've prevented it. For all we know the three boys who were family had already been banned from going down there anyway? Would a ban really prevent inquisitive children from exploring the ice? Would a ban have prevented an unrelated 12 year old boy out walking with his grandfather from entering the water in an attempt to save them? And in so doing also losing his own life? I think the way forward to this is education.

I am a child of the 1970s and 1980s. When I was growing up we saw infomercials that taught us not to climb pylons to retrieve frisbees or kites, not to play in dumped fridges or freezers, not to take sweets from strangers and not to play on ice. We seem to have lost that somewhere along the way and don't educate our young people in these dangers and instead when tragedy happens we look to someone to blame and think that by implementing a ban we are keeping people safe.

People die on our roads on a daily basis. The response to this is not to ban roads and to rarely ban drivers. Instead the police response is to educate. The Speed Awareness courses offered to drivers has been enormously successful in reducing road deaths and getting drivers to reevaluate their responsibility behind the wheel of a car.

Why can't we take this approach with Open Water? I'm sure the police have way better things to do with their time than respond to this ban. You only have to look on posts on Social Media to see people complaining about the police not responding to crimes they have reported. They are a vital resource that is already thinly stretched. A unnecessary ban like this only stretches them further.

I know that liability is also a factor so I'm not proposing encouraging people to enter bodies of water. However, nowhere in Europe (or the world) is more prohibitive than England. Scotland and Wales are both far more progressive with this regard and people are responsible for themselves. You can't turn on the television at the moment and avoid the popularity of Open Water Swimming. The health benefits are well documented and relieves the pressure on our NHS. People swim both for the mental health benefits as well as the physical ones. I know people who swim to self-medicate, not needing to

call upon the help of this already pushed to breaking point service. However, places where swimming is allowed is so restricted people end up breaking rules or worse still; swimming in rivers which are far more dangerous.

I avoid using buzz phrases like "Cold Water Shock Kills" as to the average person statements like this are meaningless. Instead I tell people "The shock of cold water can cause a heart attack. However, the bigger problem is the involuntary gasp you make when your body enters cold water. If you make that gasp when your face is submerged your lungs will fill with water and you'll sink. Always enter cold water slowly. Time how long you are in. Never swim alone and always have someone on land who knows where you are and how long you've been in for"

I swim in one of many quickly growing Open Water Swimming groups in the Midlands. We educate all of our members and would happily work with yourselves to come up with an educational alternative to a ban.

Also, please consider local Scouting groups who sometimes have sessions on the canal with their canoes - where does this leave them? Paddle boarding is also booming in popularity, wouldn't it be nice to see people doing this on the river through Riversley Park on a sunny day? That would be a far more positive view of this town than anything that carries a danger being banned.

We wouldn't teach sex education through abstinence as it would be seen as irresponsible. The antisocial element is always going to exist whether or not there is a ban in place, so why should the antisocial few ruin it for the responsible many?

Many thanks for reading and I hope my points are considered in this decision.

Kindest regards  
Ruth Kennedy

## Cabinet - Schedule of Declarations of Interests – 2022/2023

	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"> <li>- Housing matters</li> <li>- Statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992</li> <li>- An allowance, payment given to members</li> <li>- An indemnity given to members</li> <li>- Any ceremonial honour given to members</li> <li>- Setting council tax or a precept under the Local Government Finance Act 1992</li> <li>- Planning and Licensing matters</li> <li>- Allotments</li> <li>- Local Enterprise Partnership</li> </ul>
	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"> <li>• Champion for Safeguarding (Children and Adults)</li> <li>• Local Government Superannuation Scheme Consultative Board</li> </ul> West Midlands Employers	
	C. Golby		Member of Warwickshire County Council  Membership of Other Bodies: <ul style="list-style-type: none"> <li>• Nuneaton and Bedworth Safer and Stronger Communities Partnership</li> <li>• Nuneaton and Bedworth Community Enterprises Ltd.</li> <li>• Nuneaton and Bedworth Home Improvement Agency</li> <li>• Safer Warwickshire Partnership Board</li> <li>• Warwickshire Housing and Support Partnership</li> <li>• Warwickshire Police and Crime Panel</li> <li>• George Eliot Hospital</li> </ul>	



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

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