

COUNCIL

WEDNESDAY, 11 OCTOBER 2023

Present: Councillor T A Cullen, Mayor

Councillors: D Bagshaw
P J Bales
L A Ball BEM
R E Bofinger
M Brown
R Bullock
G Bunn
C Carr
A Cooper
S Dannheimer
H J Faccio
R S Falvey
K Harlow
G S Hills
S P Jeremiah
A Kingdon
H Land
D L MacRae
R D MacRae
G Marshall
J W McGrath
W Mee
J M Owen
P J Owen
S Paterson
D D Pringle
M Radulovic MBE
H E Skinner
V C Smith
A W G A Stockwell
C M Tideswell
D K Watts
S Webb
E Williamson
E Winfield
K Woodhead

Apologies for absence were received from Councillors S A Bagshaw, B C Carr, S J Carr, H L Crosby, S Kerry, H G Khaled MBE and P A Smith.

Members held minute's silences for the innocent victims of the Israeli conflict, the passing of Alderman Anne Morris and the passing of former employee Elaine Moorehouse, respectively.

28. DECLARATIONS OF INTEREST

Councillor M Radulovic MBE declared a non-registerable interest in item 9.3, minute number 34.3 refers.

29. MINUTES

The minutes of the meeting on 12 July 2023 were confirmed and signed as a correct record.

30. MAYOR'S ANNOUNCEMENTS

The Mayor gave a brief résumé of her engagements including a civic service, the Robin Hood Marathon, the Broxtowe Green Festival and a charity golf day. It was reported that thus far £18,851 had been raised for the Mayor's Charity.

31. LEADER'S REPORT

The Leader noted his disappointment with the government's decision to cancel the northern part of HS2. The negative impact that this would have on developing a strategic approach to transport in Nottinghamshire and the East Midlands was noted. The Leader informed the Council that that in this financial year it was projected that more houses would be added to the housing revenue account than the number sold through right-to-buy.

The Green Festival at Eastwood had been successful, with activities for visitors focused on improving their environment. It was noted that the Council continued to reduce its carbon emissions with ongoing projects at the crematorium and retrofitting properties.

The meeting was informed that the Stapleford Towns Fund projects had benefitted 74 businesses and that there was already strong interest in the Kimberley Levelling Up Fund business grants schemes.

It was noted that the Council had won the diversity and inclusion award in the Nottinghamshire and Derbyshire apprenticeship awards, and congratulations were offered to all those involved.

There were questions from Members regarding opportunities to improve transport infrastructure in the East Midlands, local government finance and decarbonising the fleet.

32. MOTIONS

The following motion was proposed by Councillor R D MacRae and seconded by Councillor E Williamson:

"The intimidation and abuse of councillors, in person or otherwise, undermines democracy; preventing elected members from representing the communities they

serve, deterring individuals from standing for election, and undermining public life in democratic processes.

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact of local democracy and that prevention, support and responses to abuse and intimidation of local politicians must improve to ensure councillors feel safe and able to continue representing their residents.

This Council therefore commits to challenge the normalisation of abuse against councillors and officers and uphold exemplary standards of public and political debate in all it does. The council further agrees to sign up to the LGA's Debate Not Hate campaign. The campaign aims to raise public awareness of the role of councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

In addition, this council resolves to:

- Write to the local Member of Parliament to ask them to support the campaign
- Write to the Government to ask them to work with the LGA to develop and implement a plan to address abuse and intimidation of politicians
- Ensure the council has a clear reporting mechanism which councillors can use to monitor and record incidents of harassment and abuse of councillors and officers
- Regularly review the support available to councillors in relation to abuse and intimidation and councillor safety
- Work with the local police to ensure there is a clear and joined-up mechanism for reporting threats and other concerns about the safety of councillors and their families and discuss the need to take a preventative approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, like MPs
- Take a zero-tolerance approach to abuse of councillors and officers.

It was proposed by Councillor M Radulovic MBE and seconded by Councillor G Marshall that this motion be referred to the Governance, Audit and Standards Committee to be considered in more detail, to enable the Committee to work with officers to develop a policy on the Council's approach to abuse against Councillors and Officers and to explore the range of action that could be used to appropriately address the reported behaviour, including in extreme cases the consideration of Injunctive Orders. On being put to Councillors R D MacRae and Councillor E Williamson the proposal was accepted.

RESOLVED this motion be referred to the Governance, Audit and Standards Committee to be considered in more detail, to enable the Committee to work with officers to develop a policy on the Council's approach to abuse against Councillors and Officers and to explore the range of action that could be used to appropriately address the reported behaviour, including in extreme cases the consideration of Injunctive Orders.

33. AMENDMENTS TO THE CONSTITUTION

The proposed changes to the Constitution were debated, including the recommendations made at the meeting of the Governance, Audit and Standards Committee on 18 September 2023.

The following amendments to the wording of the regarding Urgent Business were proposed by Councillor G Marshall and seconded by Councillor S P Jeremiah:

“The Council may deal with business even though it is not on the Agenda if that business is considered to be urgent. Urgent business means business that requires the urgent attention of Council in connection with a matter that affects the Borough, which needs to be dealt with before the next Ordinary meeting.

The procedure for urgent business is as follows:

- the business is raised by a Motion on Notice under Rule 11 (Motions on Notice);
- For the motion to be considered as urgent business, the issue will be expected to have arisen between 12 noon seven clear working days before the Council meeting and 12 noon midday on the day before the meeting
- The Mayor at the meeting, or the Voting Councillors, decide that the business is urgent and
- the agenda relating to the meeting states that the Council may deal with urgent business at that meeting.

The Chief Executive in discussion with the Leader of the Council may reject the motion if it:

- does not meet the definition of urgent business;
- is vexatious, abusive or otherwise inappropriate;
- relates to a planning decision;
- relates to a licensing decision;
- relates to any other matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment;
- requires the disclosure of confidential or exempt information;

The Mayor shall refer the urgent Motion to the Voting Councillors. The Voting Councillors will then decide whether or not the Motion on Notice is urgent and required to be debated. If they decide that it is urgent, they will debate it under Rule 13 Rules of Debate. If they decide that the matter is not urgent, the motion shall be deferred to the next Ordinary Council Meeting (i.e. not to an Extraordinary Council Meeting, an Annual Meeting, or a meeting to set the budget).”

On being put to the meeting the amendment was carried.

RESOLVED that:

- 1. The arrangement to add a provision for the consideration of urgent business at full Council meetings be approved including the amendments to the wording as above,**
- 2. The amendments to the terms of reference for the Policy Overview Working Group be approved,**
- 3. The amendments to the terms of reference for the Events, Arts, Culture and Heritage Working Group be approved,**
- 4. The amendments to the Local Joint Consultative Committee Constitution be approved.**

34. PUBLIC QUESTIONS

There were no public questions.

35. PORTFOLIO HOLDERS' REPORTS

35.1. REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES AND PERSONNEL POLICY

The Portfolio Holder for Resources and Personnel addressed the Council. There were comments regarding communication with residents, car parking, and the Council website, to which responses included that there had been an open day in the Contact Centre which had helped to recruit a new cohort which it was hoped would allow for results to be improved in line with service standards. There had been long discussions around the financial pressure that the Council was under and car parking charges would help to protect jobs and services.

35.2. REPORT OF THE PORTFOLIO HOLDER FOR ECONOMIC DEVELOPMENT AND ASSET MANAGEMENT

The Portfolio Holder for Economic Development and Asset Management addressed the meeting. Discussions were had about concrete squares, possible sites for the relocation of the cricket and markets, to which responses included that cricket should remain a primary sport in Stapleford and that there was a cross-party group which considered the UKSPF and Members were encouraged to attend.

35.3. REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

The Portfolio Holder for Housing addressed the meeting. Discussions focused on damp and mould, neighbourhood inspections and flytipping, to which responses included that housing repairs were an ongoing process and measures had been put in place to improve the service, the independent living days had been successful and activities co-ordinators would be approached around the types of events that were held in the residencies.

35.4. REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND HEALTH

The Portfolio Holder for Leisure and Health addressed the Council. Debates were had regarding heritage sites, the decarbonisation of Bramcote Leisure Centre and the dementia café.

35.5. REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT AND CLIMATE CHANGE

The Portfolio Holder for Environment and Climate Change addressed the meeting. The meeting debated ways to encourage students to recycle and the Portfolio Holder stated that this would be achieved through engagement and discussion.

35.6. REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY SAFETY

The Portfolio Holder for Community Safety addressed the Council. The debate which followed focussed on transform training, Pubwatch schemes and the white ribbon status, to which responses included the Council's involvement in Pubwatch was to send officers to meetings who would then feedback the necessary information.

36. COMMITTEE REPORTS

There were no Committee reports for consideration.

37. REPORT ON SCRUTINY MATTERS

The Chair of the Overview and Scrutiny Committee gave a report to full Council which stated that the Committee is a mixture of new and returning Councillors. The new Councillors bringing youth, enthusiasm and fresh ideas, while the returning Councillors bring experience, and knowledge of council issues and procedures. The mixture is working very well indeed. All of the Scrutiny members are embracing the Committee with vigour and enthusiasm. I look forward to reporting on our successes at future Council meetings.

(During the item Councillor D Bagshaw left for the remainder of the meeting.)

38. PRESENTATION OF PETITIONS

Councillor T A Cullen presented a petition on behalf of the residents of Toton regarding Nottingham City Council, which aimed to prevent the use of the NET Park and Ride at Toton Lane for anti-social behaviour and car meet-ups by putting in place preventative measures that actively discourage people using the car park for this activity.

39. ATTENDANCE AT MEETINGS

The Local Government Act 1972 states that when a Councillor fails to attend any meeting for six consecutive months from the date of their last attendance, then subject to certain exceptions, they cease to be a Member of the authority, unless the Council accepts reason for the failure to attend before the six months expires. Councillor S A Bagshaw was currently unable to attend Council meetings and in the circumstances, it was put before Members to consider a dispensation under Section 85 (1) of the Local Government Act 1972 for the period of six months from 11 October 2023 before which forfeiture applies.

RESOLVED that a dispensation be given for Councillor S A Bagshaw for a period of six months from the date of this meeting.

40. BROXTOWE INDEPENDENT MEMBERS

It was noted that Councillors B C Carr and S J Carr had ceased representing the Liberal Democrat Group, whilst Councillors D L MacRae, R D MacRae, and E Williamson had ceased representing the Council as Independent Members.

The Council noted that all five Members intended to sit as representatives of the Broxtowe Independent Group. The effect on the composition of Committees was to be discussed at item 16, minute number 41 refers.

41. RECOGNITION OF POLITICAL LEADERS

It was noted that the Leader of the Broxtowe Independent Group was Councillor R D MacRae and the Deputy Leader was Councillor E Williamson.

It was noted that the Leader of the Liberal Democrat Group was Councillor D K Watts and the Deputy Leader was Councillor H Land.

42. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

RESOLVED that the appointments to Committees be as follows:

Planning Committee

Labour

D Bagshaw (Chair)	Substitutes	1. S Paterson
R S Falvey (Vice Chair)		2. K Woodhead
G Marshall		3. R Bullock
R E Bofinger		4. A Cooper
H E Skinner		5. S Webb
G Bunn		6. S A Bagshaw
P A Smith		7. V C Smith
P J Bales		8. W Mee

Conservatives

L A Ball BEM	Substitutes	1. H G Khaled MBE
D D Pringle		2. J M Owen
G S Hills		3. P J Owen

Broxtowe Independent Group

S J Carr	Substitute	1. E Williamson
----------	------------	-----------------

Liberal Democrat Group

D K Watts	Substitute	1. H Land
-----------	------------	-----------

Licensing & Appeals Committee

Labour

R Bullock (Chair)
E Winfield (Vice-Chair)
A Cooper
S Webb
C M Tideswell
S Paterson
K Woodhead
(+1 further member)

Conservative

D D Pringle
G S Hills
S Kerry

Broxtowe Independent Group

B C Carr

Liberal Democrat Group

H Land

Overview & Scrutiny Committee

Labour

S Dannheimer (Chair)
E Winfield
K A Harlow
C M Tideswell
S Webb
W Mee (Vice-Chair)
K Woodhead

Conservatives

J M Owen
A W G A Stockwell
H L Crosby

Broxtowe Independent Group

R D MacRae
E Williamson (Vice-Chair)

Liberal Democrat Group

H Land

Governance, Audit and Standards Committee

Labour

S Paterson (Vice Chair)	Substitutes	1. T A Cullen
R S Falvey		2. K Woodhead
K A Harlow		3. E Winfield
P J Bales		4. S Dannheimer
R Bullock		5. W Mee
S Webb		6. C.M Tideswell
G Bunn		
(+1 further member)		

Conservative

M Brown	Substitutes	1. P J Owen
J M Owen		
G S Hills		

Broxtowe Independent Group

S J Carr (Chair)	Substitute	1.B C Carr
------------------	------------	------------

Liberal Democrat Group

A Kingdon	Substitute	1.D K Watts
-----------	------------	-------------

Advisory Shareholder Sub-Committee

Labour

R S Falvey (Chair)	Substitutes	1. K A Harlow
S Webb		2. P J Bales
R Bullock		

Conservative

G S Hills

Broxtowe Independent Group

B C Carr	Substitute	1. R D MacRae
----------	------------	---------------

Senior Officer Employment Committee

Labour

G Marshall (Chair)
V C Smith
S A Bagshaw

Substitutes 1. M Radulovic MBE
2. H E Skinner
3. H J Faccio

Conservative

P J Owen

Substitute 1. D D Pringle

Broxtowe Independent Group

R D MacRae

Substitute 1. S J Carr

Independent Members

Two Independent Persons to be appointed to the Committee solely in relation to disciplinary matters for statutory chief officers within the relevant Terms of Reference for the Senior Officer Employment Committee.

Local Joint Consultative Committee

Labour

4 Members

(Previously: M Radulovic MBE, H E Skinner, A Cooper, C Tideswell, E Winfield)

Conservative

D D Pringle
G S Hills

Broxtowe Independent Group

B C Carr

Bramcote Bereavement Services Joint Committee

The Executive or Council shall appoint from its own membership 3 Members which shall reflect the political balance of each membership.

Labour

M Radulovic MBE

Independent and Liberal Democrat Group

S J Carr

Conservative

H G Khaled MBE

43. MEMBERS' QUESTIONS

43.1. THE FOLLOWING QUESTION WAS SUBMITTED BY COUNCILLOR L A BALL BEM FOR THE LEADER OF THE COUNCIL:

"I refer to the new development in Awsworth and Cossall , may I ask the leader of The Council, will Broxtowe Borough Council please take on the maintenance of the open spaces in the new Estate, Awsworth Parish Council are very concerned that it could become their responsibility in the future."

The Leader answered the question, noting that the management of the communal open space areas will be maintained by an independent management company. This is outlined within the relevant obligations attached to the planning permission.

Historically discussions were had about Broxtowe Borough Council taking over liability for this land, but due largely to resource implications, this was not agreed to. The use of management companies is common place with many planning applications and perfectly acceptable.

43.2. THE FOLLOWING QUESTION WAS SUBMITTED BY COUNCILLOR D D PRINGLE FOR THE LEADER OF THE COUNCIL:

"Currently in Awsworth, Avant, when they were given approval to build on land at Awsworth, submitted a construction management plan, which was approved by the officers. Subsequent to that a Groundwork subcontractor commenced work, they appeared to have no idea of what was in the construction management plan. Resulting in heavy HGV traffic arriving at least an hour before the time stipulated in the plan. Eventually after much consultation timings were adhered to. We now have Drainage work being carried out by another subcontractor, and guess what, the same issues with regards to HGV traffic occurring.

Avant state that each subcontractor can be appointed as Principal Contractor, and Avant become Principal Contractor, when they begin to build houses. I clearly understand the principle, but believe that Avant cannot completely ignore their responsibilities. Should the planning department have more control over developers whilst on site, and can this happen in all future large developments approved within the Borough.

We do have a duty to protect the amenity of our residents."

The Leader answered the question, stating that the majority of planning applications, especially larger schemes, were subject to planning conditions that must be adhered to. The Planning Enforcement team is happy, and regularly does, take action against any developers that are not adhering to these conditions to seek compliance. However, one has to consider that with some conditions, it is hard to police the site 24/7 and often with conditions relating to construction management plans, they rely heavily on contractors and lorry drivers to clearly follow instructions. There is only so much the planning authority can do.

The issue with this site is that lorry drivers often arrive to the site, before the time specified in the planning conditions, and park up before entering the site. This is

something the Council cannot control or enforce on as it is a matter for the highway authority. The planning department will continue to enforce and seek compliance with conditions and happy to do so, but can only do that within the remit of the planning conditions and planning powers.

The Leader further stated that he would have no hesitation to bring the full weight of the law against any company, should they breach the conditions of their planning permission.

44. MEMBERS' SPEECHES ON WARD ISSUES

Councillor D D Pringle made a speech on issues in his ward of Awsworth, Cossall and Trowell, including concerns regarding anti-social behaviour.

45. QUESTIONS ON OUTSIDE BODIES

There were no questions on outside bodies.