

# **COUNCIL**

**WEDNESDAY, 12 JULY 2023**

Present: Councillor T A Cullen, Mayor

Councillors:

- P J Bales
- L A Ball BEM
- R E Bofinger
- M Brown
- R Bullock
- G Bunn
- B C Carr
- C Carr
- S J Carr
- A Cooper
- H L Crosby
- S Dannheimer
- H J Faccio
- K Harlow
- G S Hills
- S P Jeremiah
- S Kerry
- H G Khaled MBE
- 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
- P A Smith
- 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 D Bagshaw, S A Bagshaw and R S Falvey

#### 14. DECLARATIONS OF INTEREST

Councillor M Radulovic MBE, Councillor G Marshall, Councillor S J Carr and Councillor P J Owen declared other registrable interests in item 9.1 as members of the Beeston Town Centre Board, minute number 21.1 refers.

Councillor D K Watts declared a non-registerable interest in item 10.1, minute number 22.1 refers.

Councillor J W McGrath declared a non-registerable in item 10.3 as a licensee, minute number 22.3 refers.

#### 15. MINUTES

The minutes of the meeting on 17 May 2023 were confirmed and signed as a correct record.

#### 16. MAYOR'S ANNOUNCEMENTS

The Mayor gave a brief résumé of her engagements including a visit to the refurbished Stapleford Library and consultation events for the forthcoming Corporate Plan. Plans were also outlined to establish a new charitable trust called the Broxtowe Community Fund that would offer grants to residents in need.

#### 17. LEADER'S REPORT

The Leader informed the Council that he had met with the Housing Minister Rachael McClean and her advisory team together with Darren Henry MP to voice the Council's dissatisfaction with the result of the appeal against this Council's refusal of planning permission for a major development of student accommodation in Beeston Square and discussed the legal powers at the disposal of local authorities to resist such developments.

It was also noted that the Leader had attended meetings of the EMDevco Oversight board and the Advisory Shareholder Committee, to advocate for the importance of the connectivity from the Toton site to the whole Borough and a network of green and blue infrastructure to spread further North and well as South and East. This would include the development of an Attenborough great park, and some world class new medical facilities on the Toton site.

The Leader discussed recent announcements which would lead to the loss of hundreds of highly skilled jobs in the area, including the halt to manufacturing operations on the Boots site, alongside the liquidation of Tomlinsons, Ilke and Marvel. It was noted that the Borough Council's own finances would be affected by increases in borrowing and construction costs whether building Leisure Centres or housing.

The Leader stated that just over £700,000 has been secured for Broxtowe through the devolution deal for retrofit housing work to make residents' homes warmer and more sustainable.

The Corporate Plan face-to-face consultation events in the Borough had been well attended, as had the staff engagement events and the Leader had been delighted to see people coming forward with positive ideas for the future, and was keen to ensure that as many as possible of these were included in future plans. Over 600 online responses had been received from members of the public, making it the largest response to a Corporate Plan consultation.

There were questions from Members regarding the development of the toilet block in Beeston and the issues that the housing crisis were causing in industry. There was also a discussion about the construction of medical facilities at Toton and improvements to the ramp at Bennerley Viaduct.

## 18. URGENT ITEM

It was proposed by Councillor M Radulovic MBE and seconded by Councillor G Marshall that Standing Order 11.1 be suspended which requires seven working days to be given for a motion. On being put to the meeting the motion was carried.

The following motion was proposed by Councillor G Marshall and seconded by Councillor S Paterson:

“Broxtowe Borough Council notes with dismay the news that the Department for Transport and the 13 train operating companies it manages have announced plans to close almost all staffed ticket offices in England, totalling nearly 1,000, following changes to the Government’s guidance relating to ticket office opening hours and operation. Statutory Consultations began on 5 July and will close on 26th July.

Broxtowe Borough Council believes that Beeston ticket office provides a vital service to residents in Broxtowe and supports passenger safety, security and accessibility. Having a place in the station for people requiring advice and assistance provides certainty and confidence for customers and also acts as a point of safety for passengers. At many stations, access to facilities such as toilets and waiting rooms is reliant on ticket office staff.

Not everyone is able to use ticket vending machines or online ticketing platforms. Many journeys require human assistance to ensure customers purchase the most appropriate and cheapest tickets, and do not incur penalties from mis-booked tickets. Ticket office staff have a wealth of knowledge which ensures that customers get appropriate advice for their whole journey.

Broxtowe Borough Council is concerned the closure of ticket offices will disproportionately affect disabled, deaf and older residents across Broxtowe – as well as those with poor literacy and IT skills or on lower incomes. Broxtowe Borough Council also notes the possible implications for current station staff and believes that the closure of ticket offices could lead to a de-staffing of rail stations.

Council therefore resolves to:

- Instruct the Chief Executive to write to the Secretary of State for Transport, expressing Council’s opposition to the possible closure of staffed rail ticket offices – and in particular the office at Beeston
- Instruct the Chief Executive to write to East Midlands Railways (EMR) expressing the Council’s opposition to any plans to close the staffed ticket office at Beeston.

- Request that all councillors respond to the consultations before 26th July to confirm their support for ticket offices remaining open and for properly staffed rail stations.”

A recorded vote was proposed by Councillor G Marshall and seconded by at least five other Councillors. The votes were as follows:

<u>For</u>	<u>Against</u>	<u>Abstention</u>
P Bales	J M Owen	M Brown
L A Ball BEM	P J Owen	H Crosby
R E Bofinger	D D Pringle	G S Hills
R Bullock		S Kerry
G Bunn		H G Khaled
B C Carr		A W G A Stockwell
C Carr		
S J Carr		
A Cooper		
T A Cullen		
S Dannheimer		
H J Faccio		
K A Harlow		
S P Jeremiah		
A Kingdon		
H Land		
D L MacRae		
R D MacRae		
G Marshall		
J W McGrath		
W Mee		
S Paterson		
M Radulovic MBE		
H E Skinner		
P A Smith		
V C Smith		
C M Tideswell		
D K Watts		
S Webb		
E Williamson		
E Winfield		
K Woodhead		

**RESOLVED that the motion be carried.**

## 19. PUBLIC QUESTIONS

There were no public questions.

## 20. MEMBERS' QUESTIONS

### 20.1. COUNCILLOR D D PRINGLE SUBMITTED A QUESTION TO THE LEADER OF THE COUNCIL WHICH STATED:

“On two occasions recently, much needed developments have suffered delay, due to apparent failings within the planning department. The first being the proposed MUGA at Awsworth Primary School and Nursery, the second being project to bring the Willoughby Alms-houses back to a condition to make them habitable.

Both applications, involved a lot of work, by both the applicants and the planning department. The school application got to a final point where everyone was happy, however, due to an oversight Sport England, a Statutory Consultee, had not been consulted. Resulting in changes to the agreed plans, which delayed Planning approval for a further 12 months.

Negotiations over the Alms-houses, took several years, causing further dilapidation, to a Grade2\* Listed building. Eventually the Secretary of State's Office became involved, stating that we the Borough Council, were free to make a decision about the application. Which the Planning Committee did, giving approval.

At that point The Society for the Protection of Ancient Buildings (SPAB), a Statutory Consultee, on hearing the result. Appointed a Kings Counsel (KC) and the High Court overturned the decision.

How could we as a Council overlook two major statutory Consultees, which has caused major delays to two important applications in villages in my Ward, how can be assured that this will not happen ever again. Have costs been awarded against the Council, and if so, what are the financial implications?”

The Leader responded that it was questionable, and still being debated internally, whether or not Sport England should have been consulted on the original planning application. Nevertheless, following the initial refusal from Planning Committee, Sport England were made aware of the development and insisted on certain conditions. The school and the Planning Department then worked together to ensure that a development could come forward that complied with these conditions, and prevented Sport England from 'calling in the application'. The main issue was there was a conflict between what the school wanted, what Sport England wanted, and what some of the local public wanted, and this took time to resolve.

The Alms houses had been in planning for several months, and the developers and Planning Department could not reach an agreement. When the application was initially validated all the correct statutory consultees were consulted. During the course of this application the list of statutory consultees was updated by the government, so when the amendments were consulted on, a consultee got missed. This was because initially the Society for the Protection of Ancient Buildings was not a statutory consultee, but this changed during the course of the application.

Councillor Pringle submitted a supplementary question in relation to the financial implications, to which the Leader which replied were unknown.

20.2. COUNCILLOR B C CARR SUBMITTED A QUESTION TO THE LEADER OF THE COUNCIL WHICH STATED:

“In November 2015 Broxtowe's Building Control Service was partnered with Erewash Borough Council in order to deliver a merged service. The drivers behind this were to improve service delivery, reduce costs and reduce support costs. Building Control is important because it:

- Helps check that buildings are built to building regulations standards,
- Protects people from cowboy builders and unsafe practices,
- Protects the public from dangerous structures,
- Helps keep build quality high

Would the Portfolio holder responsible agree with me that we should be receiving regular reports on the efficiency and effectiveness of this service? The last report submitted was 17 December 2018. In my recent experience the service provided by Erewash has not been up to the high standards residents deserve and therefore I request that an up to date performance report be submitted to the next full Council or Cabinet for consideration.

This should show as a minimum:

- The numbers of applications dealt with in the previous financial year;
- Processing times compared to targets,
- Formal complaints,
- Major incident reports,
- Staff training recommendations
- Performance against best practice promoted by the Building Control Performance Group of the MHCLG and
- Costing information.”

The Leader of the Council responded that Broxtowe is part of a four partner building control partnership along with Mansfield, Ashfield and Erewash. The service is managed by Erewash Borough Council under a service level agreement. Currently the Council makes no financial contribution towards the costs of operating the service

The information covered the period between 1 April 2022 to 31 March 2023, which included that 453 applications were received for Broxtowe which was 51% of market share. The joint Building Control service was preferred by more than half of applicants submitting a building control application when compared to the Approved Inspectors in the private sector.

It was stated that 65% of plans were checked within the statutory period of five weeks. Whilst the service will normally complete plan checks within five weeks in 100% of cases, or eight weeks if extension agreed with the applicant, 2022 was an exceptional year due to a surge in applications during May and June 2022, as applicants sought to avoid the consequences of legislative changes that came into force on 1 April. The service expects to return to 100% completion of plan checks within statutory periods in 2023/24.

One complaint was received via Erewash's formal complaints procedure from a customer in the Broxtowe area regarding the building control service. Following initial investigation and review the complaint was not upheld.

The compliance regime for Building control has changed significantly following new legislation introduced after the Grenfell fire disaster. This is having far reaching

ramifications for the service including the requirement for all building Control officers to achieve certain levels of competence.

All building control officers will register with the Building Safety Regulator in October 2023. All building control officers are expected to complete their competency level validations by 1 April 2024 in accordance with the requirements of the Building Safety Regulator. Over the next few years, surveyors will continue with validation training as they progress through the competency levels to become specialist building control surveyors.

As soon as it is available a report will be presented to the Policy Overview Working Group followed by Cabinet in relation to the service review with proposals as to the future operation of the service for Councillors to consider.

In a supplementary question Councillor B C Carr asked that the lines of communication between Broxtowe and Erewash be examined.

The Leader responded that he was satisfied to accept the comments and reiterated that the topic would be reviewed.

20.3. COUNCILLOR S J CARR SUBMITTED A QUESTION TO THE HOUSING PORTFOLIO HOLDER WHICH STATED:

“How many void council homes do we have at the present and what is the current level of rent arrears?”

Councillor V C Smith responded that as at 10 July 2023 the Council had 61 void properties. The number of void properties changes on a daily basis as properties are let and terminations are received. This figure includes all properties that are empty, irrespective of the level of work required or reason the property is vacant.

In a supplementary question Councillor S J Carr asked how much it cost to keep a void home.

The Portfolio Holder for Housing stated that she would provide a written answer to this question in due course.

20.4. COUNCILLOR H LAND SUBMITTED A QUESTION TO THE LEISURE AND HEALTH PORTFOLIO HOLDER WHICH STATED:

“Can the Portfolio Holder give this Council reassurance that the financial issues at Kimberley Leisure Centre will not affect the much needed replacement of Liberty Leisure’s only fully-owned leisure facility at Bramcote?”

The Portfolio Holder for Leisure and Health responded that following the Cabinet meeting on 4 July, the Council and Liberty Leisure will be working constructively with Kimberley school, to ensure that Kimberley pool remains open. The Cabinet also agreed that the Council would, if applicable, apply for Sports England revenue funding, a one-off government grant to support the opening of swimming pools, for Kimberley School. The two feasibility studies commissioned by the Cabinet on the replacement Bramcote leisure centre, will be presented to Cabinet on 25 July for consideration. The financial issues at

Kimberley Leisure Centre, will not materially impact on the business case for the new leisure centre.

## 20.5. COUNCILLOR M BROWN SUBMITTED A QUESTION FOR THE LEADER OF THE COUNCIL WHICH STATED:

“At the full Council Meeting of 14 December 2022, Standing Orders were suspended and a motion to the following effect was minuted;

‘This Council wishes to place on record our serious concerns about the history and future of the Matkin Tip site and the impact on the quality of life on local residents. This Council therefore resolves to call on the Secretary of State to instigate a formal public inquiry to examine the history and future of this contaminated site.’

This was accepted by a unanimous recorded vote. Could Councillor Radulovic please update the Council on any progress made?”

The Leader of the Council responded that the Secretary of State had been written to but no reply had been received. There was an intention to submit the land to the development corporation as part of a wider site to clear it of any potential danger.

## 21. REFERENCES

### 21.1. CONSTITUTION REVIEW

The proposed changes to the Constitution, as recommended by the Governance, Audit and Standards Committee on 19 June 2023, were discussed with particular reference to improving the efficiency of decision making and clear standards for officers and members. There was concern that the right of group leaders to speak at Cabinet was to be limited and that there was to be limitations placed on members calling planning applications, specifically, that 28 days’ notice from the date the application was published on the weekly list and on completion of the relevant referral form. It was requested that a review take place at the Governance, Audit and Standards Committee in around six months.

**RESOLVED that the amendments to the Constitution at appendix 2 be approved.**

### 21.2. REVIEW OF FINANCIAL PROCEDURE RULES, INCLUDING CONTRACT PROCEDURE RULES

Council considered the annual review of the Council’s Financial Procedure Rules, including the Contract Procedure Rules; along with the proposed changes made to the rules and the recommendations made by the meeting of the Governance, Audit and Standards Committee on 19 June 2023 that these updated rules be adopted as part of the Council’s Constitution.

**RESOLVED that the updated Financial Procedure Rules, including the Contract Procedure Rules, be approved.**



### 21.3.ANNUAL REVIEW OF THE CODE OF CONDUCT

Council considered the Annual Review of the Code of Conduct and the recommendations made by the Governance, Audit and Standards Committee of 19 June 2023.

**RESOLVED that the Code of Conduct at the appendix to the report be approved.**

## 22. PORTFOLIO HOLDER REPORTS

### 22.1.REPORT OF THE PORTFOLIO HOLDER FOR RESOURCES AND PERSONNEL POLICY

The Portfolio Holder for Resources and Personnel Policy addressed the Council. Discussions ensued with regards to investments outside the Borough, the use of agency staff, overspend on the Housing Revenue Account, the capital programme and the impact of COVID-19 on targets.

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

The Portfolio Holder for Economic Development and Asset Management addressed the meeting. There were comments regarding the UK SPF and the strategic plan for house building in the Borough.

(During the item Councillor S Kerry left the meeting.)

### 22.3.REPORT OF THE PORTFOLIO HOLDER FOR HOUSING

The Portfolio Holder for Housing addressed the meeting. Discussion focused on houses in multiple occupation, the repairs backlog and mould.

### 22.4.REPORT OF THE PORTFOLIO HOLDER FOR LEISURE AND HEALTH

The Portfolio Holder for Leisure and Health addressed the meeting. There was a discussion concerning Kimberley Leisure Centre.

### 22.5.REPORT OF THE PORTFOLIO HOLDER FOR ENVIRONMENT AND CLIMATE CHANGE

The Portfolio Holder for Environment and Climate Change addressed the meeting. Members considered wildflowers, flooding, disabled children's right to play, drainage, grass verges and net zero targets.

### 22.6.REPORT OF THE PORTFOLIO HOLDER FOR COMMUNITY SAFETY

The Portfolio Holder for Community Safety addressed Council. Consideration was given to the baseline data in the Community Safety plan, and concerns about off-road bikers.

## 23. NOTICE OF MOTIONS

### 23.1. THE FOLLOWING MOTION WAS RECEIVED FROM COUNCILLORS R D MACRAE AND G MARSHALL:

“This Council recognises with increasing concern, the significant underfunding of the social care system and the associated difficulties faced by those who experience these conditions. Many care experienced people face discrimination, stigma, and prejudice in their day to day lives. Public perceptions of care experience centre on the idea that children are irredeemably damaged and that can lead to discrimination and assumptions being made.

This Council resolves:

- That when making any decisions in relation to its policies or formulating its plans that it recognises that care experienced people often face discrimination;
- That it recognises that Councils have a duty to put the needs care experienced people at the heart of decision-making through co-production and collaboration;
- That decisions, services and policies made and adopted by the Council should be assessed through Equality Impact Assessments to determine the impact of changes on people with care experience, alongside those who formally share a Protected Characteristic.
- That in the delivery of the Public Sector Equality Duty the Council includes care experience in the publication and review of Equality Objectives and the annual publication of information relating to people who share a Protected Characteristic in services and employment.
- That it will treat Care Experience as if it were a Protected Characteristic by this council.
- That it will adopt the Corporate Parenting Principles for all children in care and care leavers.
- To formally call upon all other bodies to treat care experience as a protected characteristic.
- To formally call upon all other bodies to adopt the corporate parenting principles.
- For the council to proactively seek out and listen to the voices of care experienced people when developing new policies based on their views.”

On being put to the meeting the motion was carried.

(Having declared a personal a non-registerable interest, Councillor D K Watts left the meeting for the duration of the item and did not vote thereon.)

### 23.2. THE FOLLOWING MOTION WAS RECEIVED FROM COUNCILLOR V C SMITH:

This Council notes with concern, the lack of accommodation and opportunities, particularly for young people or those with disabilities, the ability to access good affordable housing. One of the primary causes of this has been the right to buy legislation that has severely restricted opportunities for Broxtowe residents. This council therefore resolves to:

- Write to the Housing Minister, formally requesting the immediate suspension of the right to buy legislation.
- Undertake an area based needs assessment of each category and use this information to help inform the planning process in better assessing the needs of communities across the borough.

- Write to the shadow housing minister in order to facilitate a House of Commons debate in order to prioritise housing need and the cost of living crisis at the top of the political agenda.

An amendment to the motion was proposed by Councillor S J Carr and seconded by Councillor B C Carr. The amendments to the motion were as follows:

- Write to the housing minister, ~~formally requesting the immediate suspension of the right to buy legislation.~~ outlining the problems that the RTB legislation is causing housing authorities.
- ~~Undertake an area based needs assessment of each category and use this information to help inform the planning process in better assessing the needs of communities across the borough.~~
- Review whether the current area based housing needs assessment should be updated.
- Write to the shadow housing minister and the Lib Dem Housing spokesman ~~in order to facilitate a House of Commons debate in order to prioritise housing need and the cost of living crisis at the top of the political agenda.~~ asking them to review their current support for the Right to Buy legislation.

On being put to the meeting the amended motion was defeated.

Debate returned to the original motion. On being put to the meeting the original motion was carried.

(Councillor K Woodhead left the meeting during discussion on the item.)

### 23.3. THE FOLLOWING MOTION WAS RECEIVED FROM COUNCILLOR H J FACCIO:

“This Council notes with concern, the vulnerability of staff working in late night licensed entertainment venues. This Council therefore resolves to:

- Request that the Licensing & Appeals Committee and licensing officers consider introducing a policy to ensure that staff are offered safe passage home at the end of their shifts as part of conditions of their licence agreements.
- Publically call for improvement to late night and off-peak transport service provision, and use the Government’s Safety of Women at Night Fund to provide extra night services, as well as work with employers to use the fund for supplementary taxi travel.
- Publically support municipal ownership of buses in order to lower prices and improve service provision, especially for night-time and off-peak services.

An amendment to the motion was proposed by Councillor B C Carr and seconded by Councillor S J Carr. The amended motion read as follows:

This Council notes with concern, the potential vulnerability of staff working in late night licensed entertainment venues. This Council therefore resolves to:

- ~~Request that the Licensing & Appeals Committee and licensing officers consider introducing a policy to ensure that staff are offered safe passage home at the end of their shifts as part of conditions of their licence agreements.~~

- Consult with statutory consultees and others with a view to encouraging Licensees to adopt the 'Get Me Home Safely' campaign if another round of funding becomes available.
- Publicly call for improvement to late night and off-peak transport service provision by the County Council, and use the Government's Safety of Women at Night Fund to provide extra night services, as well as work with employers to encourage the use of the fund for supplementary taxi travel.
- ~~Publicly support municipal ownership of buses in order to lower prices and improve service provision, especially for night-time and off-peak services.~~

On being put to the meeting the motion fell.

Debate returned to the original motion. On being put to the meeting the motion was carried.

(Councillor J W McGrath, having declared a non-registerable interest, left the meeting for the duration of the item and did not vote thereon.)

(Councillor H Crosby left the meeting during discussion on the item.)

#### 24. MEMBERS' SPEECHES ON WARD ISSUES

Councillor P J Owen made a speech on ward issues, including the difficulty experienced by residents in contacting the Council by telephone.

#### 25. QUESTIONS ON OUTSIDE BODIES

There were no questions on Outside Bodies.

#### 26. APPOINTMENTS TO COMMITTEES AND WORKING GROUPS

It was noted that Councillor G S Hills had replaced Councillor P J Owen on the Shared Prosperity Fund Members Advisory Panel.

##### **RESOLVED that:**

- 1. Councillor H G Khaled MBE be replaced by Councillor D D Pringle as a representative of the Conservative Group on the Planning Committee.**
- 2. Councillor W Mee be appointed as a second Vice-Chair to the Overview and Scrutiny Committee.**

## 27. REPRESENTATION ON OUTSIDE BODIES

### **RESOLVED that:**

- 1. The Core City Board/Joint Leadership Board be removed from the list of outside bodies.**
- 2. The appointment of representatives on outside bodies be as follows:**

#### **BODY/ORGANSATION**

#### **REPRESENTATIVE**

**Economic Prosperity Committee  
HS2 Executive Board**

**Councillor M Radulovic MBE  
Councillor M Radulovic MBE**