



**MINUTES
OF THE MEETING OF THE
COUNCIL
THURSDAY 29 JUNE 2017**

Held at 7.00 pm in the Council Chamber, Rushcliffe Arena, Rugby Road, West Bridgford

PRESENT:

Councillor L B Cooper - Mayor
Councillor Mrs M Stockwood - Deputy Mayor

Councillors R A Adair, S P Bailey, K P Beardsall, N A Brown, B Buschman, R L Butler, H A Chewings, A M Dickinson, J Donoghue, M J Edwards, A J Edyvean, J E Greenwood, R Hetherington, S J Hull, R A Inglis, Mrs C E M Jeffreys, R M Jones, K A Khan, N C Lawrence, E J Lungley, A MacInnes, Mrs M M Males, G R Mallender, S E Mallender, D J Mason, S C Matthews, G S Moore, A Phillips, E A Plant, F A Purdue-Horan, S J Robinson, J A Stockwood, J E Thurman, D G Wheeler, J G A Wheeler

ALSO IN ATTENDANCE:

Revd. C Hodder Mayor's Chaplain
8 members of the public

OFFICERS PRESENT:

D Banks	Executive Manager – Neighbourhoods
M Elliott	Constitutional Services Team Leader
A Graham	Chief Executive
P Linfield	Executive Manager – Finance and Corporate Services
D Mitchell	Executive Manager – Communities
G O'Connell	Monitoring Officer
L Webb	Constitutional Services Officer

APOLOGIES FOR ABSENCE:

Councillors M Buckle, J N Clarke, T Combellack, J E Cottee, G Davidson, Mrs J A Smith, R G Upton

OPENING PRAYER

The Meeting was led in prayer by the Mayor's Chaplain.

9. Declarations of Interest

The Monitoring Officer declared an interest in Item 12 (Arrangements for the Monitoring Officer Role).

10. **Minutes**

Councillor Jones wished for it to be recorded that the minority parties had not been invited to offer themselves as substitutes for the Rushcliffe Nature Conservation Strategy Implementation Group (minute number 8).

The minutes of the meeting held on Thursday 25 May 2017 were received as a correct record and signed by the Mayor.

11. **Mayor's Announcements**

The Mayor announced that, so far during his term as Mayor, he had attended 16 engagements with highlights including the opening of Bridgford Hall and attending Proms in the Park, which he described as a special family day. The Mayor also announced to Councillors that he had planned a quiz night to take place on Wednesday 27 July to raise money for his chosen charity, The Friary.

Additionally, he then thanked the Mayor's previous cadets Rebekah Oldknow and Jamie Bramley and presented the current Mayor's cadet Hannah Mackay with a certificate, declaring her as the Mayor's cadet for the year 2017/18.

12. **Leader's Announcements**

The Leader first offered his condolences to the victims, and their families, of the Grenfell Tower disaster, and stated that he expressed condolences, on behalf of the Borough, to the Leader of Kensington and Chelsea London Borough Council. He also reassured Councillors that the Executive Management Team at Rushcliffe Borough Council was responding to the implications of the disaster.

The Leader announced that he had recently spoken at the Town and Parish Councils Forum and received positive feedback concerning the proposed recommendation of allowing the public to speak during Planning Committee. He had also been holding staff sessions alongside the Chief Executive where he received positive feedback when he outlined the objectives of his administration. He also paid testament to the Executive Manager – Transformation and Operations, and her team, for their professionalism in the refurbishment and re-opening of Bridgford Hall. The Leader also noted his pleasure in attending the Careers and Enterprise Breakfast Road Show which had taken place at Rushcliffe Arena the previous day. He stated that he was pleased to see young people presenting at the event and encouraged Councillors to attend the YouNG showcase event taking place on 19 July and the YouNG Market taking place on 22 July.

13. **Chief Executive's Announcements**

The Chief Executive informed Councillors that he, and members of staff, recently attended the Municipal Journal Local Government Awards as the Council had been selected as finalists in the Commercialism in Property Estate category. Although the Council did not win the award, he thanked Savills for sponsoring their table, and Councillors Mason and Edyvean for attending the award ceremony with officers.

14. **Radcliffe on Trent Neighbourhood Plan**

Councillor Butler presented the report of the Executive Manager – Communities recommending the proposed Radcliffe on Trent Neighbourhood Plan for approval.

The Radcliffe on Trent Neighbourhood Plan had been produced by the Radcliffe on Trent Neighbourhood Plan Steering Group, on behalf of the Parish Council, and in conjunction with the local community. The Plan contained a number of policies to assist the Borough Council in the determination of planning applications. The Plan had been submitted to the Borough Council on 28 July 2016. In accordance with the Localism Act 2011, the Borough Council had assessed whether the plan met certain criteria (the 'Basic Conditions') and, subsequently, the Plan had been assessed by an independent Examiner. On 31 March 2017, the Examiner reported to the Council that, subject to the modifications proposed in her report, the Plan should proceed to a referendum.

Councillors commended the high quality and thoroughness of the Plan and praised the proactive role that the local community had played in its development.

RESOLVED that:

- a) a referendum in Radcliffe on Trent, to include the Parish of Radcliffe on Trent, be held on Thursday 19 October 2017.
- b) subject to a majority vote from the referendum, the Council 'makes' (adopts) the Neighbourhood Plan.
- c) Council congratulates Radcliffe on Trent Parish Council and the Neighbourhood Plan Steering Group to have reached this point in Neighbourhood Planning.

15. **Planning Peer Challenge – initial actions requiring constitutional amendments.**

Councillor Butler presented the report of the Executive Manager – Communities requesting that Council consider proposed changes in relation to the working of the Planning Committee made as a result of the Peer Challenge Review. The review had resulted in an action plan which had included a number of recommendations with a target date for introduction of June 2017. These recommendations were to:

- Rename the Development Control Committee 'Planning Committee'
- Delete the ex officio roles on the committee
- Reduce the size and change the composition of the Committee
- Introduce controlled public speaking
- Define the role of the ward member when serving on the Committee

- Ensure the Committee primarily deals with strategic planning decisions and consider developing a 'filter'
- Review the start time of the Planning Committee and length of meetings.

The first three actions had been agreed by Council on 25 May 2017. The Cabinet had considered the additional recommendations at its meeting on 13 June 2017 when it resolved that the proposals be supported and referred to Council for approval.

Councillor Butler advised Council how the proposed changes to the workings of the Committee, in relation to the role of ward members who were also members of the Committee considering applications in their own wards, would address concerns regarding pre-determination and pre-disposition which had arisen as part of the peer challenge.

It was moved by Councillor Jones and seconded by Councillor S Mallender that recommendations b and c, as detailed in the officer's report, should be referred back to officers for further consideration on how and when they should be best implemented. Councillor Jones advised that whilst he was not against the proposals, made as a result of the peer challenge, in principle, he did have concerns about how some of the proposed changes would be implemented. Furthermore, he felt that greater consideration should be made to how they would be implemented before Council was asked to approve the changes.

Councillor Jones explained that he did not agree with the proposed changes to the role of ward Councillors on the Planning Committee. He expressed the view that it was not until committee members had received all additional information that they were in a position to weigh up the arguments and make a final decision. Councillor Jones expressed the opinion that residents of the Borough would not agree with the changes that would effectively stop ward Councillors being able to vote on applications in their ward.

Councillor Hull was also against the proposed change to the role of the ward member. Councillor Hull noted that it was a Councillor's duty to stand up for residents in their wards if a planning application would have serious consequences upon their lives.

Councillor R Mallender asked Councillors to consider supporting the proposed amended motion, and while he agreed with the proposal of introducing controlled public speaking he disagreed with the assumption that a ward Councillors would had always have prejudged the application and should not be involved in making the decision on that application.

Councillor Thurman was concerned that no training for the members of the Planning Committee had taken place before Councillors were being asked to vote of the proposals and, as a consequence, stated that he could not vote in favour of the proposals as he was not fully aware of all the possible implications of changes for the Planning Committee.

Councillor Lawrence believed that the proposed changes would make Planning Committee less effective and that it was wrong to take ward

member's votes away when considering an application in their ward; as a consequence, he would be supporting the proposed amended motion.

Councillor Butler responded to the concerns raised by Councillors and restated that the Planning Peer Challenge review was an independent investigation carried out by Councillors and Officers from other authorities. He also reassured Councillors that ward members who objected to a planning application would be allowed an allocated time to speak in order to make their point to other members of the Committee. Councillor Butler noted that the peer review had identified a problem where it had been perceived at a Development Control Committee meeting that some members of the Committee had made predetermined decisions. Councillor Butler advised that by implementing the proposed changes the Council would be adopting good practice, which was widely used at other authorities; however, the impact of the changes would be reviewed and evaluated after a period of six months of operation.

Councillor S Mallender stated that she was in favour of public speaking as she believed that residents should be given the opportunity to engage with the democratic process. However, she believed that members of the public who both supported and who were against the application should be able to speak so that the Committee could see both sides of the argument. She also believed that there should not be a change in start time of the Committee as residents may not be able to attend the Committee due to work commitments. Councillor S Mallender noted that it was vital that ward members should be able to effectively represent the views of their residents and that the proposed changes did not allow ward members to fully represent and advocate the views of residents.

Councillor Jones, in his summing up, stated that in his view there were many details in the report that had not been thought through thoroughly enough and should be considered further before being implemented.

After being put to the vote, the motion was declared lost.

Councillor Edwards stated that the Labour group welcomed the outcomes of the peer challenge review. He stated that the role of the ward Councillor would be enhanced as discussion would be more focused on the material considerations and would allow more clarity to be given in exactly what they were objecting to. Councillor Edwards also welcomed the changes that meant that the ward Councillor would sit separately from the Committee showing a clear difference between the representation and decision-making role of Councillors. Councillor Edwards also supported the changes that would allow the Planning Committee to focus on the delivery of the 13,000 new homes that needed to be delivered in the Borough by 2028. He also welcomed the recommendation that the Planning Committee should undertake additional training and that the changes to procedures should be reviewed after a period of time.

Councillor R Mallender believed that as the ward members on the committee would not be able to vote under the new proposals for the operation of the Planning Committee, they would not be allowed to express a voice for the community which they represented and therefore, would be voting against the

report recommendations. He asked that the recommendations be considered further and be taken to a later Council meeting to be voted on again.

Councillor Donoghue stated that equality amongst members was vital. She went on to say that if a ward member was also a member of the Planning Committee, it would give them an infinite amount of time to speak which would give them an unfair advantage over ward members who were not members of the Planning Committee. As a result, she would be supporting the recommendations.

Councillor D G Wheeler stated that he would abstain from voting on the recommendations as Councillors had not yet received any additional training in relation to their altered role on Planning Committee ensuing from the proposed changes.

Councillor Moore stated that if, on occasion, he spoke forcibly at a Planning Committee he was glad that he did not have to vote as he was emotionally involved and would not be able to make a rational and fully informed decision.

Councillor Robinson stated that this independent review ensured that the Council adopts the very best practice putting residents of the Borough at the heart of its decision making. He stated that he was also committed that the amendments would be reviewed in time.

Councillor Mason stated that when she voted a member of the Planning Committee she voted as a member and in the interests of the entire Borough and its residents and not as a ward member. She also stated that she had recently chaired the Parish Council Forum meeting who were enthusiastic about the changes that were being proposed. Councillor Mason reassured Councillors that ward members would all be allowed freely to speak under the new procedures and that and training for members of the Planning Committee would take place if the recommendations were approved.

Councillor Butler summed up and stated that ward members would still be allowed to comment on planning applications. Councillor Butler addressed the points made by Councillors during the debate and advised that if one ward member was in favour of an application and one is against they would both be allowed to address the Committee. He also reassured Councillors that the amendments would be reviewed within six to nine months and stated that planning training would take place before the next Planning Committee.

Councillor S Mallender made a point of order and asked if the vote on the recommendations could be made in separate parts. The Mayor advised that the recommendations, as part of the same report, would be voted on together.

RESOLVED that from the July 2017 meeting of the Planning Committee:

- a) Controlled public speaking is introduced in accordance with the attached draft protocol as detailed at Appendix 1 of the officer's report.
- b) The focus of the Committee and role of Ward Councillors serving on the Committee, or that of Ward Councillors attending to speak on an item in their Ward, as set out in paragraphs 4.5 to 4.9 of the officer's report.

- c) Ward Councillors will be required to support any objection or support for a development proposal with material considerations, which may be subject to discussion with the Service Manager/Lead Specialist.
- d) The start time of scheduled Planning Committees be brought forward to 6.30pm with a curfew of 10pm, with the potential for a 30 minute extension at the discretion of the Chairman.

It was moved by the Mayor, seconded by the Deputy Mayor, and RESOLVED that the order in which the remaining agenda items would be amended and taken as follows. Councillor Purdue-Horan requested that his vote against the change to the order in which the items were taken was recorded.

16. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

RESOLVED that the public be excluded from the meeting for consideration of the following item of business pursuant to Regulation 4 (2) of the above Regulations on the grounds that it is likely that exempt information may be disclosed as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972.

17. Strategic Asset Acquisition

Councillor Robinson presented the report of the Executive Manager – Operations and Transformation seeking the approval of Council for the acquisition of a strategic asset.

RESOLVED that:

- a) that the purchase of the land, as outlined at appendix A of the officer's report be approved.
- b) that the Council's Capital Programme be amended in order to complete the acquisition (including the purchase via Council capital receipts).

18. Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

RESOLVED that after the consideration of an item containing exempt information that the public be re-admitted to the meeting.

Mr G O'Connell, the Monitoring Officer who had declared an interest in the following item left the meeting at this point.

19. Appointment of the Role of the Monitoring Officer

Councillor Robinson presented the report of the Chief Executive to inform Council of the current situation regarding the office of the Monitoring Officer within Rushcliffe Borough Council. On 8 December 2016, Council had resolved that Mr Glen O'Connell should be designated as the Council's

Monitoring Officer for a period of 6 months and that a further report would subsequently be brought to Council detailing the outcomes of a review with Broxtowe Borough Council and recommending actions to secure the long term appointment of a Monitoring Officer. The report noted that, due to the on-going process within Broxtowe, it had not been possible to formally ascertain whether the previous partnering arrangement could be reinstated. The Chief Executive recommended that as an interim measure, Mr O'Connell should be appointed and designated as the Council's Monitoring Officer for a further period of six months during which steps would be taken to secure the long term appointment of a Monitoring Officer.

Councillor MacInnes noted the Labour group's support for the recommendations and expressed appreciation to how Mr O'Connell had worked with and supported Councillors in their work reviewing the Council's constitution.

RESOLVED that:

- a) Mr O'Connell is appointed and designated as the Council's Monitoring Officer for a further period of six months.
- b) That a final report be presented by the Chief Executive by December 2017.

20. **To answer questions under Standing Order 11(2)**

Mr O'Connell re-joined the meeting at this point.

a) **Question from Councillor Edwards to Councillor Butler**

"For social housing managed by Metropolitan and Waterloo Housing Associations, have any properties been fitted with external cladding since being built?"

In response, Councillor Butler stated that Waterloo Housing had no properties with cladding, that Metropolitan were still assessing their properties and would provide the Council with a response as soon as possible. He also stated that that, in the meantime, the clear priority had been for both organisations, like all housing providers, to complete their returns to government in relation to high rise properties.

Supplementary Question

Councillor Edwards asked Councillor Butler if there had been any recent fire safety inspections on such social housing.

Councillor Butler stated that the Council's Social Housing providers had fire safety inspections in place and asked Councillors to refer to their briefing note for additional information.

b) Question from Councillor Jones to Councillor Mason

“In view of the Cabinet decision to remove the area round the Nottingham Knight and the adjacent stretch of the A52 as an Air Quality Management Area because the level of NO₂ had reduced below the concerning 40 but without explanation of the various levels of Particulate Matter, how and where is the Council measuring Particulate levels in that area and across the Borough?”

Councillor Mason responded that the recently revoked AQMA for Nottingham Knight was in respect of Nitrogen Dioxide. Exceedances of the air quality standard for Particulate Matter have not been identified as a problem at this location.

She also stated that historically the Council had monitored for particulates in a number of locations, however based on this information and modelling work, the Council had agreed with DEFRA, documented through its annual reports, that further monitoring was not required. This situation was being kept under review and would be assessed on an annual basis. Additionally, the Council’s existing plans to reduce traffic related Nitrogen Dioxide with key Local Transport Plan stakeholders would also help to reduce particulate matter, particularly Particulate Matter 2.5 as well as 10, along with working through the planning process to control any new wood/biomass combustion processes.

Supplementary Question

Councillor Jones stated that on the Rushcliffe Borough Council website there were currently no air quality reports that stated that there had been a measure of this matter. He stated that the particulate matter 2.5 was most clearly associated with public health and asked Councillor Mason if action was being taken to regularly measure this matter.

Councillor Mason responded and stated that most particulate matter whether 10 or 2.5 came from cars however, this particulate matter was currently extremely low and would be reviewed annually.

c) Question from Councillor Jones to Councillor Butler

“As this Council will gain a considerable sum of money from any planning approval it gives for the recent outline application for 600 properties stretching through to Musters Road and that there is no provision in all the plans for the total of over 1,500 properties for any community playing field or activity for teenagers will the Council ensure that there is such provision somewhere in the plans for Sharphill?”

Councillor Butler responded by stating that the Council had adopted a supplementary planning framework covering the Melton Road development document which detailed on page 52 that:

“Each development area will be expected to agree with the Council an open space scheme for that development area and implement the scheme in accordance with the agreement. Where appropriate this should include provision of separate play/sports areas for young and older children. Each development area will then procure that the open spaces are maintained in

accordance with the provisions of a site wide Management Plan which will be agreed with the Council.”

He informed Councillors that the current planning application was an outline and not a detailed planning application so compliance with the adopted development framework in relation to play equipment/leisure facilities would, therefore, be considered when the Council received an application for detailed planning permission.

Supplementary Question

Councillor Jones asked for further reassurance that there would be facilities available for adolescents.

Councillor Butler repeated the quote from the Melton Road development document and stated that provision would be made for older and younger children.

d) Question from Councillor Chewings to Councillor Robinson

“When were the emergency action plans for Rushcliffe Borough Council relating to major incidents such as flooding, gas explosions and suspected bomb threats last reviewed?”

Councillor Robinson replied that Rushcliffe Borough Council’s Emergency Action Plan was on a three year cycle review and had last been reviewed in April 2015. This meant that the next review date was April 2018. Councillor Robinson informed Councillors that Rushcliffe Borough Council was part of the Nottinghamshire Local Resilience Forum which had plans in place for all major emergencies across the county. These were shared with all blue light services, multi-agency partners, councils and the voluntary service and were on a three year review cycle so different plans were being reviewed all the time. In addition the Local Resilience Forum undertook emergency planning exercises several times a year which Rushcliffe Borough Council officers attended. Councillor Robinson informed Councillors that all plans were available to authorised personnel via Resilience Direct, a central website which could be accessed by all multi-agency parties at any time and from any location. He also said that the Corporate Governance group oversaw emergency planning work and received regular updates on this subject.

Supplementary Question

Councillor Chewings asked Councillor Robinson whether Rushcliffe Borough Council staff were fully trained in the event of emergency accommodation being required and whether there were enough blankets, drinks, toiletries to meet the basic needs of residents in the short term.

Councillor Robinson responded by stating that it would depend on the number of residents who would require emergency help from the Council. He reassured Councillors that the Council had the facilities and trained staff to help residents in an emergency disaster. These plans were reviewed all the time and that Corporate Governance Group would be scrutinising them in the future.

e) **Question from Councillor Plant to Councillor Edyvean**

“Would the Portfolio Holder for Economic and Business agree with me that the disappointing income and usage figures of paid council car parks, for example, West Bridgford car parks, reported at the last Performance Management Board meeting are a cause for concern, and that as such must be closely monitored and the reasons scrutinised in order to ensure that visitors and residents alike find it economically viable to use the car parks instead of parking on-street and adding to the already highly congested streets around central West Bridgford?”

Councillor Edyvean first informed Councillors that the information provided to the Performance Management Board was from 2016/2017 and did not reflect the recent new charges that were introduced in March 2017. These revised charges aimed to encourage both short stay parking as well as to encourage visitors to stay longer to enjoy the shops, parks and restaurants. Councillor Edyvean stated that it was too early to know the full impact of the new charges but that early indications were promising. He stated that the Council would continue to closely monitor the intended positive impact of these changes both in terms of usage and income, and that this information would be managed through the Council’s performance management framework and be scrutinised in the normal way through the Performance Management Board.

Supplementary Question

Councillor Plant asked if Councillor Edyvean believed that the recent price rises in the West Bridgford car parks were linked to the decrease in usage and revenue generated by the West Bridgford car parks and if so, what action was being considered in order to address this?

Councillor Edyvean repeated that the figures from the final quarter of 2016/17 did not reflect the new charges that have been implemented and that he was of the belief that the new charges would increase the usage of, and revenue generated by, the West Bridgford car parks.

f) **Question from Councillor S Mallender to Councillor Robinson**

“In view of the recent events in London, will representations be made to Government to end the current lottery of pick and mix (private and public) building control and bring back all building control powers back to the Borough?”

Councillor Robinson responded by stating that building regulations are generic and should be applied in a uniform way no matter whether the public or private sector are contracted to approve and inspect the work. He also stated that in relation to the recent disaster we should wait until the outcome of the recently announced government investigations before jumping to any conclusions about how building control functions are undertaken by the public or private sector.

Supplementary Question

Councillor S Mallender made Councillors aware that some planning conditions had been lacking when building control had been awarded to the private sector. She then asked Councillor Robinson if he believed that we should bring all building control back into the public sector.

Councillor Robinson disagreed and stated that it should not be brought back into the public realm. He reassured Councillors that officers will be making sure that conditions are reviewed and carried out to the correct standards.

g) Question from Councillor S Mallender to Councillor Butler

“In view of the disaster of Grenville Tower and what it reveals about the state of social rented housing, is the Council planning to establish its capacity to build more social housing and in practice when will this be likely to deliver dwellings in the Borough?”

Councillor Butler stated that through partnership working with developers and Housing Associations it was projected that, even without Council action, 800 affordable housing units would be delivered during the period 2017/18 – 2021/22. This would consist of a mix of social (target rent), affordable rent (80% market rent) and intermediate housing (shared ownership) in accordance with the Local Plan. In addition, the Council had a capital programme of £1.6m to support the delivery of affordable housing up to 2020/21, including the provision of rural affordable housing to meet local housing needs.

Supplementary Question

Councillor S Mallender asked for reassurances that housing types in higher demand such as bungalows for elderly people would be provided.

Councillor Butler stated that through the planning process thought goes into the type of housing which is needed within the Borough. He stated that the Council worked with the developers to make sure that there was an appropriate mix of social housing and housing types.

The meeting closed at 9.05 pm.

MAYOR