

MINUTES OF COUNCIL

17 NOVEMBER 2021

PRESENT:

The Mayor (Councillor Mrs Deepah Brojohomun-Roberts), Councillors Mrs Allanach, Mrs A'Barrow, Bearne, Brader, Mrs Brown, Cade, Mrs Crane, Daly, Douglas, Ellis, Gillias, Mrs Hassell, Keeling, Miss Lawrence, Lewis, Mahoney, McQueen, Mrs Maoudis, Mistry, Mrs New, Mrs O'Rourke, Mrs Parker, Picker, Poole, Rabin, Ms Robbins, Roodhouse, Mrs Roodhouse, Sandison, Mrs Simpson-Vince, Srivastava, Ms Watson-Merret, Dr Williams and Willis.

55. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received from Councillors Miss Dumbleton, Eccleson, Mrs Garcia, Lowe, Shera, Roberts and Mrs Timms.

56. MINUTES

The minutes of the ordinary meeting held on 22 September 2021 were approved.

57. DECLARATIONS OF INTEREST

Item 8(a) of Part 1 – Notice of Motion – Councillor Gillias (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of, through his employment, undertaking maintenance work at flats within the town centre.

Item 7(a) City Fibre infrastructure proposal – Councillor Roodhouse (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of having a Vodafone contract and undertaking some work with the company).

58. MAYOR'S ANNOUNCEMENTS

(a) The Mayor reported that the Council recently launched the Rugby Net Zero website to coincide with COP26. Daily blogs were posted on the COP26 themes, which were well received by residents.

The site was created following Rugby's Climate Summit in September and will be used to help Rugby's communities to share information and tips as residents, businesses, public agencies and voluntary and community organisations all do their bit to reduce their carbon impact. The site will grow as work on reducing the borough's carbon footprint progresses.

(b) Case numbers of COVID continued to remain high within the borough. Over 50s and clinically vulnerable residents were better protected when they have had their booster vaccine. The Mayor, therefore, urged all residents who were eligible for their booster to book as soon as possible.

(c) The Mayor had attended a number of engagements recently and shared some highlights with the Council:

(1) In October the Mayor attended a Charity Proms Concert at the Temple Speech Rooms with proceeds from the event being distributed to local charities supported by Rotary Rugby Dunsmore and the Friends of St Cross. It was an honour to be invited to such an uplifting evening.

(2) Early on Armistice Day, the Mayor attended Britain's oldest annual ceremony, Wroth Silver, where various local parishes pay money to the Duke of Buccleuch. It was fantastic to be part of the community and get involved in the tradition. The Mayor tasted the customary hot milk and rum and proposed a toast to the Duke. There was also banter of reintroducing the white bull with the red nose and ears as a forfeit for non-payment of monies due to the Duke!

(3) After two years of disruption due to the pandemic, it had been a privilege, as first citizen of the Borough, for the Mayor to attend the short ceremony for Armistice Day and also to participate in the Remembrance Sunday Service with units, organisations and local residents, to honour those who have given the ultimate sacrifice in conflict.

59. QUESTIONS PURSUANT TO STANDING ORDER 10

A. Councillor Mrs O'Rourke to ask the Deputy Leader of the Council, Councillor Poole (in the absence of the Leader of the Council):

"Can the Leader of the Council tell the residents of Benn Ward how much the Council sold the cattle market development for, what the Council has spent the money on and how much of this money has been directly reinvested in Benn Ward?"

Councillor Poole, Deputy Leader of the Council (in the absence of Councillor Lowe, Leader of the Council), to reply as follows:

"The land transaction relating to the disposal of cattle market was detailed within the Full Council report dated 21 July 2020. As per the report this was listed as a confidential item and the disposal price remains commercially sensitive. To date the Council has not received the proceeds from the sale of the cattle market site. The exchange of contracts has taken place and completion was based upon the discharge of conditions relating to the planning permission for the redevelopment of the site. The progression of the discharge of conditions is continuing to take place.

All capital receipts received by the Council are used to finance the Council's capital programme, which is determined as part of the budget setting process. Any proposed capital scheme for any part of the Borough would form part of that determination process as has always been the case."

Councillor Mrs O'Rourke then asked the Deputy Leader of the Council if the answers to her question which related to confidential information be responded to.

Councillor Poole undertook to provide Councillor Mrs O'Rourke with a written response.

B. Councillor Mrs O'Rourke to ask the Deputy Leader of the Council, Councillor Poole (in the absence of the Leader of the Council):

"Can the Leader of this Council tell Benn Ward residents what he is going to do about the over concentration of HMOs in Benn Ward?"

Councillor Poole, Deputy Leader of the Council (in the absence of Councillor Lowe, Leader of the Council), to reply as follows:

"Thank you, Councillor Mrs. O'Rourke for your question. I refer you to the report to Environment and Growth Scrutiny Committee on 15 July 2019 where a comprehensive review of the legislation was discussed.

Since this question was previously raised at Full Council, the Council commissioned a report to understand the issue of Houses in Multiple Occupation (HMOs) in Rugby and to consider methods by which Rugby Borough Council may manage the issue going forwards. The report has been prepared with reference to both qualitative and quantitative data and has been considered against the current criteria outlined within the National Planning Policy Framework (NPPF) and the National Planning Practice Guidance (PPG). The report has just been received and will be reported to the next Planning Services Working Party in January 2022.

Nevertheless, as before, please note HMO licences are governed by The Housing Act 2004 which is separate from planning legislation. A decision to grant a HMO licence under the Housing Act 2004 will have no bearing on any decisions made in the planning process and that decision is mainly based on the safety and welfare of occupants.

While we are aware of a number of issues associated with them e.g. parking, and issues with specific HMOs, the majority provide safe and cheap accommodation for the local workforce and others in need and cause no more significant problems than other accommodation including owner occupied and rented. Our officers will investigate any allegations against specific HMOs and will continue to work with landlords to minimise any impact they may have on local residents."

60. REPORT OF CABINET – 8 NOVEMBER 2021

RESOLVED THAT – reports of Cabinet be approved and adopted.

61. REPORT OF AUDIT AND ETHICS COMMITTEE – 4 NOVEMBER 2021

RESOLVED THAT – the report of Audit and Ethics Committee be approved and adopted.

62. REPORT OF OFFICERS

(a) City Fibre Infrastructure Proposal

Council considered the report of the Chief Officer – Digital and Communications (Part 1 – agenda item 7(a)) concerning the delivery of a new fibre network within Rugby with City Fibre.

RESOLVED THAT –

- (1) the delivery of a new fibre network by City Fibre within the Borough, as set out in the report, be approved and delegated authority be given to the Executive Director to put in place the necessary arrangements to facilitate this scheme of investment in Rugby;
- (2) delegated authority be given to the Chief Officer - Legal and Governance to negotiate and enter a Master Wayleave Agreement and associated resourcing Service Agreement with City Fibre on appropriate terms to support the scheme of investment in Rugby; and
- (3) delegated authority be given to the Chief Officer - Legal and Governance to agree a process for approving wayleave applications which will form part of the Master Wayleave Agreement and as noted above forms part of this Scheme of investment. The applications will be submitted in stages and the routes considered pursuant to this process.

(b) Return to Full Council meetings in the Council Chamber

Council considered the additional report of the Chief Officer for Legal and Governance concerning options for Full Council meetings returning to the Council Chamber, which had been circulated to all Members and published on the Council's website.

The Executive Director and Monitoring Officer delivered a presentation on the report and amendments to the equality impact assessment (Appendix 2), a copy of which had been circulated to all Members prior to the meeting and published on the Council's website.

The following points were made as part of the presentation:

- the Executive Director and senior officers had a responsibility to ensure that all Council activities were carried out safely and it was always the aim to take proportionate and appropriate mitigation measures
- despite mitigation measures identified in the risk assessment at Appendix 1 to the report, the risk for option 2 in the report (return to Council Chamber with immediate effect) did not lower the overall risk to a lower point than remaining in the Benn Hall for Full Council meetings

- the officer report provided options rather than a specific recommendation as it was a decision for Members to determine to what extent not returning to the Council Chamber would detrimentally affect their democratic rights
- the equality impact assessment identified a potential negative impact on some Members who did not wish to return to the Council Chamber for personal reasons by virtue of their democratic right to attend meetings in person to be able to vote on Council matters.

Councillor Ms Robbins moved and Councillor Poole seconded that Option 1 for the return to the Council Chamber, as detailed within section 10 of the report, be approved.

Further to debate, 3 members requested a recorded vote under Standing Order 3A Paragraph 15.4 on the motion.

For the motion: Councillors Mrs Allanach, Mrs A'Barrow, Bearne, Brader, Mrs Brown, Cade, Mrs Crane, Daly, Douglas, Ellis, Gillias, Mrs Hassell, Keeling, Miss Lawrence, Lewis, Mahoney, McQueen, Mrs Maoudis, Mistry, Mrs New, Mrs O'Rourke, Mrs Parker, Picker, Poole, Rabin, Mrs Roberts, Ms Robbins, Roodhouse, Mrs Roodhouse, Sandison, Mrs Simpson-Vince, Srivastava, Ms Watson-Merret, Dr Williams and Willis – **35 votes**

Against the motion: no votes

Abstentions from the motion: no votes

The Mayor declared the motion carried.

RESOLVED THAT – Option 1 for the return to the Council Chamber, as detailed within section 10 of the report, be approved.

63. NOTICES OF MOTION PURSUANT TO STANDING ORDER 11

Council considered the following Motion, notice of which had been given pursuant to Standing Order 11.

(a) Councillor Sandison moved and Councillor Roodhouse seconded the motion as set out below.

“This Council recognises the impact of high volumes of traffic entering and egressing the part pedestrianised area of High Street, Sheep Street and Market Place, to the detriment of pedestrians and non-drivers. It notes that pedestrians appear to have priority for only 5 hours out of 24 hours and that residents and visitors feel unsafe in this shared space.

This Council calls upon Rugby Borough Council and Warwickshire County Council to review the current Traffic Regulation Orders in order to enhance pedestrian safety and access and to carry out full enforcement procedures.”

Councillor Rabin then moved and Councillor Miss Lawrence seconded the following amendment (amendment highlighted in bold italics):

“This Council recognises the impact of high volumes of traffic entering and egressing the part pedestrianised area of High Street, Sheep Street and Market Place, to the detriment of pedestrians and non-drivers. It notes that pedestrians appear to have priority for only 5 hours out of 24 hours and that residents and visitors feel unsafe in this shared space.

*This Council calls upon Rugby Borough Council and Warwickshire County Council to review the current Traffic Regulation Orders **operational times and enforcement procedures in order to enhance pedestrian safety while consulting with businesses present within the pedestrianised retail area of High Street, Sheep Street and Marketplace to also ensure their trade is not negatively affected.**”*

Further to debate, the Mayor put the amendment to the vote and declared it carried.

The Mayor then put the substantive motion to the vote and declared it carried.

RESOLVED THAT – this Council calls upon Rugby Borough Council and Warwickshire County Council to review the current Traffic Regulation Orders operational times and enforcement procedures in order to enhance pedestrian safety while consulting with businesses present within the pedestrianised retail area of High Street, Sheep Street and Marketplace to also ensure their trade is not negatively affected.

64. CORRESPONDENCE

There was no correspondence.

65. COMMON SEAL

It was moved by the Mayor, seconded by the Deputy Mayor, and

RESOLVED THAT – the Common Seal be affixed to the various orders, deeds and documents to be made or entered into for carrying into effect the several decisions, matters and things approved by the Council and more particularly set out in the reports adopted at this meeting.

66. MOTION TO EXCLUDE THE PUBLIC UNDER SECTION 100(A)(4) OF THE LOCAL GOVERNMENT ACT 1972

It was moved by the Mayor, seconded by the Deputy Mayor and

RESOLVED THAT - under section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following item on the grounds that it involved the likely disclosure of information defined in paragraph 1 of Schedule 12A of the Act.

67. PRIVATE REPORT OF OFFICERS

(c) Dispensation for non-attendance at meetings of the Council

Council considered the report of the Chief Officer for Legal and Governance (Part 2 – agenda item 1(a)) concerning a dispensation for non-attendance at meetings of the Council for reasons outlined in the report.

RESOLVED THAT – the recommendation as detailed in the report be approved.

MAYOR