

# MINUTES OF COUNCIL

20 JULY 2021

## PRESENT:

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

## 22. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received from Councillors Brader, Mrs Brown, Mrs Crane, Miss Dumbleton, Ellis and Mrs Timms.

## 23. MINUTES

The minutes of the ordinary meeting held on 17 June were approved.

## 24. DECLARATIONS OF INTEREST

Item 9(c) of Part 1 – Notice of Motion under Standing Order 11 – Councillors Roberts, Roodhouse and Mrs Simpson-Vince (non-pecuniary interests as defined by the Council's Code of Conduct for Councillors by virtue of being Warwickshire County Councillors).

Item 8(c) of Part 1 – Supporting the homeless into employment - Councillor Lewis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a trustee of Rugby Bareboards Trust).

Item 2(a) of Part 2 – Urgent Decision under Emergency Powers – Community Advice and Support Team - Councillor Lewis (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a trustee of Rugby Bareboards Trust).

## 25. MAYOR'S ANNOUNCEMENTS

The Mayor attended a tea party at the Hospital of St Cross earlier this month to celebrate the Thank You Day for all NHS staff and key workers which also coincided with the 73<sup>rd</sup> anniversary of the NHS. In her professional role, she had seen first-hand throughout the pandemic the dedication and hard work all NHS staff have given to ensure the high quality and care of patients. On behalf of the Borough, the Mayor placed on record her thanks to all NHS staff and key workers for their continued efforts during this difficult time.

The Mayor, on behalf of the Borough, congratulated the England Football team's incredible recent journey through the European Football Championships. The whole team and staff were successful in reaching the final of a major tournament for the first time in 55 years and showed pride, courage and dignity whilst representing their country. The Mayor would be sending a letter on behalf of the Borough to convey its best wishes to them for their achievement and for future success."

**26. QUESTIONS PURSUANT TO STANDING ORDER 10**

**A. Councillor Mrs O'Rourke asked the Leader of the Council, Councillor Lowe, the following question:**

“Can the leader of this Council let the residents who live in the urban areas of the town what action this council will be taking to mitigate poor air quality in the town centre areas as result of the Huge developments around the edge of town?”

**Councillor Lowe, Leader of the Council, replied as follows:**

“The council has a duty under the Environment Act 1990 to manage air quality. This includes statutory duties such as producing an annual report and producing air quality action plans. These are available on the council website. Search for ‘air quality’.

The town does have an air quality management area for nitrogen dioxide. The main cause of the air pollution is traffic and the historic layout of the town means that traffic has had to go through the town centre. The Commercial Regulation Team in Regulation and Safety is actively involved in the planning and development of the larger estates and has contributed to work including the Rugby Western Relief Road and the South Western Supplementary Planning Document to reduce the need for traffic to go through populated areas. We are planning to review the air quality action plan this year. It is important to note that Warwickshire County Council has a significant role in reducing air pollution in the town centre as the highway authority and it will be a key partner in the air quality action plan review.”

Councillor Mrs O'Rourke reiterated her question. The Leader of the Council added that an Air Quality Supplementary Planning Document was due to be approved very soon. He added that there was broad cross party consensus on this issue and was happy to meet with Councillor Mrs O'Rourke to discuss any suggestions she may have to support the reduction of air quality.

**B. Councillor Mrs O'Rourke asked the Leader of the Council, Councillor Lowe, the following question:**

“How much money has the new homes bonus provided to this council over the last 5 years?”

**Councillor Lowe, Leader of the Council, replied as follows:**

“The income generated from the New Homes Bonus Scheme is as follows:

Year	£
2017/18	2,666,039
2018/19	2,105,747
2019/20	2,140,813
2020/21	2,382,202
2021/22	1,780,156
<b>Total</b>	<b>11,074,958</b>

Councillor Mrs O'Rourke then asked the Leader of the Council how much of the £11m received had been used to build housing for local people, both in affordable and social rent housing. Councillor Lowe would respond to Councillor Mrs O'Rourke's supplementary question in writing.

**C. Councillor Mrs O'Rourke asked the Leader of the Council, Councillor Lowe, the following question:**

"What power does this authority have in addressing landlords who provide poor housing?"

**Councillor Lowe, Leader of the Council, replied as follows:**

"The council has powers to regulate private landlords through the Housing Act 2004 which is delegated to the Neighbourhoods Team in Regulation and Safety. The team proactively inspects the highest risk properties such as houses in multiple occupation and also respond to complaints from tenants and landlords. The Act provides a wide range of powers including powers to require improvements, closures and taking responsibility for management. Detailed advice is available on the council's website for landlords and tenants (search for 'private sector housing')."

Councillor Mrs O'Rourke then asked the Leader of the Council how many landlords had been prosecuted in the last 12 months for breaches of the Housing Act 2004. Councillor Lowe would respond to Councillor Mrs O'Rourke's supplementary question in writing.

**D. Councillor Mrs O'Rourke asked the Leader of the Council, Councillor Lowe, the following question:**

"Can the leader of this council assure this council that there will not be cuts to the current workforce establishment over the next 12 months?"

**Councillor Lowe, Leader of the Council, replied as follows:**

"In order to address the current £2.854m savings target for the Council, over the next 7 months all aspects of service delivery will be analysed. It is not the desire to reduce the workforce numbers, however no guarantees can be made at this time. If any reshaping takes place, all options will be considered which will include the reviewing of vacant posts and redeployment to other roles in the organisation."

Councillor Mrs O'Rourke then asked the Leader of the Council for a guarantee that there would be no reduction in the number of services offered to the public. Councillor Lowe assured Councillor Mrs O'Rourke that there was no desire to cut Council services.

**E. Councillor Mrs O'Rourke asked the Leader of the Council, Councillor Lowe:**

"How much money does this Council currently provide to the local BID through its SLAs?"

**Councillor Lowe, Leader of the Council, replied as follows:**

“In 2020/21 the Council provided the BID with £272,930 with the largest share of this (£267,930) relating to a contribution to CCTV in the town centre. The value is lower than previous years due to events not taking place as a result of COVID-19.”

Councillor Mrs O’Rourke then asked the Leader of the Council if the funding provided to the BID was value for money and if there were any performance indicators to show what was being achieved with the Council’s contribution. Councillor Lowe considered that this method was the cheapest way to provide CCTV for the town centre which helped in reducing crime and anti-social behaviour. The SLA to the BID was under review alongside its role and governance procedures.

**F. Councillor Mrs O’Rourke asked the Leader of the Council, Councillor Lowe, the following question:**

“How many town centre premises are currently vacant?”

**Councillor Lowe, Leader of the Council, replied as follows:**

“There are currently 44 units vacant within the designated town centre area. We understand the vacancies are due to a range of factors. These include branch closures, businesses ceasing trading and also the relocation of existing businesses to alternative premises within the town centre.”

**G. Councillor Mrs O’Rourke to ask the Leader of the Council, Councillor Lowe:**

“Given the high vacancy rates of retail premises in the town centre and now also at junction one, can the leader of the council advise how much revenue has been lost in business rates over the last 3 years?”

**Councillor Lowe, Leader of the Council, to reply as follows:**

“Under legislation, any vacant retail units are given a 100% exemption from business rates for the first 3 months of becoming empty. Following on from this full rates have to be paid by the owner.

We do not have access to the exact sums lost over the three years, but given the maximum period is 3 months and that the Borough (in cash terms) only retains 20% of any rates collected, the values are expected to be minimal.

From 1 April 2020 – 30 June 2021 all occupied shops received a 100% retail discount on their business rates and the Council has been compensated through a government grant for awarding this.

From 1 June 2021 – 31 March 2022 the discount has reduced to 66%, the government funding for providing this will continue for the period.”

Councillor Mrs O'Rourke then asked the Leader of the Council how much money the Council was likely to lose in business rates over the next 18 months to two years. Councillor Lowe was unable to comment.

**H. Councillor Mrs O'Rourke to ask the Leader of the Council, Councillor Lowe:**

"Will the leader of this Council proactively look at introducing a policy to adopt open space on new developments?"

**Councillor Lowe, Leader of the Council, to reply as follows:**

"Land ownership and management of open space/green space on residential developments is separate to the planning process. Whilst through s106s Planning can secure the requirement of the land for public open space through our policies and make sure it remains in perpetuity, the Council cannot control who ultimately takes over the management of the land and cannot insist that the developer transfers such land to the Council. Open Space management by developers or their contractors is not currently regulated as an activity.

Where possible the Borough Council seeks to adopt new open space/green space, as long as it does not place unnecessary liabilities and risks on the Council."

Councillor Mrs O'Rourke then asked the Leader of the Council if he would be willing for a group of Members to look at proposals to ensure residents are not held responsible for the financial maintenance of new open spaces. Councillor Lowe replied that , although he welcomed collaboration on this issue, legal advice would need to be taken on this request initially.

**I. Councillor Ellis asked the Growth and Investment Portfolio Holder, Councillor Mrs Simpson-Vince, the following question:**

"What enforcement powers does Rugby Borough Council have on the monitoring of the building standards for new builds and what action can it take if they fall below the required standard?"

**Councillor Mrs Simpson-Vince, Growth and Investment Portfolio Holder, replied as follows:**

"A local authority has a general duty to enforce the building regulations in its area and will seek to do so by informal means wherever possible. If informal enforcement does not achieve compliance with the regulations the local authority has two formal enforcement powers which it may use in appropriate cases.

First, if a person carrying out building work contravenes the Building Regulations, the local authority may prosecute them in the Magistrates' Court where an unlimited fine may be imposed (sections 35 and 35A of the Building Act 1984). Prosecution is possible up to two years after the completion of the offending work. This action will usually be taken against the person carrying out the work (builder, installer or main contractor).

Alternatively, or in addition, the local authority may serve an enforcement notice on the building owner requiring alteration or removal of work which contravenes the regulations (section 36 of the 1984 Act). If the owner does not comply with the notice the local authority has the power to undertake the work itself and recover the costs of doing so from the owner. A section 36 enforcement notice cannot be served after the expiration of 12 months from the date of completion of the building work. A local authority also cannot take enforcement action under section 36 if the work carried out is in accordance with the full plans which the authority approved or failed to reject. An appeal against a section 36 notice may be made to a Magistrates' Court under section 102 of the Building Act.

Where an approved inspector is providing the building control service, the responsibility for checking that the building regulations are complied with during the course of the building work will lie with that inspector. They will usually do this by advising the person carrying out the work.

However, approved inspectors do not have formal enforcement powers. In a situation where the inspector considers the building work does not comply with the building regulations and there is a refusal to bring it into compliance the inspector will cancel the initial notice. If no other approved inspector takes on the work, the building control function will automatically be taken on by the local authority. From this point on, the local authority will also have enforcement powers set out above where it considers this necessary."

**J. Councillor Poole asked the Operations and Traded Services Portfolio Holder, Councillor Miss Lawrence, the following question:**

"Since the onset of the Covid restrictions, Wolston and the Lawfords has seen a marked increase in illegal fly tipping throughout the ward, and now seems to be targeted regularly.

Could the portfolio holder provide an approximation of the costs incurred by the Council for the subsequent fly tipping 'clean up' operations needed in the ward, and similarly for the wider Borough as a whole, when comparing Q2 x 2021 vs Q1 x 2021?"

**Councillor Miss Lawrence, Operations and Traded Services Portfolio Holder, to reply as follows:**

"I would like to thank Councillor Poole for this important question and agree with him that we have seen a high number of fly tipping incidents over the last year. This applies to many wards across the Borough, but I am acutely aware that some parishes (including Wolston and the Lawfords) have been particularly adversely affected.

During the first quarter of 2021/22, we have seen costs of approximately £47,000 to clean up fly tips across the Borough. The figures for the second quarter of 2021/22 are not yet finalised, but for contrast, the second quarter of 2020/21 saw costs of approximately £65,000.

I would be pleased to meet Councillor Poole to understand how we can work across the two portfolios to tackle this significant issue. I would also suggest that these discussions feed into the future agendas of the Waste Management and Fly Tipping working party.

When I was teaching, we had an educational programme called 'show racism the red card'. I think we would all agree that it is time that Rugby Borough showed fly tipping the red card."

**K. Councillor Roodhouse asked the Communities, Homes, Digital and Communications Portfolio Holder, Councillor Mrs Crane, the following question:**

"What is the present status of Rugby Local Strategic Partnership and when did it last meet in public?"

**Councillor Lowe, Leader of the Council (in the absence of Councillor Mrs Crane, Communities, Homes, Digital and Communications Portfolio Holder), replied as follows:**

"The Rugby Local Strategic Partnership (LSP) last met in January 2020, and the continuance of the 2-monthly meetings were disrupted by the ongoing pandemic. Whilst the meetings have not been public ones, the resulting minutes are publicly available via the Council's website. We are now in the early stages of reviewing the LSP and its role going forward in helping us to help achieve the priority outcomes identified in the new Corporate Strategy and recovery plan. This work will include reviewing the terms of reference, membership and arrangements for meetings, and will be completed later in 2021."

Councillor Roodhouse highlighted that a number of meetings of the LSP listed on the website did not have minutes attached to them. Councillor Roodhouse then asked the Leader of the Council if, in view of partnership working being a key element of the Council's Corporate Strategy, the review of the LSP could be accelerated to be completed by the Autumn. Councillor Lowe agreed with this and would look into the issue of minutes not being on the website for some LSP meetings.

**27. REPORT OF CABINET – 28 JUNE 2021**

Council considered the report of Cabinet dated 28 June 2021.

With regard to item 3 of the report, Councillor Ms Robbins informed the meeting of a typographical error in recommendation 10 of the report of Cabinet. The virement figure referred to should read, "£0.750m".

Councillor Ms Robbins therefore proposed and Councillor Lowe seconded that the recommendation of Cabinet be approved subject to recommendation 10 being amended to read, "a virement of £0.750m within the 2021/22 HRA capital budget to allocate slippage from Rounds Gardens Demolition to the Rounds Garden Capital budget, as detailed in paragraph 5.4, be approved to meet ongoing decanting costs and design fees."

**RESOLVED THAT** – the report of Cabinet be approved and adopted subject to the amendment as above.

**28. OVERVIEW AND SCRUTINY ANNUAL REPORT 2020/21**

Council considered the report of Scrutiny (Part 1 – agenda item 7) concerning their annual report for 2020/21.

**RESOLVED THAT** – the Overview and Scrutiny Annual Report for 2020/21 be approved for publication.

**29. REPORT OF OFFICERS**

**(a) Localism Act – Pay Policy Statement**

Council considered the report of the Executive Director (Part 1 – agenda item 8(a)) concerning the Council's pay policy statement.

**RESOLVED THAT** – the new Pay Policy Statement, as at Appendix 1 to the report, be adopted with immediate effect.

**(b) Affordable housing supply – Notice of Motion November 2020**

Council considered the report of the Chief Officer – Communities and Homes (Part 1 – agenda item 8(b)) concerning the response to a notice of motion from November 2020 relating to affordable housing supply.

**RESOLVED THAT** – the report be noted.

**(c) Supporting homelessness into employment**

Council considered the report of the Chief Officer – Communities and Homes (Part 1 – agenda item 8(c)) concerning support proposed for getting homeless into employment.

**RESOLVED THAT** –

(1) a supplementary budget of £0.095M be allocated to subsidise the referral of 50 service-users through the BEAM project, to be met from Public Health funding of £0.2M;

(2) delegated authority be given to the Chief Officer - Legal & Governance to enter into any necessary legal agreements; and

(3) the pilot be reviewed in consultation with the Portfolio Holder for Communities and Homes and the Chief Officers for Communities and Homes, Finance and Performance and Legal and Governance, with a view to Council approval being requested to allocate additional funding from the Public Health allocation to subsidising additional referrals to the scheme.

**(d) Local Authority Delivery Scheme - additional funding opportunity identified**

Council considered the report of the Chief Officer – Communities and Homes (Part 1 – agenda item 8(d)) concerning an additional funding opportunity under the Local Authority Delivery Scheme.

**RESOLVED THAT -**

- (1) progress with the measures identified by E.ON as outlined in paragraph 2.2 of the main report be approved;
- (2) delegated authority be given to the Chief Officer - Legal & Governance, to enter into any necessary legal agreements; and
- (3) the decision of Cabinet dated 7<sup>th</sup> June as detailed in Appendix 1 be approved.

**(e) Adoption of the Ryton on Dunsmore Neighbourhood Development Plan and Decision Statement**

Council considered the report of the Chief Officer – Communities and Homes (Part 1 – agenda item 8(e)) concerning the proposed adoption of the Ryton on Dunsmore Neighbourhood Development Plan and Decision Statement.

**RESOLVED THAT -**

- (1) The Ryton on Dunsmore Neighbourhood Development Plan be adopted in accordance with section 38A(4)(a) of the Planning and Compulsory Purchase Act 2004 (as amended);
- (2) the decision notice required under regulation 19 of the Neighbourhood Planning (General) Regulations 2012 (as amended) be approved (draft notice included in Appendix 2); and
- (3) both the Ryton on Dunsmore Neighbourhood Development Plan and the decision notice be published on the Council's website and publicised, and any required notifications be issued.

**30. NOTICES OF MOTION PURSUANT TO STANDING ORDER 11**

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

- (a) Councillor Rabin moved and Councillor Ms Watson-Merret seconded the motion as set out below.

*“The Kings Fund recommends that local authorities should “ensure that parks are well maintained, and that anti-social behaviour does not act as a disincentive for people to enjoy the space and derive health benefits from it.”*

*With regard to Newbold on Avon Quarry Park, the Borough Council has completed two actions in the last two years:*

1. *To place a Public Spaces Protection Order (PSPO) upon the site (March 2019)*
2. *To remove the viewing platform located adjacent to the disabled-user car park.*

*The area is unsuitable for wheelchair or disability access. The disabled-user car park provides access for cars. Beyond that, an able person would struggle to walk the paths – particularly after any wet weather.*

*Newbold Quarry Park is being wasted. Council is therefore requested to establish a suitable cross-party working group to assess the following matters:*

- a) a hard surfaced, pathway around the perimeter of the lake, suitable for wheelchair access directly from the existing disabled-user parking area, with several bankside viewing areas.*
- b) planning suitable interventions designed to increase access to green and open spaces for all members of our community, particularly disadvantaged groups.*
- c) Improving the quality of those prominent green and open spaces that have received no improvements for a significant time – such as Criss Cross Park, Brownsover.*
- d) Funding which shall include third party funding for the above identified matters.*
- e) Engage with local communities, disability charities and volunteer groups to achieve the above objectives.*

*The above activities will require a detailed knowledge of local needs, cultural contexts and attitudes, with clear objectives and strong targeting.”*

Further to the proposer and seconder speaking and in accordance with paragraph 11.2(d) of Council Standing Orders, the motion stood referred to Scrutiny Committee.

(b) Councillor Mrs O'Rourke moved and Councillor Mistry seconded the motion as set out below.

*“This Council sets up a cross party task and finish group to work with officers to evaluate the policies and procedures pertaining to the use of drone technology by Rugby Borough Council to ensure they:*

- Reassure the public that RBC drones comply with the Data Protection Act*
- Address safety issues*
- prevent any infringements of the Human Rights Act with regard to the rights to privacy”*

Further to debate, Councillor Mrs O'Rourke moved and Councillor Lowe seconded the following amendment:

*“A one off briefing be held for all Members concerning drone technology and the relevant legal implications.”*

The amendment was put to the vote and declared carried.

**RESOLVED THAT** - a one off briefing be held for all Members concerning drone technology and the relevant legal implications.

(c) Councillor Bearne moved and Councillor Willis seconded the motion as set out below.

*“It has become increasingly noticeable how precarious it has become for pedestrians walking in the Clock Tower, High Street and Sheep Street areas of Rugby Town Centre.*

*To a visiting pedestrian observer, it may well seem that the pedestrianised area there actually forms part of the ‘to and fro’ of the regular road network, as opposed to its intended function of permitting vehicular access to the commercial premises in the immediate vicinity.*

*All kinds of vehicles now seem to be accessing the area mentioned – from private hire taxis conducting their business, to motorists driving up to, and parking near food outlets to make a collection. Random parking seems to predominate in the area.*

*Could the Council Leader please write to Warwickshire County Council as the highway authority and request that it undertakes an investigation into how this ongoing, and increasingly dangerous situation, could be alleviated in the interests of upholding public safety in the pedestrianised area?”*

Councillor Sandison then moved and Councillor Roodhouse seconded the following amendment:

*“It has become increasingly noticeable how precarious it has become for pedestrians walking in the Clock Tower, High Street and Sheep Street areas of Rugby Town Centre.*

*To a visiting pedestrian observer, it may well seem that the pedestrianised area there actually forms part of the ‘to and fro’ of the regular road network, as opposed to its intended function of permitting vehicular access to the commercial premises in the immediate vicinity.*

*All kinds of vehicles now seem to be accessing the area mentioned – from private hire taxis conducting their business, to motorists driving up to, and parking near food outlets to make a collection. Random parking seems to predominate in the area.*

*In view of this*

*(1) Council notes that WCC highways officers alongside borough and county councilors, Rugby Town Beat officers and Rugby First CCTV unit have attended at recent site visits to assess the situation regarding highway abuses by drivers and more follow up meetings have been agreed to help resolve this public safety and wellbeing issue; and*

*(2) could the Council Leader please write to Warwickshire County Council as the highway authority and request that it undertakes an investigation into how this ongoing, and increasingly dangerous situation, could be alleviated in the interests of upholding public safety in the pedestrianised area?”*

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

(d) Councillor Roodhouse moved and Councillor McQueen seconded the motion as set out below.

*“The pandemic has seen increased numbers of individuals who are suffering from loneliness and isolation and this is recognised as one of the major health concerns we face. The “Campaign to End Loneliness” and its report “Promising Approaches Revisited, Effective Action on Loneliness in Later Life” sets out a clear framework of action. The Council’s Corporate Strategy confirms its commitment to the health and wellbeing of its residents.*

*The Council and its elected members are in a unique position to help and support individuals post Covid and we therefore request that the Portfolio Holder brings a report to a future meeting of Council to consider the following:*

- 1) the framework as outlined in the report by the Campaign to End Loneliness is adopted and adapted to match the needs of Rugby Borough.*
- 2) that the approach adopted is embedded into all the Council's partnership arrangements; and*
- 3) a communications, information and support plan is prepared with elected members to suit their respective wards in order to help and support those who are suffering from loneliness and isolation."*

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

### **31. CORRESPONDENCE**

There was no correspondence.

### **32. 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.

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

**RESOLVED THAT** – under Section 100(A)(4) of the Local Government Act 1972 the public be excluded from the meeting for the following items on the grounds that they involved the likely disclosure of information defined in paragraphs 2 and 3 of Schedule 12A of the Act.

### **34. PRIVATE REPORT OF CABINET – 28 JUNE 2021**

**RESOLVED THAT** – the report of Cabinet dated 28 June 2021 be approved and adopted.

### **35. PRIVATE REPORT OF OFFICERS**

#### **(a) Urgent Decision under Emergency Powers – Community Advice and Support Team**

Council considered the private report of the Chief Officer – Communities and Homes (Part 2 – agenda item 2(a)) concerning an urgent decision taken under emergency powers with regard to the Community Advice and Support Team.

**RESOLVED THAT** – the report be noted.

**MAYOR**