

MINUTES OF COUNCIL

14 NOVEMBER 2019

PRESENT:

The Mayor (Councillor W H Lewis), Councillors Mrs Allanach, Mrs A'Barrow, Brader, Mrs Brown, Brown, Butlin, Cade, Douglas, Miss Dumbleton, Eccleson, Ellis, Mrs Garcia, Gillias, Miss Lawrence, Lowe, McQueen, Mahoney, Mistry, Mrs New, Mrs O'Rourke, Pacey-Day, Mrs Parker, Picker, Poole, Ms Robbins, Roberts, Mrs Roberts, Roodhouse, Mrs Roodhouse, Sandison, Shera, Mrs Simpson-Vince, Srivastava, Stokes and Mrs Timms.

42. APOLOGIES FOR ABSENCE

Apologies for absence from the meeting were received from Councillors Bearne, Mrs Bragg, Mrs Crane, Cranham and Leigh Hunt.

43. MINUTES

The minutes of the meeting held on 26 September 2019 were approved and signed by the Mayor.

44. DECLARATIONS OF INTEREST

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Ms Robbins (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being an executive member of Brownsover Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Mrs Timms (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Chair of Long Lawford Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Poole (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of Long Lawford Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Miss Dumbleton (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a member of Overslade Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Mrs Brown (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being Secretary of Overslade Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Mrs O'Rourke (non-pecuniary interest as defined by the Council's Code of Conduct for Councillors by virtue of being a Director of Overslade Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Brown (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a member of Brownsover Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Ellis (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a member of Newbold Community Association).

Item 6(b)(4) of Part 1 – Voluntary and Community Sector Contracts and Service Level Agreements – Councillor Srivastava (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a member of Newbold Community Association, Brownsover Community Association and Benn Partnership Centre).

Item 6(b)(6) of Part 1 – Review Report: Public Space Protection Orders – Councillor Poole (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a Ward Councillor for Wolston).

Item 6(b)(6) of Part 1 - Review Report: Public Space Protection Orders – Councillor Mrs Timms (non-pecuniary interest as defined by the Council’s Code of Conduct for Councillors by virtue of being a Warwickshire County Councillor).

45. MAYOR’S ANNOUNCEMENTS

The Mayor reminded Members that the Council was presently in the period of Purdah due to the impending Parliamentary Election on 12 December 2019. He pointed out that it was very much ‘business as usual’ and the agenda reflected normal council business.

However, during this purdah period and that included this meeting, members were reminded that they should not in any way whatsoever make any references, including informal remarks, to individual candidates, political parties and, most importantly of all, any statements on politically sensitive areas. If Members were in doubt, they should seek guidance from either the Executive Director or the Monitoring Officer.

It was emphasised that the meeting and the debate should be directly related to the agenda and normal council business. It should not be used as a platform to promote political parties, candidates and areas which are associated with election campaigns. The Mayor also asked Members to remember his theme of ‘Respect’ for his year.

The Mayor reported that there was a very good turnout of residents, the armed forces and representatives of other organisations and councillors at the Remembrance Sunday Service on 10 November 2019 and the Council was honoured by the presence of the Lord Lieutenant of Warwickshire, Tim Cox. The Mayor thanked the Democratic Services team and the Works Services Unit for arranging the event and to those who also contributed in any way.

The Mayor attended Wroth Silver last week. This is a traditional ceremony undertaken usually held on 11 November each year. It is the occasion when the parishes pay their dues to His Grace the Duke of Buccleuch and Queensberry. They do that by throwing coins into a hollowed out stone on Knightlow Hill just

before sunrise. The sums demanded have not been increased in line with inflation so the total collected is usually less than 50p. However, this year £12 was collected. There were about 60 people at the ceremony and then attendees went to a nearby pub for a full English breakfast at which the Mayor of Rugby is required to raise a toast to the Duke. This is an old and venerable tradition which deserves to be supported.

With regard to the Rugby World Cup 2019, this turned out to be not as successful for us as we had hoped. The best team in the competition went out in the semi-finals..... and then England were knocked out too! The Mayor wished to thank Mike Green, Communications team, and Amanda Hunter of Rugby School for arranging interviews on Good Morning Britain, Sky Sports and Coventry and Warwickshire Radio. The Mayor now hoped more people knew about Rugby and its connection with the game.

46. QUESTIONS PURSUANT TO STANDING ORDER 10

Councillor Miss Dumbleton asked the Communities and Homes Portfolio Holder, Councillor Mrs Crane:

“Our Housing Strategy states that we will

- a) Provide homes for families which suit their needs.
- b) That we will plan for the right houses in the right places and diversify the housing market.
- c) It states that in the previous housing strategy the objective was to ensure that Rugby’s housing supply meets housing needs.
- d) It states that properties were purchased to mitigate the loss of houses through the right to buy scheme.

What evidence does the Portfolio Holder have that these targets have been met?”

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

“I will address the questions raised one-by-one:

- a) This is a complex issue to address, principally as new supply will lag behind current demand, with need being broader than just family homes. Indeed, the most pressing current need is for 1-bedroom accommodation for single-people.

The new homes provided so far during the lifetime of the current housing strategy are:

- 2018/19 – 220 affordable homes (a mix of social rent, affordable rent and shared ownership)
- 2019/20 – to date there have been 117 affordable homes delivered (a mix of social rent, affordable rent and shared ownership)

The majority of these new homes have been family housing. 255 out of the 337 have been 2 bedroom or more.

In addition to new-build properties, there are re-lets of existing stock by the council and other social housing providers in the borough, to those in housing need, as and when properties become vacant.

In terms of suiting needs, offers of homes to applicants on the waiting list must be both reasonable and meet their housing needs. This is determined on a case-by-case basis, considering the circumstances of the household. An affordability check is also carried out to ensure that applicants can afford the home that they are being offered.

The base measure for meeting need is the housing waiting list which is reviewed monthly. This informs the basis for discussions with Registered Provider Partners, who are considering acquiring or developing new stock in the borough, as well as helping to inform our own investment decisions.

The waiting list currently comprises just over 900 applicants, a reduction from 1,100 in November 2019. One of the reasons for the reduction in numbers is that the waiting list is in the process of being reviewed, as there are potentially applicants on there that no longer require housing, or their circumstances have changed. So far bands 3, 4 and 5 of the waiting-list are at the end stages of being reviewed. Bands 1 and 2 represent more acute housing needs and will be reviewed next. However, given the complexity of these cases, it is not expected that the numbers of households in need of housing will see a significant drop. The aim is to conclude the overall review by Spring 2020.

- b) This is a reference to one of the objectives of the Housing White Paper (mentioned in section 2.1.1 of the Housing Strategy 2018-20) – *Fixing our Broken Housing Market*, which the government released in February 2017. The Paper set out the government’s plans to reform the housing market and boost the supply of new homes in England, rather than being a localised strategy objective.

Since the adoption of the Housing Strategy (2018-20) the Borough’s Local Plan has been adopted, which sets out how growth will be achieved and has specific Housing Chapters relating to tenure and mix to meet housing needs.

- c) In addition to the enabling (working with Registered Providers) and direct delivery (including acquisitions and our own schemes) of new affordable housing supply, we have other initiatives in place to help manage arising need for more affordable housing. Examples include:
- Working with portfolio landlords to provide 72 units of accommodation (a mix of houses in multiple occupation and self-contained properties) to meet the demand for temporary accommodation.
 - Leading the PHIL project – a Warwickshire wide initiative, to prevent homelessness, in response to the implementation of the Homelessness Reduction Act in April 2018.
 - Implementing the HEART initiative (established in 2016) which is a partnership of councils in Warwickshire which works collaboratively to help older, disabled and vulnerable people to live independently at home.

d) The Medium-Term Financial Plan sets a minimum of 12 acquisitions per year to help mitigate losses through the RTB.

In 2018/19 the Council acquired 33 homes. During that same period, 20 homes were sold via the Right to Buy scheme.

So far in 2019/20 the Council has acquired 20 (with a further two approaching completion) homes. Whilst 17 homes have been sold via the Right to Buy scheme during the same period.”

Councillor Miss Dumbleton then stated that there were two families within her ward living in 3 bed accommodation who required 5 bed accommodation. She asked what steps were being taken to address this issue. Councillor Lowe undertook to provide Councillor Miss Dumbleton with a written response.

Councillor Mrs O'Rourke asked the Growth and Investment Portfolio Holder, Councillor Mrs Simpson-Vince:

“Can the portfolio holder for planning explain what action this Council is taking to prevent the over concentration of HMOs in Benn Ward?”

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

“This Council, as the Local Planning Authority, will consider HMOs when a planning application is submitted. Before converting a dwelling house into a house in multiple occupation the owner does need to check if they require planning permission. The national Planning Portal provides more information on this subject for prospective applicants.

As with any other planning application, a number of planning considerations will apply before granting permission including an assessment of the sustainability of the proposal, impact on amenity, parking etc. In addition, an important consideration for the Local Planning Authority is that HMOs can provide an affordable form of housing, particularly for young people and those on lower incomes.

It should be noted that 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.”

Councillor Mrs O'Rourke asked the Environment and Public Realm Portfolio Holder, Councillor Roberts:

“Can the portfolio holder explain what health and safety checks are in place to ensure that landlords of HMOs of any size in this borough are meet all of the health and safety executive safety standards?”

Councillor Roberts, Environment and Public Realm Portfolio Holder, replied as follows:

“Houses in multiple occupation are currently being scrutinised by the Environment and Growth Overview and Scrutiny Committee. Its most recent report was considered at its meeting on 15th July 2019.

Full information about that meeting and the standards that must be achieved to be licensed are available on the council web site.

Standards are not set by the Health and Safety Executive.

Prior to the issue of a license the property is inspected to ensure it meets the standards. As part of their license they are also subject to an annual inspection and officers also respond to complaints.”

Councillor Mrs O'Rourke asked the Environment and Public Realm Portfolio Holder, Councillor Roberts:

“Can the portfolio holder advise us what local information RBC is providing to the County Council into the amount of street parking available when parking permits are issued for HMOs?”

Councillor Roberts, Environment and Public Realm Portfolio Holder, replied as follows:

“No information is provided to Warwickshire County Council by Development Control or Licensing officers.

While this is the subject of complaints from residents, parking does not determine if planning permission is given or a licence issued.

The county council is aware of the issue but as a highway, residents have no automatic right to preferential parking and, when they do through a residents' parking scheme, they have no guarantee of being able to park.

If they are within a residents' parking area they are, subject to local rules, entitled to a residents' parking permit.

Notifying WCC of HMOs would not allow them to prevent their parking. Furthermore, RBC is not notified by WCC when parking permits are issued to HMO occupiers.”

Councillor Mrs O'Rourke asked the Environment and Public Realm Portfolio Holder, Councillor Roberts:

“Can the portfolio holder let us know how many drug related incidents and evidence of drug taking have been recorded in parks and open spaces in the borough over the last 12 months? This includes evidence of silver canisters.”

Councillor Roberts, Environment and Public Realm Portfolio Holder, replied as follows:

“As drug misuse is mainly a police matter the council may not be aware of all incidents.

Officers have only produced detailed statistics on drug paraphernalia since August 2019 and therefore I can only give a detailed response for the last 3 months.

Since August, Community Wardens and Works Services Staff found in our parks, open spaces and car parks 2 needles and 807 nitrous oxide bulbs (which includes 205 found in streets).

Since August wardens have had 3 calls regarding drug use in specified areas.”

Councillor Mrs O'Rourke asked the Environment and Public Realm Portfolio Holder, Councillor Roberts:

"In a recent application to this Council a HMO licence was granted while the owner was in breach of planning conditions. In light of this, what systems will be put in place between the various officers who deal with HMO licencing, planning, building control (regulatory oversight), and enforcement to ensure this doesn't happen again?"

Councillor Roberts, Environment and Public Realm Portfolio Holder, replied as follows:

"The Council's Development Control, Building Control and Licensing officers already work closely together regarding such matters.

The decision referred to was lawful.

Under UK law, a HMO requires planning approval and a licence to lawfully operate. However, planning and licensing are separate and this is clear in legislation. If an application is made it must be determined and if they meet the criteria, they are issued with that planning approval or that licence.

Had the licence been refused because of planning enforcement, the council would have been liable for legal action for failing to issue a licence."

Councillor Picker asked the Environment and Public Realm Portfolio Holder, Councillor Mrs Roberts:

"With the growth of electric vehicles, where and when will electric charging points be installed in Council car parks?"

Councillor Mrs Roberts, Environment and Public Realm Portfolio Holder, replied as follows:

"Rugby Borough Council is working in a strategic partnership with Warwickshire County Council to deliver electric charging points in our car parks. Warwickshire County Council put in a joint bid to the Office for Low Emission Vehicles (OLEV) in April 2019 for funding for charging points for all the Warwickshire authorities. Final confirmation has not been received but Warwickshire have been advised their bid is being viewed positively. Funding only covers 50% of the costs and Warwickshire are tendering for a strategic partner to fund the other 50% from the private sector. The bid is for a maximum of 9 chargers and the only location for the purpose of the bid is Newbold Road car park. However, we have funding for additional surveys and installation costs and the plan is to have them in Newbold Road, Evreux Way and John Barford car parks. It is likely there will be 2 charging points in each of the 3 car parks. The exact date for installation is not known but is thought to be early 2020."

47. REPORT OF CABINET – 7 OCTOBER 2019

RESOLVED THAT – the report be confirmed and adopted.

48. REPORT OF CABINET – 4 NOVEMBER 2019

RESOLVED THAT – the report be confirmed and adopted.

49. REPORTS OF OFFICERS

(a) Planning Committee – Change of Membership for 2019/20

Council considered the report of the Executive Director (Part 1 – agenda item 7(a) concerning the proposed change of membership for the remainder of the 2019/20 municipal year.

RESOLVED THAT – Councillor Srivastava be appointed to the Planning Committee for the remainder of the 2019/20 municipal year, to replace Councillor Ellis.

50. NOTICES OF MOTION PURSUANT TO STANDING ORDER 11

The Mayor informed the meeting that, due to implications relating to the purdah period, the notice of motion set out at item 8(a) of the agenda had been withdrawn.

The Mayor considered it advisable and convenient to deal with the Notice of Motion set out at item 8(b) on the agenda at the meeting.

Councillor Roodhouse moved and Councillor Lowe seconded the following notice of motion as set out at item 8(b) of the agenda.

“Community Trigger is the name generally applied to the Response to Complaints section of the Anti-Social Behaviour 2014 Act and enables victims to require agencies to carry out a review of their response to the anti-social behaviour they reported where they feel they did not get a satisfactory response.

This Council reconfirms that we will actively raise public awareness of Community Triggers tackling ASB by positioning information about them more prominently on our website and regularly promoting them through our social media along with producing information for Councillors in a downloadable format. We will increase our work with partners to facilitate the use of Community Triggers.”

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

51. CORRESPONDENCE

There was no correspondence.

52. 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 committee reports adopted at this meeting.

53. 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 paragraph 1 of Schedule 12A of the Act.

54. PRIVATE REPORT OF CABINET – 4 NOVEMBER 2019

RESOLVED THAT – the report be confirmed and adopted.

55. REPORTS OF OFFICERS

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

The Mayor informed the meeting that, as the councillor stated in the report had now attended a meeting of the Council and, therefore, no longer required a dispensation for non-attendance at meetings of the Council, this item had been withdrawn.

MAYOR