

## **MINUTES COUNCIL**

**Wednesday 20 September 2023**

Councillor Julie Najuk (Mayor)

Present:

|                                |                                |
|--------------------------------|--------------------------------|
| Councillor Michael Adams       | Councillor Alison Hunt         |
| Councillor Roy Allan           | Councillor Ron McCrossen       |
| Councillor Sandra Barnes       | Councillor Viv McCrossen       |
| Councillor Stuart Bestwick     | Councillor Marje Paling        |
| Councillor David Brocklebank   | Councillor Michael Payne       |
| Councillor Lorraine Brown      | Councillor Lynda Pearson       |
| Councillor John Clarke         | Councillor Sue Pickering       |
| Councillor Jim Creamer         | Councillor Catherine Pope      |
| Councillor Andrew Dunkin       | Councillor Grahame Pope        |
| Councillor Boyd Elliott        | Councillor Kyle Robinson-Payne |
| Councillor David Ellis         | Councillor Alex Scroggie       |
| Councillor Rachael Ellis       | Councillor Martin Smith        |
| Councillor Roxanne Ellis       | Councillor Sam Smith           |
| Councillor Andrew Ellwood      | Councillor Ruth Strong         |
| Councillor Paul Feeney         | Councillor Clive Towsey-Hinton |
| Councillor Kathryn Fox         | Councillor Jane Walker         |
| Councillor Des Gibbons         | Councillor Michelle Welsh      |
| Councillor Helen Greensmith    | Councillor Henry Wheeler       |
| Councillor Jenny Hollingsworth | Councillor Russell Whiting     |
| Councillor Paul Hughes         | Councillor Paul Wilkinson      |

Absent:

### **34 THOUGHT FOR THE DAY**

The Mayor's Chaplain, Father Philipp Ziomek, addressed council and gave a reading about the act of service and the need to support one another.

### **35 APOLOGIES FOR ABSENCE**

None.

### **36 MAYOR'S ANNOUNCEMENTS**

The Mayor confirmed she had recently attended the Democracy Day events, held by the Democratic Services team, and noted she found it encouraging to see young people engaging in democracy. She also highlighted that it was approaching Black History Month and gave a personal reflection on her visit to the Martin Luther King memorial which honoured the need for equality, justice and freedom.

It was also noted that she has held a sponsored walk for her charity around Gedling Country Park, which had raised over £500 for the Anthony Nolan trust.

**37 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 12 JULY 2023**

Councillor Martin Smith raised a point of order that the minutes didn't fully document the response to Councillor Brown's question. The Mayor responded to confirm that minutes were not verbatim.

**RESOLVED:**

That the minutes of the above meeting, having been circulated, be approved as a correct record.

**38 DECLARATION OF INTERESTS**

None.

**39 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8**

None.

**40 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7**

Two questions were received, and the questioners attended the meeting to ask them. Both questions were answered by Councillor Clarke, as follows:

**Question 1:**

Regarding the proposed sale of land adjacent to the Hobbucks Nature reserve in Arnold. Despite the commitment from Gedling Borough Council just last year not to sell the land, why has the sale of this land been brought back to the table now and why did the consultation happen over the school summer holiday period and with just a 2 week notice for residents to respond? The consultation was made live on the 4th of August with a close date of the 18th of August.

**Answer 1:**

We listened to the views of some local residents last year and we did not go ahead with the sale of the land at the time. Since then, a number of things have changed which means we think it's only right that we go

back to the people and let them have their say on these new proposals. We know now that the owners of the nearby private land are in the process of selling their site and a planning application is expected imminently from a house builder, which significantly impacts on our decisions regarding our land. We therefore needed to move quickly during the summer, and act as quickly and could help to secure a more comprehensive form of development on the wider housing allocation. Otherwise, there is a significant risk that individual landowners could progress discrete housing proposals, which could be to the detriment of the area.

If it is possible to secure a more comprehensive form of development, the Hobbucks Nature Reserve will not only be preserved but could be improved and extended, which I am sure will be something that local residents who use that area will welcome. This would meet the needs of our borough for new homes and will also ensure local nature reserve is enriched. I am proud of it, was this Labour administration and I underline that, this Labour administration that proposed the land established as the Hobbucks as a designated Local Nature Reserve, initiated in our Cabinet meeting on 25<sup>th</sup> of March 2015. This Labour-led Council will always protect and invest in the Hobbucks Nature Reserve.

We ran a consultation and advertised the potential disposal of the site for two consecutive weeks in the local newspaper, as required by statute, giving residents the opportunity to respond. We have continued to receive responses since that date, and they will be taken into consideration when their decisions in relation to the land are made.

We also cannot ignore the elephant in the room which is the fact that since we made the decision in April we are still one of the worst and I think it's third at the moment, worst affected councils in the country in terms of government funding and we are being left with little choice but to look at ways to generate income and this is so we continue to provide our services. Thank you, Madam Mayor.

**Question 2:**

Since the recent U-turn by Gedling Borough Council on the sale of land in Killisick Fields site H8, I have had cause to study documentation in relation to the Gedling Local Plan, including the Development Brief 2019. It is this document which made it apparent to me that the land within H8 had been green belt land but was re-designated with the adoption of the Local Plan and included in the housing allocation for development. I have yet to find a resident who was aware of this at that time, many still

being totally unaware. I have highlighted concerns around the processes implemented to bring this about in writing to Gedling Borough Council, and how, in my opinion, this has been used as a means to increase the value of their land – as well as that of the other landowners in whose interest it would be to sell simultaneously with Gedling Borough Council. This has led me to dig deeper... In the Development Brief 2019, there is a field to the east of site H8 beyond Darkey's Wood which is labelled as 'potential green belt recreation area' with suggestions of a LAP/LEAP (Locally Equipped Area For Play) and an ISF (Informal Sports Facility, also described as 'e.g. kick about area'). It also talks about the need for lighting etc. They even mention it in relation to present and future housing. Lo and behold, having queried ownership, Gedling Borough Council confirm this field is owned by them. The land is green belt (still) and protected as such – it is NOT included in the Local Plan under either nearby site, H7 or H8. Any such structures would not be in keeping with the green belt and, with the proposed sale/development of site H8 will further decimate the local environment, increasing the impact on the Hobbucks Local Nature Reserve and the resident wildlife.

What does Gedling Borough Council consider to be appropriate development within its green belt policy?"

**Answer 2:**

To provide a background context, a site is allocated for housing in the Local Planning Document Part 2 Local Plan - the general principle of developing housing on this site is established. The Council has a statutory duty to prepare a local plan and allocate land for housing development to meet our local housing requirements, which are determined by the Government. The need to meet housing requirements was the Council's key objective for allocating this land and not to increase the value of the public asset.

The Local Planning Document which was subject to extensive public consultation was examined by an independent and I'll repeat that, independent Planning Inspector who endorsed the plan and the Killisick Lane housing allocation was adopted by Gedling Borough Council on the 18th of July 2018 and at this point the Killisick Lane site was removed from the Green Belt. The Local Planning Document was voted for unanimously by all Gedling Borough Councillors and all political parties represented on Gedling Borough Council at that time. All current Conservative members of the opposition who served on Gedling Borough in 2018 and attended the Full Council meeting on the 18th of April 2018 voted in favour of removing Killisick Lane from the Green Belt

and H8 Killisick Lane site being allocated as a site for housing in the Local Planning Document. I think I have to add to Madam Mayor to this is also the, I didn't say to the previous person who asked the question, I've read this out, you haven't seen this, so if you want a copy of it we will make sure that you get a copy of it although it is this meeting is being broadcast. The minutes of the 18<sup>th</sup> of July 2018 are here and it's quite clear the people that are on this Council still from the Conservative side are Councillor Michael Adams, Councillor Helen Greensmith, Councillor Boyd Elliot, and Councillor Jane Walker who all voted in favour of it.

**41 TO ANSWER QUESTIONS ASKED BY MEMBERS OF THE COUNCIL UNDER PROCEDURAL RULE 7.9**

A question was asked of the Portfolio Holder for Climate Change and Natural Habitat from Councillor Whiting:

“What steps are Gedling Borough Council taking to improve air quality?”

Response from Councillor V McCrossen:

Air pollution affects us all. It is associated with impacts on lung development in children, heart disease, stroke, cancer, exacerbation of asthma and increased mortality, among other health effects.

The Borough Council has a statutory responsibility under the following legislation, all of which help to improve air quality within the Borough.

The Environmental Permitting Regulations

The Local Authority sets permits for industrial processes under Part A2 and Part B of the regulations; setting permit conditions based on the operation. For example:

- Petrol stations
- Dry cleaners
- Crushing and screening of concrete and bricks
- Using solvents (e.g., vehicle respraying)
- Crematoria
- Animal carcase incineration

Also, regulation of medium combustion plants, those that are generally used to generate heat for large buildings (e.g., offices, hotels, hospitals) and industrial processes.

All of these can be sources of emissions of volatile organic compounds (VOCs), sulphur dioxide, nitrogen dioxide and particulate matter (PM).

Officers in Public Protection permit and regulate 3 Part A2 industrial process and 23 Part B processes.

### Environmental Protection Act 1990 – Statutory Nuisance

Councils must investigate complaints about issues that could be a 'statutory nuisance'. In this case this would apply to smoke from premise inc. garden bonfires and chimneys (for residents not in smoke control areas.)

Officers deal with approx. 50-60 complaints about garden bonfires and 40-50 complaints about other smoke from properties per year.

### The Clean Air Act 1993

Regulation of Smoke Control Areas where someone cannot emit smoke from a chimney unless they are burning an authorised fuel or using DEFRA 'exempt appliances', for example burners or stoves.

It also contains prohibitions on emitting dark smoke from the chimneys of any building or industrial or trade premises.

The Borough has 41 Smoke Control Order covering approximately 80% of the population. DEFRA have recently asked LAs to review their smoke control orders. A report will be going to E&L committee soon proposing a public consultation on moving to a Borough wide smoke control area.

Gedling has also recently adopted new powers to enforce financial penalties for contraventions of smoke in a smoke control area.

We are planning a piece of promotion work with Trading Standards and other LAs in the County around the area of wood and fuels sold for domestic burning; promotion of the Ready to Burn scheme.

The Environment Act 1995 Section 82 - Local Air Quality Management (LAQM)

The Borough Council has a statutory duty, under the Environment Act to review and assess air quality in its area to see if the air quality objectives are being achieved. Whilst there are 5 key pollutants in reality, we are concerned with two: Nitrogen Dioxide (NO<sub>2</sub>) and Particulate Matter.

Both are particularly prevalent in vehicle emissions, including tyre and brake wear, but also from other forms of combustion (gas boilers (NO<sub>2</sub>) or wood burning (PM)).

For areas where specified standards and objectives are not being met, we are expected to declare an Air Quality Management Areas (AQMAs) and then prepare an action plan.

Gedling have a long history of monitoring Nitrogen Dioxide levels throughout the Borough. Particulate Matter monitoring has been historically more challenging; but we are currently trialling some new technology which may help understand the levels locally. This data is presented online to members of the public.

Gedling has one Air Quality Management Area for the A60 in Daybrook Square for Nitrogen Dioxide. We have been working together with Nottinghamshire County Council to implement the Action Plan; most measures are traffic related.

Gedling produces an annual report, submitted to DEFRA, reporting levels of pollution and updates on actions within the action plan. This is also submitted to the Director of Public Health for comments.

Levels of pollution along the Mansfield Road, following Covid-19, remain below the objective level, as such in 2024-25 it is considered that we could recommend to DEFRA that the air quality management area could be revoked if levels remain below the objective.

Whilst the Borough Council has the duty to review and assess (and where there is a problem formulate and Action Plan) other parties equally have a key role in helping to reduce pollution levels; in our case this is the Highways Authority (County Council), Environment Agency and Public Health.

In tackling air pollution then the Council must work together with other agencies to try and bring forward packages of measures that, it is hoped, reduce pollution levels.

One result of this joint working was Gedling being a key stakeholder in the publication of The Nottingham and Nottinghamshire Air Quality Strategy 2020-2030.

Other areas of work include Electric Vehicle charging:

- We have worked as a partner in the Go Ultra Low project to secure 2 rapid chargers and 8 fast chargers across 4 car parks.
- We were successful in obtaining £100k to fund 16 fast chargers across 4 car parks to facilitate overnight charging for residents with no off-street parking.
- We continue to use planning to secure EV charging points on new developments to allow residents to charge at home.

We are also working on idling vehicles which is carried out by the Neighbourhood Wardens primarily around schools at drop-off/pick up times to educate parents to turn off engines whilst waiting.

The ECO Stars Fleet Recognition Scheme ran in Gedling from 2012 until 2020 and provide help to operators of HGVs, buses, coaches, vans to run their fleets in the most efficient and green way. Membership stood at 139 members operating over 8000 vehicles at project closure in 2020, due to funding challenges.

**42 HILL CREST PARK BUSINESS UNIT EXPANSION**

Consideration was given to a report of the Economic Growth and Regeneration Manager, which was referred by Cabinet to seek budget approval for the development of Hill Crest Park in Calverton, a small close of eight Council owned business units aimed at Small Medium Enterprises (SME's).

**RESOLVED** to:

- 1) Approve the addition of this project to the capital programme for 2023/24; and
- 2) Establishment of a budget of £1,387,769 to be funded from a combination of borrowing, external funding, and earmarked reserves

**43 APPOINTMENT OF INDEPENDENT REMUNERATION PANEL MEMBERS**

Consideration was given to a report of the Democratic Services Manager, which sought approval of the appointment of the two vacant seats on the Independent Remuneration Panel.

**RESOLVED** to:

Approve the appointment of Martyn Thorpe and Kelly Richardson as members of the Independent Remuneration Panel.

**44 OVERVIEW & SCRUTINY ANNUAL REPORT**

Consideration was given to a report of the Democratic Services Manager, which asked members to note the annual report from the Overview & Scrutiny Committee.

**RESOLVED** to:

Note the Overview & Scrutiny Committee annual report.

**45 TO CONSIDER COMMENTS, OF WHICH DUE NOTICE HAS BEEN GIVEN, UNDER PROCEDURAL RULE 7.11**

None.



**46 TO RECEIVE QUESTIONS AND COMMENTS FROM MEMBERS CONCERNING ANY MATTER DEALT WITH BY THE EXECUTIVE OR A COMMITTEE (PROCEDURAL RULE 7.10)**

None.

**47 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12**

Motion 1

As the first motion related to a change in the procedure rules, the motion was proposed and seconded at the previous meeting but stood adjourned without discussion until this meeting of the council.

An amendment was proposed by Councillor Sam Smith and seconded by Councillor Martin Smith in the following terms:

“This Council notes:

- 1) The Overview & Scrutiny Committee has a vital role in scrutinising the work of the Cabinet
- 2) That to strengthen this role, it is appropriate for the Vice-Chair of the Overview & Scrutiny Committee not to be a member of the Council's Ruling Group.

This Council therefore resolves to:

- 1) Add the following words to the existing section of the Constitution at Section 4- The Full Council: 7.22 Election of a Chair of a Committee: ‘The Vice-Chair of the Overview and Scrutiny Committee shall not be a member of the same political group as that of the Leader of the Council’.

The change to the Constitution will come into force at the 2024 Annual Meeting of the Council for the 2024/25 Council Year.

Proposer: Cllr Sam Smith  
Secunder: Cllr Martin Smith”

The Mayor adjourned the meeting to allow the Monitoring Officer to review the amendment, which was deemed to be acceptable by the Mayor.

Being put to a vote, the amendment was lost.

The original motion was then debated and on put to a vote, it was also lost.

Motion 2

Councillor Sam Smith, seconded by Councillor Adams, proposed a motion in the following terms:

“Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that permanent drainage is in place on a building site once the last house is completed.

Gedling Borough Council also notes that the Government are in the process of updating the NPPF and that the Secretary of State for Levelling Up, Housing and Communities said recently in the House of Commons that he hopes to see more about sustainable drainage systems in the updated National Planning Policy Framework.

In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Continue imposing planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends the introduction a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This SPD should be presented to Cabinet for adoption early in the New Year and apply to future planning applications submitted and approved after its implementation date.

Proposer: Cllr Sam Smith  
Seconder: Cllr Mike Adams”

An amendment was proposed by Councillor Payne and seconded by Councillor Hollingsworth in the following terms:

“Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that permanent drainage is in place on a building site once the last house is completed.

Gedling Borough Council calls on the Government to urgently update the NPPF to strengthen requirements regarding sustainable drainage systems, following the Secretary of State for Levelling Up, Housing and Communities' recent statement in the House of Commons that he hopes to see more about sustainable drainage systems in the updated National Planning Policy Framework.

Gedling Borough Council is disappointed the Government failed to include improved sustainable drainage systems in their 5 September 2023 update of the NPPF, which was issued by the Secretary of State for Levelling Up, Housing and Communities in a written ministerial statement.

In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Endorse the approach currently taken by the Council by continuing to impose planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends that Cabinet receives a report to consider the introduction of a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This report should outline the necessity and feasibility of such an SPD and should be presented to Cabinet for consideration early in the New Year.

Proposer: Cllr Michael Payne  
Seconder: Cllr Jenny Hollingsworth”

An adjournment was proposed, seconded, and agreed to allow members time to review the amendment. Upon return, the proposer and seconder of the original motion indicated their support and acceptance of the amendment. As such, it was deemed to be the substantive motion.

Upon being put to a vote, the motion was carried unanimously.

**RESOLVED** that:

Gedling Borough Council notes the significant impact surface water run-off and flooding from housing developments under construction has on surrounding residential areas and local businesses.

This Council notes that the National Planning Policy Framework (NPPF) currently states that housing developers only have to ensure that

permanent drainage is in place on a building site once the last house is completed.

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In the meantime, to help mitigate any surface water run-off and flooding from housing developments under construction within Gedling Borough, Gedling Borough Council resolves to:

- Endorse the approach currently taken by the Council by continuing to impose planning conditions requiring the implementation of measures to ensure that surface water run-off is mitigated during the construction phase of new housing development on elevated sites; and
- Recommends that Cabinet receives a report to consider the introduction of a Supplementary Planning Document (SPD) that ensures adequate drainage is installed first on any new housing development site before any other construction works are carried out.

This report should outline the necessity and feasibility of such an SPD and should be presented to Cabinet for consideration early in the New Year.

Proposer: Cllr Sam Smith  
Seconder: Cllr Michael Adams

### Motion 3

Councillor Bestwick, seconded by Councillor Walker, proposed a motion in the following terms:

“This Council resolves to create a planning committee call-in procedure, whereby Councillors can require an application, within their ward, that would normally be determined under the delegated authority to be called in for determination by the Planning Committee.

A draft of this procedure should be presented at Planning Committee for consideration early in the New Year.

Proposer: Cllr Stuart Bestwick  
Seconder: Cllr Jane Walker”

Upon being put to a vote, the motion was lost.

The meeting finished at 8.52 pm

Signed by Chair:

Date: