

MINUTES COUNCIL

Wednesday 24 January 2024

Councillor Julie Najuk (Mayor)

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

Absent: Councillor Jim Creamer, Councillor Andrew Dunkin and Councillor Roxanne Ellis

62 THOUGHT FOR THE DAY

The Mayor's Chaplain, Father Philipp Ziomek, addressed council and gave a reading.

63 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Creamer, Dunkin and Roxanne Ellis.

64 MAYOR'S ANNOUNCEMENTS

The Mayor confirmed she had recently attended several Christmas light events across the borough and noted how heartwarming it was to see the community come together.

65 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 15 NOVEMBER 2023

RESOLVED:

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

Councillor Greensmith arrived at the meeting.

66 DECLARATION OF INTERESTS

Councillor Sam Smith noted that, unbeknownst to him, he was the subject of question 1, 2 and 4 from the public at item 7 on the agenda.

67 TO DEAL WITH ANY PETITIONS RECEIVED UNDER PROCEDURAL RULE 7.8

None.

68 TO ANSWER QUESTIONS ASKED BY THE PUBLIC UNDER PROCEDURAL RULE 7.7

Four questions were received, and the questioners were not able to attend the meeting to ask them. As such, all questions were asked by the Chief Executive and answered by the relevant councillor, as follows:

Question 1:

Last year the Rt Hon Kemi Badenoch MP, Minister for Women and Equalities wrote to public leaders reaffirming the Government's commitment to the protected characteristics under the Equalities Act.

The 9 protected characteristics in the act are:

- age
- disability
- gender reassignment
- marriage and civil partnership
- pregnancy and maternity
- race
- religion or belief
- sex
- sexual orientation

The Minister for Women and Equalities also wrote, in the same letter, 'I would like to be clear that there is no 'hierarchy of rights' under the act, therefore we should not hold one protected characteristic in higher regard than another.'

At the last full council meeting in November, the leader of the council made the following comment. 'We were doing that [Councillors Name] before you left school'.

Does the Leader of the Council regret that the Mayor, nor the Chief Executive did not intervene to reprimand the Leader for this age-based insult?

Answer 1:

At the Council meeting in November 2023, during a debate about funding, I stated in response to comments made about the Shopwatch system that we were doing that, meaning Shopwatch, before Councillor Sam Smith left school.

This comment was not insulting or derogatory and was in fact based on my belief that we have had Shopwatch here at the Council for a number of years.

There was no need for intervention as the comment in itself was not insulting. Moreover, it was made in the context of a robust political debate.

To be clear, this Council is committed to the public sector equality duty and is working hard to improve equality and diversity in the performance of its functions.

Question 2:

What plans do the council have over the next year to protect people from age-based discrimination in the council chamber, at work in the council and across the Borough as a whole.

Answer 2:

At Cabinet next week, approval is being sought for a public consultation on our Equality and Diversity Policy for 2024-27. This consultation is to ensure we obtain resident's input on how the Council can continue to deliver on its equality objectives from 2024-27. Our Overview and Scrutiny Committee at its meeting this month agreed to establish a working group to feed into this consultation process.

This follows on from our current Equality and Diversity Policy, Framework and Action Plan which expires in March 2024.

Between 2021-2024 the Council has been delivering and continues to deliver against an action plan of 70 actions to improve equality and diversity in the delivery of its functions.

These actions included an equality policy for staff, and customers, the roll out of equality training for all staff and Councillors, the gathering of equality data to inform service delivery, the review of all services to improve inclusivity, and on top of this the Council has agreed several

other initiatives including the development of a changing places facility in Arnold, improvement of menopause awareness for staff and the establishment of a staff inclusivity group.

Tonight, on the agenda we have a new Member Code of Conduct which includes within it a requirement that Councillors promote equalities and do not discriminate unlawfully against any person.

We have equality objectives published as part of our Gedling Plan for 2023-27 and officers are already putting in place a new range of equality actions to form part of service planning for the Council in 2024/25 which will be further informed by the public consultation.

This Council takes its responsibilities in relation to equality and diversity very seriously and our Strategic equality and Diversity group, which is a cross party Member group meets regularly to ensure we are delivering on our actions as well as identifying areas for improvement. Our Portfolio Holder for Life Chances and Vulnerability works closely with officers to ensure that equality and diversity is embedded in our service delivery.

In 2024/25 the Council will continue to monitor equality related complaints to identify areas for improvement and training gaps.

As we move into 2024/25, we will have an updated policy and an action plan that is fully integrated within service planning.

These plans are to cover all protected characteristics, including age, as no protected characteristic out ranks another. Each of them are equally important.

Question 3:

Gedling Borough Council often uses the flag poles outside its entrance to mark occasions. Certain flags that the Council have flown fall outside of the Government's approved list and therefore planning permission is required. Could the Council Leader detail when Gedling Borough Council has sought those permissions and for what flags?

Answer 3:

The regulations governing the flying of flags in England are set out in the Town and Country Planning Control of Advertisements Regulations 2007, as amended in 2012 and 2021. On the traffic island at the entrance to the Civic Centre, we're currently flying the Gedling Borough Council flag, the Union flag and the Ukraine flag. At the vehicular entrance to Arnot Hill Park, we are proudly flying a flag of the Green Flag Award and a further Union flag.

These flags are permitted by the regulations and do not need consent.

In accordance with our Flag Flying Protocol, which covers the Civic Centre complex, we commit to flying other flags at certain dates during the calendar year and these flags are too permitted by the advert regulations and do not need consent.

Question 4:

Would the leader of the council expect a member of his cabinet to resign if:

said member of his cabinet made a political attack on another democratically elected member of the council which was based on that member's protected characteristics under the equalities act.

E.g. an attack based on age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

Answer 4:

The Council has adopted a Code of Conduct for members together with local arrangements for dealing with complaints about councillors' conduct. The Code and arrangements for dealing with complaints can be found on the Council's website.

All complaints about Councillors' conduct are subject to an initial assessment to determine whether the complaint warrants further action. This assessment is undertaken by the Council's Monitoring Officer, in consultation with the Council's Independent Person.

Each case is reviewed on its individual merits having regard to the background and circumstances and having regard to a range of criteria which have been adopted by the Council.

The initial assessment may determine that there is no prima facie evidence of a code of conduct breach and that no further action will be taken; that it should be resolved by alternative action such as training, mediation or an apology or that a formal investigation should be undertaken.

If the formal investigation finds that there has been a code of conduct breach, a Hearing Panel will be convened. The Panel will determine its findings of fact, whether there has been a code of conduct breach and, if so, what sanctions should be imposed. The range of sanctions available to the Panel is set out in detail in the local arrangements referred to above. The Panel may recommend to the Leader that a member be removed from Cabinet but cannot require them to do so.

It should be noted that "political attacks" do not necessarily of themselves constitute a code of conduct breach. To constitute a breach,

it must amount to a personal attack on the individual concerned. The LGA's guidance on the interpretation of the Code recognises that on occasion there will be robust political debate in the Council chamber.

Regarding the requirement to treat others with respect, the guidance states as follows: "This provision of the Code is not intended to stand in the way of lively debate in local authorities. Such discussion is a crucial part of the democratic process. Differences of opinion and the defence of those opinions through councillors' arguments and public debate are an essential part of the cut and thrust of political life. Councillors should be able to express their opinions and concerns in forceful terms".

It should be noted that the law recognises the right to free speech and that there is a higher level of protection afforded to political speech. In the case of *Heesom v Public Service Ombudsman for Wales*, Mr Justice Hickinbottom noted from previous case law, inter alia, that whilst freedom of expression is important for everyone, it is especially so for an elected representative of the people. He represents his electorate, draws attention to their preoccupations and defends their interests. The enhanced protection applies to all levels of politics, including local. Article 10 of the European Convention on Human Rights protects not only the substance of what is said, but also the form in which it is conveyed.

Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.

Moreover, he notes that politicians are required to have a thick skin and be tolerant of criticism and other adverse comment. Any comment must therefore be looked at in this context. Moreover, in order to constitute a breach of the Equalities Act there must be direct or indirect discrimination to an individual or group based on their protected characteristics.

69

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

A question was asked of the Leader of the Council from Councillor Whiting:

"How will Gedling Borough Council ensure that any lessons from the handling of the recent flooding event in Colwick and elsewhere in the borough are learned?"

Response from Councillor Clarke:

Madam Mayor, first of all may I record my sympathies for the residents who have experienced this and previous flooding events, as they have had a devastating impact on families.

Can I also pass on my thanks to Gedling Borough Council officers and all of the agencies involved in the recovery and clean-up operations across the borough.

In terms of lessons learnt, there are three mechanisms through which the latest flooding event will be reviewed.

1) The Local Resilience Forum Flood Group will hold a multi-agency debrief to review the response and a list of recommendations and learning points will come from this.

2) Nottinghamshire County Council as lead local flood authority will produce a section 19 report for flooding sites, and Gedling Borough Council officers will provide local data, information and intelligence to the County to directly feed into this report. Once finalised by the County Council, the report will then highlight as best it can the mechanisms of the flooding (in terms of the how and why the flood event happened) and will make appropriate recommendations for all partners to consider.

3) Gedling Borough Council also holds its own internal debrief following a flood event, from which an action plan is created and reported to the internal Strategic Resilience Group for monitoring and action.

May I also remind the Chamber that the Leadership brought a motion regarding flooding to the last council meeting. As a direct result of that motion, this Council has made written representations to the Secretary of State and central government calling for additional investment in flood defence and infrastructure work to ensure as far as possible that similar suffering and loss will be prevented for this and future generations of Gedling residents.

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

“How much has been spent topping up the surface of the car park at Colwick Rec in the past 3 years - and when will it be properly resurfaced?”

Response from Councillor V McCrossen:

Thanks for the question, I do believe that the previous ward councillor was also a great advocate for the Colwick Rec and asked the same question previously. The Colwick Rec car park surface is regularly topped-up with conglomerate gravel, which we use to fill potholes to

create an even surface that is rolled and tampered down, and we can see this is not a long-term solution.

Over the past 3 years, I can confirm that we have spent a total of £1,125 in doing that. As I am sure you are aware, the car park has seen quite a significant usage recently and we know in part this is due to the introduction of car park charges at Colwick Park by the city council, so people are clearly coming over the rec to park. Also, the relocation of some football teams, particularly at weekends, is making this very busy which adds to the wear and tear on that area.

Officers are aware of the need for works on the car park, including drainage and tarmacking which would cost in estimate between £70k to £75k, so a significant amount of money. As I am sure you are aware, due to the conservative government, we are the fifth worst funded local authority in this country so are not a washed with cash. We are having to make quite significant decisions on spending and our budget, as is a number of local authorities. Sadly, I cannot confirm a date for the works at this point in time, but we will continue to be committed to our parks and open spaces for our residents. We would like to think that when the opportunity comes, we could offer some priority to this area but as such I cannot promise this at the minute.

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

No comments were made.

71 PAY POLICY STATEMENT- 2024-25

Consideration was given to a report of the Head of HR, Performance and Service Planning, which sought to seek approval and subsequent publication on the Council's website of the new Pay Policy Statement.

RESOLVED to:

Agree the approval and subsequent publication of the new Pay Policy Statement on the Council's website.

72 COUNCIL TAX REDUCTION SCHEME

Consideration was given to a report of the Housing and Welfare Manager which sought to seek approval for the current Council Tax Reduction Scheme (CTRS) to continue without revision in 2024/25.

RESOLVED that:

- 1) the Council Tax Reduction Scheme (CTRS) 2024/25, to apply from 1 April 2024, be approved and adopted by full Council; and

- 2) there are no changes to the CTRS for working age people as described in Section 2 of this report, except for the annual uprating and amendments of allowances and premiums in line with Housing Benefit levels; and
- 3) there are no changes to CTRS for pension age people except for those contained within the annual Council Tax Reduction Schemes (Amendment) (England) Regulations

73 LEVELLING UP AND REGENERATION ACT 2023 | COUNCIL TAX CHARGES

Consideration was given to a report of the Revenues Manager which sought to seek approval to implement the 100% premium council tax charge after a dwelling has been vacant for a period of one year only with effect from 1st April 2024 and to remove the existing 10% discount and levy a 100% premium charge for dwellings classed as second homes, commencing on the day the dwelling is classified as a second home with effect from 1st April 2025

RESOLVED that:

- 1) the 100% premium council tax charge is commenced after a dwelling has been vacant for a period of one year only with effect from 1st April 2024; and
- 2) the existing 10% discount is removed and that a 100% premium council tax charge is levied on dwellings classed as second homes, commencing on the day the dwelling is classified as a second home with effect from 1st April 2025.

74 INDEPENDENT REMUNERATION PANEL - REPORT AND RECOMMENDATIONS FOR 2024/25

Consideration was given to a report of the Democratic Services Manager which sought to inform Council of the latest report from the Council's Independent Remuneration Panel (IRP) relating to member remuneration for 2024/25, to invite Council to consider the recommendations made by the Panel and to agree to launch a recruitment exercise to fill the current vacancy.

A revised set of recommendations than those printed in the agenda pack were proposed by Councillor David Ellis and seconded by Councillor Elliott, in the following terms:

- 1) Thanks the Independent Remuneration Panel for its work;
- 2) Accepts the Independent Remuneration Panel's recommendation numbers one and three as contained in the report;
- 3) Does not accept the Independent Remuneration Panel's recommendation number two as contained in the report;

- 4) Agrees to link both Basic and Special Responsibility Allowances to increase in line with Chief Officer's local authority pay awards as agreed in previous years;
- 5) As a form of indexation, agrees that the Chief Officer local authority pay award adjustment be applied to Basic and Special Responsibility Allowances for the next four years in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003;
- 6) Agree the schedule of members' allowances for 2024/25 as attached at appendix 1 to this report, but updated by the pay award once agreed;
- 7) Authorise the Monitoring Officer to make appropriate amendments to section 29 of the Constitution to reflect any changes to the members' allowances scheme agreed and publicise any amendment;
- 8) Agree to launch a recruitment exercise to fill the current vacancy on the Independent Remuneration Panel, and recruit one additional panel member;
- 9) Agree to establish a cross party interview panel of 3 Members to interview suitable candidates for the Independent Remuneration Panel as detailed in the report, and make recommendation to Council as to appointment.

RESOLVED that Council:

- 1) Thanks the Independent Remuneration Panel for its work;
- 2) Accepts the Independent Remuneration Panel's recommendation numbers one and three as contained in the report;
- 3) Does not accept the Independent Remuneration Panel's recommendation number two as contained in the report;
- 4) Agrees to link both Basic and Special Responsibility Allowances to increase in line with Chief Officer's local authority pay awards as agreed in previous years;
- 5) As a form of indexation, agrees that the Chief Officer local authority pay award adjustment be applied to Basic and Special Responsibility Allowances for the next four years in accordance with the Local Authorities (Members Allowances) (England) Regulations 2003;
- 6) Agree the schedule of members' allowances for 2024/25 as attached at appendix 1 to this report, but updated by the pay award once agreed;
- 7) Authorise the Monitoring Officer to make appropriate amendments to section 29 of the Constitution to reflect any

changes to the members' allowances scheme agreed and publicise any amendment;

- 8) Agree to launch a recruitment exercise to fill the current vacancy on the Independent Remuneration Panel, and recruit one additional panel member;
- 9) Agree to establish a cross party interview panel of 3 Members to interview suitable candidates for the Independent Remuneration Panel as detailed in the report, and make recommendation to Council as to appointment.

Councillor Hughes left the meeting.

75 REVIEW OF THE CODE OF CONDUCT

Consideration was given to a report of the Monitoring Officer which sought to seek adoption of a new Member's Code of Conduct for Gedling Borough Councillors.

RESOLVED that:

Members adopt the Member's Code of Conduct at Appendix 1.

Councillor Hughes returned to the meeting.

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

None.

77 TO CONSIDER MOTIONS UNDER PROCEDURAL RULE 7.12

Motion 1 – this motion had been removed from the agenda as the Mayor ruled that it did not meet section 7.12e of section 4 of the council's constitution - every motion shall be relevant to some matter in relation to which the Council has powers or duties, or which affects the Borough.

A point of order was raised on this from Councillors Whiting and Gibbons to ascertain if there were any additional reasonings for the removal. The Mayor confirmed she had done this using her judgement of section 7.12e of the councils' constitution.

Motion 2

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

“Gedling Borough Council notes the difficulties faced with on-street parking and the increase in the number of cars per household.

To help mitigate new housing from increasing the amount of on-street parking, this Council has an adopted Supplementary Planning Document referenced in LPD 57 'Parking Provision for Residential and Non-Residential Developments' (February 2022) ("SPD"), however, this policy allows for unallocated spaces which includes on-street parking as part of meeting the required parking provision.

The SPD also states at paragraph 4.12 that whilst "The expectation is that parking standards will be met, however if the development is served by one or more regular public transport service, this may be a material consideration justifying a reduced parking provision requirement, especially if a site is located within; or close to a central area."

This Council can not, however, control who moves into housing that does not have provision for off-street parking and can therefore not enforce the use of public transport or none use of personal vehicles.

Therefore, Gedling Borough Council resolves to recommend that Cabinet considers a review of the 'Parking Provision for Residential and Non-Residential Developments' Supplementary Planning Document (SPD) and such review to include:

1. the removal of paragraph 4.12 and its content from the 'Parking Provision for Residential and Non-Residential Developments'.
2. the provision that all car parking requirements serving occupants on new developments must be met within residential curtilages

Proposer: Cllr Stuart Bestwick
Seconder: Cllr Helen Greensmith"

Councillor Gibbons left the meeting.

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

Councillor Gibbons returned to the meeting.
Councillor Whiting left the meeting.

Motion 3

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

"Currently, ashes can be interred in Gedling Borough Council cemeteries between Monday and Friday at a fee of £221 which are observed by the Council's cemetery staff. There is, however, demand for this service at weekends, including from working families and those who have family members who are not local to the Borough.

This Council therefore resolves, subject to approval of a business case, that Council staff are made available to observe the internment of ashes on two Saturdays per month for a trial period of at least six months.

Proposer: Cllr Sam Smith
Seconder: Cllr Mike Adams”

Councillor Whiting returned to the meeting.

And amendment was proposed by Councillor Paling and seconded by Councillor Clarke in the following terms:

“Currently, ashes can be interred in Gedling Borough Council cemeteries between Monday and Friday at a fee of £221 which are observed by the Council’s cemetery staff. There is, however, demand for this service at weekends, including from working families and those who have family members who are not local to the Borough.

This Council therefore resolves, to refer to Cabinet the consideration of a business case, to enable the internment of ashes at Council cemeteries on two Saturdays per month for a trial period of at least six months.

Any such business case will be subject to appropriate consultation with staff and representative bodies.

Proposer: Cllr Marje Paling
Seconder: Cllr John Clarke”

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:

Currently, ashes can be interred in Gedling Borough Council cemeteries between Monday and Friday at a fee of £221 which are observed by the Council’s cemetery staff. There is, however, demand for this service at weekends, including from working families and those who have family members who are not local to the Borough.

This Council therefore resolves, to refer to Cabinet the consideration of a business case, to enable the internment of ashes at Council cemeteries on two Saturdays per month for a trial period of at least six months.

Any such business case will be subject to appropriate consultation with staff and representative bodies.

Proposer: Cllr Sam Smith

Seconder: Cllr Mike Adams

The meeting finished at 7.46 pm

Signed by Chair:

Date: