

MEETING OF THE COUNCIL

TUESDAY, 5 SEPTEMBER 2023

ADDITIONAL PAPERS

CONTENTS

Item	Pages
5. QUESTION AND ANSWER SESSION	
Mr Palmer Ms Davies Ms Dillon	3 - 8
6. QUESTIONS FROM COUNCILLORS	
Cllr Sheahan Cllr Legrys Cllr Sutton Cllr Sewell Cllr Eynon	9 - 18

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS AND ANSWER SESSION

QUESTION FROM MR PALMER TO COUNCILLOR T SAFFELL

“My name is Stephen Palmer and I live in Donington Le Heath. In our Parish of Hugglescote and Donington Le Heath and running through the villages we have a very small river, the River Sence. This is little more than a stream, locally referred to as the ‘brook’ and more and more regularly it smells of sewage.

Severn Trent’s EDM (Event Duration Monitoring) data for 2022 shows 361 deliberate discharges of raw sewage with a total duration of 2,466 hours into the River Sence. Children play in this water and it runs through two nature reserves.

These are not spills and neither are they storm discharges.

The increasing incidence of deliberate discharges has less to do with the weather but more to do with the huge increases in the Parish (and beyond) of both residential and industrial development with zero new infrastructure.

Can the Portfolio Holder explain what powers the LPA has ensure that waste from old, new and proposed dwellings is treated and disposed of properly and to halt new and future developments until Severn Trent can give assurances that sufficient infrastructure is in place to enable all sewage to be treated properly and not deliberately discharged into our villages’ waterways?”

REPONSE FROM COUNCILLOR T SAFFELL TO MR PALMER

“Responsibility for ensuring that waste flows from housing that is connected to mains sewers are disposed of correctly lies with the relevant sewage undertaker, Severn Trent Water (STW) who, under the Water Resources Act 1991, have a legal duty to comply with its sewage treatment works and storm overflow discharge permits, issued by the Environment Agency (EA). Failure to comply with Permit conditions can result in enforcement action being taken by the EA.

The essence of STW’s legal duty to provide and extend our sewerage network and sewage treatment capacity is laid out below.

Severn Trent Water has a general duty under section 94 (clauses 1a and 1b) of the Water Industry Act 1991:

- (a) To provide, improve and extend such a system of public sewers (whether inside its area or elsewhere) and so to cleanse and maintain these sewers and any lateral drains which belong to or vest in the undertaker as to ensure that the area is and continues to be effectually drained; and*
- (b) To make provision for the emptying of those sewers and such further provision (whether inside its area or elsewhere) as is necessary from time to time for effectually dealing, by means of sewage disposal works or otherwise, with the contents of those sewers.*

In effect, this places an absolute obligation upon STW to provide such additional capacity as may be required to treat additional flows arising from new domestic development.

In terms of the Local Plan Review, the Council will consult with STW as part of the wider consultation on site allocations. It will be then be for STW to identify any issues on specific sites. More generally STW was also consulted as part of the Infrastructure Delivery Plan baseline study for the Local Plan Review. This identified some capacity issues at the Snarrows Waste Water Treatment Water Works which serves Coalville and also Kegworth, but notes that STW has indicated that schemes will come forward to address these, as per their requirements stated above. If necessary, allocation policies in the Local Plan Review could include criteria to ensure that new development is phased and aligned with mains and waste water infrastructure provision.

For the determination of planning applications, under the Town and Country Planning (Development Management Procedure) (England) Order 2015, STW is not a statutory consultee in respect of applications for new housing, but the Local Planning Authority will nevertheless normally consult STW on any new major full or outline housing applications, and as such, there would be an opportunity for them to draw attention to any issues relating to sewage treatment capacity. My officers can't recall any instances where STW have responded to a planning application consultation for development on sites in the Parish of Hugglescote and Donington le Heath to indicate that there is not sufficient capacity at the receiving waste water treatment works."

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS AND ANSWER SESSION

QUESTION FROM MS DAVIES TO COUNCILLOR T SAFFELL

“Residents in the area of the Lovell development, off Highfield Street, are experiencing not only an intrusive level of noise, but thick red dust on their properties, mud on the roads and now, yet again, the cutting down of trees in a TPO area.

Are the council aware of the impact this development is having on residents and the environment?”

REPONSE FROM COUNCILLOR T SAFFELL TO MS DAVIES

“I can confirm that the Council are aware of concerns raised about the impact this development is having on residents and the environment. Unfortunately, the planning system does not have powers to prevent new developments from having no impact at all on neighbouring occupiers and as such it is an inevitable consequence that some impact during the construction phase should be expected.

However, the Council’s Planning Enforcement team have been monitoring the situation in relation to the Lovell development off Highfields Street and have actively been visiting the site to check that the developer is complying with their planning conditions. The planning permission is subject to a construction management plan condition which seeks to reduce any adverse impacts on residents and having assessed the situation on site, the Planning Enforcement Officer has advised that the developer is complying with its terms as approved. The Planning Enforcement Team will continue to monitor the site to make the developer is aware of their continuing requirements to ensure that the construction of the development on this site has minimal impact on local residents.

In terms of trees removed that are protected by a Tree Preservation Order, this was permitted by the granting of the planning permission for the Lovell Development. The trees were protected via a group order (so not TPO’d individually) and when the Lovell planning application was submitted, the developer submitted a detailed tree report to justify the works they were proposing on that part of the site. This was carefully considered by the Council’s Tree Officer as part of the consideration of the application, and it was agreed that some of trees in the group order could be removed as individually they weren’t worthy of protection. It was also considered that the trees removal would not harm the status of the group order which still seeks to protect the remainder of the trees on site for the collective contribution that the group makes to the visual appearance of the area.

To clarify further, the granting of a planning permission for development, as in this case, supersedes the requirements of a Tree Preservation Order and the works that have been carried out on site are in line with that agreed in the planning permission for the development of housing on the site.”

This page is intentionally left blank

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS AND ANSWER SESSION

QUESTION FROM MS DILLON TO COUNCILLOR R BLUNT

“There are 650 MPs in the elected Parliamentary chamber, all there to scrutinise the plans set forth by the government. The formation of political parties is a relatively recent development within our Parliamentary system, in particular the Whipping system. It could be argued that the Party system has reduced the effect of those 650 voices – reducing democracy; power of the people, within Parliament.

The motion put forward implies that the Party allegiance of our MP is more important than the character of the MP, so I ask you to consider the following question in regards to the motion:

Should the MP of North West Leicestershire be a Party representative to the region, or should our MP be representing constituents interests whilst scrutinising government plans, policies and legislation?”

REPONSE FROM COUNCILLOR R BLUNT TO MS DILLON

“I would like to thank Siobhan for her interesting question which is timely in view of the motion which appears later on our agenda this evening.

I have used sources from the UK Parliament and BBC websites in putting together my response.

Historically, as I understand it, the House of Commons has acted on the principle that all Members of the House of Commons are individually elected, and voters put a “cross against the name of a candidate”. While decisions on candidates may be affected by their party labels, Members of Parliament (MPs) are free to develop their own arguments once elected, until it is time to face the voters in the next general election.

The role of an MP, as set out on the websites referred to above is to:

“Represent his/her constituents, including those who did not vote for them or did not vote at all.

MPs represent their constituents in areas where the UK Parliament takes decisions. MPs either debate or ask questions in the House of Commons or they work in smaller groups known as committees.

Other important roles of MPs in Parliament are to help make laws and to scrutinise (check-up on) the work of the government or investigate issues.

The Parliamentary duties of an MP include:

- writing to or organising meetings with relevant ministers
- speaking in Parliament during a debate
- asking questions during Prime Minister's Questions (PMQs)
- introducing Members Bills on topics of concern to their constituents
- lobbying other organisations (such as local councils, health boards) and individuals on behalf of their constituents

- raising the profile of an issue in the media
- involvement in committees which scrutinise new legislation or question the work of the government.

When they are not working in parliament, MPs work in their constituencies, communicating with their constituents by writing letters, emails and replying to phone messages. Often MPs will hold 'surgeries' where local people can meet with their MP and ask questions. Constituents usually meet with their MP to seek help with a problem or issue. Some MPs send out newsletters to their constituents and communicate via their own website or social media accounts".

I would, therefore, take the view that MPs, are a representative of their constituents rather than a delegate of their political party, should they be a member of one."

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR S SHEAHAN TO COUNCILLOR M WYATT

“The Local Government and Social Care Ombudsman has been reported by the BBC as saying councils are frequently failing to use their powers to tackle anti-social behaviour. In the same report, the Local Government Association were quoted as saying, “...it is vital all agencies – including the Government – ensure all measures in the ASB Plan launched earlier this year are adequately resourced.” Paragraph 40 of the Government’s ASB Plan, says, “while the police, local authorities and other agencies have a range of powers to tackle anti-social behaviour, they do not use them consistently, or, at times, enough.

Does the Council recognise these issues?”

REPONSE FROM COUNCILLOR M WYATT TO COUNCILLOR S SHEAHAN

“All local authorities within Leicester, Leicestershire and Rutland have committed to following a shared procedure relating to tackling antisocial behaviour to ensure that there is both consistency and best practice applied across the area.

The procedure requires councils and the police to apply an incremental approach to tackling ASB. The approach details the breadth of powers available which range from informal approaches such as providing advice and the issuing of warning letters through to using formal legal powers such as community protection notices, injunctions, closures, and public space protection orders.

When tackling ASB officers start with an informal approach and move along the range of powers incrementally until a resolution can be reached.

When officers consider the use of legal powers the Council’s legal team are engaged and the views of the Joint Action Group (JAG) are sought before acting. The membership of the JAG includes a range of agencies namely the police, schools, social care, youth justice and others as required.

The Council has a track record of making use of the full range of informal resolutions and formal legal powers to resolve ASB issues. The issue of advice and warning letters are a regular occurrence and were most recently used with recent injunctions to resolve a serious issue in June this year into ASB and violence between neighbours in Coalville.

In conclusion, I can confirm that this Council does not recognise the issues in the quote from Paragraph 40 of the Government’s ASB Plan and sees that its practice of managing ASB accords with the best practice highlighted above.

Full details on the Council’s ASB policy can be found at [Anti-social Behaviour Policy \(nwleics.gov.uk\)](https://www.nwleics.gov.uk/anti-social-behaviour-policy)”

This page is intentionally left blank

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR J LEGRYS TO COUNCILLOR T SAFFELL

“At Council on the 20th June 2023, I asked Councillor Saffell a question about the reopening of the Right of Way between London Road to Stephenson Way Coalville. The RoW is closed due to unsafe structures.

Councillor Saffell replied that the issue is complex, but he would be providing me with regular updates on progress to reopen the Right of Way.

I am disappointed that I have had no such regular update and I would be grateful if I can be informed when the RoW will be re-opened?”

REPONSE FROM COUNCILLOR T SAFFELL TO COUNCILLOR J LEGRYS

“Further to my response to the previous question raised on this matter at Council on 20 June 2023, I am advised that there were initially five or six walls in a dangerous condition and which led to the footpath within the park being fenced off. Officers have now had some feedback from LCC Highways who are leading on the matter as the footpath adjoins their public right of way. They have advised that there are now just two walls which need repairing by the owners. Officers are advised by LCC that there has been no response from those remaining owners so the matter will now be handled by the County Council’s legal team who will start the legal process to enable repair of the wall. They have also advised that, unfortunately, this may take some time now it has become a legal process as there could be challenges regarding ownership and responsibility.

I can also advise that some of the temporary fencing has now been removed which means that residents can now access and egress the park from the jitty at northern end from Albert Road without having to walk all the way to the London Road entrance. In the meantime, Officers from the District and County Councils are looking into the position of the two remaining dangerous walls along the footpath so they can decide whether or not further parts can be reopened.

While I can’t give a specific date when the footpath will be totally reopened, progress is being made and as soon as I have more information from officers, I will update Cllr Legrys further.”

This page is intentionally left blank

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR R SUTTON TO COUNCILLOR R BLUNT

“The last meeting of Council recommended, under Agenda 11, ‘Appointments to Community Bodies’, appointments to East Midlands Councils and the Regional Migration Board:

In what sense are these ‘community bodies’ independent of this Council and, if, on the other hand, membership of and influence via these two bodies indicates a democratic function, how are policy setting, accountability to Council members and our electorate, and open and transparent decision making all ensured, making specific reference to:

- a) Transport investment and delivery for rail and roads impinging on the District,
- b) The temporary housing and permanent resettlement of asylum seekers in the District?”

REPONSE FROM COUNCILLOR R BLUNT TO COUNCILLOR R SUTTON

“I have liaised with and taken advice from East Midlands Councils in preparing the response to this question.

- East Midlands Councils is independent partnership body that works on behalf local authorities in the region. EMC provides a platform for collective work and decision making, and is accountable to its Local Authority membership.
- Each member council has one seat by virtue of its membership, additional seats are allocated on the basis of political balance. All EMC boards are politically-led, with decisions made by Local Authority councillors (including leaders and portfolio holders) from within its membership.
- All councillors in the region are invited to the plenary meetings of EMC (two per year) and the agenda, papers and minutes of all Board meetings are publicly accessible.
- Policy setting, in respect to where EMC has these responsibilities, is through the politically-led Boards, including the collective regional response to nationally set policy, e.g., the implementation of asylum dispersal programmes, or in the case of strategic transport investment. Boards agree a collective response to inform the prioritisation of nationally-directed investment, e.g. the Integrated Rail Plan.
- EMC does not have responsibility for deciding the numbers, or location, of asylum dispersal (including contingency hotels). This is a nationally determined programme, undertaken in consultation with EMC and local authorities. Similarly, while EMC seeks to influence the prioritisation of strategic road and rail investment, decisions remain either nationally determined, or through the respective Local Transport Authority as appropriate.”

This page is intentionally left blank

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR C SEWELL TO COUNCILLOR T SAFFELL

"Having recently been frustrated by the Planning process at this Council, I would like to ask the following question:

Call-ins from Ward Members/neighbouring Ward Members are refused on a regular basis, from what I gather from my colleagues, even when strong material planning considerations are put forward.

I believe the refusal to allow call-in is decided by the Chairman of the Planning Committee, along with the Strategic Director of Place.

When a Ward Member/neighbouring Ward Member puts forward a call-in, they do so with prior local knowledge, and because of local constituents' concerns. The Strategic Director of Place, Planning Officers and Chair won't always be aware of these 'local' matters and totally rely on the Planning Portal for resident comments – this portal isn't always useable or accessible by members of the public.

Will consideration please be given to at least allow Ward Members/neighbouring Ward Members to be present at the discussion appertaining to the particular application they have the concern about? Phone calls or emails refusing call-ins aren't giving Ward Members the clarity necessary to provide the right information to concerned constituents on contentious planning issues."

REPONSE FROM COUNCILLOR T SAFFELL TO COUNCILLOR C SEWELL

"The process for call in, is set out in the Constitution (page 37-38) under the terms of reference of the Planning Committee, paragraph 2.4 which sets out those matters which are reserved to Committee:

2.4 Excluding those types of applications detailed at paragraph 1.3 above, the determination of an application where:

(a) a ward member of the ward to which the application relates or the ward member of an adjoining ward (if that adjoining ward is materially impacted by the application) has notified the relevant Strategic Director (in writing or by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee; and

(b) in the opinion of the Chair having consulted the relevant Strategic Director (or his nominated officer):

(i) the notification is supported by one or more material planning grounds; and

(ii) the item relates to a matter of local concern,

Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this “call-in” shall automatically be triggered for consideration by the Chair under (b) above.

Where the Chair decides that an application does not satisfy (b)(i) or (ii) above, written reasons shall be given to the requesting member.

There is currently no constitutional requirement for the Chair to contact members regarding each call-in request that they make. However, at a meeting of the Planning Cross Party Working Group in June 2020, it was agreed to slightly amend the process so that the Chairman of Committee would speak to the ward member on their call-in reasons before a final decision was made. I understand that the new Chair of Planning Committee is now making contact with ward members to discuss the call-in requests and to understand their concerns before discussing with officers and making a final decision. It is also open to the ward member to contact the Chair about their call-in requests.

As I’m aware that some members continue to have concerns about the current call-in procedure, as indicated by the question raised, I would suggest that this matter is discussed at the next Planning Cross Party Working Group, to explore whether any minor changes to the process maybe required. I will ask for a meeting of the Planning Cross Party Working Group to be arranged for the Autumn.”

COUNCIL – 5 SEPTEMBER 2023

QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR T EYNON TO COUNCILLOR T SAFFELL

“How does this authority intend to meet its statutory duty, under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving not only the listed buildings of Snibston Colliery but its setting on Ashby Road which includes the former Coalville and Local Mines Fire Station, the Pithead Baths, Ebenezer Chapel, Deputies Row and the Snibstone New Inn?”

REPONSE FROM COUNCILLOR T SAFFELL TO COUNCILLOR T EYNON

“Under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 the Council has a “general duty as respects listed buildings” in the exercise of our planning functions. The Council fulfils its statutory duty under S66 when dealing with applications for planning permission that would affect listed buildings at Snibston Colliery, including the Grade 2 administrative offices, locomotive house and powder magazine, or their settings, by carefully considering the impact of any development proposals on the listed building or its setting. Applications will be assessed and considered by the Council’s Conservation Officer and their conclusions would be afforded considerable weight in the decision making process.

The headstocks and engine houses at Snibston Colliery are scheduled monuments, but there is no similar general duty as respects scheduled monuments. However, the Council ensures that any applications for planning permission conserve the scheduled monument and its setting in the same way by carefully considering the impact of any development proposals on monument or its setting. Applications will be assessed and considered by the Council’s Conservation Officer and Historic England and their conclusions would again be afforded considerable weight in the decision making process.

I can confirm that a recent planning application for a major development on Ashby Road was refused permission and one of the reasons for refusal was that the scale, layout and appearance of the proposed development would erode the setting which contributes positively to the significance of the scheduled ancient monuments that form part of Snibston Colliery.”

This page is intentionally left blank