

MEETING OF THE COUNCIL

TUESDAY, 10 SEPTEMBER 2019

ADDITIONAL PAPERS

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – 10 SEPTEMBER 2019****URGENT REPORT**

Title of report	DISPENSATION FOR EXTENDED ABSENCE
Contacts	<p>Councillor Tony Gillard Tony.gillard@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 Bev.smith@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	This report provides details regarding the proposal that Council approve a period of absence from meetings by a Councillor pursuant to Section 85(1) of the Local Government Act 1972.
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	No direct implications.
Link to relevant CAT	No direct implications.
Risk Management	The council has a statutory duty to consider such requests.
Equalities Impact Screening	No direct implications.
Human Rights	No direct implications.
Transformational Government	No direct implications.
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Whip of the Conservative Group.
Background papers	<p>http://www.legislation.gov.uk/ukpga/1972/70/section/85</p> <p style="text-align: center;">3</p>

	IT IS RECOMMENDED THAT
Recommendations	<p>(1) COUNCIL SENDS ITS THOUGHTS AND BEST WISHES TO COUNCILLOR DAVID STEVENSON;</p> <p>(2) COUNCILLOR DAVID STEVENSON BE GRANTED DISPSENSATION FOR EXTENDED ABSENCE FROM ALL MEETINGS IN HIS ROLE AS COUNCILLOR FOR THE WORTHINGTON & BREEDON WARD FOR A PERIOD OF SIX MONTHS.</p>

1. BACKGROUND

- 1.1 Councillor David Stevenson has been suffering from ill health and is currently being looked after at the Queens Medical Centre in Nottingham. He is therefore unable to attend this meeting.
- 1.2 Section 85 of the Local Government Act 1972 provides that if a member of a local authority fails to attend a meeting of the authority for a period of six consecutive months without approval from Council, then he/she will cease to be a member of the authority.
- 1.3 Councillor Stevenson last attended a meeting on 21 May 2019 which would result in him ceasing to be a member on 20 November 2019.
- 1.4 There is provision for Council to grant dispensation for an extended absence where the circumstances demand it.

2. RECOMMENDATIONS

- 2.1 It is proposed that a six month dispensation be granted to Councillor Stevenson to prevent him ceasing to be a member from 20 November 2019. The six month dispensation would expire on 9 March 2020. This would not prevent Councillor Stevenson from returning to meetings at any time, if his health allowed, but would give flexibility and prevent further recourse if he failed to attend any meetings during this time.

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QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR J LEGRYS TO COUNCILLOR A WOODMAN

Environmental Conditions Mantle Lane Coalville

“At its meeting on the 27th February 2018 I one again placed a question to the then Portfolio Holder about using the Council’s Environmental powers to insist that the surrounding landowners remove overgrown vegetation on Mantle Lane Coalville.

Whilst regular cleaning is carried out by the Council’s Cleaning Teams, overgrown vegetation on structures and land belonging to Network Rail continues to be an unkempt eyesore that spoils this key entrance into Coalville Town Centre.

When will the Council use its powers under law to insist that Network Rail tidy up their property to the benefit of road users, pedestrians and shoppers?”.

RESPONSE FROM COUNCILLOR A WOODMAN

” Enforcement Officer, Ian Webster, has visited the site and confirms that the level of overgrown vegetation constitutes issuing of a Community Protection Warning.

This is the first stage of the formal process leading to the issuing of a Community Protection Notice if the problem persists.

In line with our Procedures and Policies, Network Rail have been contacted and advised of the vegetation issue. Ian has received notification today (5.9.19) that Network Rail have logged his request and that contact will be made to address the issue. If we do not receive further communication within a reasonable time frame we will progress with the first level of action.

The Business Focus Team recognise that Mantle Lane is an important gateway into Coalville Town Centre and a link to the new Leisure Centre. Consequently we are looking at ways in which the Future High Street Fund bid and Regeneration Framework might bring forward improvements. Business Focus have contacted Network Rail about working with them to improve the appearance of the bridge and are awaiting a response”.

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QUESTIONS FROM COUNCILLORS

QUESTION FROM COUNCILLOR C BENFIELD TO COUNCILLOR R ASHMAN

East Midlands Airport and No-Deal Brexit.

“As contingency planning continues for the increasing likelihood of a no-deal Brexit, much of the Nation’s focus has been on implications at the Channel Ports.

However, as host to one of the largest air freight terminals in the UK, it would seem obvious that congestion at sea ports could be alleviated by increasing operations at East Midlands Airport.

Such preparations have not been publicly discussed.

I am concerned that the Airport has no restrictions on volume of traffic either by day or night, (although I am aware of the slightly tighter noise limits required at night).

Could the Leader therefore provide the Council with detailed information on the expected increases in: air and road traffic, noise, particulate pollution, and CO2 in the event of a no-deal Brexit.”.

RESPONSE FROM COUNCILLOR R ASHMAN

” The Council is fully engaged in the contingency planning for a no deal Brexit with the chief executive being the nominated Brexit Lead officer. Our role and responsibility under the Civil Contingency Act is to ensure that working with the Leicestershire Resilience forum (LRF) we plan for the potential disruption that a no deal exit could have. The LRF is made up of a wide number of partners from police, health, fire, ambulance, armed forces, district and County council, Highways England, Utilities and the voluntary sector.

One element of the contingency planning relates to the potential impact of traffic disruption around the airport as a result of any delays at the border. The Chief Executive is also a member of the National Border Control Sterling group that considers and plans for the impact of changes at the port, ensuring the council’s port health authority role continues to run smoothly and effectively.

Plans have been developed to manage traffic disruption and there are a series of meetings with members and local communities over the coming weeks. The council has also developed a robust communication plan for communities, businesses and stakeholders linked to the national communication plan ‘Get Ready for Brexit’.

However the contingency planning in respect to the management of air freight movements at East Midlands airport is outside the locals authorities remit and control. Airport Co-ordination Limited is responsible for slot allocation scheduled facilitation and schedule date collection across the UK. They would be responsible for modelling ensuring efficient use of capacity and operational performance taking account of operational restrictions.

It is not possible at this time to estimate whether there would be a need for additional freight to be taken through East Midlands airport, but there are legislative restrictions that are in place and would need to be adhered to.

The airport has an environmental policy, continuous air quality monitoring for key pollutants set within the wider context of the Air Quality Strategy for England and Wales. The strategy sets limits for nitrogen dioxide, benzene and particulates. These results are publicly available monthly on the East Midlands airport website.

East Midlands airport also operate within the limitations of Noise Action Plan which is a statutory five year document recently the subject of public consultation and runs from 2019 - 2023. The plan assesses, considers and manages aircraft noise at the airport and is a legal requirement under the European Union Directive 2009/49/EC relating to the assessment and management of environmental noise. The Civil Aviation Authority and DEFRA have a role in ensuring compliance with the Noise Action Plan and the detailed plan and legislative context are set out on the East Midlands airport website.

We will continue to work closely with all key partners of which the airport is a key stakeholder to ensure that if there are changes these are considered by the Local Resilience Forum and we engage and communicate with our community through this period of uncertainty”.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL 10 SEPTEMBER 2019

Title of report	ALLOCATION OF SEATS ON COMMITTEES (POLITICAL BALANCE)
Contacts	<p>Councillor Robert Ashman Robert.ashman@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 Bev.smith@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To agree any changes to proportionality following the recent change of political affiliation of a district councillor.
Council Priorities	All
Implications:	
Financial/Staff	None applicable
Link to relevant CAT	None applicable
Risk Management	Failure to review the proportionality and appoint to the Council's Committees accordingly will see the Council failing in its duties set out in the Local Government and Housing Act 1989.
Equalities Impact Assessment	None applicable
Human Rights	None applicable
Transformational Government	None applicable
Comments of Head of Paid Service	The report is satisfactory
Comments of Section 151 Officer	The report is satisfactory
Comments of Monitoring Officer	The report is satisfactory
Consultees	Group Leaders and Whips

Background papers	Local Government and Housing Act, Constitution and the declaration of results of the local elections available at www.nwleicestershire.gov.uk
Recommendations	<p>(1) THAT COUNCILLOR JOHNSON BE APPOINTED TO THE PLANNING COMMITTEE TO REPLACE COUNCILLOR TEBBUTT;</p> <p>(2) THAT COUNCILLOR BIGBY BE APPOINTED AS A SUBSTITUTE ON THE PLANNING COMMITTEE TO REPLACE COUNCILLOR JOHNSON;</p> <p>(3) THAT COUNCILLOR TEBBUTT BE APPOINTED TO THE SEAT CURRENTLY ALLOCATED TO COUNCILLOR SEWELL ON THE COMMUNITY SCRUTINY COMMITTEE;</p> <p>(4) THAT COUNCILLOR SEWELL BE APPOINTED AS SUBSTITUTE ON THE COMMUNITY SCRUTINY COMMITTEE TO REPLACE COUNCILLOR TEBBUTT;</p> <p>(5) THAT THE UNCHANGED MEMBERSHIP OF THE CORPORATE SCRUTINY COMMITTEE BE NOTED.</p>

1.0 BACKGROUND

- 1.1 On 29 August 2019, the Council was advised that Councillor Daniel Tebbutt would no longer be a member of the Labour Group.
- 1.2 On 5 September Councillor Tebbutt advised that he had been affiliated to the Conservative group and, due to the consequential shift in the political balance of the Council, the proportionality has been recalculated.
- 1.3 The requirements regarding political proportionality in the membership of Committees are embodied in the Local Government and Housing Act 1989, Section 15. It is a statutory requirement that where a relevant authority has a membership divided into different political groups then the decision making bodies on the Council must be proportional to the overall make-up of the Council. The Monitoring Officer has a statutory responsibility for ensuring the council implements proportionality correctly.
- 1.4 The rules state:-
- No Committee is allowed to be made up entirely of one political group
 - A political group with an overall Council majority gets a majority of the seats
 - No political group can have more than they are entitled to
 - The proportion of seats on each Committee should be in proportion to strengths on the Council
 - When proportionality has been agreed, the group nominates the person to fill the seat.
 - Council seat proportionality must incorporate 100% of the members on the Authority irrespective of whether or not they are in a group, non-aligned or single party councillors.
- 1.5 Exceptions to the rules include seats on the Cabinet, area-based Committees or any alternative arrangement that is unanimously passed by all Members on the Council.
- 1.6 A registered group must be allocated the same proportion of Committee places that they have seats on the Council (eg for a group with 10 councillors on a 50 member Council, 10

committee places must be allocated in every 50). To start with we add up the total of all Committee places. If the total was, say, 150 seats, then a group consisting of 10 councillors on a 50 council seat authority is entitled to 30 seats (150 x10/50ths). Groups are unlikely to have the same number on every Committee. If Committees are the same size there has to be some negotiating between the group whips on where the additional places should be.

2.0 IMPLICATIONS

Recalculating the political balance has resulted in Labour losing two seats. One on the Corporate Scrutiny Committee and one on the Community Scrutiny Committee which will now fall to the Conservative group. The Conservative group whip has advised that Councillor Tebbutt will be nominated to these seats. As he was already a representative on the Corporate Scrutiny Committee then effectively no changes need to be made to the membership of this Committee. In terms of the seat on the Community Scrutiny Committee, a discussion has been held with the Labour Group whip which concluded that the seat on this Committee which they will be giving up is that currently held by Councillor Sewell.

- 2.1 Further consequential changes are to those Committees on which Councillor Tebbutt sat as a Labour Councillor to which Labour still have an entitlement. These seats were also discussed with the whip and the following is proposed:-
 - 2.11 Member of the Planning Committee - This seat will be taken up by Councillor Johnson.
 - 2.12 Substitute Member of the Planning Committee - This seat will be taken up by Councillor Bigby.
 - 2.13 Substitute Member of the Community Scrutiny Committee - This seat will be taken up by Councillor Sewell.
- 2.2 No other Committees are affected.

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Council Procedure Rules – Motions and Amendments

What members can do

- When seconding a motion, a member may reserve their speech until later in the debate (rule 14.3).
- Members may only speak once on a motion or amendment whilst it is being debated (rule 14.5, 14.5(a)).
- Members may also move a further amendment if the motion has been amended since they last spoke (rule 14.5(b)).
- Members can exercise a right of reply, raise a point of order or make a personal explanation during debate (rule 14.5(d), (e) and (f)).
- Members can speak on the main issues if their first speech was on an amendment (rule 14.5(c)).
- The mover of a motion has a right of reply at the close of debate on the motion, before it is put to the vote (rule 14.9.1).
- The mover of a motion has a right of reply at the close of debate on any amendment (rule 14.9.2).

What members can't do

- Members cannot make a speech until a motion has been seconded (rule 14.1).
- Members cannot speak again whilst a motion is being debated, except to exercise a right of reply, raise a point of order or make a personal explanation (rule 14.5, 14.5(a) to (f)).
- Members cannot speak for more than 5 minutes without the consent of the Chairman (rule 14.4).
- The mover of a motion may not speak on an amendment, other than to exercise his right of reply (rule 14.9.2).
- The mover of an amendment has no right of reply at the close of debate (rule 14.9.3).

Motions and Amendments – Flowchart

