

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 16 SEPTEMBER 2014

Present: Councillor G A Allman (Chairman)

Councillors R Adams, R D Bayliss, R Blunt, A Bridges, J Bridges, N Clarke, J Cotterill, J G Coxon, D De Lacy, D Everitt, J Geary, T Gillard, J Hault, D Howe, P Hyde, R Johnson, G Jones, C Large, J Legrys, L Massey, C Meynell, T Neilson, T J Pendleton, V Richichi, J Ruff, N J Rushton, A C Saffell, S Sheahan, N Smith, A V Smith MBE, M Specht, L Spence, R Woodward and M B Wyatt

Officers: Mr S Bambrick, Mr R Bowmer, Ms C E Fisher, Mrs M Meredith, Mrs M Phillips and Miss E Warhurst

## **26. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors P Clayfield, R Holland and D J Stevenson.

## **27. DECLARATION OF INTERESTS**

Councillors D Everitt, T Gillard, D Howe, L Spence and R Woodward declared a non-pecuniary interest in item 12 - transfer of trusteeships to Whitwick Parish Council and Ellistown and Battleflat Parish Council, as Members of Whitwick Parish Council.

Councillor J Cotterill declared a non-pecuniary interest in item 12 - transfer of trusteeships to Whitwick Parish Council and Ellistown and Battleflat Parish Council, as a Member of Ellistown and Battleflat Parish Council.

Councillor P Hyde declared a non-pecuniary interest in item 12 - transfer of trusteeships to Whitwick Parish Council and Ellistown and Battleflat Parish Council, as the Chairman of Ellistown and Battleflat Parish Council.

## **28. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman made the following announcements:

- All those present were reminded that due to legislative changes, all meetings may now be recorded.
- The Chairman reported that he and his consort had attended various events over the summer, including welcoming HRH Prince Richard, Duke of Gloucester, at the Ashby show.
- All Members were invited to attend a Charity Magic Dinner which would take place on 18 September. It was reported that tickets were almost sold out.
- The Chairman advised that he had a busy diary of events over the autumn. He highlighted the events planned for the Remembrance weekend and encouraged all Members to attend.
- Congratulations were extended William and Kate on their good news on the provision of a further heir. Councillor N Smith seconded this, and commented that the Royal Family were a tremendous asset to the country.

Chairman's initials

## 29. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

Councillor R D Bayliss referred to a previous announcement he had made at the March meeting regarding the Green and Decent Homes pilot scheme, and gave an update on progress to date. He reported that of the 12 volunteer households, 4 installations had already taken place, and one alternative property was now being sought following a tenant move. He stated that the intention of the scheme was to reduce energy costs for tenants across the district and allow the Council to see how best to maintain and improve the energy efficiency of the housing stock in future. He added that the receipt of a feed in tariff would also support the Housing Revenue Account. He explained that energy use would be monitored over the ensuing 12 months. He outlined the various technologies being utilised in the pilot scheme and advised that the properties involved in the pilot were scattered throughout the district. He hoped to have a report on the outcome over the next few months.

Councillor J Ruff welcomed the initiative and hoped for positive feedback. She asked what would happen to the equipment after the pilot had concluded; would the equipment be removed or made available to tenants for purchase.

Councillor R D Bayliss responded that the equipment would not be removed, and if the pilot scheme was successful, it would hopefully lead to further installations. He added that the scheme had been led by officers and tenants, and there had been a great deal of enthusiasm for it.

Councillor A V Smith stated that she would like to clarify the point she made in the Council meeting of 1 July 2014 regarding this Council's position on Leicestershire County Council's proposals for Snibston Discovery Park and to apologise for any confusion caused by her statement and subsequent press release. She clarified that the intention of her statement was that, should the proposals for Snibston go ahead, North West Leicestershire District Council would encourage the development of a local mining museum on the site, as we had knowledge that it would be valued. She apologised unreservedly for any misunderstanding and hoped that this statement clarified the situation for the wider community regarding her previous statement at Council and the subsequent press release.

Councillor A V Smith extended congratulations to Gemma Steele on her remarkable achievement in the Great North Run. She reported that Gemma had placed second, knocking 2 minutes off her personal best time. She added that Gemma was now the third fastest British woman of all time at this distance. She commended Gemma on her fantastic achievement and hoped that she had her sights set on the Rio Olympics.

Councillor A V Smith announced that for the third year running, the RSPCA had awarded the Council a 'gold footprint' award for the high quality manner in which the Council handles stray dogs. She expressed congratulations to all staff involved.

Councillor J Legrys welcomed the apology from Councillor A V Smith, the Chief Executive and the Monitoring Officer regarding the manner in which Coalville Heritage Society was presented at the last meeting during the debate on Snibston. He expressed disappointment that this had happened in the first instance and that a Portfolio Holder in receipt of a special responsibility allowance had allowed herself to be misguided or misled on an issue without checking. He added that he wished to draw a line under this issue.

Councillor N Clarke expressed congratulations to the officers for their hard work and achievement in respect of the golden footprint award.

Councillor A C Saffell congratulated staff on their handling of the noise issues at the Zoo Project which had taken place in Castle Donington over the last weekend.

Chairman's initials

Councillor T J Pendleton announced a tour of developments across the district would take place on Friday, 10 October 2014. He advised that the purpose of the tour was to bring Members and officers together to visit and discuss residential developments that had been recently completed within the district, to help Members see the positive impact of the planning decisions they are making. He added that representatives from the government's Homes and Communities Agency were expected to be joining the tour as the Council was being increasingly recognised as an authority that reflects good practice in building more and better new homes and communities. He encouraged all Members to attend.

### **30. QUESTION AND ANSWER SESSION**

There were no questions received.

### **31. QUESTIONS FROM COUNCILLORS**

Councillor D Everitt put the following question to Councillor R D Bayliss:

"People desperate for accommodation and on NWLDC housing waiting list are upset and angered to find many vacant properties empty with no work taking place. I like other Council tax payers are appalled at the revenue that is being lost to this council by this unacceptable situation. Please state which three properties have been vacant for the longest period and when you expect them to be let.

How much revenue was lost to this council this month from empty properties".

Councillor R D Bayliss gave the following response:

"There are currently a higher number of properties empty which require considerable work to bring them up to the void lettable standard, a standard we have developed with our involved tenants. For those properties included in the Decent Homes Improvement Programme, we have been undertaking the works whilst the properties have been empty to minimise the disruption for new tenants and maximise the funding from the Homes and Communities Agency.

Our void turnover as a percentage of our stock is 8% which is slightly lower than the housing sector average of 10%. At 1 September 2014, there were 270 properties vacant, with the respective details being as follows.

56 are currently undergoing repair works prior to them being offered for reletting through the Choice Based Letting (CBL) advertising process. This includes properties requiring extensive damp, and/or asbestos work which is completed by specialist contractors.

38 are with Kier or Lovell undergoing Decent Homes improvements.

21 are awaiting inspection either prior to repairs being ordered, or prior to them being advertised for letting after repairs are completed.

57 are with Housing Management and are moving through the process of being advertised and let to new tenants.

98 are in Sheltered Housing Schemes with no demand from eligible home seekers (these include Greenacres, Wolds Court and Westgates schemes).

The three properties which have been vacant for the longest period are:

- 13 Wolds Court

- 21 Greenacres
- 13a Hood Court

In 2011 the Housing Service completed a review of the corridor style sheltered housing scheme to assess the investment needs and levels of demand for all of the buildings. Three schemes were subsequently identified as being surplus to requirements and in July 2011, Cabinet approved the recommendation for the schemes to be decommissioned. The three schemes were Woulds Court, Greenacres and Heather House.

Two of the properties which have been vacant for the longest period are within a decommissioned scheme (13 Woulds Court and 21 Greenacres). 13a Hood Court is a very small bedsit flat for which there is no demand from any eligible elderly applicants.

Our approach to the future of our empty and low demand sheltered housing schemes has been developed and will be reviewed by the Director of Housing when he joins the team later this month.

The amount of rent loss for August was £43,162.08 which equates to 3.2% of the gross rent. An allowance is made within the annual Housing Revenue Account budget to reflect the predicted level of rent to be lost from vacant properties.

I wish to reassure Members that the current level of void properties is reducing, and actions have already been taken by officers to ensure we find new tenants as promptly as possible when works are completed”.

Councillor D Everitt commented that this situation did not arise overnight. He added that he was pleased with the last part of the response. As a supplementary question, he asked if Councillor R D Bayliss would agree that it would be beneficial to have an update on the situation at every Council meeting.

Councillor R D Bayliss agreed to provide updates as far as was reasonably practical. He referred to the quarterly performance updates that were already available, however he agreed to discuss with officers ascertain whether an extract could be made available for the next meeting.

Councillor D De Lacy put the following question to Councillor R D Bayliss:  
 “Would the Portfolio Holder update Council on the progress being made in identifying those residents who have their Housing Benefit reduced wrongly as a result of the legislation on under occupancy of properties, commonly known as the bedroom tax”?  
 Councillor R D Bayliss gave the following response:

“To find out who might qualify for a refund we needed to know peoples’ circumstances going back to 1996. Changes to our IT systems meant that we were unable to identify people immediately who qualified so to be on the safe side we included everyone who could possibly qualify. After a number of computer programs were run we narrowed down the number to 168.

We wrote to all 168 and received 47 responses. Through further reminders, telephone calls and a second letter which included a prepaid envelope this increased this to 101 responses. Of these 38 were eligible for a refund.

Two additional people have since been found to be eligible for a refund following further phone calls and examination of paper records, bringing the anticipated final total to 40”.

Councillor D De Lacy welcomed the response, in particular the fact that 40 residents had been identified for a rebate. He felt it was only right that he thanked the staff and

Councillor R D Bayliss for their efforts to date. He commented that even the Liberal Democrats believed that the bedroom tax would be banished after next May.

Councillor J Legrys put the following question to Councillor R D Bayliss:

“How many requests received during the last 5 years for adaptations to the homes of frail, elderly, disabled and other medically unwell people were agreed by the County Council’s Occupational Therapy Teams and forwarded to this Council for action?”

In each case - how long did the service users and carers concerned have to wait for the recommended work to be undertaken by this Council and or its Contractors”?

Councillor R D Bayliss gave the following response:

“Between January 2009 and mid September 2014, the Council has received a total of 302 referrals from the Occupational Therapy team representing LCC’s Adult Social Care Service in support of a major adaptation to Council tenants’ homes.

In the 5-year period 1 April 2009 to 31 March 2014, the Council completed major adaptations in response to 263 Occupational Therapy referrals received during this 5-year period. The average period to complete an adaptation was 174 working days (35 weeks or 8 months).

The Council’s target is to complete all approved urgent referrals within 8 months and routine within 14 months (18 months for cases requiring planning or Building regulation approval”.

Councillor J Legrys thanked Councillor R D Bayliss and the Head of Housing for the work they had undertaken to provide a response. As a supplementary question he raised the following points:

- What had happened to the remaining 39 referrals in respect of which major adaptations had not been completed?
- What was meant by the average period to complete an adaptation? Was this the mean, mode or median, and what was the variance?
- What was the longest waiting time for completion of a referral?
- How many residents who had been referred had died, or had been admitted to hospital or residential care whilst waiting for adaptations?

Councillor R D Bayliss advised that he would respond in writing after the meeting.

## **32. PETITIONS**

No petitions were received.

## **33. MINUTES**

Consideration was given to the minutes of the meeting held on 1 July 2014.

Councillor T Neilson referred to minute number 23 and the debate on the motion in respect of minimum size of vehicular garages on new developments. He felt that the comment made by Councillor D J Stevenson had not been accurately reflected as he did not believe the word ‘often’ had been used. He stated that he had submitted a complaint regarding this matter and was pleased that Councillor D J Stevenson had agreed to apologise at the next meeting. He asked if Councillor R Blunt would be prepared to give an apology on his behalf at this meeting in his absence.

Chairman’s initials

Councillor R Blunt responded that whilst Councillor T Neilson might speak on behalf of his own Members, he would allow his Members to speak for themselves. He commented that sometimes members of the both political groups said things that the leaders did not agree with. He stated that Councillor D J Stevenson had agreed to apologise at the next meeting and therefore it was a matter for him to do so.

Councillor T Neilson moved that the minutes be amended to accurately reflect Councillor D J Stevenson's statement at minute number 23 by removing the word 'often'.

The motion was seconded by Councillor J Legrys.

Upon being put to the vote, the motion was declared LOST.

Councillor L Massey sought clarification on the legal position in respect of leaving a statement in the minutes that was inaccurate.

The Chairman clarified that the minutes were taken at the last meeting by the Democratic Services Officer and it was a matter for Members to determine the final minutes.

Councillor J Geary commented that Councillor D J Stevenson had agreed to apologise for his statement, but now Members were voting to agree that he did not make that statement.

The Monitoring Officer clarified that Members were debating the exact wording used; Members had been asked to vote on the removal of the word 'often', and if the majority of Members agreed that that word should remain, this would determine the formal minutes. She added that whilst the complaints process was intended to be confidential, and therefore care was needed in terms of the level of detail that was discussed, there was some discrepancy about what had been said. Notwithstanding that, Councillor D J Stevenson had agreed to apologise, and this was a separate issue to agreeing the minutes.

It was moved by Councillor G Jones, seconded by Councillor G A Allman and

RESOLVED THAT:

The minutes of the meeting held on 1 July 2014 be approved and signed by the Chairman as a correct record.

**34. ADDITIONAL COSTS OF THE DECENT HOMES IMPROVEMENT PROGRAMME 2014/15 AND UPDATED HOUSING REVENUE ACCOUNT (HRA) BUSINESS PLAN**

Councillor R D Bayliss presented the report to Members, drawing their attention to the previous reports to Cabinet and the proposal to fund the additional non-decent homes.

Councillor N J Rushton commended Councillor R D Bayliss and commented that he was exceedingly proud of what had been achieved, as the housing stock had been the worst in the country run by the worst administration.

Councillor J Ruff thanked Councillor R D Bayliss for the update. She welcomed the investment in housing, particularly as waiting lists were increasing. She stated that the problem was that the assessment had not been thorough enough, and if it had been done properly, this cost could have been avoided. She commented that it was Labour who had introduced the Decent Homes standard, whilst the Conservatives had pushed forward the right to buy scheme, resulting in fewer homes being available. She stated that empty council properties was also a major concern with figures showing an increase. She added that the welfare reform had played a massive role in this. She commented that when you

Chairman's initials

read the reports, customer satisfaction with the Decent Homes Improvement Programme was almost perfect, however when you spoke to tenants, they said that the focus was on getting the work done as quickly as possible. She added that there was poor workmanship in many areas of the district and she hoped that the remaining properties would be improved in this respect.

Councillor L Spence commented that this Council had done a lot of good, but the truth was a lot of mistakes had been made. He stated that the Labour Group were usually on hand to provide good counsel, which unfortunately had not been listened to. He felt that this ranked as one of the worst mistakes, as the desktop exercise had been completely flawed, with £600,000 in funding being claimed that the Council was never entitled to, and other homes that were eligible which could have been claimed for. He questioned whether these figures could be trusted given the track record on this issue. He referred to the high level of customer satisfaction stated in the report, and that Members were all too familiar with the disaster stories. He stated that three and a half years later, hundreds of homes requiring improvement were coming to light. He commented that this was inept and nothing short of incompetence.

Councillor J Legrys thanked the Head of Housing for providing an excellent presentation on this issue. He commented on the total lack of attendance from the Members of the Conservative Group, with the exception of the Portfolio Holder. He added that the Administration obviously took things as written but did not check the information. He referred to one of his constituents who had been waiting 2 years for works to her property and another who had had 26 visits, and commented what a legacy this was. He stated that tenants were becoming angry and frustrated.

Councillor D De Lacy stated that £3,000,000 was a lot of money and approval of the expenditure was not without significant consequences. He pointed out that the Council was due to repay loans in 2021/22 and would now not be in a position to do so. He commented that the shortfall was bad enough in itself, but this could increase further due to rent policy changes and the sale of council houses. He added that the high level of empty properties could also have an impact, and there was a real risk that this could rise further if rent defaults increased. He stated that the solutions set out were to either borrow more, reduce expenditure or both. He commented that increased borrowing was not without further costs. He felt that not doing the work would clearly be the wrong option and funding from the Council's own resources was better than borrowing, therefore he would support the recommendation. He believed that if there had been more investment upfront, clearly the costs could have been reduced. He queried why the satisfaction figures seemed to be at variance with the number of complaints received. He stated that the Administration was responsible for mismanaging the Council into this situation of incurring costs and facing a massive financial risk for the future.

Councillor R D Bayliss responded to the points made and advised that a 70% condition survey had been initially undertaken, which was above the national average. He pointed out that there had been a very short time in which bids for funding had to be put together and therefore it was inevitable that there would be discrepancies. He commented that he did not regard this as a fault, but as a robust recommendation of the work that had been done previously. In respect of the financial issues, he commented that a business plan was in place that was flexible over the 30 years to take up the flack. He added that he regarded this to be a resounding success, and he had confidence in the assiduity of staff to advise Members and provide options. He acknowledged that there were shortcomings with contractors. He referred to the discrepancies in respect of the satisfaction rates and commented that there were some hard luck stories. He advised that the Tenant Scrutiny Panel had interviewed recipients of works face to face and had also reported very high satisfaction rates. He explained that the results of this exercise showed that although many people disliked the process, 90% of tenants were satisfied with the outcome. He concluded that overall, this was a success story.

It was moved by Councillor R D Bayliss, seconded by Councillor N J Rushton and

RESOLVED THAT:

- a) The reduction in grant eligible properties and the additional non decent homes identified as part of the 2014/15 decent homes programme of improvements be noted, as detailed in the report to Cabinet attached as Appendix 1, and the impact on the HRA Business Plan as explained in the report at Appendix 2.
- b) The reports to Cabinet and the associated recommendation from Cabinet (included in section 1.5 of this report) be noted in relation to funding the required works.
- c) The revised 2014/15 Housing Capital Programme and HRA budget as detailed in Appendix 4 and 5 of this report be approved to fund the increase in costs.
- d) The amended prudential indicators detailed in Appendix 6 be approved.

### **35. MINUTES OF LOCAL PLAN ADVISORY COMMITTEE**

Councillor T J Pendleton presented the report to Members, highlighting the progress made in aiding the preparation of the Local Plan. He added that the Council was currently meeting the target identified by the SHMA in terms of housing need. He thanked all involved for their work so far.

Councillor J Legrys commented that he welcomed the intervention of the Chairman of the Local Plan Advisory Committee to facilitate excellent debate, and added that the last meeting was perhaps the best he had ever attended at the Council. He made reference to the discussion that would be taking place at the Cabinet meeting on 23 September regarding an additional 4,000 homes at Bardon. He stated that this authority had spent £40,000 to develop a SHMA, which was an excellent piece of work. He commented that with the planning applications already granted, there would only be an additional 1,500 homes required up until 2031, which would make a mockery of the work being done by the Local Plan Advisory Committee. He questioned why the authority was bothering to develop a Local Plan when the Economic Growth Strategy pre-empted it.

Councillor A C Saffell pointed out that there had been four meetings of the Committee so far; three of which were mentioned in the report. He sought clarification regarding the other two meetings. It was clarified that the minutes were not available at the time of the production of the agenda.

Councillor R Blunt thanked Councillor J Legrys for his comments on the work of the Chairman of the Local Plan Advisory Committee. He made reference to the amount of work involved and added that it was fortunate that the Chief Executive had taken the lead on a county basis. He commented that the process was torturous, however the authority was heading in the right direction. He thanked Councillors J Legrys, J Bridges and C Large for their hard work.

Councillor T Pendleton stated that he was delighted to accept the fact that £40,000 was well spent on delivering the SHMA. He commented that he was surprised that the lead Member for Planning had not got his facts right. He clarified that the whole housing market was led by market forces, and the only way to meet the housing requirement was through completed applications, as planning permissions did not count towards the totals. He stated that it was necessary to ensure there was a buffer, and this did not negate the Local Plan, but gave even more focus to delivering enough sites to fulfil the housing need. He commented that there were only a handful of Members who had not voted in favour of the Local Plan.

Chairman's initials



It was moved by Councillor T J Pendleton, seconded by Councillor R Blunt and

RESOLVED THAT:

- a) The minutes of the Local Plan Advisory Committee of 18 March 2014 and 29 April 2014 be received and noted;
- b) The recommendations of the Local Plan Advisory Committee of 3 June 2014 as set out in paragraphs 4.2 and 4.3 of this report be noted; and
- c) The recommendations of the Local Plan Advisory Committee to prepare a new Local Plan and that the plan period be 2011-2031 be agreed and;
- d) The Terms of Reference for the Local Plan Advisory Committee be not changed.

### **36. PREPARING FOR THE FUTURE OF THE HOUSING SERVICE - DELEGATION ARRANGEMENTS**

Councillor N J Rushton introduced the report which was then presented by Councillor R D Bayliss.

Councillor R D Bayliss stated that the Housing department as it now stands would have been a housing association, had history been different. He advised that in view of the increase in workloads and the current situation, the Chief Executive had decided to make his appointment, and Members were being asked to approve the technical changes required to the Constitution.

Councillor N J Rushton commented that the appointment demonstrated the commitment to the Housing service going forward.

Councillor N Clarke noted that Members were simply being asked to make a change to the Constitution, however he stated that he would like to understand in greater detail why this post was required at this time.

Councillor R D Bayliss stated that the reasons were as set out in the report; there was an increasing workload and many strategic issues at this time. He emphasised that this was an interim appointment for 18 months, and it would be decided at that point whether the post was required permanently.

It was moved by Councillor R D Bayliss, seconded by Councillor N J Rushton and

RESOLVED THAT:

- a) The decision to appoint an interim Director of Housing be noted.
- b) The proposed changes to the scheme of delegation to be implemented on the appointment of the interim Director of Housing be agreed.
- c) The Head of Legal and Support Services be authorised to make the agreed amendments to the scheme of delegation in the Constitution and the consequential amendments arising and re-issue the document.

### **37. TRANSFER OF TRUSTEESHIPS TO WHITWICK PARISH COUNCIL AND ELLISTOWN AND BATTLEFLAT PARISH COUNCIL**

It was moved by Councillor N J Rushton, seconded by Councillor R D Bayliss and

Chairman's initials

RESOLVED THAT:

- a) The Council agrees to transfer the trusteeship of the Whitwick Park (King Georges Field) to Whitwick Parish Council
- b) The Council agrees to transfer the trusteeship of the Hugglescote Recreation Ground to Ellistown and Battleflat Parish Council

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.40 pm