

SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 11 NOVEMBER 2014
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)

Christine E. Fisher

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Chief Executive

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item **Pages**

PRAYERS

- 1. PRESENTATIONS**
- 2. APOLOGIES FOR ABSENCE**
- 3. DECLARATION OF INTERESTS**

Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.

- 4. CHAIRMAN'S ANNOUNCEMENTS**
- 5. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS**

Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice



| Item | Pages |
|---|----------------|
| about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement. | |
| 6. QUESTION AND ANSWER SESSION | |
| To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services. | |
| 7. QUESTIONS FROM COUNCILLORS | |
| To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services. | |
| 8. PETITIONS | |
| To receive petitions in accordance with the Council's Petition Scheme. | |
| 9. MINUTES | |
| To confirm the minutes of the meeting of the Council held on 16 September 2014 | 3 - 12 |
| 10. REVIEW OF POLLING DISTRICTS AND POLLING PLACES | |
| Report of the Chief Executive Presented by the Corporate Portfolio Holder | 13 - 22 |
| 11. UPDATE TO THE COUNCIL'S CONSTITUTION | |
| Report of the Head of Legal and Support Services Presented by the Corporate Portfolio Holder | 23 - 50 |
| 12. MEMORANDUM OF UNDERSTANDING RELATING TO OBJECTIVELY ASSESSED NEED FOR HOUSING | |
| Report of the Director of Services Presented by the Regeneration and Planning Portfolio Holder | 51 - 60 |

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 Houlton, 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 P Hyde 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 J Cotterill 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.

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.

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 Woulds 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.

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 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.

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

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

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 11 NOVEMBER 2014

| | |
|------------------------------|---|
| Title of report | REVIEW OF POLLING DISTRICTS AND POLLING PLACES |
| Contacts | <p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive/Returning Officer 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal & Support Services and Monitoring Officer/Deputy Returning Officer 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p> |
| Purpose of report | To approve the final proposals for the statutory review of polling districts and polling places. |
| Council Priorities | Homes and Communities |
| Implications: | |
| Financial/Staff | The average cost for hiring a building for use of a polling station is currently £164.30. The cost of providing a mobile polling station is approximately £1,920. The proposals see a possible introduction of two mobile polling stations instead of hiring buildings which will have an overall impact on the budget of an increase of approximately £3,500 which will be met from existing budgets and Government funding. |
| Link to relevant CAT | No direct implications. |
| Risk Management | Failure to undertake the review will see the Council failing in its duties under the Representation of the People Act 1983, as amended by the Electoral Registration and Administration Act 2013. |
| Equalities Impact Assessment | In determining where polling places should be located, the Council must seek to ensure that all electors have reasonable facilities for voting and that as far as is reasonable and practical, polling places which are accessible to all electors. These issues were considered when making the recommendations. |
| Human Rights | No direct implications. |
| Transformational Government | No direct implications. |

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| Comments of Head of Paid Service | The report is satisfactory. |
| Comments of Section 151 Officer | The report is satisfactory. |
| Comments of Deputy Monitoring Officer | The report is satisfactory. |
| Consultees | Consultations were carried out with the MP, all elected members of the Council, polling station staff, parish councils and the electorate of North West Leicestershire |
| Background papers | <ul style="list-style-type: none"> • The Electoral Registration and Administration Act 2013 • Schedule of current polling districts and polling places • Consultation responses • Polling station survey feedback from polling staff • Draft recommendations for consultation • Location maps including street lists |
| Recommendations | <p>IT IS RECOMMENDED THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. NOTES THE CONSULTATION RESPONSES MADE IN RESPECT OF THE REVIEW OF POLLING DISTRICTS AND POLLING PLACES FOR NORTH WEST LEICESTERSHIRE; 2. APPROVES THE FINAL PROPOSALS IN RESPECT OF THE REVIEW, AS SET OUT IN APPENDIX A TO THE REPORT; 3. REQUESTS THAT THE ELECTORAL REGISTRATION OFFICER MAKES THE NECESSARY AMENDMENTS TO POLLING DISTRICTS TO TAKE EFFECT FROM PUBLICATION OF THE ELECTORAL REGISTER ON 1 DECEMBER 2014; 4. DELEGATES AUTHORITY TO THE RETURNING OFFICER TO MAKE, WHERE NECESSARY, ALTERATIONS TO THE DESIGNATION OF ANY POLLING PLACE PRIOR TO THE NEXT FULL REVIEW IN CONSULTATION WITH WARD MEMBERS AND GROUP LEADERS. |

1.0 BACKGROUND

- 1.1 The Electoral Registration and Administration Act 2013 amended the Representation of the People Act 1983 by including a new provision altering the timing of statutory reviews of Parliamentary polling districts and polling places. This means that all local authorities have a duty to complete a statutory review of their polling districts and polling places between 1 October 2013 and 31 January 2015. These reviews will then take place on a five yearly cycle, reflecting the move to fixed term parliaments.
- 1.2 Given that this Council was undergoing a local ward boundary review and European Parliamentary elections were held in May, followed directly by the transition to IER from

July 2014 onwards, the review commenced as soon as possible within the new cycle to enable changes to be put in place in advance of the deadline.

2.0 TERMINOLOGY

- 2.1 **Polling district:** the area created by the division of a constituency, ward or European Parliamentary electoral region into smaller parts, within which a polling place can be determined, which is convenient to electors. In North West Leicestershire, each ward is divided into a number of polling districts which each have a two or three letter code e.g. AC, ABA based on the ward in which they are located.
- 2.2 **Polling place:** the location (normally the building) in which polling stations will be sited by the Returning Officer.
- 2.3 **Polling station:** the room where the poll takes place (e.g. community room), which must be located within the polling place. The polling station is chosen by the Returning Officer. It is publicised in the Notice of Situation of Polling Stations and communicated to electors via their poll cards and is also published on the Council's website.
- 2.4 Where possible, every polling district should have its own dedicated polling place and all electors in that polling district are assigned to vote at the polling station located in that place.
- 2.5 It should be noted that the terms 'polling place' and 'polling station' are often used interchangeably and most people consider the polling place (such as a community centre) to be the polling station. However, it is possible to have more than one polling station per polling place (e.g. two sets of staff, two ballot boxes, two electoral registers) and these double stations are often provided in polling districts with a large number of electors or where there is a high turnout or a large number of people voting at certain times of the day.

3.0 THE DESIGNATION OF POLLING DISTRICTS, POLLING PLACES AND POLLING STATIONS

- 3.1 The designation of the district's polling districts and places is the responsibility of the Council.
- 3.2 The allocation of polling stations within polling places is not a Council function and is the responsibility of the Returning Officer for the election concerned. However, in practice, the location of likely polling stations is a key consideration when identifying polling places and the boundaries of polling districts, particularly in those areas of the district where there are no suitable premises e.g. community venues or schools.
- 3.3 Polling districts for local government elections are not automatically part of the statutory review. However, the Electoral Commission advises that the polling districts for UK parliamentary and local government elections should always be the same, and it therefore follows that any review of parliamentary polling arrangements should be conducted simultaneously with one of local government arrangements. Consequently, polling districts and polling places adopted by the Council for parliamentary elections will also be effective for local government elections.

4.0 AIMS OF THE REVIEW

- 4.1 In conducting a statutory review the Council must:
- (a) seek to ensure that all the electors in the constituency have such reasonable facilities for voting as are practicable in the circumstances;

- (b) seek to ensure that so far as is reasonable and practicable, the polling places it is responsible for are accessible to all electors;
 - (c) have regard to the accessibility of disabled persons to potential polling stations in the polling place;
 - (d) other than in special circumstances, locate the polling place in the polling district it serves; and
 - (e) ensure the polling place is small enough to indicate to electors in different parts of the polling district how they will be able to reach the polling station.
- 4.2 The focus of the review was to identify wherever possible polling places/polling stations which met set criteria, relating to:
- Location
 - Facilities
 - Accessibility
 - Health and Safety

5.0 INTELLIGENCE AND DATA COLLECTION

- 5.1 Significant preparatory work was undertaken in advance of the review to gather intelligence provided by officers including presiding officers and poll clerks. In addition, statistical information was collated about parliamentary and local electorates, voters in person, postal voters and polling station turnout at previous elections. In particular, turnout figures from the elections between 2010 and 2014 were considered. Figures from the 2010 parliamentary general election are of particular importance, as parliamentary general elections are generally when the turnout is highest. Information about developments in the district was also all taken into consideration.
- 5.2 Public consultation took place between Monday 9 June and Friday 18 July 2014 and views were invited on the existing and alternative polling arrangements. A number of representations were received from elected members and parish councils and these were all taken into account when compiling the draft recommendations.

6.0 POLLING PLACE/STATION VISITS

- 6.1 Officers undertook visits to polling places/stations during July and August 2014. The purpose of these visits was to assess the suitability of existing arrangements and to evaluate alternative polling stations in light of comments and representations received throughout the consultation process.
- 6.2 When assessing the suitability of polling places/stations an assessment of the following issues were taken into account:
- Location and accessibility to electors within the polling district
 - Size – can it accommodate more than one polling station if required?
 - Accessibility – is the building accessible to all those entitled to vote at the polling station?
 - Availability – is the building readily available in the event of an unscheduled election?
 - Facilities available in the venue including parking, heating, lighting, toilet facilities and security
 - Public buildings – the election rules allow the Returning Officer the free use of buildings maintained by the council including schools maintained by the local authority and free schools.

- Private buildings – in the absence of suitable public owned buildings, churches, clubs and other private sector buildings conveniently located and accessible to electors are considered for designation as the polling place
- Mobiles – in the absence of any suitable public or private building in or adjacent to the polling district a mobile station will be considered for designation as a polling place. Given the difficulties of heating, lighting, security, comfort of staff and electors, the negative reaction from residents living close to the site of a mobile and the significantly higher cost of locating a mobile polling station, these are considered only as a last resort.
- The potential impact on election turnout of moving the polling station to a different location.

7.0 USE OF SCHOOLS AS POLLING STATIONS.

- 7.1 Some of the reasons used for seeking alternative premises for polling stations involve the use of schools and the need for them to close. We do try not to use them where there is a suitable alternative but often this is not possible. The recommendations would see the use of only ten schools from 69 polling stations. To assist members, the advice of the Department for Education is set out below:-

“Under current legislation, Returning Officers (ROs) have the right to select schools as venues for polling stations. If there is an area which can be used with a separate entrance and isolated from the rest of the school, the school can continue to operate. If not, the school must close on the day of the poll. Schools which need to close as a result of being used as polling stations can move to alternative accommodation or make up the lost day by other means. The lost day could be made up at the beginning or end of a term, or a training day could be arranged on the day of the poll if the head teacher or governors so wish. There are currently no plans to change or amend this legislation which is found in the Representation of the People Act, 1983, Chapter 2, Schedule 1, Part III, paragraph 22. This paragraph effectively renders all mainstream schools liable for use by the RO of the local authority irrespective of how they were procured.”

8.0 RESPONSES TO DRAFT RECOMMENDATIONS

- 8.1 On 12 August 2014, the draft recommendations were published and views on these were sought from those who had already made representations together with all parish councils and elected members.

The following comments were received:-

| Response by | Comments | Officer response |
|---|--|---|
| Cllr Wyatt | I would not support and I'm sure many locals will not support the Agar Nook Community Centre being a polling station. I believe using this may affect turnout due to access and location. I believe it would be best to leave the polling station at the school. | We do try, where possible, to avoid the use of schools to minimise any disruption. Sometimes this is not possible if suitable alternative premises cannot be identified. However, in this case, it was found that the Community Centre has sufficient facilities to act as a polling station and is in close proximity to the school. It is therefore recommended that no change be made to the proposal to use Agar Nook Community Centre. |
| Chris Smith on behalf of NWL Labour group | Thank you very much for the final recommendations. I can see you have been busy and been able to take on many of the suggestions. I'll study them carefully and I'm sure I'll have some further comments. | |

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| | <p>I particularly like the ward coding system. You might wish to consider swapping Ashby Willesley and Ashby Woulds, and changing Sence Valley to SE so that the coding is in the same alphabetical order as the ward names.</p> | <p>The suggested minor changes to the coding system are logical and the changes have been made accordingly.</p> |
| <p>Chris Smith on behalf of NWL Labour group</p> | <p>As promised some further comments on the polling district review:</p> <p>Ashby Ivanhoe - You intend to use the Beeches for Ashby Holywell. Would it be feasible to also use the Beeches for the old DA polling district in Ashby Ivanhoe? This would be much closer for electors in DA. The reference to not being able to contact a keyholder - was this Browns Court?</p> <p>Ashby Willesley - It is disappointing that it has not been possible to avoid closing the Willesley School, particularly as a mobile was used until recently. I'm surprised you state that no suitable location could be found for a mobile when one was previously used. I would be interested to know the specific reasons why the Willesley cabin is unsuitable.</p> | <p>Thank you for your feedback which has been noted and will be considered by the Returning Officer when preparing the report for Members consideration at the Council meeting on 11 November 2014.</p> <p>Please find answers to your comments below.</p> <p>At the time of preparing the final recommendations we had been unable to make contact with the owners of Brown Court. We have now spoken with the site manager who, 'in principle' does not see a problem with the use of the community room as a polling station. However, this would be subject to agreement by the residents of Brown Court if Council agrees the recommendations. Using The Beeches for the old polling district DA would mean taking the electors out of their ward to vote which can only be considered if there is no other suitable venue within the ward.</p> <p>It would be helpful if you could clarify the location of the Willesley Cabin that you are referring to. When undertaking visits around the District to look at various buildings we looked at the cabin on Western Park but did not consider that it was suitable for use a polling station due to its location and accessibility especially for pedestrians due to the lack of lighting on the driveway approach.</p> <p>Up to the last polling places review there was a mobile polling station located in the grounds of Loudoun House which was used for part of the Ivanhoe ward. However, the area for siting the mobile was not ideal and we did receive a number of adverse comments about the polling station at various elections which included the size and location of the building as well accessibility into the building. Looking back at old records it has been noted that during this period there was also a polling station located at Willesley School.</p> <p>At the last election the average cost for hiring a building for use of a polling station was £164.30. The cost of providing a mobile polling station will be in excess of £1920 each. Although mobile buildings as polling stations are very costly to provide and not ideal, there are times when no alternative suitable premises can be found so they have</p> |

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| | <p>Ashby Willesley – Thanks very much for the information. The Willesley Cabin is at the far end of Ridgway Road. It is run by the Willesley Residents Association. The Town Council would have contact details.</p> <p>Coalville East - Including Broom Leys school seems to be an unnecessary addition, particularly if it requires closure of the school. I'm sure a mobile could be sited to cover the whole ward. If not possible, using the polling stations where voters currently vote would be preferable to closing a school.</p> <p>Oakthorpe & Donisthorpe - I notice that the Acresford polling station has been retained. As mentioned in our initial response,</p> | <p>to be used as a last resort and this has been acknowledged by the recommendation to locate a mobile polling station for part of the Ashby Holywell and Coalville East wards. However, for this particular ward there is a suitable venue at Willesley School.</p> <p>We are more than happy to work with any school to try and find a room that it suitable for use as a polling station so that the school may remain open if it wishes and this option has been discussed with Willesley School in the past (and agreed but they then decided to close and hold staff training instead).</p> <p>A visit has been made to this proposed polling place and it meets all the criteria. This will now be included in the report which is to be considered by Council on 11 November.</p> <p>The reasons for recommending two polling stations within Coalville East is:-</p> <ul style="list-style-type: none"> • The number of staff for a polling station is determined by the Electoral Commission taking into account the number of electors and the number of combinations. A mobile polling station will not be large enough to accommodate the number of staff needed for the total electorate of the whole ward. • Coalville East falls within two county electoral divisions hence the recommendation of 2 polling districts and 2 polling stations to prevent causing any difficulties during county elections. • A mobile unit will not be large enough to accommodate 2 individual polling stations – equipment and staff <p>Although the Returning Officer has a right under legislation to use a school as a polling station free of charge, any decision to close a school on polling day is not that of the Returning Officer but the Headteacher/school governors. We are always happy to work with a school to try and find a room that is suitable for use as a polling station so that the school may remain open if it wishes.</p> <p>Sending the electors to their previous polling station would mean them voting outside the ward which should only be considered if there is no other suitable venue.</p> <p>The recommendation to retain the polling station at Acresford has been made as there is no suitable alternative venue for use as a polling station for the electors of Acresford</p> |
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| | <p>there is no justification for this. If there is any suggestion that the improvements you propose are not possible because of cost considerations, then clearly this is an area where cost savings could/should be made.</p> | <p>and to take them to another station would be unjustified given that a local venue is available. There are other villages that have a small electorate with their own polling stations where the same applies so to close this one would not be consistent across the district.</p> <p>The cost of using of building would not be a primary consideration for whether a polling station is used or not. The main factors are location, suitability for staff and electors and % turnout. This polling station meets all these requirements. As mentioned above, mobile polling stations cost a lot more to provide than other buildings but it is acknowledged that in some instances there is no alternative.</p> |
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9.0 PROPOSALS

- 9.1 The outcome of the consultation has been used to inform the final recommendations attached

10.0 FURTHER REVIEWS

- 10.1 Once the review is completed, another review must take place within the next five years. However, the Council has discretion to review polling districts and places before that time if necessary.
- 10.2 On occasion, it may be necessary to change the designation of a polling place outside of the statutory review process. This can arise as a result of premises being closed, or where better facilities are identified.
- 10.3 The Council is requested to authorise the Returning Officer, in consultation with group leaders and ward members to make changes to the designation of polling places which occur outside of the formal review process.

Proposed Polling Places Schedule

| Ward No. | Ward | Polling District | Polling Station No. | Polling Place/ Station |
|----------|--------------------------|------------------|---------------------|--|
| 1 | Appleby | ABA | 1 | Church Hall, Church Street, Appleby Magna |
| | | ABB | 2 | Old Schoolroom, Chilcote |
| | | ABC | 3 | Church Hall, Church Street, Appleby Magna |
| | | ABD | 4 | Cof E Primary School, Main Street, Snarestone |
| | | ABE | 5 | Church Hall, Newton Road, Swebstone |
| | | ABF | 6 | Newton Burgoland Congregational Church |
| 2 | Ashby Castle | AC | 7 | Legion House, South Street, Ashby |
| 3 | Ashby Holywell | AHA | 8 | Mobile situated in Marlborough Way (Smisby Road end) |
| | | AHB | 9 | Beeches Public House, Burton Road |
| 4 | Ashby Ivanhoe | AIA | 10 | Ashby Hill Top Primary School |
| | | AIB | 11 | Brown Court, Ashby |
| 5 | Ashby Money Hill | AM | 12 | Ashby Library, North Street, Ashby |
| 6 | Ashby Willesley | ASA | 13 | Willesley Recreation Ground Building, Ridgway Road |
| | | ASB | 14 | Ashby Hastings Scout HQ, Wilfred Gardens, Ashby |
| 7 | Ashby Woulds | AWA | 15 | Replan Offices, Ashby Road, Moira |
| | | AWB | 16 | County Primary School, Occupation Road, Albert Village |
| 8 | Bardon | BAA | 17 | Bardon Hill Sports Club, Bardon Close, Coalville |
| | | BAB | 18 | Bardon Hill Sports Club, Bardon Close, Coalville |
| 9 | Blackfordby | BLA | 19 | Blackfordby Village Hall, Sandtop Lane, Blackfordby |
| | | BLB | 20 | Moira Sure Start Centre |
| 10 | Broom Leys | BRA | 21 | Hall Lane Methodist Church, Hall Lane, Whitwick |
| | | BRB | 22 | Greenacres |
| 11 | Castle Donington Castle | CA | 23 | Sure Start Centre, Mount Pleasant, Castle Donington |
| 12 | Castle Donington Central | CE | 24 | Orchard CP School, Grange Drive, Castle Donington |
| 13 | Castle Donington Park | CP | 25 | Orchard CP School, Grange Drive, Castle Donington |
| 14 | Castle Rock | CRA | 26 | Oak Storer Hall, Oaks in Charnwood |
| | | CRB | 27 | Agar Nook Community Centre |
| 15 | Coalville East | CTA | 28 | Broom Leys School |
| | | CTB | 29 | Broom Leys School (Possible use of a mobile if a suitable location can be found) |
| 16 | Coalville West | CWA | 30 | Community Room, Central Court, Avenue Road, Coalville |
| | | CWB | 31 | Christ Church Hall, London Road, Coalville |
| 17 | Daleacre Hill | DHA | 32 | Village Hall, Nottingham Road, Kegworth |
| | | DHB | 33 | Lockington Village Hall, Hemington Lane, Lockington |
| | | DHC | 34 | Function Room the Jolly Sailor Ph, 21 Main Street, Hemington |
| 18 | Ellistown & Battleflat | EB | 35 | Community Centre, Whitehill Road, Ellistown |
| 19 | Greenhill | GR | 36 | Greenhill Community Church, Charnborough Road, Coalville |
| 20 | Hermitage | HE | 37 | Hermitage Leisure Centre |

| Ward No. | Ward | Polling District | Polling Station No. | Polling Place/ Station |
|----------|-------------------------------------|-------------------|---------------------|--|
| 21 | Holly Hayes | HH | 38 | Whitwick Methodist Church, Nr Market Place, Whitwick |
| 22 | Hugglescote St John's | HJ | 39 | Hugglescote Community Centre, Grange Road, Hugglescote |
| 23 | Hugglescote St Mary's | HMA | 40 | Donington Manor House, Donington le Heath |
| | | HMB | 41 | Community Room, Central Court, Avenue Road, Coalville |
| 24 | lbstock East | IEA | 42 | Meeting Room, Baptist Chapel, Chapel Street, lbstock |
| | | IEB | 43 | Batram Access Centre, Batram Road, Ellistown |
| 25 | lbstock West | IW | 44 | The Schoolroom, Wesleyan Reform Church, Melbourne Road, lbstock |
| 26 | Kegworth | KE | 45 | County Library, High Street, Kegworth |
| 27 | Long Whatton & Diseworth | LDA | 46 | The Guide Friendship Centre, Main Street, Long Whatton |
| | | LDB | 47 | Village Hall, Hall Gate, Diseworth |
| | | LDC | 48 | Belton Village Hall, School Lane, Belton |
| 28 | Measham North | MN | 49 | Measham Village Hall, Queens Street, Measham |
| 29 | Measham South | MS | 50 | Measham Leisure Centre, High Street, Measham |
| 30 | Oakthorpe & Donisthorpe | ODA | 51 | Donisthorpe Woodlands Centre, Church Street, Donisthorpe |
| | | ODB | 52 | Methodist Schoolroom, Acresford |
| | | ODC | 53 | Leisure Centre, Measham Road, Oakthorpe |
| 31 | Ravenstone & Packington | RPA | 54 | The Pavilion, Ravenslea, Ravenstone |
| | | RPB | 55 | Memorial Hall, High Street, Packington (separate polling district required for parish meeting) |
| | | RPC | | |
| 32 | Sence Valley | SEA | 56 | Community Hall, Heather/ St Johns Football Club, St Johns Park, Ravenstone Road |
| | | SEB | 57 | The Schoolroom, Wesleyan Reform Church, Melbourne Road, lbstock |
| 33 | Snibston North | SNA | 58 | Snibston Discovery Museum, Ashby Road, Coalville |
| | | SNB | | |
| 34 | Snibston South | SS | 59 | Full Gospel Mission Pentecostal Church, James Street, Coalville |
| 35 | Thornborough | TBA | 60 | Community Room, Howe Court, Howe Road, Whitwick |
| | | TBB | 61 | Holy Cross Parish Rooms, Parsonwood Hill, Whitwick |
| 36 | Thringstone | TS | 62 | Thringstone Miners Social Centre, Homestead Road, Thringstone |
| 37 | Valley | VAA | 63 | Swannington Institute, Main Street, Swannington |
| | | VAB | 64 | Viscount Beaumont Primary School, Ashby Road, Coleorton |
| | | VAC | 65 | Village Hall, Church Lane, Osgathorpe |
| 38 | Worthington & Breedon | WBA | 66 | County Primary School, Main Street, Worthington |
| | | WBB WBC WBD | 67 | C of E Primary School, School Lane, Newbold |
| | | WBE WBF | 68 | C of E Primary School, Main Street, Breedon on the Hill |
| | | WBG | 69 | Griffydham School, Griffydham. |

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 11 NOVEMBER 2014

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| Title of report | UPDATE TO THE COUNCIL'S CONSTITUTION |
| Contacts | <p>Councillor Nicholas Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p> |
| Purpose of report | To seek Council's approval of the proposed amendments to the Constitution. |
| Council Priorities | Value for Money |
| Implications: | |
| Financial/Staff | None. |
| Link to relevant CAT | None. |
| Risk Management | A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives. |
| Equalities Impact Assessment | Not applicable. |
| Human Rights | Not applicable. |
| Transformational Government | Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making. |
| Comments of Head of Paid Service | The report is satisfactory. |

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| Comments of Section 151 Officer | The report is satisfactory. |
| Comments of Deputy Monitoring Officer | As author of the report, the report is satisfactory. |
| Consultees | Chief Executive Head of Legal and Support Services Policy Development Group |
| Background papers | Report to Policy Development Group – 1 October 2014, as Appendix 6 to this report. Minutes of Policy Development Group – 1 October 2014, as Appendix 7 to this report. |
| Recommendations | <ol style="list-style-type: none"> 1. THAT COUNCIL CONSIDERS THE COMMENTS OF POLICY DEVELOPMENT GROUP ON THE PROPOSALS (SECTION 5) 2. THAT COUNCIL AGREES THE PROPOSED CHANGES TO THE CONSTITUTION FOR IMPLEMENTATION WITH IMMEDIATE EFFECT AND: <ol style="list-style-type: none"> A) APPOINTS A CHAIRMAN FOR THE APPOINTMENTS PANEL FOR THE REMAINDER OF THE MUNICIPAL YEAR; B) RECEIVES NOMINATIONS AND APPOINTS SUBSTITUTES TO THE APPOINTMENTS PANEL IN ACCORDANCE WITH THE COUNCIL’S SCHEME FOR SUBSTITUTES 3. THAT COUNCIL AUTHORISES THE HEAD OF LEGAL AND SUPPORT SERVICES TO MAKE THE AGREED AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE THE DOCUMENT. |

1.0 INTRODUCTION

- 1.1 The Local Government Act 2000 requires each Local Authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, local people and anyone else interested in the way a local authority makes its decisions. There

is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.

2.0 BACKGROUND

2.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some "scrutiny" of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

3.0 CHANGES TO THE CONSTITUTION

The proposed changes to the Constitution are detailed below.

3.1 RECORDING OF COUNCIL MEETINGS - Amendments to the constitution

3.2 The Openness of Local Government Bodies Regulations 2014 (the Regulations) were published on 6 August 2014 and gave a right to record Council meetings although there is no legal requirement on the council that it should webcast its meetings. The duty on the Council is to provide reasonable facilities to enable any person to report on the meeting by means of filming, photographing or making an audio recording or by any other means. The general consensus across local authorities is that reasonable facilities are provided by setting aside an area for the use of persons who wish to report on the meeting e.g. a media area.

When members of members of Policy Development Group considered the report at its meeting on 1 October 2014 it was suggested that in order to avoid any issues regarding the misinterpretation of members comments arising from public recordings of Council meetings, the Council should consider the introduction of audio recording via the current public address system installed in the Council Chamber . As requested officers are currently investigating the cost, practical issues and resource implications of installing such audio recording equipment in the Council Chamber and will seek to report back to Council at its meeting on the resource implications.

Currently the constitution is silent on the recording of meetings and as a result of the legislative changes it is felt appropriate to amend the Council Procedure Rules. In addition there is also no requirement for a person reporting on a meeting to seek permission to do so and the non-statutory guidance issued with the regulations advises that it would be appropriate for councils to adopt a protocol on recording meetings in order that elected members, members of the public and the press are aware of the parameters within which recording will be permitted.

- 3.3 As the regulations became effective immediately officers have put in place interim arrangements to ensure that the Council complied with its duties but consider that it is appropriate that Members comment on and approve the draft protocol that is currently being applied.
- 3.4 It is proposed that Standing Order 9 of the Council Procedure Rules (Smoking at Meetings) is deleted as this is no longer necessary as a result of legislative changes (Regulations made under the Health Act 2006) and replaced with a new Standing Order 9 (Recording of Meetings). Examples of the track-changed amendments are contained at Appendix 1.
- 3.5 In addition a copy of the draft Protocol to allow persons to film, photograph or make sound recordings etc of proceedings at council meetings is attached at Appendix 2 for comment. Also included are drafts of the resultant changes to the agenda front sheet etc which Members are asked to note.

4.0 DECISION RECORDS

- 4.1 The Regulations also introduced new requirements in respect of the publication of decision records where officers make decisions under delegated powers from Council whereas currently decision records are only required where officers exercise delegated powers from Cabinet.
- 4.2 The requirements are that a decision record is now required;
 - (a) Where an Officer makes a delegated decision following a delegation from Council, a committee, sub-committee or a joint committee in the following circumstances;
 - (i) Under a specific delegation
 - (ii) Under a general authorisation to officers to take such decisions and, the effect of the decision is to-
 - (a) Grant a permission or licence;
 - (b) Affects the right of an individual;
 - (c) Award a contract or incur expenditure which in either case materially affects the council's financial position.

A large number of these decisions are already published e.g. planning permissions; licensing decisions etc and officers are currently looking at how the publication of such decisions can be improved.

- 4.3 The Council's Rules of Procedure at Part 4 Section 4.4 Paragraph 8 of the Constitution have been amended to reflect this change. A track change amendment is attached at Appendix 3.

5.0 MEMBERS INTERESTS

- 5.1 The Head of Legal and Support Services considers that it would be useful for Members if the Constitution was more specific in relation to member's interests under the Code of Conduct and in particular what constitutes a Disclosable Pecuniary Interest and a Disclosable Non- Pecuniary Interest.

- 5.2 Members will recall that at the time that the current Code of Conduct was adopted in June 2012 (resulting from the changes brought about by the enactment of the Localism Act 2011) the Code required Member's to declare an interest of a type prescribed in regulations made by the Secretary of State. To date the Secretary of State has prescribed Disclosable Pecuniary Interests by way of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464. Although no regulations have been made relating to Disclosable Non Pecuniary Interests, Members will also recall that the Cross Party Working Group established to consider the Code before it's adoption made recommendations relating to such interests which were subsequently adopted by Council and are included on the current Member's Register of interests form.

- 5.3 In the interests of clarity the Head of Legal and Support Services is of the opinion that the Code should contain specific details of both pecuniary and non-pecuniary interests and track changed amendments to the Code are attached at Appendix 4.

6.0 APPOINTMENTS COMMITTEE

- 6.1 As a result of several management restructures that have occurred over the years, which have resulted in a 'flatter' management structure, there is more direct reporting by Team Managers to Statutory and Non-Statutory Chief Officers. A consequence of this is that in order to comply with the Constitution all Team Managers reporting to a Statutory or Non-Statutory Chief Officer are required to appear before an Appointments Committee.

- 6.2 Following informal discussions with the Group Leaders some Members have expressed the view that it is unnecessary to convene the Appointments Committee for some Team Managers' posts and not others merely because the post reports directly to a Statutory or Non Statutory Chief Officer.

- 6.3 Therefore a number of recommendations are proposed to both streamline the appointments process (and ensure that the Appointments Committee is only convened in respect of senior positions) and make the administration of the Committee more effective and efficient. Those recommendations include the election of a Chairman for the Municipal Year, the appointment of substitutes and specifying which appointments will require an Appointments Committee and/or the approval of Members.

6.4 Appointment of a Chairman

It is recommended that in line with other Committees and Sub-Committees of the Council (other than Licensing Sub-Committees) a Chairman is appointed at the start of the year at Annual Council to chair the Committee for the subsequent municipal year.

6.5 Council will be asked to appoint a Chairman for the remainder of the municipal year at its meeting on 11 November.

6.6 It has also been suggested that if appointed the Chairman's right to a second or casting vote should be restricted. However the right to such a vote is governed by Section 4(3) of the Local Government Act 1972 which cannot be dis-applied.

6.7 Substitutes

6.8 In line with other Committees, Members have the ability to appoint substitutes to the Appointments Committee in line with the Council's approved 'Members' Substitute Scheme'. Given the role of the Appointments Committee in appointing to senior positions within the Council it is recommended that substitute members are drawn from Cabinet and members of the Shadow Portfolio Holders Group.

7.0 Amendment to the functions of the Appointments Committee

7.1 As set out at 6.1 above the Appointments Committee is currently involved in the appointment of all Team Managers who because they report directly to a Statutory or Non-Statutory Chief Officer are considered to be deputy chief officers. (A full definition of Statutory and Non-Statutory Chief Officers can be found at Pages 190-193 of the Constitution).

7.2 Having taken on board the views of Members that this approach is not always necessary or appropriate it is recommended that the scope of such involvement is amended so as to ensure that whilst the requirements of Section 101 of the Local Government Act and the Local Authorities (Standing Orders) (England) Regulations 2001(which deals with the involvement of Members in Staffing matters) the Appointments Committee is only required to sit where necessary.

7.3 It is therefore recommended that the Appointments Committee will be involved in permanent staff appointments on the following basis;

1. Head of Paid Service – by the Appointments Committee and approval of full Council
2. Directors - by the Appointments Committee and approval of Executive Members
3. Heads of Service – including the Section 151 Officer and Monitoring Officer by the Appointments Committee and approval of Executive Members

7.4 The Head of Paid Service will be responsible for the appointment of all other members of staff in accordance with the requirements of the legislation identified at 7.2 above

7.5 Consequential amendments to the Officer Employment Procedure Rules are required

and are shown at Appendix 5.

7.6 Appointments to Shared Services

7.7 Members will be aware that the Council participates in a number of formal shared service arrangements, the largest being the Leicestershire Revenues and Benefits Partnership which operates under a specific contractual agreement between the participating authorities, all of which have differing constitutional requirements in relation to the appointment of staff.

7.8 In addition there are a number of examples where the Council has undertaken strategic working on an ad-hoc basis which has also identified differing constitutional requirements. As such strategic working is likely to continue in the future in the interests of consistency, effectiveness and efficiency in recruitment to such posts it is recommended that appointments to a Shared Services/Joint working arrangements should take place outside of the above Appointment Committee arrangements.

8.0 Organisational Changes

8.1 There are a small number of requests to amend the constitution to reflect organisational changes following departmental restructures, the correction of grammatical errors, changes in legislation and for the purposes of clarity which the Head of Legal and Support Services has delegated authority to deal with.

9.0 COMMENTS FROM POLICY DEVELOPMENT GROUP

9.1 The report was considered by Policy Development Group 1 October 2014. The report is attached at Appendix 6.

9.2 The following questions and comments were made (as drawn from the minutes of that meeting, which are attached at Appendix 7):

9.2.1 It was suggested that in order to avoid any issues regarding the misinterpretation of Members comments arising from public recordings of Council meetings, the Council should consider the introduction of audio recording via the current public address system installed in the Council Chamber(Officers are currently investigating the cost and practical implications of installing audio recording equipment in the Council Chamber):

and

9.2.2 It was suggested that it would be more appropriate that if and when Member comments were required in relation to an appointment that was given by members of the Appointments Panel rather than the Executive. Regulation 5 of the Local Authorities (Standing Orders) (England) Regulations 2001/3384 regarding Provisions to be Incorporated in Standing Orders relating to Staff requires that any such comments from members should come from the Executive.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

board, group committee, or panel at which the appointment of staff is being considered or a meeting of a quasi judicial nature.

- 4.3 Rule 10 – questions by the public shall apply to the Policy Development Group.

5. NOTICE OF AND SUMMONS TO MEETINGS

- 5.1 The Chief Executive or other authorised officer will give notice to the public of the time and place of any meeting in accordance with the Access to Information Procedure Rules. At least 5 clear days before a meeting, the Chief Executive or other authorised officer will send a summons signed by him or her by post to every member of the Council or leave it at their usual place of residence. The summons will give the date, time and place of each meeting and specify the business to be transacted, and will be accompanied by such reports as are available. Clear days excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.

6. CHAIRMAN OF MEETING

- 6.1 The person presiding at a meeting of the Council may exercise any power or duty of the Chairman. Where these rules apply to meetings of boards or committees, references to the Chairman also include the Chairmen of boards or committees.

7. QUORUM

- 7.1 Subject to any specific statutory requirement, the quorum of a meeting will be one quarter of the whole number of members or three voting members, whichever is the greater. If a quorum is not reached 15 minutes after the time appointed for the start of the meeting, the meeting will stand adjourned. During any meeting if the Chairman counts the number of members present and declares there is not a quorum present, then the meeting will adjourn immediately. Remaining business will be considered at a time and date fixed by the Chairman. If he/she does not fix a date, the remaining business will be considered at the next ordinary meeting.

8. DURATION OF MEETING

- 8.1 All meetings of the Council will end after it has sat for three hours, except that an extension may be agreed by resolution to extend the meeting for no more than half an hour.

9. ~~SMOKING AT MEETINGS~~ RECORDING MEETINGS

- 9.1 ~~Smoking will not be permitted at any meeting of the Council.~~

Members of the public and press may film, photograph or make sound recordings etc of proceedings at council meetings in accordance with the

[Openness of Local Government Bodies Regulations 2014 and the Council's adopted recording protocol.](#)

10. QUESTIONS BY THE PUBLIC

10.1 General. Members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.

10.2 Order of Questions. Where provision is made for questions by the public at a Council meeting, a maximum of thirty minutes will be allowed for the questions and answers. Questions will be asked in the order of which notice of them was received, except that the Chairman may group together similar questions. The Chairman will decide the time allocated to each question.

10.3 Notice of Questions. A question may only be asked if notice has been given by delivering it in writing or by electronic mail to the Head of Legal and Support Services no later than midday three clear days before the day of the meeting. Each question must give the name and address of the questioner and must name the member of the Cabinet to whom it is to be put.

10.4 Number of Questions. At any one meeting no person may submit more than one question and no more than one question may be asked on behalf of any one organisation.

10.5 Scope of Questions. The Head of Legal and Support Services may reject a question if it:

is not about a matter for which the local authority has a responsibility or which affects the district;

is defamatory, frivolous or offensive;

is substantially the same as a question which has been put at a meeting of the Council in the past six months;

requires the disclosure of confidential or exempt information;

relates to a planning application.

If a question is rejected the person who submitted it will be notified in writing before the meeting and given the reasons for the rejection.

10.6 Record of Questions. The Head of Legal and Support Services will enter each question in a book open to public inspection and will immediately send a copy of the question to the Cabinet member to whom it is to be put. Rejected questions will include reasons for rejection. Copies of all questions will be

North West Leicestershire District Council - Openness of Local Government Bodies Regulations 2014

Protocol to allow persons to film, photograph or make sound recordings, etc, of proceedings at council meetings.

North West Leicestershire District Council is committed to being open and transparent in the way it conducts its business. The press and public are therefore welcome to film, photograph or record decision making at any meeting which is open to the public. This includes meetings of full council, cabinet and meetings of committees and sub-committees.

This should be done in such a way as not to disrupt the conduct of the meeting or stop other members of the public from being able to see, hear or film the proceedings.

We ask therefore, that anyone wishing to photograph, film or record proceedings abides by the following:

Audio and visual recording - your obligations

Where possible, please inform democratic services if you intend to film or record a public meeting so that necessary arrangements can be made.

Any photography or audio/visual recording must take place from a fixed position in the meeting room approved by the chair so as to minimise disruption to the proceedings.

No oral commentary is permitted.

The use of flash photography or additional lighting will only be permitted for a limited period during the meeting at a point in the proceedings agreed in advance with the chair.

If the chair feels that any photography, audio or visual recording is disrupting the meeting in any way or any pre-meeting agreement has been breached then the operator of the equipment will be required to stop.

If, during the course of a meeting, a motion is passed to exclude the press and public because confidential or exempt information is likely to be disclosed, then all rights to record the meeting are removed and the operator of the equipment will be required to stop recording and/or photographing and remove all equipment from the room for the duration of the private session.

If a meeting for which agreement has been given to record or photograph is adjourned by the chair, then the operator of the equipment should stop any recording of photography at the point at which the meeting is adjourned.

Anyone filming a meeting must only focus on those actively participating, and not on people seated in the public gallery/seating area, particularly children or those persons who have expressed an objection to being filmed.

Photographs, audio, and visual recordings should not be edited in a way that could lead to misinterpretation of the proceedings. This includes refraining from editing the views being recorded in a way that may ridicule or show lack of respect.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

- 6.1.1 A copy of the agenda including the item (or a copy of the item) is open to inspection by a member of the public for at least five clear days before the meeting or, where the meeting is convened at shorter notice, from the time the meeting is convened, or
- 6.1.2 By reason of special urgency, which shall be specified in the minutes, the Chairman of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency.
- 6.2 “Five clear days” excludes the day of the meeting, the day on which the meeting is called, weekends and bank holidays.
- 6.3 “Special urgency” justifying an item being considered as a matter of urgency will relate to both why the decision could not be made by calling a meeting allowing the proper time for inspection as well as why the item of report could not have been available for inspection for five clear days before the meeting.
- 6.4 Where the item of business relates to an executive decision Rules 14-17 will apply.

7. SUPPLY OF COPIES

- 7.1 The Council will in the first instance direct an interested person to the Council’s website and offices where such information is available, but where copies are required the Council will supply copies of:
- 7.1.1 any agenda and reports which are open to public inspection;
- 7.1.2 any further statements or particulars necessary to indicate the nature of the items in the agenda; and
- 7.1.3 any other documents not exempt or excluded in connection with an item to any person on payment of a charge for postage and any other costs.

8. ACCESS TO MINUTES, ETC AFTER THE MEETING

- 8.1 The Council will make available at its offices and on its website copies of the following for six years immediately after a meeting of a decision making body at which a decision is made:
- 8.1.1 Records of all decisions taken by:
- [a\) -Cabinet-; and](#)
- [b\) Where an officer makes a delegated decision following a delegation from Council, a committee, sub-committee or a joint committee in the following circumstances:](#)

- i) Under a specific authorisation; or
- ii) Under a general authorisation to officers to take such decisions and, the effect of the decision is to:-
 - a) Grant a permission or licence
 - b) Affect the rights of the individual; or
 - c) Award a contract or incur expenditure which, in either case materially affects the the Council's financial position

8.1.2 Any report considered by the decision maker in making the decision excluding any part which discloses exempt or confidential information.

9. BACKGROUND PAPERS

9.1 List of Background Papers

- 9.1.1 The Proper Officer will set out in every report a list of those documents (background papers) relating to the subject matter of the report which in his/her opinion:
- disclose any facts or matters on which the report or an important part of the report is based; and
 - which have been relied on to a material extent in preparing the report;
 - but does not include published works or those which disclose exempt or confidential information (as defined in Rule 11).

9.2 Public Inspection of Background Papers

- 9.2.1 Where a report is made available to the public a list of the background papers connected to the report will also be available together with at least one copy of each of those papers. The documents will also be available on the Council's website.

10. SUMMARY OF PUBLIC'S RIGHTS

- 10.1 A written summary of the public's rights to attend meetings and to inspect and copy documents must be kept at and available to the public at the Council Offices, Coalville.

11. EXCLUSION OF ACCESS BY THE PUBLIC TO MEETINGS

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

7. Accountability

- 7.1 You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office.

PART 2 - INTERESTS

8. Disclosable Pecuniary Interests

- 8.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

Notify the Monitoring Officer of any Disclosable Pecuniary Interests where such interest is

- (i) yours,
- (ii) your spouse's or civil partner's,
- (iii) somebody with whom you are living as husband and wife or civil partners
- (iv) that of your family,
- (v) close associate.

and you are aware that that person has the interest

- 8.2 Subject to Paragraph 11, you must within 28 days of becoming aware of any new Disclosable Pecuniary Interest or any change to any such interest, notify the Monitoring Officer in writing of that new interest or change pursuant to Paragraph 8.1.

- 8.3 You have a Disclosable Pecuniary Interest if it is of a description specified in [the Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012/1464 as specified below:made by the Secretary of State.](#)

- (i) [Any employment, office, trade, profession or carried on for profit or gain;](#)
- (ii) [Sponsorship – Any payment or provision of any other financial benefit \(other than from the relevant authority\) made or provided within the relevant period in respect of any expenses incurred by a member in carrying out their duties as a member, or towards the election expenses of the member \(this includes any payment or financial benefit from a trade unionwithin the meaning of the Trade Union and Labour Relations \(Consolidation\) Act 1992\)](#)
- (iii) [Any contract which is made between the relevant person \(or a body in which the relevant person has a beneficial interest\) and the relevant authority:-](#)

(a) Under which goods or services are to be provided or works are to be executed; and

(b) Which has not been fully discharged

(iv) Any beneficial interest in land which is within the area of the relevant authority

(v) Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer

(vi) Any tenancy (where to the member's knowledge):-

a) The landlord is the relevant authority; and

b) The tenant is a body in which the relevant person has a beneficial interest

(vii) Any beneficial interest in securities of a body where:-

(a) That body (to the member's knowledge) has a place of business or land in the area of the relevant authority; and

(b) Either:-

(i) The total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) If the share capital of that body is of more than one class the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of the class

8.43 Where such an interest exists and has or has not been entered onto the authority's register, you must disclose the interest to any meeting of the authority at which you are present, where you have a Disclosable Interest in any matter being considered and where the matter is not a 'sensitive interest' or where no dispensation has been given.

8.54 Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer in writing of the interest within 28 days beginning with the date of disclosure.

8.65 Where you have a Disclosable Pecuniary Interest you must not remain in the meeting or participate in the discussions on the matter on which you hold that Interest.

9. Disclosable Non-Pecuniary Interests

9.1 Subject to Paragraph 11 (sensitive interests), you must within 28 days of

- (a) this code being adopted or
- (b) your election or appointment (where that is later)

notify the Monitoring Officer of any Disclosable Non-Pecuniary Interests.

9.2 ~~You have a Disclosable Non-Pecuniary Interests~~ are defined as (but not limited to) the following under this Code: if it is of a description specified in Regulations made by the Secretary of State.

(i) Any gift or hospitality you have received with an estimated value of £25.00 or more which must also be registered in the Gifts and Hospitality Register

(ii) Sensitive Information under Paragraph 11 of the Code of Conduct

(iii) Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Council

(iv) Any body:-

(a) Exercising functions of a public nature;

(b) Directed to charitable purposes; or

(c) One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in the position of general management

9.3 Where you have a Disclosable Non-Pecuniary Interest you may remain in the meeting, speak and vote on the matter unless to do would compromise your impartiality obligations or any other obligations set out in this Code.

10. Dispensations

10.1 Dispensations may be granted by the Monitoring Officer for one meeting only on request in writing from you.

10.2 Requests for Dispensations must be made in writing detailing what the interest is, why it is required and for what meeting.

10.3 Requests must be made 5 days prior to the meeting at which the Dispensation is required.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL CONSTITUTION

Council. The content of this paragraph will be included in any recruitment information.

2.2.2 No councillor will seek support for any person for any appointment with the Council.

2.2.3 No councillor shall give a reference (oral or written) for a candidate for employment by the Council.

3. RECRUITMENT OF HEAD OF PAID SERVICE AND CHIEF OFFICERS

3.1 Where the Council proposes to appoint a chief officer (including the Head of Paid Service) and it is not proposed that the appointment be made exclusively from among their existing officers or by way of interim appointment, the Council will:

3.1.1 draw up a statement specifying:

- (a) the duties of the officer concerned; and
- (b) any qualifications or qualities to be sought in the person to be appointed.

3.1.2 make arrangements for the post to be advertised in such a way as is likely to bring it to the attention of persons who are qualified to apply for it; and

3.1.3 make arrangements for a copy of the statement mentioned in sub paragraph 3.1.1 to be sent to any person on request.

4. APPOINTMENT OF HEAD OF PAID SERVICE

4.1 The full Council will approve the appointment of the Head of Paid Service following the recommendation of such an appointment by an Appointments Committee established in accordance with Rule 5.1 below. That Committee must include at least one member of the Cabinet.

4.2 The full Council may only make or approve the appointment of the Head of Paid Service where no well-founded objection has been made by any member of the Cabinet.

5. APPOINTMENT OF CHIEF OFFICERS ~~AND DEPUTY CHIEF OFFICERS~~

5.1 All permanent (as opposed to interim) appointments to chief officer ~~and deputy chief officer~~ posts shall be made on a resolution of the Appointments Committee, which shall be established by the Council. The Appointments Committee must include at least one member of the Cabinet.

5.2 An offer of permanent or interim employment as a chief officer ~~or deputy chief officer~~ shall only be made where no well-founded objection from any member of the Cabinet has been received.

5.3 Subject to paragraph 5.5 below, in these Rules, chief officers are defined as:

5.3.1 the Chief Executive (as Head of Paid Service)

5.3.2 the statutory chief officers (Chief Finance Officer and the Monitoring Officer)

5.3.3 the non-statutory chief officers which are:

(a) officers for which the Chief Executive is responsible

(b) officers in the Chief Executive's Department who report to or who are directly accountable to the Chief Executive by virtue of the nature of their duties; and

(c) officers who report to or who are directly accountable to the Council itself or any committee of the Council by virtue of the nature of their duties.

5.4 APPOINTMENT OF DEPUTY CHIEF OFFICERS

5.4 Subject to paragraph 5.5 below, in these Rules, deputy chief officers are defined as officers in departments who, by virtue of the nature of their duties, either report to or are directly accountable to the statutory or non-statutory chief officer responsible for that department.

5.5 All permanent (as opposed to interim) appointments to deputy chief officer shall be made by the Head of Paid Service provided that no well-founded objection from any member of the Cabinet has been received.

5.5 Rules 5.3 and 5.4 do not apply to officers whose duties are solely secretarial and clerical or are in the nature of support services or to officers below Head of Service level.

6. PROCEDURE FOR THE PERMANENT APPOINTMENT OF CHIEF OFFICERS ~~AND DEPUTY CHIEF OFFICERS~~

6.1 **Appointment Process.** The following process will apply after an Appointments Committee has interviewed all shortlisted candidates:

6.1.1 If the Committee agrees on a candidate suitable for the post, it will indicate its 'provisional intention to make an offer' to the Chief Executive.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

POLICY DEVELOPMENT GROUP - 1 OCTOBER 2014

| | |
|----------------------------------|---|
| Title of report | UPDATE OF THE COUNCIL'S CONSTITUTION |
| Contacts | <p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p> |
| Purpose of report | To seek Scrutiny's comments on and recommendation to Council on proposed amendments arising from the Annual Review of the Constitution. |
| Reason for Decision | To comply with the Constitutional update procedure agreed by Council. |
| Council Priorities | Value for Money |
| Implications: | |
| Financial/Staff | None. |
| Link to relevant CAT | None. |
| Risk Management | A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives. |
| Equalities Impact Assessment | Not applicable. |
| Human Rights | Not applicable. |
| Transformational Government | Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making. |
| 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 | Statutory Officers. Head of Legal and Support Services. |
| Background papers | Report to Policy Development Group 16 July 2014. Local Government Act 1972. |
| Recommendations | <p>THAT POLICY DEVELOPMENT GROUP:</p> <p>1. NOTES THE REPORT AND COMMENTS ON THE SUGGESTED AMENDMENTS TO THE CONSTITUTION</p> <p>AND</p> <p>2. MAKES RECOMMENDATIONS TO COUNCIL FOR ADOPTION.</p> |

1. BACKGROUND

1.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that, in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one midyear review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some “scrutiny” of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the midyear and other reviews.

2. ROLE OF SCRUTINY

2.1 Where amendments are identified and proposed, Policy Development Group is asked to consider and comment on the suggested amendments before the amendments are considered by Council.

3. PROCESS OF REVIEW

- 3.1 As indicated at 1.1 above, updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice.
- 3.2 Each year a survey of officers is undertaken and they are invited to submit proposed amendments for consideration by the Monitoring Officer which arise from legislative changes, organisational changes or for reasons of business efficiency.
- 3.3 In parallel with this process the Legal Services team review any proposed legislation which is likely to require amendments to the Constitution.

4. REPORT OF THE INITIAL OUTCOME OF THE 2014 REVIEW

- 4.1 Members will recall that the Head of Legal and Support Services presented a report to Policy Development Group on 16 July 2014 recommending that the annual review of the Constitution was postponed for the reasons set out at paragraphs 4.2 to 4.7 in the report. A copy of the report is a background paper.
- 4.2 The Head of Legal and Support Services is now able to report that the anticipated legislation referred to in her report of 16 July (The Openness of Local Government Bodies Regulations 2014) (the Regulations) was enacted with immediate effect on 6 August 2014. The most immediate impact of those Regulations was that all meetings of the Council may now be recorded.

5. RECORDING OF COUNCIL MEETINGS - AMENDMENTS TO THE CONSTITUTION

- 5.1 Currently the Constitution is silent on the recording of meetings and as a result of the legislative changes it is felt appropriate to amend the Council Procedure Rules. In addition, the non-statutory guidance issued with the Regulations advises that it would be appropriate for councils to adopt a protocol on recording meetings in order that elected members, members of the public and the press are aware of the parameters within which recording will be permitted.
- 5.2 As the Regulations became effective immediately, officers have put in place interim arrangements to ensure that the Council complied with its duties but consider that it is appropriate that members comment on and approve the draft protocol that is currently being applied.
- 5.3 It is proposed that Standing Order 9 of the Council Procedure Rules (Smoking at Meetings) is deleted as this is no longer necessary as a result of legislative changes (Regulations made under the Health Act 2006) and replaced with a new Standing Order 9 (Recording of Meetings). Examples of the track-changed amendments are contained at Appendix 1.
- 5.4 In addition, a copy of the draft protocol to allow persons to film, photograph or make sound recordings, etc of proceedings at Council meetings is attached at Appendix 2 for comment and recommendation to Council. Also included are drafts of the resultant changes to the agenda front sheet, etc which members are asked to note.

6. DECISION RECORDS

6.1 The Regulations published on 6 August 2014 also introduced new requirements in respect of the publication of decision records where officers make decisions under delegated powers from Council whereas currently decision records are only required where officers exercise delegated powers from Cabinet.

6.2 The requirements are that a decision record is now required:

where an officer makes a delegated decision following a delegation from Council, a committee, sub-committee or a joint committee in the following circumstances:

- (a) under a specific delegation;
- (b) under a general authorisation to officers to take such decisions and the effect of the decision is to:
 - (i) grant a permission or licence;
 - (ii) affects the right of an individual;
 - (iii) award a contract or incur expenditure which in either case materially affects the council's financial position.

A large number of these decisions are already published e.g. planning permissions; licensing decisions etc and officers are currently looking at how the publication of such decisions can be improved.

6.3 The Council's Rules of Procedures at Part 4 Section 4.4 Paragraph 8 of the Constitution have been amended to reflect this change. A track change amendment is attached at Appendix 2.

7. CHANGES TO THE CONSTITUTION - ANNUAL REVIEW 2014

7.1 There are a small number of requests to amend the Constitution to reflect organisational changes following departmental restructures, the correction of grammatical errors, changes in legislation and for the purposes of clarity which the Head of Legal and Support Services has delegated authority to deal with. In addition, the Head of Legal and Support Services wishes to bring the following matters to the attention of members.

8. MEMBERS INTERESTS

8.1 The Head of Legal and Support Services considers that it would be useful for members if the Constitution was more specific in relation to members' interests under the Code of Conduct and, in particular, what constitutes a Disclosable Pecuniary Interest and a Disclosable Non-Pecuniary Interest.

8.2 Members will recall that at the time that the current Code of Conduct was adopted in June 2012 (resulting from the changes brought about by the enactment of the Localism Act 2011), the Code required members to declare an interest of a type prescribed in Regulations made by the Secretary of State. To date the Secretary of State has prescribed Disclosable Pecuniary Interests by way of The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464. Although no regulations have been made relating to Disclosable Non Pecuniary Interests, members will also

recall that the Cross Party Working Group which was established to consider the Code before its adoption made recommendations relating to such interests which were subsequently adopted by Council and are included on the current Members' Register of Interests form.

- 8.3 In the interests of clarity the Head of Legal and Support Services is of the opinion that the Code should contain specific details of both pecuniary and non-pecuniary interests and track changed amendments to the Code are attached at Appendix 3.

9. APPOINTMENTS COMMITTEE

- 9.1 The current delegations to the Appointments Committee are attached at Appendix 4.
- 9.2 As a result of several management restructures that have occurred over the years, which have resulted in a "flatter" management structure, there is more direct reporting by Team Managers to Statutory and Non-Statutory Chief Officers. A consequence of this is that in order to comply with the Constitution all Team Managers reporting to a Statutory or Non- Statutory Chief Officers are required to appear before an Appointments Committee.
- 9.3 Following informal discussions with the Group Leaders some members have expressed the view that it is unnecessary to convene the Appointments Committee for some Team Managers' posts and not others merely because the post reports directly to a Statutory or Non Statutory Chief Officer.
- 9.4 Therefore a number of recommendations are proposed to both streamline the Appointments process (and ensure that the Appointments Committee is only convened in respect of senior positions) and make the administration of the Committee more effective and efficient. Those recommendations include the election of a Chairman for the municipal year, the appointment of substitutes and specifying which appointments will require an Appointments Committee and/or the approval of members.

9.5 Appointment of a Chairman

It is recommended that in line with other committees and sub-committees of the Council (other than Licensing Sub-committees) a Chairman and Deputy Chairman are appointed at the start of the year at Annual Council to Chair the Committee for the subsequent municipal year.

- 9.6 Council will be asked to appoint a Chairman and Deputy Chairman for the remainder of this municipal year at its meeting on 16 November 2014.
- 9.7 It has also been suggested that if appointed the Chairman's right to a second or casting vote should be restricted. However, the right to such a vote is governed by Section 4(3) of the Local Government Act 1972 which cannot be dis-applied.

9.8 Substitutes

- 9.9 In line with other committees, members have the ability to appoint substitutes to the Appointments Committee in line with the Council's approved "Members' Substitute Scheme". Given the role of the Appointments Committee in appointing to senior positions within the Council, it is recommended that substitute members are drawn from Cabinet and members of the Shadow Portfolio Holders Group.

10. Amendment to the functions of the Appointments Committee

- 10.1 As set out at 9.2 above, the Appointments Committee is currently involved in the appointment of all Team Managers who, because they report directly to a Statutory or Non-Statutory Chief Officer, are considered to be deputy chief officers. (A full definition of Statutory and Non-Statutory Chief Officers can be found at Pages 190-193 of the Constitution.)
- 10.2 Having taken on board the views of members that this approach is not always necessary or appropriate, it is recommended that the scope of such involvement is amended so as to ensure that, whilst the requirements of the Local Government and Housing Act 1989 and associated Regulations relating to the involvement of members in staffing matters is complied with, the Appointments Committee is only required to sit where necessary.
- 10.3 It is therefore recommended that the Appointments Committee will be involved in staff appointments on the following basis:
1. Head of Paid Service - by the Appointments Committee and approval of full Council.
 2. Directors - by the Appointments Committee and approval of Executive members.
 3. Heads of Service - including the Section 151 Officer and Monitoring Officer by the Appointments Committee and approval of Executive members.
- 10.4 The Head of Paid Service will be responsible for the appointment of all other members of staff in accordance with the requirements of the legislation identified at 10.2 above
- 10.5 Consequential amendments to the Officer Employment Procedure Rules are required and are shown at Appendix 5.
- 10.6 **Appointments to Shared Services / Joint Working Arrangements**
- 10.7 Members will be aware that the Council participates in a number of formal shared service arrangements, the largest being the Leicestershire Revenues and Benefits Partnership which operates under a specific contractual agreement between the participating authorities, all of which have differing constitutional requirements in relation to the appointment of staff.
- 10.8 In addition, there are a number of examples where the Council has undertaken strategic working on an ad-hoc basis which has also identified differing constitutional requirements. As such strategic working is likely to continue in the future, in the interests of consistency, effectiveness and efficiency in recruitment to such posts, it is recommended that appointments to a shared services / joint working arrangements should take place outside of the above Appointments Committee arrangements.

EXTRACT of the MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 1 OCTOBER 2014

Present: Councillor J G Coxon (Chairman)

Councillors R Adams (Substitute for Councillor N Clarke), J Cotterill, D Everitt, D Howe (Substitute for Councillor J Geary), V Richichi, S Sheahan, N Smith and M Specht

In Attendance: Councillors T Neilson

Officers: Mr R Bowmer, Mr D Gill, Mrs M Meredith, Mr J Richardson and Ms K Talbot

14. UPDATE OF THE COUNCIL'S CONSTITUTION

The Deputy Monitoring Officer presented the report to Members, drawing their attention to the main changes proposed as outlined at section 5 of the report. In respect of the Openness of Government Bodies Regulations 2014 he advised that this had now come into effect and a draft protocol had been prepared which set out how the Council would expect members of the public to act when recording meetings. He added that once this was agreed, it was envisaged that a copy would be available at public meetings. He advised that a further consequence of the Regulations was the requirement to publish officer decisions in respect of Council decisions as well as Executive decisions. In respect of Members' interests, he advised that no regulations had been made in respect of non-pecuniary interests; however for the sake of transparency, the Monitoring Officer felt that it would be useful for these interests to be clarified in the Constitution. He highlighted the changes in respect of the Appointments Committee, which had been discussed with Group Leaders. He advised that there had been a suggestion that the Chairman of this Committee should not have a casting vote; he explained that this would not be possible as the Local Government Act could not be dis-applied. He advised that it had also been suggested that a pool of substitutes be appointed, and that it would be appropriate for the pool of substitutes to consist of Cabinet Members and Shadow Portfolio Holders, as Members in these positions had sufficient experience and knowledge to consider the appointment of senior positions.

Councillor S Sheahan referred to the paragraph in the report regarding shared services and asked how this differed to what was done currently.

The Deputy Monitoring Officer advised that the Members for each authority made the appointments in respect of the Leicestershire Revenues and Benefits Partnership; as such there would still be Member involvement, but not in the sense of an Appointments Committee.

Councillor S Sheahan commented that the proposed procedure for appointments of deputy chief officers seemed a little loose, as it was not indicated at what point in the process a Cabinet Member was to object, or who would decide what was a well-founded objection. He felt that it would have been more appropriate for the Appointments Panel to comment rather than Cabinet.

The Deputy Monitoring Officer advised that it had always been the case that Cabinet had the opportunity to object to an appointment, and this was usually within 48 hours of being notified.

Councillor S Sheahan acknowledged that this was an established practice, but felt however that since the appointment of deputy chief officers was being taken out of the

purview of the Appointments Committee, the facility should remain for Members of the Appointments Committee to make objections.

The Deputy Monitoring Officer advised that the points raised would be reported back and considered.

Councillor V Richichi referred to the facility to film meetings and asked if the Council would also be recording meetings. He also asked if he would be protected in any way if he made statements without prejudice that others found offensive.

The Deputy Monitoring Officer advised that the cost of recording meetings had been investigated, and it was prohibitively expensive. He added that at this time, it was not considered to be financially viable or a good use of public money. He advised that there was no protection offered in respect of statements made that others may find rude or offensive. He advised that Members should be careful about what they said and the manner in which they made statements at meetings. He added that the Council could not control what members of the public were filming at meetings.

Councillor V Richichi expressed concerns that comments at meetings could be misinterpreted. He added that there was a risk that Members may not make comments due to this, and the official minutes may be challenged.

The Deputy Monitoring Officer commented that it had always been the position that sometimes statements were interpreted differently to how they had been intended. He added that it was the job of officers to investigate complaints and take a rounded view.

Councillor V Richichi asked if filming could lead to more closed meetings taking place.

The Deputy Monitoring Officer advised that closed meetings could only take place due to exempt information under Schedule 12a of the Local Government Act, and meetings would not go into private session simply because Members did not want to be filmed.

Councillor S Sheahan commented that officers clearly did not see the need to record meetings, however the fact that everyone else was able to do so made it even more important to have a formal record. He added that there was a risk that someone could abuse the privilege of being able to record meetings, post a snippet online which was out of context, and the Council would have nothing to defend against this.

The Deputy Monitoring Officer advised that the Democratic Services Officer was relied upon to produce an accurate set of minutes. He commented that the cost had to be taken into account, however it was a matter for Members if they wanted to put forward a suggestion to Council in this respect.

Councillor D Everitt referred to the issues that used to arise when the press followed every Council meeting and commented that Members might be worrying too much.

Councillor M Specht asked that if the cost of webcasting was too great, could audio recording of meetings be considered instead.

The Deputy Monitoring Officer stated that this could be looked into and a proposal put before Council.

It was moved by Councillor R Adams, seconded by Councillor M Specht and

RESOLVED THAT:

The report be noted.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – 11 NOVEMBER 2014**

| | |
|----------------------------------|--|
| Title of report | MEMORANDUM OF UNDERSTANDING RELATING TO OBJECTIVELY ASSESSED NEED FOR HOUSING |
| Contacts | Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk |
| Purpose of report | To seek approval from Members for the authority to sign the Leicester and Leicestershire Housing Market Area Memorandum of Understanding relating to the objectively assessed need for housing. |
| Council Priorities | Value for Money Business and Jobs Homes and Communities Green Footprints Challenge |
| Implications: | None |
| Financial/Staff | None |
| Link to relevant CAT | None |
| Risk Management | None |
| Equalities Impact Screening | None |
| Human Rights | None |
| Transformational Government | The Memorandum of Understanding outlines how the Council is working with other local planning authorities in the Housing Market Area to identify the housing requirements to be provided for in individual authority's Local Plans. Each individual authority will be responsible for delivering their own planning services |
| 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 | The Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA) documents, which can be found at www.nwleics.gov.uk/pages/shma_5_year_housing_land_supply and www.nwleics.gov.uk/pages/strategic_housing_land_availability_assessment have been the subject of public consultation with Various stake holders; estate agents, planning consultants, commercial property agents, landowners, developers, local businesses and other stakeholders including Parish and Town Councils who were consulted in respect of the SHMA and SHLAA. Leicestershire County Council has been consulted to provide specialist highways and ecological input. |
| Background papers | Strategic Housing Market Assessment (SHMA) Error! Bookmark not defined. Strategic Housing Land Availability Assessment (SHLAA) www.nwleics.gov.uk/pages/strategic_housing_land_availability_assessment National Planning Policy Framework (NPPF) https://www.gov.uk/government/publications/national-planning-policy-framework--2 Localism Act 2011 http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted |
| Recommendations | THAT COUNCIL DELEGATE THE SIGNING OF THE LEICESTER AND LEICESTERSHIRE HOUSING MARKET AREA MEMORANDUM OF UNDERSTANDING RELATING TO THE OBJECTIVELY ASSESSED NEED FOR HOUSING TO THE CHIEF EXECUTIVE /DIRECTOR OF SERVICES IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR REGENERATION AND PLANNING. |

1.0 BACKGROUND

- 1.1 On 21 October 2014 Cabinet considered a report regarding the Memorandum of Understanding, a copy of the report together with the Memorandum of Understanding are attached at Appendix 1.

2.0 DECISION OF CABINET

- 2.1 Cabinet resolved to recommend to Council that the signing of the Memorandum of Understanding be delegated to the Chief Executive /Director of Services in consultation with the portfolio holder for Regeneration and Planning.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – 21 OCTOBER 2014

| | |
|----------------------|--|
| Title of report | MEMORANDUM OF UNDERSTANDING RELATING TO OBJECTIVELY ASSESSED NEED FOR HOUSING |
| Key Decision | a) Financial No b) Community Yes |
| Contacts | Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk |
| Purpose of report | To seek approval from Members for the authority to sign the Leicester and Leicestershire Housing Market Area Memorandum of Understanding relating to the objectively assessed need for housing. |
| Reason for Decision | In developing their Local Plans, authorities must demonstrate the Duty to Co-operate ((Localism Act 2011). To demonstrate how the District Council is working with other local planning authorities in the Housing Market Area in accordance with the requirements of the Duty to Cooperate. |
| Council Priorities | Business and Jobs Green Footprints Challenge Homes and Communities Value for Money |
| Implications: | None |
| Financial/Staff | None |
| Link to relevant CAT | None |
| Risk Management | None |

| | |
|----------------------------------|---|
| Equalities Impact Screening | None |
| Human Rights | None |
| Transformational Government | The Memorandum of Understanding outlines how the Council is working with other local planning authorities in the Housing Market Area. Each individual authority will be responsible for delivering their own planning services |
| 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 | The Strategic Housing Market Assessment (SHMA) and Strategic Housing Land Availability Assessment (SHLAA) documents have been the subject of public consultation with Various stake holders; estate agents, planning consultants, commercial property agents, landowners, developers, local businesses and other stakeholders including Parish and Town Councils who were consulted in respect of the SHMA and SHLAA. Leicestershire County Council has been consulted to provide specialist highways and ecological input. |
| Background papers | Strategic Housing Market Assessment (SHMA) Strategic Housing Land Availability Assessment (SHLAA) National Planning Policy Framework (NPPF) Localism Act 2011 |
| Recommendations | THAT CABINET RECOMMEND TO FULL COUNCIL THAT THE SIGNING OF THE LEICESTER AND LEICESTERSHIRE HOUSING MARKET AREA MOU RELATING TO THE OBJECTIVELY ASSESSED NEED FOR HOUSING BE DELEGATED TO THE CHIEF EXECUTIVE /DIRECTOR OF SERVICES IN CONSULTATION WITH THE PORTFOLIO HOLDER |

1.0 Background

- 1.1 It is a government requirement that all local planning authorities must prepare a local plan which sets planning policies in a local authority area. Independent planning inspectors must examine all local plan documents that local authorities in England prepare. The

examination is the last stage of the process for producing a local plan.

- 1.2 The Government aim is for every area to have a clear local plan which sets out local people's views of how they wish their community to develop, consistent with the framework and against which planning applications for planning permission will be judged.
- 1.3 Local plans must be positively prepared, justified, effective and consistent with national policy in accordance with the National Planning Policy Framework.
- 1.4 The first test at an examination in to the Local Plan is whether the process followed has satisfied the Duty to Cooperate as required by the Localism Act 2011. A failure to satisfy the Duty to Cooperate will result in a plan being found unsound. It is not a matter which can be redressed retrospectively.
- 1.5 It is essential, therefore, that all of the local planning authorities in the Leicester and Leicestershire Housing Market Area (HMA) cooperate on those matters which are of strategic importance. There is a strong track record locally, of officers from all Leicestershire authorities having worked constructively together to ensure the necessary evidence to support local plans can be put in place as quickly as possible; and, as part of this, to identify a clear and agreed approach to establishing and formally agreeing the levels of housing need across the (HMA) to carry forward into all local plans. For example, the Strategic Housing Market Assessment (SHMA) and the Strategic Land Availability Assessments (SHLAAs) have both been revised in 2014, to provide the basis for identifying the housing needs across the HMA.
- 1.6 However, it is necessary in order to demonstrate compliance with the Duty to Cooperate to formally set out how the duty has been complied with. To do this a Memorandum of Understanding (MOU) has been developed. The purpose of the MOU document is to formally record and make public, the local authorities' agreement to the distribution of objectively assessed housing need and to support the resumption of the Examination of the Charnwood Borough Local Plan, whilst providing a strong platform for moving forward on other plans.

2.0 Establishing the level of future housing need

- 2.1 The SHMA work has been undertaken on behalf of all the authorities in the HMA by G.L. Hearn. This reflects the requirements of the NPPF and the more recent National Planning Practice Guidance. It establishes levels of housing need to 2031 and 2036. The SHMA is now completed and the Planning Officers Forum (POF) and the Strategic Planning Group (SPG) which oversaw the work are content with the findings. The revised SHMA was presented and endorsed at the meeting of the Members Advisory Group (MAG) on 26 June 2014.

3.0 Understanding the capacity to accommodate the levels of growth in the SHMA

- 3.1 Each planning authority has undertaken a SHLAA to an agreed common methodology. Based upon these technical SHLAA assessments and transport capacity work led by the County Council, all authorities are able to accommodate the upper figure in table 3.4 of the MOU within their own area.

4.0 Leicester & Leicestershire Housing Market Area – Memorandum of Understanding relating to Objectively Assessed Need for Housing

4.1 The MOU document, attached at Appendix A, has been drafted and its content agreed by all of the Leicestershire authorities, the County Council and the LLEP. The MOU includes the following key elements:

- An introduction, setting out national planning policy and explaining the document's purpose;
- A brief explanation of the position on the key evidence that has informed the authorities' position on need/unmet need, i.e. through the SHMA, SHLAAs and infrastructure capacity work;
- The stated position on the levels of need/unmet need to 2028, including any caveats with regard to the timescales for the majority of plans; and
- The stated position on the other two stages of the three-stage approach, which are agreed as being necessary to support the majority of plans across the HMA.

4.2 Members of the MAG discussed the MOU document at their meeting on 24 July 2014 and have endorsed the approach to future growth across the HMA.

4.3 An objective view has also been sought from the Planning Advisory Service, who agrees that this is the most appropriate approach to take in the circumstances. The other question raised about the MOU is the status of any figures included in it. Legal advice is that as long as the MOU does not stray into spatial options or approaches within the HMA it is an evidence, rather than policy, based document. This status is reinforced by reference to key evidence from the SHMA and SHLAAs/transport modelling and would not, therefore, fetter authorities following Charnwood BC in consideration of their own local plan targets. The MOU provides a good basis for future iterations, which are likely to be needed to support subsequent plan reviews across the HMA.

5.0 Further work planned to support Local Plan reviews

5.1 To inform agreement on levels of growth between 2028 and 2031, further transport modelling will be completed by the County and City highway authorities. This work is currently being commissioned and is referred to in more detail in section 4.0 of the MOU document

6.0 Longer Term Growth Strategy Beyond 2031

6.1 Beyond 2031 a longer term strategy for the spatial development of the HMA will be developed. Plans for the development of this are underway.

7.0 Governance procedures

7.1 Each authority that is party to the MOU agreement is seeking approval through its own governance procedures.

Leicester & Leicestershire Housing Market Area

A Memorandum of Understanding relating to Objectively Assessed Need for Housing – July 2014

1.0 Introduction

- 1.1 The National Planning Policy Framework (NPPF) requires local planning authorities to have a clear understanding of housing needs in their area. To achieve this, they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full housing needs, working with neighbouring authorities where housing market areas cross administrative boundaries. The SHMA should identify the scale and mix of housing and the range of tenures that the local population is likely to need over the plan period¹. This is a key part of the evidence base to address the NPPF requirement of ensuring that Local Plans meet the full, objectively assessed needs for market and affordable housing in the housing market area, as far as is consistent with the policies set out in the Framework².
- 1.2 The Localism Act 2011 places a Duty to Co-operate on local planning authorities and county councils³. This requires them to engage constructively, actively and on an on-going basis in the preparation of development plan documents where this involves strategic matters. National policy in the NPPF adds to this statutory duty as it expects local planning authorities to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts.

2.0 The Leicester and Leicestershire Housing Market Area

- 2.1 The Leicester and Leicestershire Housing Market Area covers the administrative areas of all nine Leicester and Leicestershire local authorities, all of whom are signatories to this Memorandum, namely:
- Blaby District Council

¹ National Planning Policy Framework, paragraph 159.

² NPPF, paragraph 47.

³ Localism Act 2011, section 110.

- Charnwood Borough Council
- Harborough District Council
- Hinckley and Bosworth Borough Council
- Leicester City Council
- Leicestershire County Council
- Melton Borough Council
- North West Leicestershire District Council
- Oadby and Wigston Borough Council

3.0 Demonstrating the Duty to Co-operate and meeting the requirements of the National Planning Policy Framework

- 3.1 The purpose of this Memorandum of Understanding (MOU) between the authorities is to support the Charnwood Borough Local Plan, which is the subject of an Examination; and to set out how the local authorities will collaborate further to ensure the necessary joint evidence is in place to support subsequent Local Plans that will come forward. In this respect, it is intended to demonstrate evidence of having effectively cooperated to plan for issues with cross-boundary impacts⁴.
- 3.2 The eight district and city planning authorities within the Housing Market Area, together with Leicestershire County Council, have collaborated to meet the requirements of the NPPF as set out in section 1.0. The main output from this collaboration is a joint SHMA⁵, which identifies the scale and mix of housing needed across the Area between 2011 and 2031; and between 2011 and 2036.
- 3.3 National policy requires the authorities to be able to demonstrate both that they have a clear understanding of their full housing needs across the Housing Market Area; and whether they can meet this need in full in their own area⁶. To enable an understanding of capacity to accommodate additional housing, the NPPF further requires local planning authorities to prepare a Strategic Housing Land Availability Assessment (SHLAA) to establish realistic assumptions about the availability, suitability and the likely economic viability of land to meet the identified need for housing over the plan period⁷.

⁴ NPPF, paragraph 181.

⁵ *The Leicester and Leicestershire Strategic Housing Market Assessment*, June 2014.

⁶ Paragraph 179 of the NPPF says: 'Joint working should enable local planning authorities to work together to meet development requirements which cannot wholly be met within their own areas – for instance, because of a lack of physical capacity or because to do so would cause significant harm to the principles and policies of this Framework'.

⁷ NPPF, paragraph 159.

- 3.4 The table below sets out the objectively assessed need for additional housing in the Housing Market Area between 2011 and 2028, which is the period covered by the Charnwood Borough Local Plan.

| Local Authority | Objectively Assessed Need 2011 to 2028⁸ |
|--|---|
| Blaby District Council | 6,120 - 7,140 |
| Charnwood Borough Council | 13,770 - 13,940 |
| Harborough District Council | 7,055 - 8,075 |
| Hinckley and Bosworth Borough Council | 6,375 - 7,650 |
| Leicester City Council | 21,250 - 22,950 |
| Melton Borough Council | 3,400 - 4,250 |
| North West Leicestershire District Council | 4,845 - 5,950 |
| Oadby and Wigston Borough Council | 1,360 - 1,700 |
| HMA TOTAL | 64,175 - 71,655 |

Source: Strategic Housing Market Assessment

- 3.5 All authorities in the Area have completed their own SHLAA to an agreed common methodology. Based on these technical assessments and transport capacity work led by the County Council, all authorities are able to accommodate the upper figure in the above table within their own area.
- 3.6 In determining housing targets in their Local Plans, local authorities should take account of the requirements of national policy and local circumstances, including basing those plans on a strategy that seeks to meet the objectively assessed need for homes. In this regard, it should be noted that all authorities in the Housing Market Area are at different stages of plan preparation. Those authorities that do not have an up-to-date adopted plan or are reviewing an adopted plan are likely to be progressing plans with horizon dates of 2031 or 2036. In determining their housing target over the relevant plan period each authority will take account of all relevant evidence.
- 3.7 Against this background, the authorities are able to confirm that for the purposes of the Charnwood Borough Local Plan examination the full

⁸ The figures in this column are derived by annualising the objectively assessed need from the SHMA for the period 2011 to 2031 and applying these figures to the period 2011 to 2028. The figures are, therefore, the same as the SHMA except that they cover three years less.

need for homes within the Housing Market Area in the above table can be met, meaning there is no unmet requirement in the Housing Market Area to at least 2028.

4.0 Further work to support Local Plan reviews

- 4.1 To cover the period from 2028 to 2031, specific transport modelling for significant new development proposals will be completed, as appropriate by the County and City highway authorities, within a time period to meet the respective local plan preparation programmes for each authority. The programme of transport modelling required will be agreed and commissioned by the relevant local planning and highway authorities as soon as possible and authorities will use their best endeavours to ensure completion no later than the end of January 2015.
- 4.2 Beyond 2031 there is a need to articulate a longer term strategy for the spatial development of the Housing Market Area to ensure that opportunities for future economic growth are maximised. This strategy will need to set out how future growth and development will be promoted and accommodated through Local Plans, particularly those with end dates of 2036. A project plan and timeline will be developed for this work as soon as possible. The work will be commissioned and managed by the Housing, Planning and Infrastructure Group and be completed in accordance with the agreed timetable to be included in the project plan.

5.0 Conclusion

- 5.1 The purpose of this MOU is formally to record and make public the local authorities' agreement under the Duty to Co-operate to the position as set out in this Memorandum. This MOU has been endorsed by Members of each of the nine local authorities at a meeting of the joint Member Advisory Group on 24th July 2014.
- 5.2 The nine authorities that form signatories to this Memorandum agree, therefore, that the figures in the table above represent the level of objectively assessed need in each district in order to meet the overall identified need for additional housing within the Leicester and Leicestershire Housing Market Area between 2011 and 2028; and that based on SHLAAs and transport capacity work led by the County Council such levels of additional housing are able to be accommodated by each district in which the need arises.