

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 21 NOVEMBER 2017

Present: Councillor V Richichi (Chairman)

Councillors R Adams, G A Allman, R Ashman, R D Bayliss, R Blunt, R Boam, J Bridges, R Canny, J Clarke, N Clarke, J Cotterill, J G Coxon, D Everitt, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, G Houlst, J Houlst, R Johnson, G Jones, S McKendrick, K Merrie MBE, P Purver, N J Rushton, A C Saffell, S Sheahan, N Smith, A V Smith MBE, M Specht, D J Stevenson and M B Wyatt

Officers: Ms T Ashe, T Galloway, Mr G Jones, Mrs L Scott and Miss E Warhurst

39. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors T Eynon, J Legrys and T J Pendleton.

40. DECLARATION OF INTERESTS

Councillors R Adams and S Sheahan declared a non-pecuniary interest in item 7 – Motions, as members of UNISON.

Councillor M Specht declared a non-pecuniary interest in item 10 – North West Leicestershire Local Plan, as Chairman of Coleorton Parish Council.

Councillor R Johnson declared a non-pecuniary interest in item 10 – North West Leicestershire Local Plan, as Chairman of Hugglescote and Donington le Heath Parish Council.

Councillor J Cotterill declared a non-pecuniary interest in item 10 – North West Leicestershire Local Plan, as Deputy Chairman of Coleorton Parish Council.

Councillor R Adams was advised that he was not required to declare an interest in item 13 – Leisure Services Project, as a member of Whitwick Parish Council.

41. CHAIRMAN'S ANNOUNCEMENTS

The Chairman highlighted numerous events he had attended since the last meeting of Council, including the Rainbows open day, the Coalville Colour Run, the Ashby Statutes event for special needs children, the Poppy Appeal, the Rural Achievement Awards which saw Measham receive an award, various charity events, the Remembrance Day service and the opening of the Famous 50 exhibition.

The Chairman announced that a Civic Carol Service would be taking place this year for the first time in a number of years.

42. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

Councillor R Blunt welcomed Paul Sanders, the new Head of Community Services, to the Council.

Councillor R Blunt announced that he was honoured to sign the Dying to Work charter on behalf of the Council last week. The charter reinforced the Council's commitment to staff who had been diagnosed with a terminal illness. He recognised that it was only possible for the people who work for us to be able to put the customer at the heart at everything they do when they felt valued. One way this could be done was by ensuring that, at a

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time when one or our employees was rocked by life-changing news, such as a terminal diagnosis, that they knew one area or their life would be constant, in terms of support and concern for their wellbeing. He added that work mattered to people, as in addition to providing an income, work also provided meaning, a sense of identity, structure and a feeling of being part of a team. Whilst some employees with a terminal illness may choose not to work, for others there may actually be comfort, a sense of security and a feeling of normality in continuing to work. The Council would aim to honour the wishes of employees and to provide support and understanding at a difficult time in their lives rather than generating additional stress and avoidable anxiety. He felt that the charter would make a real difference to people's ability to have a choice, at a time when they feel there is no choice.

Councillor R Blunt announced that on Friday 24 November the Council would open its doors to around 60 children and young people for the first time to take part in the Children's Commissioners annual event aimed at giving a voice to young people and an insight into the different jobs within the Council. The pupils will go behind the scenes at both the Council Offices and at Hermitage Leisure Centre for a day of inventive and interactive fun designed to help them learn more about the world of work. Students from Belvoirdale Primary School, King Edward VII College and Ibstock Community College will take on a number of challenges and scenarios set by the Council's various services. Amongst other things, the students will help to manage Hermitage Leisure Centre for the day, inspect a kitchen suspected of failing in food hygiene, create an emergency plan and respond following a local crisis, investigate a fly tip, spotting the clues and catching the culprit, decide on a planning application, and hold a planning committee to make the final decision, and take over the Council's social media accounts and write a press release about the day.

This is the first time the Council has taken part in the Takeover Challenge, which has been hugely successful on a national scale in helping children to learn new skills, get creative and gain confidence. He felt that the Council could learn a lot from the day too, as young people should always have a voice and he had no doubt they would come up with some interesting ideas during the day.

Councillor R Blunt reminded members that the Coalville project was never just about the regeneration of buildings and infrastructure – it was also about the cultural offer and the events that brought the community closer together. Over the last few weeks, that had never been more visible than in the Remembrance day parade and service which saw 3,000 people take time out to remember and commemorate the sacrifice that so many gave for us. He reported that the Coalville heroes had worked tirelessly with the community to bring together the Famous 50 exhibition in the market which remembered the first 50 volunteer soldiers from Coalville. There were so many members of the community and relatives of those who lost their lives who had come together to bring this story to life and there had been 1500 visitors to the exhibition so far. He urged members to take the time to visit while it is here until 2 December.

Councillor R Blunt announced that preparations were being finalised for the Christmas in Coalville event on 2 December which was bigger and better than last year. The event had been extended into Memorial square this year with an additional large Christmas tree in Marlborough square and lots of activities with a fireworks finale at 5pm.

Councillor S Sheahan joined Councillor R Blunt in welcoming Paul Sanders to the Council and he looked forward to working with him. He very much welcomed involving young people in any way possible and felt this was in everyone's interest. He felt that the Dying to Work charter was a great initiative which had been started by the GMB union. He thanked Councillor R Blunt for implementing this.

Councillor M B Wyatt requested an update on the old bus depot as part of the Coalville Project. He commented that nothing had happened for several months.

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Councillor R Blunt responded that work was ongoing, the Council was in discussions with the owner and a meeting was due to take place next week. He added that the Council was doing everything in its power to progress this matter, however he was unable to give any further details publicly due to commercial confidentiality. .

Councillor A V Smith announced that Ashby de la Zouch was celebrating its Purple Flag Award with a whole day of celebrations this weekend. She explained that Purple Flag was like the Green Flag for parks and the Blue Flag for beaches. It was recognition by the Association of Town Centres that Ashby had an excellent and safe nightlife, and put simply, it was a good night out. To celebrate receiving the accreditation, bars, restaurants and venues had a variety of events and offers available to the public on Saturday 25 November - Ashby would be turning purple. She stated that this was a fantastic achievement for Ashby and something the whole town could be very proud of. The pubs, bars, clubs and restaurants in Ashby worked very hard alongside the district and town councils, the police, Pubwatch and the street pastors to make it such a vibrant, exciting, but also safe town for an evening out. She hoped people would come to Ashby on Saturday, take part in the purple party and celebrate this accolade for the town. She thanked Cat Ridgway and her team for their work in making this possible.

Councillor A V Smith was pleased to inform Council that work on a new 52-space car park in the heart of Ashby de la Zouch had begun with the demolition of the former health centre building. The new car park on North Street will be ready for spring 2018, and work was ongoing with local businesses and organisations to minimise disruption. The car park was part of the district council's £1.1 million pound contribution to the Ashby Neighbourhood Plan, which aimed to boost the town's culture and leisure offer and celebrate the wealth of attractions it is home to. This development was a prime location for parking, located very close to leisure and cultural attractions in Ashby de la Zouch like the leisure centre and the theatre, as well as the shops on Market Street. As a local business owner and someone who used Ashby as a place to shop and relax, she knew how much this new car park was needed. The additional spaces and redesign of this part of town supported a wider aspiration to support Ashby, which is a vibrant and enjoyable place to be.

Councillor M Specht endorsed Councillor A V Smith's comments as Purple Flag champion. He stated that it had given him great pleasure to receive the award. He expressed special thanks to Cat Ridgway for leading the team and to Ashby Town Council.

Councillor J G Coxon stated that this was great news for Ashby de la Zouch and a great achievement by the team. He added that this was the second award this year for Ashby Town Council, who were the only town council in Leicestershire to achieve 'quality gold' status, which was a good basis to launch any appeal. He was pleased to see that work was progressing on the car park as this had been a long time coming.

Councillor N Clarke congratulated Ashby de la Zouch on the Purple Flag award as this was an excellent achievement. He felt it was important to recognise the contribution from traders, Pubwatch and the street pastors. He also thanked the staff involved. He commended the work done to progress the car park.

43. QUESTION AND ANSWER SESSION

Mr D Bigby put the following question to Councillor A V Smith:

"Many in our Community are concerned that, in order to finance a new Coalville leisure centre, it is proposed to outsource operation of this new facility and Hood Park Leisure Centre in Ashby to the private sector for at least the next 25 years. One major aspect of

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concern is the ceding of public accountability over these important community services for a very long period.

Whilst much financial detail of the proposed Project has been kept Confidential, the information that has been made public suggests that the main area of potential saving lies in exemptions from Business Rates and VAT available to an independent trust.

I understand that the Cabinet has recently agreed to a joint bid with the other Leicestershire authorities to take part in a pilot for 100% local retention of Business Rates. Also, in July, the European Court of Justice upheld Ealing Borough Council's appeal that they should be treated in the same way as not-for-profit bodies regarding exemption from VAT for the provision of sporting services and the Government has not yet determined how it will respond to this ruling.

I would therefore ask the following question;

How do these taxation developments affect the Council's business case and wouldn't a combination of 100% Business Rate retention and the potential for either VAT exemption for Council provision of sporting services or the possibility of the new provider losing VAT exemption, negate the main financial justification for outsourcing management of the leisure centres with the associated loss of democratic accountability?"

Councillor A V Smith gave the following response:

"The market for the management of leisure centres on behalf of local authorities in the UK is largely delivered by charitable trusts and NWLDC will, in line with best practice, have a number of strict legal controls in place with a new operator including a contract, lease and service specification that will ensure the highest levels of public accountability throughout the contract period. The Council will also retain a key function to monitor the contract and its performance which will be reported accordingly to the Cabinet and Council. User and stakeholder meetings will also be held at each centre to ensure local accountability for service standards. An indication of the controls that the Council will have includes protection and minimum standards in a number of areas including the following:

- Prices
- Protection for existing user groups
- Opening hours
- Customer care
- Maintenance
- Performance and quality

There are a number of financial benefits to outsourcing the leisure centres which are not derived from Business Rates and VAT exemptions. These will be tested by the tender process itself but in summary operational savings can be attributed a number of areas including the following:

- Increased usage and income from larger more fit for purpose facilities e.g. larger sports hall, swimming pool and gym
- A more commercial approach to operating the leisure centres by an operator that is experienced in maximising revenues from leisure assets
- A more economical building to heat, maintain and operate
- Savings from Council support services

The improved financial position of the Council as a result of the project is due to a combination of factors which include exemptions from Business Rates and VAT, but also an improved income position through improved usage and a saving to the Council in corporate overheads.

We do not yet know the outcome of our joint bid to become a pilot within the 100% Business Rate Retention scheme. If successful, the pilot will be for one year only and after that year, the existing arrangements under the 50% retention scheme will continue until such time the Government rolls out the 100% retention scheme (this date is currently unknown, although it is anticipated to be 2021).

The European Court of Justice's (ECJ) ruling in the Ealing Borough Council case does give rise to some uncertainty as to what the VAT position will be in future. However, this is no different to the possibility of any relevant law being changed at any time. This is because ECJ decisions relate to specific points of European Law that arise in particular court cases. That decision is then interpreted by the English court and applied to the case in front of them only. While the ECJ has pointed out a matter of UK law that is inconsistent with European law, the UK law will stay as it is until parliament changes it or HMRC updates its guidance. In addition, it is not known whether any such change/update will give the Council a VAT exemption on leisure services or remove the provider's exemption. Since the law remains the same for now, despite the ECJ's ruling, and the government's response to the ruling could go in different directions, the business case is based on the law at the moment.

That said, the Council will keep the business case under constant review and will continue to model the financial impact as and when more information is known. The implications of the possible changes will also be discussed with bidders through the tender process to ensure any financial risk is properly managed".

Mr D Bigby stated that there were several significantly different models that could run outsourced leisure centres and very little had been said about this in the published papers. These ranged from using a large private sector company, using a national independent not for profit social enterprise trust, or setting up a bespoke local trust. As a supplementary question, he asked what was the Cabinet's preferred model, and sought assurances that the structure of the bidding organisations would be a material consideration in the procurement process.

Councillor A V Smith responded that the procurement was still in the beginning stages of process, a competitive dialogue was yet to take place and much of the information remained confidential. She added that a final decision had not yet been made and due to commercial confidentiality it was not possible to go into any further details at this stage.

Councillor S Sheahan raised a point of order as he felt it would be appropriate to refer this matter to Policy Development Group. He sought acknowledgement that this could be done.

Councillor A V Smith assured members that Policy Development Group would be involved at all stages of the process.

Councillor M Specht commented that he was quite surprised by this request and he had every confidence that once the options were narrowed down, the matter would be referred back to Policy Development Group for them to make observations.

44. QUESTIONS FROM COUNCILLORS

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

"A cleaning service for the shared enclosed access to flats has been introduced to tenants of flats in NWLDC including Woodside estate Thringstone. They were sent a letter and a form asking for them to state if they would like to receive the cleaning service at a charge of £5.98 a week. It was stated correctly and made clear that housing benefit will cover the charge for those in receipt of housing benefit. The letter also stated that if tenants chose

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not to reply that would count as agreeing to accept the cleaning service. There are however many reasons why a tenant might not reply but still not want the service. This resulted in tenants who are working and not receiving housing benefit who have always kept the area of their front doors clean and tidy and chose not to receive the service being forced with a threat of eviction to accept it. They are being made to pay for a service when other tenants who did not want the service have received a letter stating they would not be required to receive it. On the other hand disabled and other residents who may benefit from this service may find it is denied to them. It is in fact a rent increase as stated in the second letter, for some and not others. This is both undemocratic and unfair for this council to presume to know the views of those tenants who did not care or were unable to reply and use them to influence the result.

Does the Portfolio holder agree with me?

1. That it is unacceptable that tenants are being forced to accept a service the neither need or want following a consultation decided by misappropriating the views of non-participating neighbours?
2. There are 10 blocks of 3 flats on the Woodside estate. How many of these tenants returned the form?
3. How many tenants replied yes?
4. How many replied no?
5. How many did not reply?
6. Do you accept that this council's desire to provide a service for old and disabled tenants who cannot clean the communal area themselves is to be applauded, however the way it has been implemented in Woodside has left some old and disabled without the service but provided it where it is neither needed nor wanted?
7. Is this a service charge as described in the letter offering the service, or is it a rent increase as described in the letter demanding payment for some and not others, damaging tenant cohesion and bringing this council into disrepute?"

Councillor R D Bayliss gave the following response:

"In May 2017, we wrote to 255 tenants who live in flats at 52 blocks across the District advising them that we were considering introducing a communal area cleaning service to help improve the general upkeep and appearance of the estates. The cost of the service would be recovered through the introduction of a new service charge payable by the tenants who benefited. For those in receipt of Housing Benefit the charge would be included as an eligible housing cost and depending on their level of income they could receive help to pay it, if introduced. Tenants were asked to return an attached form if they did not want to receive the new cleaning service. It was determined that if more than 50% of residents in each block did not want the service, it would not be introduced. In total, 103 (40%) responses were received, 102 completed the form stating they did not want the service and one letter from a resident who supported the idea of the Council introducing the service. Following analysis of these results on a block by block basis, the service was subsequently introduced.

The response to the specific questions about the Thringstone blocks are as follows:

1. 57% of the tenants at the Thringstone blocks responded to the survey and the responses were then considered on a block by block basis. This resulted in 5 of the 10 blocks on the estate being removed from the proposed service. Of the remaining 5 blocks, no responses were received from the residents in 3 blocks and 1 response from a resident in each of the remaining two blocks. The approach taken shows that feedback received from tenants was used to inform where the service was introduced.
2. 17 tenants returned the form.
3. Tenants were asked to return the form if they did not want the service. No responses were received saying they wanted the service, as none were requested.
4. 17 tenants replied saying they did not want the service.

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5. 13 tenants did not respond.
6. The decision to include the blocks of flats in the communal cleaning contact was to introduce a new service available for tenants to help improve the general upkeep and appearance of the estates. The views of tenants were used to inform where the service was introduced.
7. Where the service has been introduced, a new service charge has been applied. As with all other service charges, for the purpose of collection, it is included with the weekly rent. Any variation of the rent and/or service charge is subject to four weeks prior notification and for legal reasons by the tenants remaining in the property at the end of the four weeks notification, they become liable to pay the new charges.

The approach we have taken shows we have listened to the feedback from our tenants and the new charge has been applied to only those tenants who are benefitting from the service.

In addition to introducing the new cleaning service to enhance the environment of the estate, we have recently completed Phase 1 of an estate improvement programme. This has seen the communal stairwells for all 10 of the blocks of flats completely refurbished and upgraded, with new windows and redecoration. Phase 2 is currently being commissioned and will see the external fabric of tenants homes redecorated across the estate, with Phase 3 to follow by upgrading the communal parking areas and exploring the opportunities for new build on in-fill sites.

This represents a significant investment by the Council in upgrading the Woodside estate, and the communal cleaning service forms an important part of protecting that investment”.

Councillor D Everitt commented that the reply made his case and demonstrated how unpopular implementing the services charges had been. He referred to various examples of tenants who did not want the service and added that the service was absolutely unnecessary and had been unfairly implemented.

The Chairman asked Councillor D Everitt to put his supplementary question rather than make a speech.

As a supplementary question, Councillor D Everitt asked if Councillor R D Bayliss agreed with his feelings that it was stupid to suggest that by not responding, the tenants were in agreement, and that it was not moral to have used this to decide whether or not the tenants needed to pay the service charge. He concluded that it was out of order to treat people like that.

Councillor R D Bayliss responded that the fact of the matter was that the tenants had been asked, and a non-response either had to be taken as an objection, or as no objection. He concluded that the entire process was above board.

Councillor R Adams put the following question to Councillor A V Smith on behalf of Councillor J Legrys:

“I have been asked on a number of occasions recently why NWLDC do not use the Council’s bylaws to control unauthorised incursions and overnight camping within its car parks. Many people feel that the use of the bylaws would provide a cheaper and a speedier solution to long-term incursion on council owned land. Bylaws are available for immediate action by NWLDC enforcement staff. Instead recent incursions have shown that a considerable amount of time is required to move unauthorised overnight camping by using more drawn out processes. People are angry that they have been fined if they overstay or park inappropriately within the car parks, but others appear to get away with no fine or retribution. It may be that UK law requires a specific statutory process to remove long-term incursion from council owned land”.

Councillor A V Smith gave the following response:

“The Council’s car parks are governed by the Car Parking Orders under the Traffic Management Act 2004 and Road Traffic Regulation Act 1984. There are no Bylaws in place.

Whilst the Car Parking order contains provisions in relation to the removal of vehicles, those provisions only relate to vehicles as defined in the order, namely mechanically propelled vehicles up to a maximum weight of 3500kg. A caravan that is unhitched from the towing vehicle is not deemed to be a vehicle and a PCN cannot be issued to it for any contraventions of the Car Park Order.

As a public authority the Council has statutory duties under the Equality Act 2010 and the Human Rights Act 1998 and when a number of vehicles with Caravans arrive and are occupied this is deemed an illegal encampment. Before an eviction can be considered the Council has a statutory duty to assess the health, welfare and social needs of the occupants.

In order to successfully manage illegal encampments within the District the Council is a party to the Multi Agency Traveller Unit (MATU), which is a specialist unit comprising travellers liaison officers, health workers and the police who conduct the appropriate enquiries on behalf of the Council and are authorised to use their powers to evict those residing in illegal encampments”.

Councillor A V Smith advised that a meeting was taking place at the beginning of December to ascertain what measures could be taken to try and resolve some of these problems.

Councillor J Geary put the following question to Councillor A V Smith:

“Since the Fouling of Land by Dogs Order came into force in 2008, could you please inform me of the number of people that to date have been fined for not cleaning up after their dogs. Could you also please supply figures for people that have been fined or prosecuted for fly tipping or dropping litter in our streets and public places since April 2016”.

Councillor A V Smith gave the following response:

“The Fouling of Land by Dogs legislation has now been replaced by the Anti-social Behaviour, Crime and Policing Act 2014. (ASB Act).

The existing Dog Control Orders expired on 17th October 2017 and automatically convert to Public Spaces Protection Orders (PSPOs) under the ASB Act. However, the Council’s Environmental Protection Team has undertaken a public consultation exercise to review the previous orders and this was concluded on 25th October 2017.

The Lead Enforcement Officer is now compiling a report based on the responses received which will lead to the formal adoption of a new set of PSPOs by 31 March 2018. These remain in place for a maximum of 3 years when the Council will have to review and if required re new. There is no requirement for further consultation unless they require changing. The review continues every 3 years.

If members require further information on the orders please contact Clare Proudfoot – Environmental Protection Team Manager.

Electronic records begin in 2010 for the number of Fixed Penalty Notices (FPNs) issued for littering, fly tipping and dog fouling combined as follows:-

2010/11 – 113
 2011/12 – 91
 2012/13 – 96
 2013/14 – 104
 2014/15 – 46
 2015/16 – 15

Since April 2016 the Team now records the FPNs separately by offence. April 2016 to date, dog fouling – 5

Littering and Fly tipping FPN's since April 2016 to date – 96 plus 1 prosecution (Fly tipping)

Since apprehending offenders for dog fouling is notoriously difficult the Team have introduced the following proactive measures to catch offenders and educate the Public regarding dog fouling:-

- school education (assemblies and workshops)
- improved larger signage
- stencilling on pavements at hot spot areas
- letter drops to residents near to hotspot areas
- meet and greet parents at schools
- flag and tag (spraying) the fouling on grassed areas
- campaigns including Dog Watch winners 2016 Keep Britain Tidy innovation award and MJ award for innovation
- Dog Watch Schools premises officers provided with stencil kit and signs for school
- Dog Watch Stop Foul Play for marked pitches in the district
- Dog Watch Rural combating and preventing dog fouling on Private land in particular raising awareness of neospora parasite in dog faeces that causes abortion in livestock.
- talking signs
- "Report It" cards
- Patrols
- visiting suspected offenders
- Overt observations including CCTV (commenced in February 2017)
- Providing Parish Councils (at their request) with their own Dog Watch stencilling kit"

Councillor J Geary thanked Councillor A V Smith for a full and comprehensive reply. As a supplementary question, he referred to the increase in the number of prosecutions and penalty notices issued since 2015/16, and asked whether Councillor A V Smith could guarantee this increase would continue.

Councillor A V Smith responded that this could not be guaranteed, as if everyone picked up after their dog and did not fly tip, there would be no prosecutions and fixed penalty notices. She added however that the team would continue to do its best and were doing a wonderful job.

45. MOTIONS

Councillor S Sheahan moved the following motion:

“(a) That this Council:

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- i. notes the National Joint Council (NJC) pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint with claims referred to an appropriate sector pay review body;
 - ii. recognises the sacrifice made by public sector workers during seven years of wage restraint and the ongoing cuts to local government funding and calls on the Government to provide additional funding to fund a decent pay rise for NJC employees and the pay spine review.
- (b) That this Council therefore resolves to:
- i. call immediately on the LGA to make urgent representations to the Government to fund the NJC claim and the pay spine review and notify us of their action in this regard;
 - ii. write to the Prime Minister and Chancellor seeking additional funding to fund a decent pay rise and the pay spine review;
 - iii. meet with local NJC union representatives to discuss the pay claim and the pay spine review."

Councillor S Sheahan stated that the motion was part of a national campaign by the Trade Unions and he was pleased to put it forward. He added that the same motion had been put to Leicestershire County Council and he understood a very similar amendment would be put forward later in the debate. He summarised that austerity had gone on for a very long time, wages had not kept pace with inflation and the Council had a moral duty to recognise the sacrifice made by its staff.

The motion was seconded by Councillor N Clarke. He stated that there was a growing appetite in the country towards a decent pay rise for council and school workers and supporting this motion in its entirety would help give the government more confidence to make the right decision. He believed people were realising the benefits to all by giving a decent pay rise to public sector workers, which would boost retention rates, morale and performance. He concluded that the benefits outweighed the costs and he urged all members to support the motion.

Councillor R Blunt moved the following amendment to the motion:

"That this Council:-

- i. notes the National Joint Council (NJC) pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers and calls for the immediate end of public sector pay restraint with claims referred to an appropriate sector pay review body;
- ii. notes the sacrifice made by public sector workers during seven years of wage restraint and the ongoing cuts to local government funding;
- iii. calls on the Government to fully fund any agreed pay rise for NJC employees and the pay spine review to avoid further reductions in services".

Councillor R Blunt stated that he was very sympathetic to the impact of pay restraint over the past 7 years. He reminded members that every 1% pay increase added an additional £190,000 to the budget and this had to be paid for somehow. He added that the Council

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had adopted the living wage which had benefitted the lowest paid employees and this was a voluntary decision.

Councillor A V Smith seconded the motion and reserved her comments.

Councillor S Sheahan felt that the original motion was superior to the amendment and therefore he would vote against it; however he would support the amendment if it became the substantive motion.

The Chairman then put the amendment to the vote and it was declared CARRIED.

The Chairman then put the substantive motion to the vote and it was declared unanimously CARRIED.

It was therefore

RESOLVED THAT:

- a) The National Joint Council (NJC) pay claim for 2018, submitted by UNISON, GMB and Unite on behalf of council and school workers be noted;
- b) Council calls for the immediate end of public sector pay restraint with claims referred to an appropriate sector pay review body;
- c) The sacrifice made by public sector workers during seven years of wage restraint and the ongoing cuts to local government funding be noted;
- d) Council calls on the Government to fully fund any agreed pay rise for NJC employees and the pay spine review to avoid further reductions in services"

46. PETITIONS

No petitions were received.

47. MINUTES

Consideration was given to the minutes of the meeting held on 12 September 2017

It was moved by Councillor V Richichi, seconded by Councillor J Clarke and

RESOLVED THAT:

The minutes of the meeting held on 12 September 2017 be approved and signed by the Chairman as a correct record.

48. NORTH WEST LEICESTERSHIRE LOCAL PLAN

Councillor R Blunt presented the report to members and was pleased that Council was asked to formally adopt the Local Plan as it had been a long time in the making. He reminded members that the plan allocated land to meet the district's development needs during the period up to 2031. This would give the Council an element of control over where new development happens, and would help prevent inappropriate or unsustainable development. He highlighted that the Council was currently winning many more planning appeals than previously, and that was because independent inspectors were taking the new plan, and the very healthy supply of housing land with planning permission, into account when deciding appeals. He added that the healthy housing land supply, in particular, had been hard won. He acknowledged that Planning Committee Members had been asked to make tough choices over the last few years, and those difficult decisions

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were now translating into new homes on the one hand, and a healthy five year supply to allow the Council to defend appeals on the other. He emphasised the importance of maintaining housing land supply and urged members not to be complacent as this hard won position of strength was very easily lost, and once lost, was doubly difficult to regain.

Councillor R Blunt stated that the up to date Local Plan gave the Council a reputation as an authority that had delivered and this track record would help us bid for funding for better infrastructure to support our growth. He added that North West Leicestershire was a district that was open for business and would continue to support developers of new homes, jobs and infrastructure in our shared ambitions for the district. However the plan would help ensure quality homes were built in the right place. Local people and businesses would benefit, and new residents and businesses would be attracted to the area. He added that the Local Plan recognised the need to ensure planning contributes to enhancing the natural environment by making best use of green spaces for recreation and leisure, providing routes for walking and cycling, supporting wildlife and helping manage flooding.

Councillor R Blunt explained that the Local plan would continue to protect the green wedge between Coalville and Whitwick. Inspectors accepted the argument that to allow the unwanted and unnecessary housing development within the area of separation would be tantamount to precluding the south east Coalville major urban extension. He reported that viable, implementable planning permissions were within reach to deliver the flagship sustainable urban extension. He added that the growth in Coalville provided an opportunity for further regeneration within the town centre with the increased spending power new residents would bring to the town. He acknowledged however the importance of continuing the drive to improve the offer Coalville provides through leisure activities, night-time economy and the retail offer.

Councillor R Blunt reminded members that the Local Plan was not only about Coalville, but was about each and every community across the district, all of which had a unique offer. He made reference to the road changes underway at Ashby de la Zouch to improve the accessibility to the town, the striking new M&S food store and the permission granted for the first phase of the Money Hill scheme. He also referred to the Roxhill development at the Strategic Rail Freight Interchange in the northern parishes, which would provide more than seven thousand new jobs, as well as the long awaited new bypass for Kegworth which was already under construction. The road improvements at Kegworth would tie into the new SMART motorway works which Highways England was currently putting in place. This reflected our location within the logistics golden triangle, and the draft strategic growth plan recognised the potential for high quality housing to support those new jobs and infrastructure. He emphasised the importance of working with parishes around this area of significant development to ensure their town and village centres thrived in a changing landscape.

Councillor R Blunt was pleased that the plan had been prepared with active cross-party support, for instance Councillor J Legrys was in the chair at the Local Plan Advisory Committee when it resolved to recommend to Council that the plan be published and then submitted to the secretary of state. He reminded members that submission of the plan was the point of no return, and felt it was fitting that Councillor J Legrys was in the chair for that decision.

Councillor R Blunt thanked each and every member and officer who had contributed to the development of the Local Plan which he knew had been a significant amount of work. He gave special thanks to Councillor T J Pendleton, whose stewardship of the Regeneration and Planning portfolio continued to deliver for the district. He commended his professionalism and enthusiasm.

Councillor R Blunt moved the recommendations set out in the report, that the new Local Plan for North West Leicestershire be adopted.

The motion was seconded by Councillor J Bridges. He stated that the Local Plan gave more stability to the area. He referred to the cross party work of the Local Plan Advisory Committee which had sought comments from the parishes to ensure the Local Plan was robust. He stated that the situation was evolving and this was just the start. He added that the Council was a victim of its own success, as people wanted to live in and work in the district and employment was growing, however he believed the plan had been created with enough flexibility to control growth on behalf of the people of North West Leicestershire.

Councillor S Sheahan reiterated that the Local Plan had been a long time coming and was greatly needed. He hoped it would balance the needs of businesses with environmental concerns whilst proving the necessary infrastructure. He thanked all involved in producing the plan.

Councillor M B Wyatt stated that he did not recognise or support the Local Plan due to being denied the right to take part in the process.

Councillor M Specht expressed disappointment that only part of the village of Coleorton would now be considered sustainable under the new Local Plan. He added that the limits to development were not being extended. He felt this was contrary to the demand for more housing and the golden triangle of sustainability. He asked officers to explain how services could be sustained when organic growth was being strangled.

Councillor K Merrie thanked everybody involved in the creation of the Local Plan. He added that work could now progress with the Ellistown and Battleflat neighbourhood plan.

Councillor A C Saffell expressed concerns in respect of the heritage of the area. He referred to the comments which had been made and incorporated at the enquiry stage, which had subsequently been removed. He expressed disappointment that the inspector had changed his mind following the enquiry.

Councillor D J Stevenson commented that as Chairman of the Planning Committee, nobody could be more grateful for the adoption of the Local Plan than himself. He referred to the difficulties experienced by the Planning Committee and he hoped this would ease the situation.

Councillor J G Coxon welcomed the Local Plan and recognised the amount of work that went into producing it. He hoped that adoption of the Local Plan would help regularise some of the planning applications coming forward.

Councillor R Blunt thanked Councillor J Bridges for his positive comments. He advised Councillor M Specht he would receive a response to his very detailed question after the meeting. He stated that he shared Councillor A C Saffell's disappointment in respect of the points raised relating to heritage. He commended Councillor D J Stevenson and said that his role as Chairman of the Planning Committee was incredibly valued, and he hoped the adoption of the Local Plan would ease the situation. He confirmed that more funding would be allocated in the budget to Planning Enforcement.

The Chairman then put the motion to the vote and it was

RESOLVED THAT:

- a) The Inspector's report and his recommendations to make the Local Plan sound be accepted, as set out in Appendix A of this report;

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- b) The additional modifications be approved as set out in Appendix C of this report, subject to any amendments recommended in Appendix D of this report;
- c) Authority be delegated to the Strategic Director of Place in consultation with the Portfolio Holder for Regeneration and Planning to make any further additional modifications to address typographical errors or factual corrections;
- d) The policies map be amended to take account of any consequential changes arising from the main or additional modifications;
- e) The North West Leicestershire Local Plan be adopted as set out in Appendix E of this report;
- f) An adoption statement and the final sustainability appraisal report be issued in accordance with Regulations 17 and 26 of the Town and Country Planning (Local Planning) Regulations 2012; and

Officers be authorised to commence work on a review of the Local Plan within 3 months of the adoption of the Local Plan.

49. POLICY DEVELOPMENT GROUP ANNUAL REPORT

Councillor M Specht presented the report to members as Chairman of the Policy Development Group. He thanked all members of Policy Development Group for their sterling cross-party work and input over the last 12 months. He stated that he met regularly with senior officers to consider the work programme. He added that Policy Development Group had a clear purpose with clarity on call-in arrangements and made reference to the terms of reference set out in the report. He also mentioned the proposal to increase the number of meetings from 4 per annum to 6. He outlined the issues considered by Policy Development Group in the last year as set out in the report.

Councillor J Geary stated that the Labour Party had always been in favour of strong and meaningful scrutiny. He expressed concerns in respect of the call-in arrangements which allowed a maximum of 4 call-ins per year and prevented a member from signing a further call-in request for a period of 3 months. He understood that the reason for these restrictions were to prevent abuse of the call-in process, however there had been no record of this taking place. He felt that these restrictions detracted from open scrutiny and he would like to see them removed in future.

Councillor R Blunt expressed thanks to Councillor M Specht and his ability to chair the meeting and command respect from both sides. He referred to the point raised by Councillor J Geary in respect of the restrictions on call-in and said that he was not aware of a reason for these restrictions.

Councillor N Clarke thanked Councillor M Specht for chairing the meetings well.

Councillor M Specht suggested that the restrictions on call-in could be considered by Policy Development Group at a future meeting.

It was moved by Councillor M Specht, seconded by Councillor J Geary and

RESOLVED THAT:

The Annual Report be received and endorsed.

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50. UPDATE TO THE COUNCIL'S CONSTITUTION

Councillor N J Rushton presented the report to members. He stated that the proposals would facilitate an increase in the number of Policy Development Group meetings, and would amend the definition of a Key Decision to increase the amount of decisions taken on contracts considered as business as usual. He commented that this was not a significant change and the Contract Procedure Rules would be amended to reduce bureaucracy.

Councillor T Gillard felt that the proposals were good for scrutiny.

Councillor A C Saffell made reference the page 77 of the agenda and at the meeting of Policy Development Group he had pointed out the Constitution itself was very bloated and with every alteration it became longer. He added that some of the repetitive items needed to be removed. The Deputy Monitoring Officer had invited him to highlight those parts which should be removed and he was in the process of doing so.

It was moved by Councillor N J Rushton, seconded by Councillor T Gillard and

RESOLVED THAT:

- a) The amendments to the Constitution be approved as set out in paragraph 3.6, 4.8 and 4.12 of the report and as set out in appendices 1-3 of the report to Policy Development Group.

The Head of Legal and Support Services be authorised to make the agreed amendments and any consequential amendments to the Constitution and re-issue the document.

51. LEISURE SERVICES PROJECT

Councillor A V Smith presented the report to members, emphasising the scope and scale of the project, the approval of which would require the highest level of oversight, as it would undoubtedly have an impact upon the Council's budget and service delivery for years to come. She added that it also triggered the Head of Paid Service's duty under Section 4 of the Local Government and Housing Act 1989 to report to all members of the Council on changes to the exercise of Council functions. She made reference to report to Cabinet on 1 November and the decisions and recommendations made at that meeting. She stated that it would not come as a surprise to members of council or the general public to hear that a project the scale and size of the leisure project represented a significant financial investment for the council and a considerable amount of time and resources had been expended on making sure the figures stacked up. She added that due to the commercially sensitive nature of the financial implications associated with the outsourcing business case, it was necessary that the detailed financial information regarding the project's affordability modelling, funding proposals and impact on the council were restricted and as such they were presented in the confidential Appendix A which accompanies the report.

Councillor A V Smith advised that in arriving at a decision to proceed with the A511 site, Cabinet had regard to information from detailed site investigations and surveys carried out by the specialist building consultancy group CBRE, which included intrusive ground investigations, ecological assessments, traffic surveys and highways and vehicular access. Cabinet had commissioned this work to provide confidence to the Council in making the next key decisions in the project.

Councillor A V Smith stated that the reasons for building a new leisure centre were many and varied but in short the existing 40 year old leisure centre at the Hermitage site, whilst popular and well used, was increasingly unable to meet the expectations as well as the

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current and future demands of the 21st century leisure user. The sports hall, swimming pool and the fitness suite were all too small to meet current demand and an increasing number of customers were becoming frustrated at the difficulties they were experiencing when trying to book facilities which had resulted in some users moving to use facilities elsewhere. The proposed new leisure centre with its enhanced facilities and services on offer would not only address the issue of current and future demand but would also play a critical role in achieving the Council's vision, contributing to delivery of the Council's five priorities as set out in its Corporate Delivery Plan as well as being a major contributor to the outcomes of the Council's emerging Health and Wellbeing Strategy.

Councillor A V Smith commented however that the proposed outsourcing was not just about building a new facility and she drew members' attention to the fact that the Hood Park Leisure Centre in Ashby was also included in the outsourcing proposal. As such the new operator would also be responsible for the operational management and business development of the building, staff, programmes and activities at Hood Park. She acknowledged that the leisure offer at Hood Park was very different from that provided at the Hermitage Leisure Centre; the lido at Hood Park being a unique and iconic leisure facility and one of only a handful of such pools still operating in the country. She added that the lido was a very well-used facility and provided a leisure experience to residents and visitors that few local authorities were able to offer and she expressed pride of that fact. She added that the preservation and future of the lido would be a key consideration for any incoming operator, and the operator would need to satisfy the Council that there would be an ongoing programme of capital and revenue investment in all aspects of the Hood Park Leisure Centre. This investment would ensure that Hood Park as well as the new leisure centre will continue to develop and improve its leisure offer to users over the 25 years of the contract. She hoped members would agree that the future of the leisure services and the leisure provision in North West Leicestershire was both stimulating and exciting and she commended to Council the recommendations on page 80 of the report.

The motion was seconded by Councillor N J Rushton.

Councillor N J Rushton advised that in July, early financial modelling had estimated that the Council could be £334,000 better off within 40 years as a result of the sports and leisure project. This was based on the Council funding the cost of the new facility using internal funds and saving £200,000 per annum in corporate overheads. Since then, financial consultants Ernst and Young had been engaged to assess the affordability of the project and the likely financial position that the Council could achieve through the sharing of risk and reward within a Design, Build, Operate and Maintain contract.

Councillor N J Rushton explained that in the detailed financial modelling, the main assumptions in respect of the new facility had been derived from the report produced by The Sports Consultancy in 2016. Other key assumptions included that the Council would achieve £200,000 per year savings in corporate overheads and following confirmation from the Council's Actuary, there would be no additional pension costs arising on the transfer of leisure staff to the new operator. The cost of the new facility had been estimated at £19.475 million which included an allowance for current and future inflation. The building would be funded through a mix of internal borrowing from existing reserves, capital receipts from the sale of surplus council owned land, some Section 106 developer contributions and external borrowing; the details of which were covered in the confidential Appendix A and could be discussed in private session.

Councillor N J Rushton reminded Members that any further internal funding committed towards the project would reduce the level of external borrowing required. He advised that two scenarios for the sharing of risk and reward under the DBOM contract had been considered, each of which presented different results in respect of the Council's financial position. Cabinet agreed on 1 November that the preferred financial construct as a stance for negotiations with contractors under the competitive dialogue route was that the

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operator received all profits up to 8% of income, but suffered all losses and shared profit with the Council on a 50:50 basis above the 8% income level. He summarised that the financial modelling undertaken had shown that the Council could expect to break even over the 25 year life of the contract and repay the external borrowing. Over the 40 year life of the new facility, the Council could expect to improve its financial position by £3 million.

Councillor S Sheahan thanked officers for their efforts to ensure the proper amount of challenge and scrutiny had been facilitated and particularly for allowing this debate to take part in open session. He added that this meant a lot to the people attending the meeting. He stated that the Labour Group had agreed to a free vote and this had not been an easy decision. He commented that there was a lot to like, but a lot to be concerned about. He assured members the Labour Group would continue to scrutinise this project closely to ensure the best outcome for the local community.

Councillor M B Wyatt stated that he was not convinced by the business case or the Portfolio Holder that this was the best site to provide benefits to the town centre. He stated that Coalville would not benefit from this location. He stated that he could not support the recommendations and commented that the administration seemed to be more interested in privatisation than supporting the town which continued to decline.

Councillor F Fenning stated that he was not persuaded he could support the recommendations. He added that he had seen many attempts to re-galvanise Coalville. He commented that the proposal would reduce the total number of staff by 30% and he expressed concerns about the impact this would have on service provision. He referred to staff losses in other areas.

Councillor D Harrison sought to raise a point of order that the comments made were too detailed and negative.

The Chairman stated that he was happy to accept all comments that did not relate to the financial detail in the confidential section of the report. He asked Councillor F Fenning to continue.

Councillor F Fenning stated that he had a leisure centre in his area and he expressed concerns that there would be insufficient staff to support it. He also expressed concerns regarding the loss of income and the lack of control.

Councillor M Specht commented that he did not recall Councillor M B Wyatt declaring an interest as a business owner. He felt that the new Leisure Centre was not going to be a major factor in the economy, however it would provide a state of the art, fit for purpose facility to benefit residents across North West Leicestershire. He added that any member who had visited the Leisure Centre at Hinckley could not fail to have been impressed by the facilities, location and staff. He referred to the news report about Whitwick this morning regarding air pollution in Leicestershire. He reminded members that when the Leisure Centre had been built some 40 years ago there were less cars on the street, and now it was a nightmare to get to and from it. He commended everyone involved in putting the report together.

Councillor N Smith felt that this was an exciting opportunity for North West Leicestershire as the existing Leisure Centre was out of date and was of an insufficient size for events. He added that leisure today was a business and this was best run by the professionals. He commented that he was aware that colleagues in the Northern Parishes would like a leisure centre but in reality this would not be viable due to the number of health clubs in hotels. He urged members to support the proposals.

Councillor D Harrison stated that this was a great moment for North West Leicestershire and members ought to be proud. He made reference to the major financial commitment

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and the huge benefits the new Leisure Centre would bring to North West Leicestershire and to Coalville in particular. He felt that the location was fantastic, particularly for Whitwick as this facility would still be provided in the community and would prevent residential development on the green wedge.

He made reference to the concerns raised regarding the loss of staff and commented that they would have a lovely working environment and the Council would retain control. He complimented the Leader and Deputy Leader on their resilience in progressing this project. He also complimented the Chief Executive and her team.

Councillor R Canny commented that committing such a large amount of money to one project was brave and courageous and she commended the proposals. She made reference to the small swimming pool in Castle Donington which sadly had lost support once the school became an academy. She stated that people in Castle Donington would not be able to catch a bus to visit the Leisure Centre and there were lots of ordinary people in Castle Donington who could not afford to use the health clubs in hotels. She urged members to consider the future in Castle Donington as the area had taken a lot of development.

Councillor G Jones commented that location was key and was why this project would be a success.

Councillor N Clarke felt that the proposals were a great benefit for the town. He added that Hermitage Leisure Centre was tired, and as it was not possible to redevelop it, a new facility was the right option. He stated that the investment in the project was huge and the Labour Group were cautious about the risks involved. He thanked the Chief Executive for taking on board many of the comments made. He made reference to the sale of land at Cropston Drive and he hoped that the eventual developer would provide 20% affordable housing and that the Council would pursue this. He stated that this land was originally for Council housing and the developer should recognise that. He thanked the Leader and Chief Executive for addressing the issue of 0 hour contracts. He welcomed the removal of the sale of the land at Hermitage Leisure Centre from the scope of the project.

Councillor J G Coxon commented on the uniqueness of Hood Park and was pleased the Council was showing an interest in it. He welcomed the creation of the leisure quarter in Ashby as well as the new car park. He felt that a rebranding of the Leisure Centre should be considered as many did not recognise the significance of the name Hood Park.

Councillor D Everitt felt the location was excellent and he hoped the town centre would benefit.

Councillor R Blunt thanked members for an excellent debate. He commented that the administration took the idea of outsourcing staff very seriously indeed and added that not a single post had been outsourced in the 10 years he had been Leader of the Council and he expressed pride at retaining services in-house. He believed however that at this stage, the benefits outweighed the impacts. He stated that scrutiny of this major investment from all parties was welcomed.

In response to the comments made by members, Councillor R Blunt stated that 30% of staff in Ibstock were not being lost, but being transferred. He reminded members that leisure was a discretionary service and this project provided a once in a lifetime opportunity to safeguard this service in the face of future funding worries. He emphasised the importance of ensuring appropriate development of the land at Cropston Drive which was in the Council's control. He thanked members for their support of the project.

Councillor N J Rushton reminded members that the Council aimed to provide the best possible services with the funding that was available, and the new Leisure Centre would be managed in partnership. He added that spending £20 million was a big decision which

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was why the location was of prime importance. He said that this was not just a Leisure Centre for Coalville, but for the whole district.

Councillor M B Wyatt expressed concerns regarding the funding sources for the project.

Councillor A V Smith assured members that progress would be reported to Policy Development Group on a regular basis and she assured members that no funding was being diverted from the Coalville Project. She advised that some of the leisure staff were being retained to work at the pools at Ibstock and Measham. She stated that health and wellbeing was a priority, as 25% of the nation were obese and it was important to get people moving and active. She advised that North West Leicestershire were performing well in terms of having a healthy population. She stated that the new Leisure Centre would take 150 car movements out of Whitwick per day and discussions had been taking place around bus services. She commented on the uniqueness of Ashby Lido and discussions around the name of the leisure centre

The Chairman then put the motion to the vote and it was declared CARRIED.

It was

RESOLVED THAT:

- a) The financial and affordability model in respect of the project be approved, including the requirement to borrow externally and consequential changes to the budget and policy framework.
- b) The outcome of the ground investigations of the A511 site be noted and Cabinet's recommendation that the site be approved as the location for the new Leisure Centre be endorsed.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.31 pm

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