

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

Time/Date 6.30 pm on TUESDAY, 20 MARCH 2018
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)



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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. APOLOGIES FOR ABSENCE	
2. 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'.	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. 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 about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	

5. 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.

6. 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.

7. MOTIONS

To consider the following motion submitted by Councillor R Adams:

"This Council acknowledges Prime Minister Theresa May's recognition of a national crisis in housing, in her speech to the Royal Town Planning Institute conference earlier this month. The Council also notes with interest the comments by the (Tory) Chairman of the Local Government Association, Sir Gary Porter, in response to the Prime Minister's speech, saying that nothing will change unless more council houses are built.

This Council is intent on playing its part in tackling the national housing crisis to the fullest extent and pledges to do everything possible to close the gap in the amount of suitable social housing available in North West Leicestershire. We will -

Commit our current £16 million borrowing headroom to fund an accelerated programme of new-build council housing

Utilize compulsory purchase powers to maximum effect to bring sites or properties that are in disrepair and empty houses back into use

Lobby Government to reform the Right to Buy, lift restrictions on the re-investment of the Council's £5 million housing Capital Receipts and relax HM Treasury rules on borrowing to fund new council house schemes so that in the future, Councils will be able to respond in a timely manner to identified local housing needs".

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 27 February 2018.

Item		Pages
10. OUTCOMES OF THE PLANNING PEER CHALLENGE		
	Report of the Chief Executive.	21 - 58
11. COUNCIL DELIVERY PLAN 2018/19		
	Report of the Chief Executive Presented by the Leader	59 - 82
12. GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT		
	Report of the Strategic Director of Place Presented by the Regeneration and Planning Portfolio Holder	83 - 110
13. REVIEW OF STREET TRADING POLICY		
	Report of the Strategic Director of Place Presented by the Community Services Portfolio Holder	111 - 128
14. GENDER PAY GAP REPORT 2018		
	Report of the Chief Executive Presented by the Leader	129 - 136
15. PAY POLICY STATEMENT 2018/19		
	Report of the Chief Executive Presented by the Leader	137 - 146

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MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 27 FEBRUARY 2018

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, T Eynon, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, G Hoults, J Hoults, R Johnson, G Jones, J Legrys, S McKendrick, T J Pendleton, 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: J Arnold, Ms T Ashe, Mr G Jones, Mrs M Long, Mrs M Meredith, Mrs B Smith and Miss E Warhurst

55. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors K Merrie and P Purver.

56. DECLARATION OF INTERESTS

Councillor S McKendrick declared a non-pecuniary interest in item 10, Budget and Council Tax 2018/19, as a trustee of Moira Furnace.

During the debate Councillor F Fenning declared a non-pecuniary interest in item 10, Budget and Council Tax 2018/19, as a voluntary debt counsellor.

57. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

The Chairman stated that 2017 had been a sad year for many people in many ways and he referred to various tragedies which had occurred. He felt that one should never be afraid to speak out against injustice.

The Chairman believed that the council was going to go from strength to strength with the Chief Executive at the helm. He expressed pride in being associated with the council and felt that success needed to be publicised.

The Chairman made reference to the numerous functions he had attended in aid of various charities and he urged all members to attend his charity dinner on 6 April.

58. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader announced that on 16 January, Cabinet approved the next steps in our journey to deliver a new Marlborough Square in Coalville. He stated that he was particularly pleased that the redesign had been drawn up alongside local businesses and organisations that use the square including the bus and taxi companies and unanimous support had been received. He explained that the work formed part of the council's Choose Coalville project, which aims to regenerate and build confidence in the town. He added that this development saw North West Leicestershire District Council investing a further £1.1 million in the town. He referred to the local desire to make Marlborough Square a great place so it could be a central point in the town and a place that people wanted to go to and enjoy. He stated that the plans would remove the existing clutter and create a flexible space that could be used for many activities including outdoor markets and cultural events. He reported that Leicestershire County Council had now been commissioned to carry out detailed design work which would lead to a public exhibition and any further refinement of the design proposal. Once approved it would

take up to six months to carry out the work, with the new square expected to be completed by winter 2018/19.

The Leader thanked all those involved in the Planning Peer Challenge Review which took place on 13– 15 February. He advised that the written report was still awaited but members and officers had had the opportunity to hear face to face directly from the peer team at the end of the three day process. He emphasised that the Peer Review had been invited in as a critical friend and as a key supporter in the council's journey of continuous improvement. He stated that the team had reminded us that many things were working well and we have a lot to build on including our high level of performance, our strategic joint working across the County on strategic growth and having a local plan adopted with a 5 year housing land supply. He commented that the passion and commitment of ward members to support and make a difference in our communities had also been clearly seen by the Group. However, several key recommendations were made at the briefing which would provide us with an opportunity to make improvements to our services. This would ensure that the customer experience and perception of planning and transparency of decision making can be of the highest standards. He gave his commitment to work jointly across political groups and with the Chief Executive to develop an action plan which would need to be owned and delivered jointly.

The Leader announced that the business rate pilot bid had not been successful, however it had been indicated that there would be a second round of pilots it was hoped that a future bid would be successful.

The Leader provided an update on the former bus station as Ashby Road. He reassured members that action was being taken to monitor the current situation and work with the owner of the site. He added that officers were in regular contact with the owner who had invested a significant amount in the site and wanted to develop a car show room in line with the approved planning permission. He stated that the current condition of the site was of concern and was being kept under observation, however, there was security fencing around the site and a contractor was being employed by the owner to secure the site. He added that the Council would maintain a regular dialogue with the owner and keep up the pressure to bring forward this scheme.

Councillor J Legrys stated that he fully supported the work on Marlborough Square however he commented that there was a long way to go and he was not convinced it would be completed by Christmas 2018. He thanked and commended the Chief Executive for bringing the peer review team to the council and looked forward to receiving the report. In respect of the former bus station, he stated that lots of people were becoming angry and frustrated. He referred to the issues with fly tipping at the site. He understood that the land was not in the council's ownership however he asked that this matter continue to be pursued.

Councillor N Smith welcomed the support from Councillor J Legrys on the Marlborough Square development. Regarding the peer review, he felt that the recommendations should be implemented, as there was no point inviting comments from a critical friend and then ignoring them. He agreed with the comments made in respect of the former bus station.

Councillor M Specht thanked the Chief Executive for instigating the peer review. He commended the team and stated that the recommendations had to be taken on board cross-party. He commented that most planning authorities undertook a peer review when they were close to special measures. He pointed out that the council also had the luxury of having the local plan in place.

The Leader thanked Councillor J Legrys for his support for the Marlborough Square project and felt that Coalville projects had to be supported by the three main political

parties. He thanked the Chief Executive for bringing about the peer review and welcomed the cross-party support. He added that this matter should not be political.

The Community Services Portfolio Holder provided an update on the leisure project and reported that the process of finding a partner to build a leisure centre in Coalville and to manage that and Hood Park had begun with interest submissions due this week. She advised that the project team would assess the submissions and shortlist up to 5 bidders to take forward. A further member briefing session would take place on 3 April would provide an update on the shortlisting process and an opportunity for members to help guide and shape the key social, health and community outcomes for the next stage of the procurement.

The Community Services Portfolio Holder announced that Hermitage Leisure Centre had been inspected by QUEST, a nationally recognised scheme that assessed how well leisure centres were being managed. She reported that the score had increased from good in 2004 to very good in 2018. Of particular recognition was the ongoing commitment to continuous improvement, the learn to swim scheme, the high regard of members for the centre, and team and skills development. It was evident that the workforce was motivated and she congratulated all leisure staff for improving their score.

The Community Services Portfolio Holder highlighted the results of the waste satisfaction survey, drawing particular attention to the impressive response rate, the consistently high overall satisfaction rate of 93% and the improvements in satisfaction with town centre cleanliness. She congratulated the waste team for their efforts especially in the recent bad weather conditions. She added that a recycling strategy would be developed this year and she hoped to considerably increase the current recycling rate of 46.7%.

Councillor N Clarke asked what plans were in place to increase the recycling rate as this had been at the same level for a number of years and particularly considering the importance of recycling income.

The Community Services Portfolio Holder acknowledged that the rates had remained static, however she assured members that with a new Chief Executive and Strategic Director of Place now in post, plans were being progressed to increase the rates.

The Housing Portfolio Holder provided an update on affordable housing provision and announced that this year the council had acquired 26 affordable houses from developments. He highlighted planned and pending developments which would provide additional affordable housing in Ashby de la Zouch and Measham, and in particular the 6 new affordable houses being built at Linford and Verdon. He stated that this was the first time affordable housing had been built by the council in a generation.

The Housing Portfolio paid tribute to Pauline Innett, a former tenant who had recently passed away. She was a very enthusiastic member of several tenants' working groups. She was a founding member of the Green and Decent programme which resulted in the selection of air sourced heat pumps as the replacement for solid fuel heating systems in off-gas areas. He reported that there were 400 houses in off-gas areas which would receive their replacement heating systems from March.

The Housing Portfolio Holder announced that a further 2 families had been housed in the district under the Syrian refugee project. Both families had settled in with support from the county wide scheme co-ordinator and the children had started school.

59. QUESTION AND ANSWER SESSION

There were no questions received.

60. QUESTIONS FROM COUNCILLORS

Councillor J Legrys put the following question to Councillor A V Smith;

“Mantle Lane Rail Bridge Coalville – Improvement to Environment

I refer to the response to my question to for council on 12 September 2017.

I am grateful the work carried out so far by the council’s environmental teams.

I would appreciate an update to the suggested improvements made by Cllr Smith on 12 September 2017”.

Councillor A V Smith gave the following response:

“As you will be aware Mantle Lane Bridge and associated areas are the responsibility of Network Rail however, colleagues from our Environmental Protection Team and Street Cleansing Team continue with their effects to keep on top of the improvements to the environment of this area. These teams actively carry out the following duties to sustain this approach as follows:-

Big Spring Clean

We are again joining in with this initiative on 3rd March 2018 and will include the same areas as last year.

Street Cleansing

Street cleansing attend the area regularly and sweep where they can including the areas where there are bird droppings, they also litter pick the steps.

East Midlands Housing

Our Enforcement Team have visited residents and discussed issues regarding bin/boxes being left out, they have confirmed this have proved successful and closed the case.

Traffic Management

Street Cleansing take every opportunity to ‘jump on’ to road closures to cleanse where they wouldn’t normally be able to.

The teams will continue to work together and proactively in maintaining these improvements. I would also reiterate my offer made in my response of Sept 2017 regarding the Government’s Litter Innovation Fund available through DEFRA. We would be happy to offer support to you with an application if you decided you wanted to apply for a grant”.

As a supplementary question, Councillor J Legrys requested that action be taken to clear the vegetation that was growing around the bridge when work was being undertaken there on 3 March.

Councillor A V Smith agreed that Mantle Lane Bridge was an ongoing problem and she could see no reason why the vegetation could not be cleared. She emphasised the importance of improving the area as it was viewed as a gateway to the town, particularly with the planned improvements to Marlborough Square.

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

“For each of the years 2010/11 to 2016/17 please provide the number of NWLDC council houses sold under the right to buy, disposed of by other means, new build and acquisitions. Please also provide the latest projections for 2017/18 and for each year, show the net change to the housing stock.”

Councillor R D Bayliss gave the following response:

“Please find detailed in table 1 below the relevant figures as requested for the housing stock owned by NWLDC. Although the level of Right To Buys are largely outside the control of the Council, you will note that as part of the Council’s New Build programme at Linford and Verdon Crescent, Coalville the first new homes (6 in total) will be handed over before the end of March 2018.

A total of 26 new homes in 2017/18 at Ashby (across two sites) and Measham have also been added to the Council’s housing stock as part of s106 agreements with developers.

Whilst the disposals in 2017/18 included 10 flats at Westgates, Ibstock this site is being developed by East Midlands Homes to deliver 13 homes for affordable rent.

Table 1 - North West Leicestershire District Council – Changes in Housing Stock

Year	RTB	Other Disposals	New Build	Acquisitions	Net change
2010/11	4	8	0	0	-12
2011/12	2	0	0	0	-2
2012/13	15	0	0	0	-15
2013/14	36	14	0	0	-50
2014/15	23	0	0	0	-23
2015/16	33	0	0	0	-33
2016/17	45	1	0	1	-45
2017/18*	47	11	6	26	-26

*2017/18 = forecast numbers

It should also be noted that housing associations continue to produce new homes which increase the supply of affordable housing as described in table 2 below.

Table 2 - Delivery of New Homes by Registered Providers

Year	Total Affordable homes delivered by Registered Providers
2010-11	63
2011-12	60
2012-13	91
2013-14	157
2014-15	117
2015-16	126
2016-17	140
2017-18 (to end of 3 rd Quarter)	110

When these are combined with movements in the Council's housing stock, table 3 below shows that in each of the last three years (2014/15, 2015/16, and 2016/17) the total supply of affordable homes in the district increased by 94 homes, 93 homes and 95 homes respectively.

Table 3 – Net Changes in Affordable Housing in North West Leicestershire

Year	Number of Affordable Homes delivered by Registered Providers	Net change in Council Housing Stock	Increase in affordable housing within the district
2010-11	63	-12	51
2011-12	60	-2	58
2012-13	91	-15	76
2013-14	157	-50	107
2014-15	117	-23	94
2015-16	126	-33	93
2016-17	140	-45	95
2017-18 (to end of 3 rd Quarter)	110	-26	84
TOTAL			658

Councillor R Adams stated that the Labour Group supported the building of social housing as long as it was suitable social housing. He added that he would like to recognise and support people's aspirations to own their homes. As a supplementary question, he asked if the Portfolio Holder would agree that the right to buy scheme introduced by the Conservative government in 1980 and supported by successive governments, including Labour governments, was outdated and in desperate need of review being 38 years old. He also asked if the Portfolio Holder would agree that as the figures from across the country showed that only one new property was being built for every 5 sold under right to buy, our housing stock was a valuable but dwindling resource and that meant there were longer waiting times for people in need of suitable social housing. He asked that the Portfolio Holder provide details of the total market value of council houses sold in the district since 2011 under the right to buy scheme and the total amount of discounts given for the same period.

Councillor R D Bayliss responded that he could not comment on the right to buy scheme. He would seek verification on the figures relating to the build ratio and the market value and a response would be provided after the meeting.

Councillor N Clarke put the following question to Councillor A V Smith:

“As you are probably aware, the inappropriate use of motorcycles on the recreational ground off Cropston Drive continues to be a problem. In recent time this issue has even meant disruption to football matches. It also creates considerable work for our parks and gardens department in repair and maintenance of the football pitches.

I understand the Community safety and Community focus teams together with the Police have been working hard to help resolve the situation. However, the problem continues and the present situation is not acceptable.

Can the portfolio holder please give assurances that;

- 1) Section 59 signs will be erected at the Cropston Drive site without delay.
- 2) The Council makes available proper time and resources in order to make the Cropston Drive recreational ground less accessible to motorcycles.
- 3) Continues to work with the Police, Football Club, local members and other agencies where appropriate in order to help find a solution to this problem”.

Councillor A V Smith gave the following response:

“Controlling inappropriate access to this sportsground is problematic given the range of access points and paths and its vital role as local open space.

The problem with the inappropriate use of motorcycles is sadly an issue across the district in a number of areas. The current issue at Cropston Drive is very much a policing issue and we are working in partnership with them and the football club to resolve the matter. We will be erecting appropriate signage shortly which will enable swifter action to be taken by the police. We are also encouraging the public to continue to report all incidents to 101 (telephone or online) as this will help build a picture of the timing and regularity of the incidents which will help the police take action.

The council's grounds maintenance team are also proactively maintaining the grounds to enable the football club's matches to be played including repairing the fencing in a timely manner as and when any vandalism occurs. We will continue to work with the police and local stakeholders and prosecute offenders where appropriate. We are also working with partner agencies including Warning Zone to educate local young people on the problems caused by off road motorcycling”.

As a supplementary question, Councillor N Clarke asked whether the Portfolio Holder believed that the significant reduction in police officers in North West Leicestershire due to cuts from government in recent years had had a detrimental effect on providing a resolution to this type of anti-social behaviour and other criminal activity.

Councillor A V Smith responded that the motorcycles churning up our fields was a significant problem however she felt it was not appropriate for her to comment on police figures. She added that officers were working on this issue and it was a case of working together.

61. MOTIONS

No motions were received.

62. PETITIONS

No petitions were received.

63. MINUTES

Consideration was given to the minutes of the meetings held on 21 November 2017 and 23 January 2018.

Councillor S Sheahan referred to the minutes of the meeting held on 21 November 2017 and requested that his statement on page 19 be amended to read “he stated that the labour group had agreed to a free vote and this had not been an easy decision”.

Councillor M Specht referred to the observation he had made in the minutes of the meeting held on 21 November 2017 regarding the Local Plan and the alterations to the

limits to development in Coleorton. He reported that to date he had not received a response to his question.

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

RESOLVED THAT:

Subject to the above amendment, the minutes of the meetings held on 21 November 2017 and 23 January 2018 be approved and signed by the Chairman as a correct record.

64. BUDGET AND COUNCIL TAX 2018/19

Councillor N J Rushton presented the report to members. He highlighted the recommendation to freeze the council tax for the ninth consecutive year giving an average saving of £5 in 2018/19 to council tax payers and a total saving of over £150 since the freeze was first introduced in 2010. He drew members' attention to the projected surplus in the general fund budget of £299,000, the favourable movement in the council tax base and the significant increase in business rates income due to the high level of growth in the district. He advised that nearly £3 million would be received in new homes bones due to the planning permissions granted. He explained the proposal to start a self-sufficiency reserve, transferring £9,000 of existing general fund balances and committing to transfer surpluses arising from 2017/18 and 2018/19. He added that the fair funding review would take place in 2021 and establishing a self-sufficiency reserve was a prudent measure in preparation for this. He explained that council house rents would reduce by 1% in line with the government's four-year rent reduction strategy. He referred members to the draft budget summary at appendix 4a with a projected balance of £2.9 million being paid into the loan redemption reserve. Council were asked to approve the Capital Programmes for 2019/20 – 2022/23 for indicative purposes only.

Councillor N J Rushton moved the recommendations as set out in the report. The motion was seconded by Councillor R Blunt who reserved his comments.

The Chairman referred to the amendments to the motion which had been circulated in the additional papers. He invited Councillor A C Saffell to put forward his amendment.

Councillor A C Saffell spoke to his amendment and stated that as the staff budget was such a large proportion of the total budget, you would imagine that this would have reduced, however the council was employing more staff than ever before. He felt that this was a shocking state of affairs and something needed to be done. He added that his proposal was good practice in many private sector businesses and it invigorated the whole organisation. He felt that it was time to implement similar measures with a new Chief Executive in post. He expressed shock at the amount of money spent on staff and highlighted that reducing that figure by 20% would save £4 million. He moved the recommendation as set out in the additional papers.

Councillor R Canny seconded the motion, expressing concerns about the amount and cost of agency staffing.

Councillor S Sheahan commented that this was a disgraceful amendment and felt that it would be one of the worst business practices to put such pressure on staff in an organisation that as struggling to provide services. He stated that the amendment should be treated with the contempt it deserved.

Councillor N J Rushton exercised his right of reply and stated that he could not accept this amendment as this was a service based industry and a 20% cut could not be made without due consideration. He stated that the principle of looking into this issue was valid, particularly in respect of agency staffing. He advised that the Chairman of Policy

Development Group had given an undertaking to consider this matter further at a future meeting. He invited Councillor A C Saffell to withdraw his amendment.

Councillor M Specht reiterated that as Chairman of Policy Development Group he was more than happy for the committee to give this issue further consideration.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Amendment to the Budget submitted by Councillor A C Saffell	
Councillor Ron Adams	Against
Councillor Graham Allman	Against
Councillor Robert Ashman	Against
Councillor Roger Bayliss	Against
Councillor Richard Blunt	Against
Councillor Russell Boam	Against
Councillor John Bridges	Against
Councillor Rachel Canny	For
Councillor John Clarke	Against
Councillor Nick Clarke	Against
Councillor John Cotterill	Against
Councillor John Coxon	Against
Councillor David Everitt	Against
Councillor Dr Terri Eynon	Against
Councillor Felix Fenning	Against
Councillor John Geary	Against
Councillor Stuart Gillard	Against
Councillor Tony Gillard	Against
Councillor Louise Goacher	Against
Councillor Dan Harrison	Against
Councillor Gill Houtt	Against
Councillor Jim Houtt	Against
Councillor Russell Johnson	Against
Councillor Geraint Jones	Against
Councillor John Legrys	Against
Councillor Susan McKendrick	Against
Councillor Trevor Pendleton	Against
Councillor Paula Purver	Against
Councillor Virge Richichi	Against
Councillor Nicholas Rushton	Against
Councillor Tony Saffell	For
Councillor Sean Sheahan	Against
Councillor Nigel Smith	Against
Councillor Alison Smith MBE	Against
Councillor Michael Specht	Against
Councillor David Stevenson	Against
Councillor Michael Wyatt	Abstain
Rejected	

The motion was declared LOST.

The Chairman invited Councillor S Sheahan to put forward his amendment.

Councillor S Sheahan spoke to his amendment and stated that the £25,000 for the Citizens advice Bureau would fund an advice worker for universal credit issues. He added that since the universal credit had been introduced the Citizens Advice Bureau had seen increased hardship, eviction rates and increased workloads. He commented

that the proposal would avoid unnecessary hardship for our tenants and reduce pressure on other serviced. He added that the workload could be reviewed after 6 months. In respect of the air quality action plan, the funding could be utilised to support additional research or targeted monitoring depending upon what would give the greatest benefit.

Councillor F Fenning seconded the motion and reserved his comments.

Councillor T Eynon stated that this money was sitting in a small corner of the budget and needed to be utilised for something useful. She added that according to the money advice service, this council employed bailiffs for 3000 cases, representing an increase of 120%. She reiterated that some tenants would struggle with the introduction of the universal credit. She explained that the use of bailiffs added 7.5% onto the debtor's bill, and resulted in the council having to spend more on people that were already struggling. She felt that eliminating the use of bailiffs seemed an eminently sensible and compassionate measure, and would not the council anything.

Councillor F Fenning declared a non-pecuniary interest as a voluntary debt counsellor. He stated that in supporting this amendment he was saddened that a significant amount of support had not been allocated to the Citizens Advice Bureau. He added that anyone who had attended a tribunal would realise the significant funding required. He felt that the proposals would give an indication of a desire to take a softer approach and to develop our communities. He also felt that an air quality action plan was vitally needed. He expressed support for the amendment.

Councillor N J Rushton advised that budget provision had been made to undertake an air quality action plan next year and he assured members that if additional funding was required it would be found. In respect of support to the Citizens Advice Bureau he felt the current level of support with 2 members of staff was adequate and it was recognised that the district was receiving a good level of service from the Citizens Advice Bureau. He explained that it was the council's duty to seek to collect debts and he assured member that bailiffs were only used as a last resort. He urged members to vote against the amendment.

The Chairman then put the motion to the vote. A recorded vote being required, the voting was as follows:

Amendment to the Budget submitted by Councillor S Sheahan	
Councillor Ron Adams	For
Councillor Graham Allman	Against
Councillor Robert Ashman	Against
Councillor Roger Bayliss	Against
Councillor Richard Blunt	Against
Councillor Russell Boam	Against
Councillor John Bridges	Against
Councillor Rachel Canny	Abstain
Councillor John Clarke	Against
Councillor Nick Clarke	For
Councillor John Cotterill	Against
Councillor John Coxon	Against
Councillor David Everitt	For
Councillor Dr Terri Eynon	For
Councillor Felix Fenning	For
Councillor John Geary	For
Councillor Stuart Gillard	Against
Councillor Tony Gillard	Against
Councillor Louise Goacher	Against
Councillor Dan Harrison	Against

Councillor Gill Hoult	Against
Councillor Jim Hoult	Against
Councillor Russell Johnson	For
Councillor Geraint Jones	Against
Councillor John Legrys	For
Councillor Susan McKendrick	For
Councillor Trevor Pendleton	Against
Councillor Paula Purver	Against
Councillor Virge Richichi	Against
Councillor Nicholas Rushton	Against
Councillor Tony Saffell	Abstain
Councillor Sean Sheahan	For
Councillor Nigel Smith	Against
Councillor Alison Smith MBE	Against
Councillor Michael Specht	Against
Councillor David Stevenson	Against
Councillor Michael Wyatt	Against
Rejected	

The motion was declared LOST.

The Chairman referred members to the substantive motion as set out in the agenda.

Councillor S Sheahan stated that the Labour group would abstain from voting due to the flaws in the budget. He felt there was an overreliance on unsustainable funding streams and he did not believe opportunities to put pressure on government to provide suitable funding were being maximised.

Councillor J Legrys expressed concern that constituents were questioning value for money. He felt that the council should return to providing services to people within its remit.

Councillor R Johnson welcomed the employment of a compliance and enforcement officer as suggested in the Labour Group's amendment to the previous year's budget.

Councillor F Fenning thanked the officers who had been preparing budgets from last September in order to reach a sensible financial settlement. He appreciated all the work which had been undertaken and he looked forward to possibly a more open budget process in future. He expressed concern that the council was not able to budget effectively to ensure that expenditure was spent. He added that this vital process was unfortunately misunderstood by the general public.

Councillor T Eynon stated that in setting the precept, it was necessary to be aware of the needs of our community and how much they can afford to pay and she felt this council did have that in mind. She referred all members to the Stop the Knock website ad highlighted that this council was sending out bailiffs to over 3000 households, whilst Chester Borough Council had sent bailiffs to 2 households. She advised that evidence on good practice had been provided to the LGA on cost cutting and she hoped this could be part of the transformation.

Councillor R Blunt commented that he had no optimism regarding funding from central government. He highlighted the improvements that were being made for residents, including a new car park in Ashby de la Zouch, a reinvigorated Coalville, a bypass for Kegworth, new social housing and a new leisure centre. He believed that this was a budget all members could be proud of and he urged all members to support it.

Councillor N J Rushton highlight that one council had increased its council tax by 49%. He added that this was the ninth year our council tax had been frozen and members

should be proud of this. He explained that this was possible due to the massive growth in the region, the increases in business rates, sustainable good growth and an extra £3 million in new homes bonus. He added that a contingency fund was being set up. He highlighted the losses that had been sustained this year in particular, including the loss of recycling income and the increase in staff wages.

The Chairman then put the motion to the vote.

A recorded vote having been requested, the voting was as follows:

Substantive motion (Motion)	
Councillor Ron Adams	Abstain
Councillor Graham Allman	For
Councillor Robert Ashman	For
Councillor Roger Bayliss	For
Councillor Richard Blunt	For
Councillor Russell Boam	For
Councillor John Bridges	For
Councillor Rachel Canny	Abstain
Councillor John Clarke	For
Councillor Nick Clarke	Abstain
Councillor John Cotterill	For
Councillor John Coxon	For
Councillor David Everitt	Abstain
Councillor Dr Terri Eynon	Abstain
Councillor Felix Fenning	Abstain
Councillor John Geary	Abstain
Councillor Stuart Gillard	For
Councillor Tony Gillard	For
Councillor Louise Goacher	For
Councillor Dan Harrison	For
Councillor Gill Hoult	For
Councillor Jim Hoult	For
Councillor Russell Johnson	Abstain
Councillor Geraint Jones	Abstain
Councillor John Legrys	Abstain
Councillor Susan McKendrick	Abstain
Councillor Trevor Pendleton	For
Councillor Paula Purver	For
Councillor Virge Richichi	For
Councillor Nicholas Rushton	For
Councillor Tony Saffell	Against
Councillor Sean Sheahan	Abstain
Councillor Nigel Smith	For
Councillor Alison Smith MBE	For
Councillor Michael Specht	For
Councillor David Stevenson	For
Councillor Michael Wyatt	For
Carried	

The motion was declared CARRIED.

It was therefore

RESOLVED THAT:

1. The Medium Term Financial Strategy approved by Cabinet on 6 February 2018 be approved.
2. The Section 151 Officer's comments on the robustness of the estimates and adequacy of reserves be noted.
3. The General Fund Revenue Budget for 2018/19 be approved.
4. The Special Expenses Revenue Budget for 2018/19 be approved.
5. The district council tax in 2018/19 be frozen.
6. The creation of a new self-sufficiency reserve be approved.
7. The transfer of £900k of General Fund reserves and the forecasted surplus income over expenditure (currently projected at £1.86m) in 2017/18 to the self-sufficiency reserve be approved.
8. The transfer of any surplus income over expenditure in 2018/19 to the self-sufficiency reserve (currently budgeted as £299,000) be approved.
9. The decrease in council house rents for 2018/19 by 1% (average of 79 pence per week) be approved.
10. The increase of 3.9% (25 pence per week) in garage rents for 2018/19 be approved.
11. Central heating charges for 2018/19 remaining at the same level as for 2017/18 be approved.
12. The average increase of 0.40% (1.6 pence per week) in service charge for 2018/19 be approved.
13. The ground rent increase at Appleby Magna caravan site of 3.9% (£2.04 per week) on the anniversary of each individual rent agreement in 2018/19 be approved.
14. The Lifeline charges for private customers be maintained at the 2017/18 level and increased by 3.9% for registered provider customers from April 2018.
15. The proposed General Fund, Special Expenses and Housing Revenue Account Capital Programmes for 2018/19 and planned financing be approved.
16. The vehicle replacement programme for 2019/20 be approved.
17. The Capital Programmes 2019/20 – 2022/23 be approved for indicative purposes only.
18. The 2018/19 Capital Strategy be approved (in line with the prudential code).
19. The following amounts for the year 2018/19 be approved in accordance with section 31b of the Local Government Finance Act 1992 as amended:
 - (1) 32,852 being the amount calculated by the council, in accordance with regulation 3 of the Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012, as its council tax base for the year.
 - (2) the amounts specified in Appendix 6 Table A of this report being the amounts calculated by the council, in accordance with section 34 of the Local Government

Finance Act 1992, as the amounts of its council tax base for the year for dwellings in those parts of its area to which one or more special items relate.

20. The following amounts be now calculated by the council for the year 2018/19 in accordance with sections 31a and 31b of the Local Government Finance Act 1992 as amended:
- (1) district / parish gross expenditure
£63,276,299 being the aggregate of the amounts which the council estimates for the items set out in section 31a (2) of the Act.
 - (2) income
£55,575,013 being the aggregate of the amounts which the council estimates for the items set out in section 31a (3) of the Act.
 - (3) district / parish net expenditure
£7,701,286 being the amount by which the aggregate at 20(1) above exceeds the aggregate at 20(2) above, calculated by the council in accordance with section 31a (4) of the Act as its council tax requirement for the year.
 - (4) basic amount of tax (including average parish precepts)
£234.42 being the amount at 20(3) above, divided by the amount stated as the council tax base in parts of the council's area, calculated by the council in accordance with section 31 b of the Act as the basic amount of its council tax for the year.
 - (5) parish precepts/special expenses
£2,491,616 being the aggregate amount of all special items referred to in section 35(1) of the Act.
 - (6) basic amount of tax (basic council tax – district)
£158.58 being the amount at 20(4) above less the result given by dividing the amount at 20(5) above by the amount as stated as the council tax base for the whole of the council area, calculated by the council in accordance with section 34(2) of the Act, as the basic amount of its council tax for dwellings in those parts of its area to which no special item relates.
 - (7) basic amount of tax (parished areas)
The amounts listed in column 5 of table b of Appendix 6 to this report, being the amounts given by adding to the amount at 20(6) above, the amounts of the special item or items relating to dwellings in those parts of the council's area mentioned, divided in each case by the amount stated as the council tax base in parts of the council area, calculated by the council in accordance with section 34(3) of the act as the basic amounts of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.
 - (8) district /parish council tax rates
The amounts set out in in Table C Appendix 6 to this report being the amounts given by multiplying the amounts at 20(6) and 20(7) above by the number which, in the proportion set out in section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band d, calculated by the council in accordance with section 36(1) of the Act as the amounts to be taken into account for the year in respect of categories of dwelling listed in different valuation bands.
21. Major precepting authorities
It be noted that the amounts set out in Table D Appendix 6 to this report are the amounts notified by Leicestershire County Council, Leicestershire Police and

Crime Commissioner and the combined fire authority in accordance with section 40 of the Local Government Finance Act 1992 as their precepts for 2018/19 for each of the categories of dwellings listed.

22. council tax rates – all bands

That, having calculated the aggregate in each case of the amounts at 20(8) (Table C Appendix 6) and 21 (Table D Appendix 6) above, the council in accordance with section 30(2) of the Local Government Finance Act 1992 hereby sets the amounts of council tax for the council's area for the year 2018/19 for each of the categories of dwellings as shown in Table E Appendix 6.

23. Referendums relating to council tax increases

It be noted that the relevant basic amount of council tax for 2018/19 is not excessive.

65. THE TREASURY MANAGEMENT STRATEGY STATEMENT 2018/19 AND PRUDENTIAL INDICATORS 2018/19 TO 2020/21

Councillor N J Rushton presented the report to members.

It was moved by Councillor N J Rushton, seconded by Councillor G Jones and

RESOLVED THAT:

The Treasury Management Strategy Statement 2018/19, Prudential Indicators - revised 2017/18 and 2018/19 To 2020/21 and the Annual Minimum Revenue Provision Statement be approved.

66. NOTIFICATION OF AN URGENT DECISION - BUSINESS RATES RETENTION PILOT BID

Councillor R Blunt presented the report to members.

It was moved by Councillor R Blunt, seconded by Councillor A V Smith and

RESOLVED THAT:

The report be noted.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 8.01 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – TUESDAY, 20 MARCH 2018

Title of Report	OUTCOMES OF THE PLANNING PEER CHALLENGE
Contacts	<p>Bev Smith, Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>James Arnold, Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p>
Purpose of Report	To agree the actions arising from the recommendations of the Planning Peer Challenge Team.
Reason for Decision	To enable work to commence on the recommendations arising from the Peer Challenge Review and to make any constitutional changes required in time for the 2018/19 civic year.
Council Priorities	Business and Jobs Homes and Communities
<p>Implications</p> <p>Financial / Staff</p> <p>Links to relevant CAT</p> <p>Risk Management</p> <p>Equalities Impact Screening</p> <p>Human Rights</p> <p>Transformational Government</p>	<p>The action plan will be delivered within existing resources. There may be cost implications with the introduction of any new equipment, members' allowances in respect of the reforms to the Local Plan Advisory Committee and the potential to increase income by charging for pre-application advice. Details of such costings will be identified as part of the action plan.</p> <p>None identified</p> <p>Failure to act on the recommendations of the Peer Challenge Team may adversely affect the reputation of the Council.</p> <p>No impact identified.</p> <p>None identified</p> <p>Not applicable</p>
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	Members of the planning committee, group leaders, other key members, parish councillors, county council, developers, agents, planning staff, other key staff.
Background Papers	Report of the Planning Peer Challenge Team.
Recommendations	<p>COUNCIL IS RECOMMENDED TO:</p> <ol style="list-style-type: none"> 1. THANK THE PLANNING PEER CHALLENGE TEAM FOR UNDERTAKING THE EXTENSIVE REVIEW; 2. NOTE THE INITIAL FINDINGS AND RECOMMENDATIONS OF THE PLANNING PEER CHALLENGE TEAM; 3. APPROVE THE ACTION PLAN BASED ON THE INITIAL FINDINGS OF THE PEER CHALLENGE TEAM, AS SET OUT AT APPENDIX 2; 4. AGREE TO THE REDUCTION IN SIZE OF THE PLANNING COMMITTEE FROM 17 TO 11 SEATS, WITH EFFECT FROM ANNUAL COUNCIL IN MAY 2018, WHERE APPOINTMENTS WILL BE MADE; 5. AGREE TO THE REFORM OF THE LOCAL PLAN ADVISORY COMMITTEE TO GIVE IT APPROPRIATE DECISION-MAKING POWERS AND TO INCREASE THE NUMBER OF SEATS FROM 7 TO 11; TO TAKE EFFECT FROM ANNUAL COUNCIL IN MAY 2018, WHERE APPOINTMENTS WILL BE MADE; 6. AUTHORISE THE MONITORING OFFICER TO MAKE ANY CONSEQUENTIAL CHANGES TO THE CONSTITUTION ARISING FROM THIS REPORT AND THE ACTION PLAN SET OUT AT APPENDIX 2.

1.0 INTRODUCTION

- 1.1 Following consultation with the Leader of the Council and Leader of the Labour Group and as part of the Council's commitment to continuous improvement, the Chief Executive of North West Leicestershire District Council approached the Local Government Association to conduct a Planning Peer Challenge. The Peer Challenge process is an independent constructive and challenging review of a service aimed at identifying strengths and areas for improvements and sharing best practice advice from other authorities.
- 1.2 Cross-party support for this process and contributions from all members, officers, parish councillors, developers, agents and customers will enable the Council to develop and implement an improvement plan to improve customer experience and perception of the planning service and ensure effective governance and decision making in an open and transparent way.

1.3 Between 13 and 15 February 2018, a planning peer challenge was undertaken by the Local Government Association (LGA) and the Planning Advisory Service (PAS) who are leaders in delivering a programme of support to councils to drive forward improvement in planning services.

1.4 The members of the Peer challenge team were:-

- Tim Burton - the lead officer peer who is Assistant Director of Planning and Environment at Taunton Deane Borough Council
- John Cotton - a Conservative Member peer who is the leader of South Oxfordshire District Council and who has significant experience as planning portfolio holder, a planning committee member and has overseen three local plans.
- Jack Hopkins - a Labour Member peer and a councillor in Lambeth Council, experienced portfolio holder for jobs and growth and ex chair of planning committee. He has chaired a number of Regeneration Boards and overseen large scale regeneration projects
- Judith Hurcombe - the Peer Manager from the Local Government Association
- Karen Syrett - an officer peer and Place Strategy Manager at Colchester Borough Council

1.5 The aims, which were shared with all members ahead of the peer challenge, were to review:

- how well the planning service is focusing on and assisting in delivering overall priorities
- how well the Council, both officers and members, is managing the consideration of development proposals.
- decision making in development control, including the balance of delegations and pragmatism and scrutiny within the decision making process, benchmarking of data on speed of decision making, appeals, successful appeals etc.
- the use of resources to provide a good service to customers and communities, the efficiency and effectiveness of the service and the capacity to deliver infrastructure to support development.
- the role of the planning committee in decision making, including public engagement and transparency (the “customer experience”).
- the format and process of the planning committee “day” and whether this helps or hinders good decision making and appropriate engagement.
- roles and responsibilities and how they are being discharged;

and to recommend any changes to our approach to ensure the way the planning committee works is best practice, effective and efficient.

2.0 CONSULTATION

2.1 During the 3-day visit the Peer Challenge Team spoke to over 76 individuals from a wide cross-section of people involved in planning, including elected members, parish/town councils, officers and service users including developers, housebuilders, agents and previous applicants. The Peer review team attended two planning committees and listened to recordings and inspected minutes of three further meetings from 2017. They also inspected a large number of planning documentation, performance, customer complaints and feedback. Collectively the peer team spent more than 175 hours to determine their findings which is the equivalent of one person spending five weeks at North West Leicestershire Council. The process ensures that any information collected or observed is triangulated to ensure the findings are based on a robust analysis of the peer reviews time at the council.

3.0 FINDINGS OF THE PEER CHALLENGE TEAM

- 3.1 At the end of the visit, the Peer Challenge Team invited all members and officers involved in the three day review to a presentation to discuss their findings and recommendations. This has been followed up by a detailed report which, at the time of publication of the agenda for this meeting, is currently in draft form. The report is attached as Appendix 1. Should there be any further implications and proposed actions and recommendations arising from the final report, these will be considered in detail in a report to Council in May 2018 following further engagement with the Peer Challenge Team.
- 3.2 An action plan setting out how each of the initial recommendations of the Peer Challenge Team will be taken forward is attached at Appendix 2 to this report. An updated action plan will be presented to Council at its next meeting in May 2018.
- 3.3 It is proposed that an informal officer/member (cross-party) working group be established to oversee the delivery of the recommendations and action plan arising from the Peer Challenge. The working group will provide detailed input on the technical actions required. External support and best practice advice will be provided through the Planning Advisory Service to support the group. Member Services will seek interest from members in due course regarding participation in this process.
- 3.4 The key recommendations set out within the draft report for consideration are as follows:
- Evaluate the potential for a more comprehensive approach to pre application advice
 - Raise the profile and significance of the Local Planning Advisory Committee (LPAC)
 - Compulsory councillor training programme required
 - Leadership to ensure bad behaviour is called out and that both members and officers understand and their roles and responsibilities
 - Call-in procedures are not clear and need reworking
 - Stages of the Planning committee day need to be reconsidered, including briefing and site visits.
 - Overhaul of how the Planning committee operates
 - Consider a corporate peer challenge
- 3.5 The initial findings and recommendations of the Peer Challenge Team were broken down into broad headings and these are set out below.

4.0 THE CUSTOMER EXPERIENCE OF THE PLANNING SERVICE

- 4.1 The Peer Challenge Team recognised the good planning performance in respect to income generation, performance against national targets for determination of planning applications, and delivery against targets for house building. They also recognised the innovative work that is being done across Leicestershire through the Members Advisory Group with the development of the Strategic Growth Plan. The report of the Peer Challenge Team concluded that in considering how well the planning service was focusing on delivering its overall priorities, the planning service :-
- was a good service, showing good performance and delivering and achieving well
 - had a new homes focus
 - has effective leadership to the wider Leicestershire MAG
 - is a valued external partner
 - has a positive culture within the organisation
 - comprises good team working
 - officers are highly regarded externally

4.2 Despite this, it was considered however that the planning function overall required significant improvement, with the decision making process through planning committee being time consuming and becoming a major distraction. There was widespread acknowledgement that there is room for improvement and that it was beginning to affect our external reputation.

4.3 In summary, the Peer Challenge Team considered that

- planning officers were well-regarded
- the pre-application system stands alone but doesn't reduce application timescales and is inconsistent in its approach to charging.
- there is a sense of uncertainty for customers on outcomes
- there are delays in processing: validation, response to consultation and discharge of conditions
- the links between planning and enforcement could be stronger
- Parish councils feel they are not listened to and feedback could be improved
- The case officer needs to balance consultee responses for more effective and quicker decision making
- The customer experience of planning committee could be significantly better

4.4 The recommendations to address the findings are:

- Explore and agree a Service Level Agreement with the county council so that the consultation process can be accelerated and improved
- Make better use of the call centre resource in order to free up professional planning officer time
- Evaluate the potential for a more comprehensive service for pre-application advice
- Consider if charging for pre-application advice would improve the effectiveness of advice given

Suggested actions to address the findings on the customer experience are shown under paragraph 1 on the action plan at Appendix 2.

5.0 LOCAL PLAN

5.1 The Peer Challenge Team considered that whilst the recently adopted Local Plan should provide certainty and a guide for development, it did not seem to be commonly understood or owned by members. At planning policy level this plan provides the direction for future decisions and gives certainty about what the council wants to achieve through its spatial planning framework for the districts and communities. However due to the lack of ownership it is already at risk of becoming ignored and there was not much synergy between the Local Plan and the council's strategic objectives.

5.2 The Local Plan Advisory Committee was not seen as having a sufficient decision-making role and influence and it was felt that there should be clearer links to the Local Plan and the importance of the plan-led system required in committee reports. Although policies are listed within reports, there is not always a clear analysis or narrative of how these policies relate to the specific proposal. The style of writing means the references back to those policies is lost in large paragraphs, making it difficult for members and customers to follow.

5.3 With that in mind, it is proposed to reform the Local Plan Advisory Committee, giving it delegated decision-making powers over relevant functions. Work is under way to identify what functions the new committee might have with member and officer input being sought. Council will be aware that the delegation of functions to committees is governed by statute and that not all functions can be delegated to a committee. All proposed functions will need to go through a process of legal review with reference to the underlying legislation that allocates local authority functions between full Council and the Executive (i.e. Cabinet). This legal review process is essential to ensure that the decision-making capabilities of the new committee are legally

sound. The revised terms of reference and proposed functions to be delegated will be set out in a report to Council in May to be considered ahead of the appointments.

- 5.4 The reformed committee will have a new name and an increased membership to allow for greater member involvement in strategic decision making and better accountability. Council should also note that the reformed committee may be of sufficient stature to attract a chair's allowance. Once the functions of the committee are determined and subject to Council formally establishing it at the next meeting of Council in May, the independent remuneration panel will be convened to confirm whether an allowance is due. This process will run during the first few months of the new civic year with the allowance, if approved, being backdated to the date members were appointed to the committee.
- 5.5 It is intended that the reformed committee will have a significant role to play in developing how the emerging National Planning Policy Framework affects NWLDC, the delivery of new homes and driving the review of the Local Plan.
- 5.6 The recommendations to address the findings are:
- Formalise the role of the LPAC to become a formal decision making body of the council
 - Make clearer reference to the Local Plan and what it means in officer reports on applications to Planning Committee
 - The whole membership of the council – not just planning committee members – need to be trained on the content and significance of the Local Plan.

Suggested actions to address the findings on the Local Plan are shown under paragraph 2 on the action plan at Appendix 2.

6.0 NEIGHBOURHOOD PLANS, COMMUNITY INFRASTRUCTURE LEVY (CIL) AND SECTION 106s

- 6.1 With regard to Neighbourhood plans, it was acknowledged that support from officers was well received by communities although there had been little interest to date. There is a need to balance the benefits of neighbourhood plans with resource implications.
- 6.2 Significant concerns were raised regarding the transparency around Section 106 agreements.
- 6.3 It was considered that there is now more certainty at a national level on CILs and it was suggested that investigations be made as to whether CILs were now a viable option, with this being linked to strategic priorities.
- 6.4 Recommendations to address the findings are:
- Consider how a proactive stance on neighbourhood development plans might help with community engagement and delivering council priorities
 - Any undertaking to develop more neighbourhood plans needs to reflect which resources will be required to deliver it
 - Publish comprehensive details of S106 monies on the councils website for greater transparency
 - Revisits decision on CIL to assess whether a CIL could be desirable and effective

Suggested actions to address the findings on neighbourhood plans, community infrastructure levy and Section 106s are shown under paragraph 3 on the action plan at Appendix 2.

7.0 ROLES, RESPONSIBILITIES AND RELATIONSHIPS

- 7.1 The Peer Challenge Team felt quite strongly that poor relationships between members and officers within the planning process were impacting on the council's reputation with partners, communities and neighbours.
- 7.2 It was also felt that members were not separating their ward councillor and committee roles appropriately and that there was no sense of the Planning Committee working together as a team, with the behaviour often being party political or parochial. It was recognised that relationships between officers and members in Full Council and other committees was courteous and respectful with constructive and engaged debate.
- 7.3 It was felt that members see officers as adversaries, with an emphasis on point scoring and, in turn, officers see members as adversaries, appearing to be defensive in their interactions with some members, and this does not help relationships overall. There was clearly a lack of trust in, and no desire to follow, professional officers' advice with a need for greater confidence in officer recommendations.
- 7.4 Member-member relationships were considered variable, good in some areas, but very poor in the planning arena and not all members feel included in the process.
- 7.5 It was recommended that earlier engagement would be beneficial. Councillors, not just planning committee members, need to have earlier opportunities for engagement than at present. Ward members should be encouraged to have early dialogue with case officers or other members of the planning team in order to get a better understanding of the proposal and relevant issues.
- 7.6 The perception of pre-determination is problematic and poor behaviour at committee is not being challenged or addressed.
- 7.7 The recommendations to address the findings are:
- Urgent and immediate training is required for all councillors and officers on the role of members and on member – officer protocols and code of conduct
 - More structured engagement with group spokespersons needs to be introduced
 - Senior members need to create a culture of calling out poor behaviour
 - Improve committee procedures and operations to support the Chairman in running the committee well. The procedures should include provision for officers to respond to comments made by councillors and public speakers.

Suggested actions to address the findings on roles, responsibilities and relationships are shown under paragraph 4 on the action plan at Appendix 2.

8.0 THE ROLE OF PLANNING COMMITTEE, INCLUDING PUBLIC ENGAGEMENT AND TRANSPARENCY AND THE FORMAT AND PROCESS OF THE PLANNING COMMITTEE DAY.

- 8.1 The Peer Review recognised the enthusiasm of members of the Planning Committee and the clear importance of the function but the overall impression was of a muddled meeting that is difficult for non-planning professionals to follow and understand. The review team include some helpful suggestions with regards to how the understanding for members of the public can be addressed, set out in 4.6 of the attached draft report.
- 8.2 In terms of the planning committee itself, there was a lot to consider. Firstly it was felt the size of the committee was too large with best practice suggesting a number between 9 and 11 members for an authority of this size being more appropriate and effective and this has been addressed in the recommendations in this report.

- 8.3 The day of the Planning Committee was considered to be an inefficient day with too much going on which utilised a lot of resources which would be better used elsewhere. For example, it was felt that the briefing currently did not add much value and contributed to the perception of pre-determination.
- 8.4 The site visits were not considered necessary for every application and the lack of plans actually diminished the value of these visits. The briefings given on the bus were felt to be ineffective with the bus itself contributing to a poor use of resources.
- 8.5 At the actual meeting, it was felt that there was a perception that decisions were being made along party political lines and that the quality of the debate was very poor.
- 8.6 Having to have a motion in place before a debate takes place seemed to stifle discussion and the lack of knowledge and understanding of material considerations inhibited the members' ability to appropriately determine applications. The wider practice at other authorities is to allow debate prior to a motion being moved.
- 8.7 It was strongly felt that the layout of the meeting was not helpful for members of the public as they could not see the presentations, which in any event were considered to be very poor.
- 8.8 The experience of applicants at the meeting is inconsistent with the procedures needing to be more transparent. From one meeting to the next the procedures vary which makes it difficult for observers to follow. This is not helped by moving quickly to voting on applications without proper debate on the relevant planning matters.
- 8.9 The format and operation of the planning committee day requires complete overhaul. It is proposed that officer briefing to the committee be brought forward to co-incide with the publication of committee papers, to enable members to understand applications more fully and to equip them to be able to respond to questions and concerns from their constituents.
- 8.10 The briefing would identify the sites which needed to be visited, to enable a thorough understanding of the applications. The use of modern technology within the planning committee could enhance members understanding of sites and limit the requirement to visit a site.
- 8.11 The peer review recognised that the number of overturns of officer recommendations at committee appeared to be increasing and is a marker of poor levels of trust between members and officers. During 2016 the number of overturns was 30.28% during 2017 it was 35.36% and in the three meetings between November 2017 and February 2018 the average overturn was 65%. In comparison Colchester Borough Council in 2017 determined 54 applications with only 1 overturn. The large number of overturns creates uncertainty for applicants and does nothing to add to the customer experience, in addition it puts the council at greater risk of appeal and costs.
- 8.12 The procedures of the committee meeting itself would also benefit from fundamental overhaul. Seating arrangements, currently in groups, gives the appearance of voting along party lines. Alternative seating arrangements should be instigated to address this point.
- 8.13 The recommendations to address the findings are
- Reduce the size of the committee
 - Encourage group leaders to ensure seating at the committee is not on party political lines
 - Changing seating layout of the committee
 - Review officer roles in committee
 - Officers need to be given more opportunity to respond to the public and members comments
 - Increase the size and quality of projected matter at the meeting

- Consistently apply the public speaking rules at the meeting
- Review the requirement for motions at the start of the debate
- Explore how the overall experience could become more transparent, e.g. through webcasting, explaining procedures more clearly to the public
- Have name plates on people's roles at committee to enhance customer understanding.
- Limit site visits to those where there is clear added value
- Review whether hiring a bus is necessary each time
- Where site visits do take place there needs to be more accessible plans
- Consider whether site visits should be on a different day to committee
- Change the timing and nature of the briefing
- Consider whether it should be on a different day of the planning meeting

Suggested actions to address the findings on the planning committee are shown under paragraph 5 on the action plan at Appendix 2.

9.0 REPORTS, MINUTES AND UPDATES

9.1 The Peer Review identified areas for improvement with the quality of reports sent to the Planning Committee across a range of issues to ensure the reports are user friendly for the council's customers.

- There needed to be a greater focus on plain English and better grammar
- Reports should follow more of a narrative structure
- The executive summary can discourage members and broader audiences from reading the full content of the papers
- Reports contain dense paragraphs and are difficult to understand.
- There is a lack of assessment of the representations received which does not improve public confidence in each application being judged on its own merits.
- Concern was expressed that the planning reports did not contain plans and that they lacked a more narrative structure. Selected plans and elevations might aid understanding.

9.2 It was considered that the minutes were far more detailed than they needed to be, and it is proposed that minutes be distilled to a straightforward record of the application reference number, site address and description of development, and the decision that the committee resolved to make. The audio recording should be made available to the public and webcasting could enhance customer understanding and access to the Planning Committee.

9.3 The recommendations to address the findings are:

- Officers need to develop more confidence in their decisions and justifications for decisions
- Members need to show they have received and considered officer advice when making decisions
- Carry out best practice of the structure and layout of reports

Suggested actions to address the findings on reports and minutes are shown under paragraph 6 on the action plan at Appendix 2.

10.0 CALL IN

10.1 With regard to the calling-in of applications it was felt that the process was very complicated and difficult for members of the public to understand.

10.2 The reasons for call-in are not necessarily justified on planning grounds and the potential for ward only call-ins further re-enforces the ward only focus for members. The Peer Challenge Team questioned whether ward members should actually sit on the planning committee after a call-in.

- 10.3 It was considered that the constitutional trigger is giving officers, members and their relatives an advantage.
- 10.4 Given the significant reputational risk that is posed by the unintended consequences of the current call-in arrangements, as well as the frustrations that are felt by those who wish to navigate through them, it is considered that a much simpler system should be instigated.
- 10.5 The recommendations to address the findings are
- Develop a single stage call in, possibly over a longer period of time, for example 28 days at the start of the determination process
 - Members need to clearly articulate strong planning reasons for call in
 - Officers, members/ relatives applications should only be referred to committee if officers are minded to approve an application
 - Consider amending the constitutional trigger so only serving members and officers applications are sent to committee.

Suggested actions to address the findings on call-in are shown under paragraph 7 on the action plan at Appendix 2.

11.0 CONCLUSION AND RECOMMENDATIONS

- 11.1 The Peer Review Team have identified a number of areas for improvement and, whilst members and officers may have their own view and perception of the issues raised, it is important that we consider carefully the recommendations in order to ensure we can improve the experience of the planning process for our customer, members and officers. One area that was consistent throughout the interviews with the peer review is that the 'status quo' is not sustainable and without a step change in direction we would not make the change required to improve.
- 11.2 Planning is a complex and controversial issue and our engagement with the public is vital to demystifying the planning process and ensuring that members and customers feel they are listened to and that whilst they may not agree with the decision finally made, they understand the process. In addition the role of professional officers needs to be recognised and respected by members and their views taking into consideration to ensure member's decisions are robust.
- 11.3 The implementation of the action plan should be shared between officers and members and the cross party task and finish group proposed will enable this to happen in a constructive collaborative manner. The role of the Planning Advisory Service in helping to facilitate the improvement and also support members and officers with examples of best practice to effect the changes will be vital.
- 11.4 It is hoped that, with the support of members, the majority of the actions can be implemented in time for the 2018/19 civic year.
- 11.5 The recommendations include changes to the number of seats on both the Planning Committee and the establishment of the Local Plan Committee as a decision making body. Should these recommendations be approved, the effect on proportionality would be as set out in the table below. As members are aware, a change to the numbers on one committee may result in consequential changes to others, as proportionality has to be applied across the whole council.

Committee/Group	No. Of seats	Con	Lab	Ind Gp	Lib Dem	Ind	Checks & Balances
Licensing Committee	17	11	4	1	1 or 0**	1 or 0**	17
Planning Committee	11	7	3	0	1 or 0**	1 or 0**	11
Local Plan Committee	11	7	3	1	0	0	11
Audit and Governance	10	7	2	1	0	0	10
Policy Development/Scrutiny	10	7	2	1	0	0	10
Employee Joint Consultative	6	4	2	0	0	0	6
Appointments Committee	5	3	1	0	1 or 0**	1 or 0**	5
Electoral Review Working Gp	5	3	1	0	1 or 0**	1 or 0**	5
Investigatory Committee	3	2	1	0	0	0	3
TOTAL	78	51	19	4	2 **	2 **	78

*** As they are entitled to the same number of seats – these members need to agree between themselves which two seats they want from the four available to them. This will be done ahead of the May Annual Council meeting when all the seats are up for re-negotiation.*

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Planning Peer Challenge North West Leicestershire District Council

13-15th February 2018

Feedback Report

1. Executive Summary

North West Leicestershire District Council (NWLDC) shows strong performance as reflected in its planning data. Between March 2016 and March 2018 the council made 1774 decisions on planning applications, including 151 major applications and 1623 minor applications. During this time there were 11 allowed appeals. Staff work well together across the council on planning matters and employees and some members of the council are respected by external peers and stakeholders.

The Local Plan was adopted in November 2017. Although this sets out the strategic framework for planning approvals, the membership of the council overall has a low awareness of the Local Plan and how it relates to the decision making process. There is a danger that if it is not used as the overarching strategic framework the council will be at risk of more appeals, and in doing so, create pressure on resources including staff time and energy, as well as financial costs.

The reputation of the council is good with other Leicestershire authorities, particularly through the Members Advisory Group led by NWLDC with all councils across the area, and in this arena the council demonstrates that it can work well at a strategic level. However, this reputation is becoming diminished due to emerging knowledge and concern of partners and stakeholders about the discord within the planning function at the council.

The good performance of the service is at risk due to this ongoing disharmony: it is a major distraction and drain of members' and officers' time and effort. With the exception of planning matters there appears to be positive and constructive relationships across the council. But on planning matters there are poor member and officer relationships within NWLDC, to the extent of becoming adversarial. Most internal participants reflect that this has been regarded as a serious and deteriorating problem for a long time, and is in need of significant and fundamental improvement. The strong performance as shown in the headline data appears to be achieved despite the absence of positive working relationships between members and officers. Whilst there are examples of some good and constructive member-officer engagement in planning, these are few and far between. Members across the political groups do not appear to trust the advice offered by their professional officers and we witnessed examples of rude, dismissive and discourteous behaviour towards officers in both public and private arenas. This distrust results in defensive behaviour from officers towards members, which also at times can be unprofessional. There is little sense that the planning function in its broadest sense is working as a team.

A very high number of overturns is a marker of this lack of trust. The number of applications which are considered by the committee and determined against officer advice appear to be on an upward trend and are significantly higher than some other councils. In the team's view this is not because these applications in themselves are particularly unusual, but it is because the strong tendency to overturn an officer's recommendation seems to have become the norm. At one meeting we observed, 7 of 9 applications were overturned and it was difficult to see why this was the case.

This lack of trust also extends to behaviours on the Planning Committee. Councillors largely appear to engage with it on party political lines rather than on planning grounds, making it difficult to see if all decisions are made in accordance with the Local Plan, officer advice or other material planning considerations.

Officers can also up their game by taking steps to improve the quality of some of their outputs and engagement including sharper reports, being more confident about the advice they are giving, and taking steps, however difficult at times, to challenge when their advice is not being heeded. Ultimately it is for members to make the decisions about planning applications, either by delegating to officers or making decisions at Planning Committee: however in doing so they must show they have received and reflected on professional advice, and where this is not followed, being clear about why particular decisions are made.

The council's senior leadership has a clear ambition and determination for a stronger customer focus for the council as a whole, and this also applies to planning. For some people the planning application process is a very significant aspect of how they engage with the council and could be the most important interaction they have with NWLDC, so it is important that the process is as accessible and understandable as possible. The customer experience at the committee is variable at best and consideration is needed to how improving how the council engages with applicants.

The Planning Committee day consumes extensive resources yet is not as effective as it could be. Significant improvements can be made to the processes in the lead up to the day, so that the customer is put at the forefront of what the council is trying to achieve. This includes developing clearer rationale for delegations to committee, the effectiveness of processes leading up to the meeting including site visits and briefings, how and what information is communicated to applicants and councillors. This applies to all aspects of their engagement including the pre-application stage, engagement with members and officers and the Planning Committee meeting. The layout of the meeting, presentations, discussions and behaviours need an overhaul.

A radical approach is also needed to the membership of the committee. It is too large and cumbersome to be effective and needs to be reduced to be commensurate in size relative to the overall size of NWLDC's membership, as well as in accordance with the Planning Advisory Service's (PAS) guidance.

The key element going forward will be for everyone involved with planning at NWLDC to utilise and act upon their clearly expressed desire for the planning function to improve. Most contributors to this peer challenge were clear that there is significant room for the planning function to improve. In achieving improvement however members and officers will need to take active, and sometimes challenging, steps to do things differently. Officers will need to be more confident, members will need to play closer heed to professional advice and everyone – members working with members, and members working with officers - will need to work together as a team.

2. Key recommendations

There are a range of suggestions and observations within the main section of the report that will inform some 'quick wins' and practical actions, in addition to the conversations onsite, many of which provided ideas and examples of practice from other organisations. Recommendations for how the council can improve its approach to planning are distributed throughout this report. The following are the peer team's key recommendations to the Council:

- **Evaluate the potential for a more comprehensive approach to pre-application advice.** During the transition to the new Local Plan the council received a number of complaints from applicants. Charging for pre-application advice should result in improved speed of decision making and quality customer service, however this does not appear to have been consistently achieved. Take steps to ensure that the pre-application advice given is clear and consistent across all applications and with a stronger focus on customer experience.
- **Raise the profile and significance of the Local Planning Advisory Committee (LPAC)** and take steps towards it becoming the formal planning policy decision making body for the council. The Local Plan has been agreed, and the council is about to start the review of the Local Plan as advised by the planning inspectorate on employment land. There is still the ongoing need for transparency on planning policy and raising the profile of the LPAC would help to achieve this. The Committee has a key role to understand and respond to changes in policy making at a national level through the updated National Planning Policy Framework (NPPF) that is due out before Easter 2018, including how these changes will affect NWLDC. It will be even more important that there is full engagement with councillors at each stage of the review.
- **Training for members and officers needs to be provided urgently:**
 - **On the role of councillors and member-officer protocols. This needs to be provided across the council.** There are many incidences of poor behaviours from councillors including disrespect to officers and widespread disregard for professional advice: sometimes this extends to discourtesy and rudeness and needs to be tackled quickly and consistently. Officers need also to be reminded of their roles and responsibilities to members.
 - **For all members on the content and significance of the Local Plan.** There are low levels of awareness about both the content and importance of the Local Plan, not only from the broader membership of the council but also by the membership of the Planning Committee. What it includes and awareness of how it should be considered by members in making planning decisions needs to improve significantly.
 - **Training for all members of the Planning Committee on a regular and ongoing basis.** This training should be compulsory and conditional for ongoing membership of the Committee. Non-attendance should be actively managed by senior councillors.
- **The Chairman and Deputy Chairman of the Planning Committee, the Leader of the Council and the Leader of the Opposition need to create a culture of calling out and challenging poor behaviour as and when it happens.** Poor behaviours including rudeness appear to be tolerated and are in danger of becoming normalised; tackling this applies to behaviours between members, and

between members and officers. Staff also need to be clear of the member officer protocol and ensuring their behaviours are professional at all times.

- **Call-in procedures for Planning Committee applications are not clear and need reworking.** The current approach is not transparent for the public and its application results in applications clogging up the committee. More thought needs to be given to how and why call-in applies to applications and the best way forward for members to be able to flag up their concerns of applications, irrespective of where the councillor is currently based. A more strategic approach would enable members to call-in any application if they had concerns. However in being able to challenge more widely, members should be careful not to exploit call-in and the Chair, advised by officers, should be able to approve or sanction call-in requests before they reach the Planning Committee stage.
- **The stages up to the Planning Committee day should be reconsidered:**
 - **The Planning Committee briefing should not be on the Planning Committee day.** An earlier briefing, for example several days before the Committee day, would allow a reasonable amount of time for officers to prepare responses to queries from members. Overall there need to be more frequent opportunities for interaction between members and officers to discuss issues and resolve them ahead of the Planning Committee meeting.
 - **Steps should also be taken to tackle perceptions that this briefing could involve any aspect of pre-determination.** Conducting the meeting immediately before the Planning Committee meeting does not aid transparency
 - **Site visits need rethinking.** The approach to site visits uses up a great deal of member and officer time and yet does not appear to add much value to the decision making process. The current approach seems to be to visit all sites on the PC agenda, irrespective of the type of application, its complexity or controversy. Clearer reasons for site visits and better uses of technology could make this aspect of the process more informative and more efficient.
- Overhaul how the Committee operates including
 - **Reduce the size of the Planning Committee.** The size of the Committee of 17 councillors from a total membership of 38 councillors is too large. National guidance from PAS suggests the ideal size to be 9-11 councillors. However members need to consider that this guidance applies to all councils including the very largest which have council memberships of around 100 councillors, and we suggest that a better and more manageable size for NWLDC should follow this guidance
 - **Refresh the membership of the Committee.** The council needs to ensure that the membership of the whole committee is considered
 - **Change the seating arrangements to improve transparency and to improve the public's understanding of the Committee.** Members should desist from sitting on party political lines and could sit in alphabetical order. Consideration should be given to clearer "zones" for seating so that the public can understand the roles of those present, and so that members and officers can be clearly identified
 - **Officers need to be more confident in presenting their advice to the meeting and members need to take greater heed to the advice being proffered, even if they choose not to follow the advice.** In some instances it is not clear whether members are following officer advice or not.

Where members choose not to follow their advice, it should be clearly articulated and recorded

- **Improve the quality of visual materials, including presentations.** Some investment needs to be considered to improve the quality and number of projections for the committee and public to view. Officers need to ensure that the material being displayed on the screen(s) is directly relevant to the points they are making at the time
 - **Undertake a best proactive review of the structure and layout of reports.** The quality of written material could be better, with more clarity, better structure and a different layout. This will help members and the public to be clearer about the information they are receiving and the basis for decisions
 - **Take steps to improve the quality of member debate.** Discussion at the meeting needs to focus on material considerations relative and relevant to the applications presented to the Committee.
-
- **NWLDC has seen the potential benefit of the Planning Peer Challenge, it is recommended that the council considers undertaking an LGA Corporate Peer Challenge**

3. Summary of the Peer Challenge approach

The peer team

Peer challenges are delivered by experienced elected member and officer peers. The make-up of the peer team reflected your requirements and the focus of the peer challenge. Peers were selected on the basis of their relevant experience and expertise and agreed with you. The peers who delivered the peer challenge at North West Leicestershire District Council were:

- Tim Burton, Head of Planning, Taunton Deane and West Somerset Councils
- Karen Syrett, Housing and Planning Manager, Colchester Borough Council
- Cllr John Cotton, Leader, South Oxfordshire District Council
- Cllr Jack Hopkins, LB Lambeth Council
- Judith Hurcombe, Peer Challenge Manager, LGA

Scope and focus

You asked us to explore a number of specific areas, agreed with the council in advance, and which you identified as being most in need of improvement:

1. How well is the planning service focusing on and assisting in delivering overall priorities
2. The customer experience of the planning service
3. The Local Plan
4. Neighbourhood plans
5. Roles, responsibilities and relationships
6. The role of the Planning Committee, including public engagement and transparency

7. The format and process of the Planning Committee day
8. Call-in
9. Reports, minutes and updates

The peer challenge process

It is important to stress that this was not an inspection. Peer challenges are improvement focussed and tailored to meet individual councils' needs. They are designed to complement and add value to a council's own performance and improvement. The process is not designed to provide an in-depth or technical assessment of plans and proposals. The peer team used their experience and knowledge of local government to reflect on the information presented to them by people they met, things they saw and material that they read.

The peer team prepared for the peer challenge by reviewing a range of documents and information in order to ensure they were familiar with the Council and the challenges it is facing. The team then spent 3 days onsite in North West Leicestershire, during which they:

- Spoke to more than 76 people including a range of council staff, councillors, external partners and stakeholders, including agents and developers
- Gathered information and views from more than 25 meetings, visits to key sites in the area and additional research and reading
- Collectively spent more than 175 hours to determine their findings – the equivalent of one person spending more than 5 weeks in North West Leicestershire.

This report provides a summary of the peer team's findings. It builds on the feedback presentation provided by the peer team at the end of their on-site visit (15th February 2018). In presenting feedback to you, they have done so as fellow local government officers and members, not professional consultants or inspectors. By its nature, the peer challenge is a snapshot in time. We appreciate that some of the feedback may be about things you are already addressing and progressing.

4. Feedback

4.1 How well is the Planning Service focusing on and assisting in delivering the council's overall priorities?

The Planning Service shows good performance and receives around 900 planning applications each year, which results in income of over £1m per year for the council. Planning enforcement staff dealt with 344 cases during 2017-18. Local targets for determining applications are set higher than national targets, at 85% in each category, and this is largely achieved. At February 2018 the cumulative performance during 2017-18 is 88.88% for major applications, 80.08% for minor applications and 88.65% for other applications.

The government's recently proposed standardised Local Housing Assessment gave NWLDC a needs assessment of 360 new homes per annum. The council has set through the Local Plan a target of 481 homes each year, and has historically delivered above this amount.

The county wide Members' Advisory Group oversees the Strategic Growth Plan for the whole of Leicestershire and Leicester, and includes all of the councils in the area. The preparation of the Plan is being overseen by a Members' Advisory Group (MAG), which includes representatives from each of the local authorities, together with the LLEP whose representative attends as an observer. The MAG is supported by a Strategic Planning Group, which is made up of senior officers from the local authorities. Chaired by the portfolio holder from NWLDC, it brings visible and effective leadership to this partnership of councils.

Through the county-wide MAG but also more widely, stakeholders told us that the council is good to work with and adds value when involved.

Overall we were told of a positive culture within the council, with good team working. Officers are highly regarded externally by their peers in other councils.

As in all other councils the Planning Committee is a very public window into the council's decision making processes and the outcomes from this committee are very important in shaping the future of the district and the lives of communities now and in the future. The aim of the Planning Committee must be to enable the public to engage in this complex and often controversial process in order to be satisfied with and be clear about the decision making process, if not always the outcome. However in NWLDC this focus appears to have been lost and there are significant concerns about the Planning Committee works to the extent of it being dysfunctional. This could undermine delivery of the council's strategic objectives.

4.2 The customer experience of the planning service

Planning officers are largely well regarded by customers. However the overall profile of customer service is quite low and during our onsite work there was little

mention of the customer or their experience through planning. Overall there is a strong sense of uncertainty for customers on outcomes.

The pre-application stage works reasonably well but does not appear to reduce application timescales. There are delays in processing arising from a number of factors including registration being relatively slow, validation, responses to consultation and discharge of conditions. PAS has lots of advice about how to best organise and use pre-application advice <https://www.local.gov.uk/pas/pas-topics/planning-applications/pre-application-suite>.

Linkages between the planning service and enforcement could be improved. The current sense of detachment between the two is exacerbated by the enforcement team being located away from the Planning Service staff within the council offices. Some of this is down to simple communication between both elements, including creating regular flows of information about forthcoming applications.

Although parish councils do not have a statutory right to be consulted about planning applications, they do have a statutory right to be informed. At the moment they do not feel listened to and the feedback loop between them and NWLDC can be improved. One consideration could be to give some simple feedback about why an objection to an application did not result in a refusal of permission, for example, explaining why the objection was not valid on planning grounds. Giving such reasons may enhance parish councils' understanding of the planning process, and help to achieve more valid contributions in the future. Parish councils could attend councillor training sessions so they are best informed.

Case officers need to take more active steps to balance consultee responses for more effective and quicker decision making. There are often significant delays at the consultation stage, especially on highway related matters, and some of this may arise from the county council's resources being stretched. The current approach could be improved by exploring a service level agreement (SLA) between the two bodies to simplify, clarify and speed up responses and response times.

The customer experience of the Planning Service could be significantly better. The council's call centre arrangements do not seem to work to best effect for planning applicants. This is because the generic roles played by customer service staff do not enable them to be able to answer often technical details from members of the public, and this results in enquiries being addressed by planning officers, who are a more expensive resource. Any future review of customer service needs to take this into account, because the current approach means that members of the public do not receive a streamlined service, and neither is it an efficient use of resources. Consideration needs to be given to how the planning specialism can be dealt with effectively at the call centre stage, particularly as this may be the first encounter that customers have with the council and it is therefore important to get this element right.

The council does not charge for advice at the pre-application stage on minor applications, although many other councils do charge for this advice. Developing

a more comprehensive pre-application advice service which is charged to customers might improve the customer service because it may create a greater profile of customer needs and expectations. The potential for charging, and the rationale for doing so, are worthy of further exploration.

Recommendations

- **Explore and agree a Service Level Agreement with the county council so that the consultation process can be accelerated and improved**
- **Make better use of the call centre resource in order to free up professional planning officer time**
- **Evaluate the potential for a more comprehensive service for pre-application advice**
- **Consider if charging for pre-application advice would improve the effectiveness of the advice given**

4.3 The Local Plan

The Local Plan 2011-2031 was agreed in November 2017 and the previous Local Plan was adopted in 2002. It provides the plan for development across the district, and as such it should provide certainty and be the guide for that development. At planning policy level this provides the direction for future decisions and gives certainty about what the council wants to achieve through its spatial planning framework for the district and its communities.

However it does not appear to be commonly understood or owned by councillors. It has a very low profile across the membership of the council and its role in being the overarching strategic plan is either not understood or is being ignored when planning decisions are being made. Despite only being adopted a few months ago it is at risk of becoming redundant.

Reports to Planning Committee do not make enough reference to the Local Plan. Although policies are listed, there is not always a clear analysis or narrative of how those policies relate to the specific proposal. The style of writing means that the reference back to those policies is lost in large paragraphs, making difficult for members to follow.

How the Local Plan fits with the council's overall strategic objectives is not clear: it should be the land use manifestation of the council's strategic objectives. The Council Delivery Plan 2017-2020 is being refreshed but we heard little discussion about the overall objectives of the council and how planning might help deliver some of those corporate objectives.

The role of the Local Planning Advisory Committee (LPAC) is viewed within the council as largely complete due to the approval of the Local Plan, and it has a low profile amongst members and officers. Planning policy is currently determined in NWLDC by Cabinet and Full Council. However, going forward the LPAC has the potential to play a much more significant role in enabling the council to become more transparent, as well as becoming the body which develops planning policy. The LPAC should be taking a leading role in responding to the changes to the

national planning agenda that are due to be announced imminently with the update to the national Planning Policy Framework (NPPF). LPAC has a considerable role to play in developing how this will affect NWLDC, the Local Plan and the delivery of new homes. Consideration should be given to making it more important and powerful within the current constitution so it can play a role in determining other relevant issues such as agreeing the five year land supply for the district.

Recommendations

- **Formalise the role of LPAC to become a formal decision making body of the council**
- **Make clearer reference to the Local Plan and what it means in officer reports on applications to Planning Committee**
- **The whole membership of the council – not just those on Planning Committee - need training on the content and significance of the Local Plan**

4.4 Neighbourhood plans and CIL

The support from officers on neighbourhood plans in Ashby has been well received by communities. However to date there has not been much overall interest in the concept or roll out of neighbourhood plans.

Neither has there been progress on the development of a Community Infrastructure Levy (CIL) across the district. This may be because S.106 funds are seen to be more significant and there is relatively low awareness of other means of planning related reward schemes.

At national level it appears that the policy on CIL is beginning to change and it may become more beneficial for NWLDC to explore the potential for a CIL in more depth.

Recommendations

- **Consider how a proactive stance on neighbourhood development plans might help with community engagement and delivering council priorities**
- **Any undertaking to develop of more neighbourhood plans needs to reflect which resources will be required to deliver it**
- **Publish comprehensive details of S.106 monies on the council's website for greater transparency**
- **Revisits decisions on CIL to assess whether a CIL could be desirable and effective**

4.5 Roles, responsibilities and relationships

Relationships across the council appear to be positive, both between members and between members and officers. Although outside of the remit of this peer challenge, non-planning meetings including the Full Council meeting, were described to us as courteous, with constructive and engaged debate. However

this is not the case with the Planning Committee, where relationships at all levels are fraught, and we gained little sense of members working together or more widely with officers as a team. The tension at this level is becoming known externally and if not dissipated will have a serious impact on the council's reputation with partners, stakeholders and developers.

Relationships between members on the Planning Committee are fractious and clearly divided along political lines. There is no sense of a general common purpose on planning matters between members across the committee. Behaviours between members on the committee, including voting, suggest that members appear to have lost their sense of public interest and customer service.

Members have a greater and more overt role to play in ensuring that the Planning Committee, like any other decision making or public arena of the council, is conducted in accordance with the highest standards of public life. In particular there are too many instances of where poor behaviour is ignored and is tolerated, to the extent that it has become normal for the Planning Committee meeting to become chaotic and difficult to follow, officers are criticised and procedures are not clearly followed. All members, particularly those in senior positions, need to play a clearer and more overt role in tackling poor behaviour as and when it occurs. Improved behaviours need to extend to all members showing leadership through actively working with the Chair and Deputy Chair to facilitate professional and effective meetings.

Relationships between members and officers are poor on matters relating to planning, although there are a few exceptions to this. Some officers have developed a tendency to be defensive in their interactions with some members, and this has not helped to improve relationships overall.

Members do not appear to trust or want to follow the professional advice given to them by officers about matters relating to planning issues. In some instances officers are not even invited to comment on matters raised at committee. There appears to be a prevailing culture of disregarding officers' views and advice, reflected in a number of ways:

- The number of overturns at committee is very high relative to other councils. The extensive use of overturns seems to be driven by members wanting to go against officer advice for the sake of it, or if there are other reasons for overturning officer recommendations, it is not clear what these are
- At the committee meetings we observed there were instances of members appearing to ignore officer advice, or being reluctant to hear it
- Numerous examples of criticising officers in public, including discourteous comments, which sometimes descends into rudeness. Members should be reminded that officers do not have a public right of reply in such circumstances, and that poor behaviours do not enable members or the public to gain a better service from the council. Such attacks reflect very poorly on the members involved.

- Instances where members, despite having had plenty of time to raise issues, use the Planning Committee meeting as the opportunity to try and catch out officers on technical matters
- Officers inevitably become defensive because they are unable to respond, and occasionally feel cornered by the behaviour of members.

Neither are members distinguishing between their ward councillor and committee membership roles sufficiently. It is inevitable and right that members will have a keen interest in what goes on in their wards, but there seems to be less focus on achieving the best for the district as a whole and often it appears that members are defaulting to ward-only interests rather than achieving a greater purpose. Committee members need to be very clear about the role that they take on any planning application in their own ward: either as decision maker for the authority as a whole or community advocate for the ward. It is advisable that Planning Committee meeting members do not vote on decisions which affect their wards.

Councillors not on the Planning Committee need to have earlier options for engagement than at present. Earlier engagement will enable better relationships to be built and improve trust and understanding between members and officers. Ward members should be encouraged to have dialogue with the case officer or other members of the planning team in order to get a better understanding of the proposal and relevant issues. It would be helpful for officers if members flagged at an early stage that they were minded to call-in an application.

Some of this is reflected in a focus on the minutiae of process without a broader concern about what the public observing and interacting with the committee are witnessing. The October 2017 and November 2017 Planning Committee meetings provide an illustration of both the disregard for officer advice as well as lengthy and unnecessary discussions and distractions about minutes and individual words, none of which will have helped to enhance either decision making or the broader public perception of the committee.

Recommendations

- **Urgent and immediate training is required for all councillors on the role of members and on the member-officer protocols and code of conduct**
- **More structured engagement with group spokespersons needs to be introduced**
- **Senior members need to create a culture of calling out poor behaviour**
- **Improve committee procedures and operation to support the Chairman in running the committee well. The procedures should include provision for officers to respond to comments made by councillors and public speakers**

4.6 The role of the Planning Committee, including public engagement and transparency

Despite the enthusiasm of members in being on the Planning Committee, and the clear importance attached to its function, the overall impression given is of a muddled and messy meeting. It is difficult for non-planning professionals to follow and understand, and even people who attend regularly can find it difficult and sometimes frustrating to follow. It is considered good practice for the chair of the committee to explain the process that the Planning Committee will follow at the start of each committee, including how the committee will be making decisions on material planning reasons. This is also available for all attendees to read as an information sheet given to all attendees.

Visual materials projected at the meetings could be better displayed as they are not easy for everyone to see. Some of this is down to the design of the council chamber, the layout of the meeting, and where people are seated in relation to the projector. However, clearer and sharper images are needed and consideration should be given to having more than one screen on display so that the information can be easily viewed from a wider variety of points in the room. Officers also need to ensure that in their verbal presentations on individual agenda items, the commentary directly relates to the material being shown in the room.

The seating arrangements need reviewing because it does not aid understanding or transparency:

- As an outsider it is difficult to distinguish between members and officers
- The layout results in some people having their backs facing the Chair
- Applicants and opponents seem to be sat with each other in the room
- Members sit in party groupings. A better arrangement could be for members to sit alphabetically around the table

The use of microphones for speaking is inconsistent and makes the dialogue difficult to follow. In addition, some members appear to conduct mini-meetings during the course of the main meeting, which is a distraction from principal business. This further contributes to an impression of a disjointed and disconnected approach to decision making. Planning and planning committee decisions can often appear complex to someone that has never engaged with it before. The management of the process by the Committee Chair and respect to the Chair by all involved, especially fellow committee members, is absolutely key to allowing clear decision making to occur.

The experience for all applicants at the meetings needs to become consistent with the procedures set out by the council, and in particular needs to be much more transparent. From one meeting to the next the applications of the procedures seems to vary, making it challenging for any observers to follow. Some of this is not helped by members' enthusiasm for voting on the applications, which seems to take precedent over proper and appropriate debate relevant to planning matters.

The inconsistencies include:

- Lack of debate on material considerations for each application
- Lack of discussion on additional conditions when an application is approved

- Allowing a deferral of an application without offering a clear rationale or purpose
- Reasons for going against officer advice were not challenged or clearly explained
- Rushing towards a vote without allowing officers to give advice

The quality of the debate at recent meetings has been very poor. Some applications do not appear to merit proper debate and often where debate does take place, it is not on planning grounds. Members appear to be side tracked by process rather than focusing on the substance of applications and overall there is a lack of knowledge and understanding of material considerations, which in turn affects members' ability to appropriately determine applications. Little reference appears to be made to how applications relate to the objectives set out in the Local Plan. Members often seem to talk over one another during the meeting, and sometimes members do not appear to be listening to each other nor the officers' presentations.

Towards the end of the agenda the length of debate on individual applications seems to diminish, to the extent that some items seem to be rushed through the decision making process. All members have a responsibility to work more overtly with the Chair of the committee to ensure that it runs well, and that each application is considered in a balanced manner.

Concerted efforts are needed to ensure that the whole planning process is transparent. Members should be vigilant in ensuring their conduct, including their responses at committee, is always mindful of perceptions of pre-determination.

A number of factors contribute to the overwhelming perception that decisions taken at Planning Committee are made on party political lines:

- Where members sit in the bus and how they congregate on site visits
- Where members sit in the council chamber
- The nature of the discussion during the meetings
- Voting on individual applications appears to be partisan

Motions at the start of the debate seem to stifle discussion whereas better approaches would be to have the motion at the end of the debate, or better still would be an opportunity for someone to move at the natural conclusion of their contribution (i.e., not having to wait until all members have spoken). The debate should have an ebb and flow, encouraged and shaped by the Chair and including officers' contributions.

The role of individual officers is also unclear. Case officers should be encouraged to present their individual cases and should also be allowed to answer technical matters arising from members' queries. Senior staff should only be involved if there are strategic issues to address, rather than attempting to answer all queries from members at the meeting. Members also need to be more open to actively listening to and considering that advice.

The number of overturns of officer recommendations at committee appears to be increasing and is another key marker of poor levels of trust between members and officers, giving an overwhelming impression that members do not want to accept the professional advice and judgement offered. During the first five months of 2015 there were no overturns but the rate of overturns has increased to the extent that it has become normalised: for the remainder of 2015 it was 25.67%, during 2016 it was 30.28%, during 2017 it was 35.36% and for the three meetings between November 2017 and February 2018 the average overturn was 65%. In comparison, at Colchester Borough Council 54 applications were determined by committee since April 2017 and only 1 of these was an overturn.

This high volume of overturns creates uncertainty for all involved and does nothing to add to the customer experience or certainty about the outcome of their application. It also puts the council at greater risk of appeals and in turn, a stretching of officer resources and increased legal costs. Between March 2016 and July 2017 of the six appeals allowed, five were a result of member overturns. The council and committee need to be aware of their performance for appeals since the government has introduced a “quality” performance measure of the number of appeals for major and non-major applications. If an authority loses 10% of applications on appeal over a two year period they can be “designated” by government and so have their decision making powers on applications removed, as well as the threat of having to pay costs against cases lost on appeal.

The size of the Committee, at almost half of the overall membership of the council, is too large and is a factor in the meeting becoming difficult to participate in, and difficult to understand and observe. We understand that being involved in planning decision making is a key area of interest for members across the country, but nonetheless best practice suggests a smaller committee size would be more effective. PAS suggests the ideal size of the committee should be between 9-11 members and consideration should be given to the lower end of this suggestion.

The size of the committee should be reviewed within a broader refresh of the overall approach to planning governance. A refresh of all of the appointments to the committee, including those of the Chair and Deputy Chair, should be considered: this, combined with the many recommendation made within this report, will help the council to turn over a new leaf.

Recommendations

- **Reduce the size of the committee**
- **Refresh the membership of the committee**
- **Encourage political Group Leaders to ensure seating at the committee is not on political Group lines**
- **Change the seating layout at the committee**
- **Review officer roles at the committee**
- **Officers need to be given more opportunity to respond to the public’s and members’ comments**
- **Increase the size and quality of projected matter at the meeting**
- **Consistently apply the public speaking rules at the meeting**
- **Review the requirement for motions at the start of the debate**

- **Explore how the overall experience could become more transparent e.g., through webcasting, more extensive and consistent use of the council's website, explaining procedures more clearly to the public. Brent Council has some guidance which illustrates how this can be provided effectively**
- **Have name plates for all individuals involved: Chairman, Deputy Chairman, committee members, Head of Development Management, case officers, legal advisors, democratic service managers, etc. These should be clearly visible to the public.**

4.7 The format and process of the Planning Committee day

Too much emphasis is being placed on everything coming together on the Planning Committee day, and the amount of resource involved on the day appears to be extensive and yet is not leading to the best decision making. Some participants told us that they dread the day because it brings out the worst behaviours in everyone and it creates too much negative stress.

Site visits appear to take place for every application referred to the Committee, without a clear rationale for why each application needs a site visit. Members sit in party groups on the bus and also cluster in party groups when they alight from the bus to look at land or premises. If the weather is poor then members are reluctant to alight from the bus. Drive-by viewings do not appear to add much to the overall decision making process.

The briefings which take place on the bus are less effective than they could be. This is partly because of the distribution of where members sit on the bus, but also because of the lack of plans diminishes the value of what members are being shown. Overall the bus element of the planning day represents a poor use of resources and other means of communicating the information to members, making better use of new technology where appropriate should be considered. Can Google Earth and Google Street view or other mapping applications provide an interactive illustration of proposed sites?

The pre-committee briefing session immediately before the formal meeting also needs to be reconsidered because it's overall contribution to good decision making is questionable. This is because the timing of the session does not allow for sufficient time for officers to prepare detailed and accurate responses to members' queries. Questions asked by councillors at the briefing may sometimes be better asked at the Planning Committee meeting as they would add to the quality of the debate. In other instances questions were raised at the briefing that could have been raised earlier in the process. In addition the private nature of the meeting taking place so close to the formal meeting adds to the perception that pre-determination is taking place. Consideration should be given to having a Chair's briefing at least a few days before the committee meeting.

Recommendations

Site visit

- **Limit site visits to those where there is clear value added**

- **Review whether hiring a bus is necessary each time**
- **Where site visits do take place there needs to be more readily accessible plans available**
- **Consider whether site visits should be on a different day to the committee meeting**

Briefing

- **Change the timing and nature of the briefing**
- **Consider whether it should be on a different day to the committee meeting**

4.8 Call-in

The call-in arrangements are complicated and are not easy to understand and often the reasons for call-in do not appear to be articulated on planning grounds.

The potential for ward-only call-ins reinforces the ward-only focus for members rather than supporting and encouraging them to have a more strategic, district-wide overview. It is also not appropriate for members to sit on the committee for applications in their ward. The committee member(s) should step back from the committee for the duration of that item, whether or they called it in or not.

The current two-stage call-in process enables call-in once representations and consultation responses have been received, in addition to the initial three week period. This is overly complex and difficult for both councillors and the public to understand and would seem to have no obvious benefit over an approach where the initial period is simply extended by a week or so.

The procedures surrounding the call-in of members' officers' and their relatives' applications are understandable, in that the council needs to show that the applications are not subject to bias. However the practical reality is that the opposite can happen. Despite the procedures in place to prevent this, a review of the procedures needs to take place to ensure that the current processes involved do not unwittingly create a degree of advantage.

Recommendations

- **Develop a single stage for call in, possibly over a longer periods, for example 28 days, at the start of the determination process**
- **Members need to clearly articulate the strong planning reason for call in**
- **Officer/member/relatives' applications should only be referred to committee if officers are minded to approve an application**
- **Consider amending the constitution trigger so only serving members' and officers' applications are sent to committee**

4.9 Reports, minutes and updates

There is room to improve the quality of reports sent to committee across a range of issues, particularly to make reports more user friendly for the council's customers:

- A greater focus on the use of plain English and better grammar
- Reports should follow a more narrative structure as some of the examples we saw were formulaic
- Having an executive summary can discourage members and the broader audience from reading the full content and details of the papers
- Some reports contain dense paragraphs and are difficult to understand. The introduction of numbered paragraphs would also help to support improved debate at committee by enabling members to raise issues clearly, and for others to be able to more easily follow the debate
- A lack of assessment of the representations received does not improve public confidence in each application being received on its own merits

Looking at what other Planning Committees receive will help to bring in new ideas on how reports can be presented, for example in Bury:

<https://councildecisions.bury.gov.uk/ieListMeetings.aspx?CId=134&Year=0>

Plymouth:

<http://web.plymouth.gov.uk/modgov?modgovlink=http%3A%2F%2Fdemocracy.plymouth.gov.uk%2FieListDocuments.aspx%3FCId%3D251%26amp%3BMId%3D6776%26amp%3BVer%3D4>

and Hastings:

<http://hastings.moderngov.co.uk/ieListMeetings.aspx?CId=129&Year=0>

The minutes of the meeting are very detailed and are more detailed than necessary. Although an audio recording of the meeting is made, it is not made available to the public, and as its primary purpose is to support the compilation of the minutes, the overall quality of the recording is not as good as it could be. Moving forward developing a better recording of the meeting either through audio recordings, or as some councils are doing, via webcasting the meeting, would help the planning process in NWLDC to become more transparent and customer friendly.

At the meetings we observed there could have been more opportunities for officers to make clearer contributions, both through the quality of the written material they are submitting, but also through the oral presentations they make.

Recommendations

- **Officers need to develop more confidence in their decisions and justifications for decisions**
- **Members need to show they have received and considered officer advice when making decisions**
- **Carry out a best practice review of the structure and layout of reports**

5. Next steps

Immediate next steps

We appreciate the senior managerial and political leadership will want to reflect on these findings and suggestions in order to determine how the organisation wishes to take things forward.

PAS and the LGA where possible will support councils with implementing the recommendations as part of the council's improvement programme and we would be happy to discuss this further. Mark Edgell, Principal Adviser is the main contact between your authority and the Local Government Association (LGA). His contact details are: mark.edgell@local.gov.uk

In the meantime we are keen to continue the relationship we have formed with the council throughout the peer challenge. We will endeavour to provide signposting to examples of practice and further information and guidance about the issues we have raised in this report to help inform ongoing consideration. PAS has a range of support available to the council: <https://www.local.gov.uk/pas/pas-support/councillor-development>. In the near future a Leadership Essentials event is available on planning committee decision making for committee chairs or vice chairs, on 20th & 21st March and a further session will take place in September 2018.

Recommendations and Action Plan arising from Peer Challenge 13-15 February 2018

Area	Recommendations	Actions	By	Change to Constitution?	Timescale
1. Customer Experience	Agree a Service Level Agreement with the County Council to improve the consultation process.	To be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice.	JN/JA	No	Council in May 2018 in action plan update.
	Utilise customer services to deal with standard enquiries to free up professional officer time.	To be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice. The key objective is ensuring the most efficient use of staff resources to best serve the customer either through a planning support team or corporate customer services.	JN/JA/BS	No	This will be considered corporately as part of the current review of the Customer contact centre.
	Evaluate the potential for a more comprehensive approach to pre-application advice	To be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice. Planning officers to review the current approach to pre-application advice and charging. A report to cabinet will be prepared setting out recommendation in 2018/19.	JN/JA	Pre-application process not currently set out in constitution. Assessment to be made as to whether this is necessary.	Council in May 2018 in action plan update.
	Consider whether a charge for all pre-application advice would improve effectiveness.	Refer above.	JN/JA	No	Council in May 2018 in action plan update...
2. Local Plan	Make the Local Plan Advisory Committee a formal decision making body	<p>Assessment to be made of the appropriate functions to be delegated to the reformed committee and the legal structure of it. Assessment to be supported by legal advice.</p> <p>Monitoring Officer to make constitutional changes in relation to the Local Plan Advisory Committee with a view to implementation from the new civic year in May 2018.</p> <p>Independent remuneration committee to be convened to determine whether a Chair's allowance is payable.</p>	EW	Yes	Some changes addressed in this report. Terms of Reference to May Council meeting

Area	Recommendations	Actions	By	Change to Constitution?	Timescale
	Make clearer references to the Local Plan policies in all Planning Committee reports	Planning officers to make clearer references to the Local Plan policies in all Planning Committee reports with immediate effect. Review of existing reports in conjunction with Planning Advisory Service/LGA external support and consider national best practice.	JN/CE	No	Council in May 2018 in action plan update.
	Ensure that the content and significance of the Local Plan is addressed in all future training for members.	Training programme to be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice.	JN/CE	No	Council in May 2018 in action plan update.
3. Neighbourhood Plans, CIL, Section 106s	Consider how a proactive stance on NDPs may help with community engagement and delivering council priorities	Planning officers to consider and evaluate approach to NDPs. To be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice.	JN/IN	No	Council in May 2018 in action plan update.
	Understand the need for resources if more NDPs are undertaken	Tbc on completion of above	JN/IN	No	Council in May 2018 in action plan update.
	Publish comprehensive details of S106s on website for greater transparency	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JA/JN	No	Council in May 2018 in action plan update.
	Explore options for further work on S106 processes.	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JA/JN	No	Council in May 2018 in action plan update.
	Revisit decisions on CIL to assess whether it is desirable and effective.	Planning Officers to revisit decisions on CIL to assess whether it is desirable and effective and incorporate and consider at part of the Local Plan Review	JA/JN	No	Council in May 2018 in action plan update.
4. Roles, Responsibilities and Relationships	Ensure that all Members and officers receive immediate training on member and officer/member protocols	Training programme to be developed in conjunction with Planning Advisory Service/LGA external support and consider national best practice.	EW	No	Council in May 2018 in action plan update.
	Enable more structured engagement with group spokespersons	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JN/CE	No	Council in May 2018 in action plan update
	Senior Members to create a culture of calling out poor behaviour	Group leaders to address member behaviour within their groups with immediate effect Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice. Member training programme to be developed.	GL	No	Council in May 2018 in action plan update
	Improve the Committee procedures and operation to support the Chairman in running the Committee well.	Democratic Services, Legal Services and Planning Services to meet and agree a consistent approach in the operation and procedures relating to Planning Committee.	SO, ML, CE	Yes	With immediate effect and any additional advice

Area	Recommendations	Actions	By	Change to Constitution?	Timescale
		Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.			incorporated from PAS/LGA 2018.
5. Planning Committee	Change the timing and nature of the Planning Committee briefing (not necessarily on the same day)	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JN/JA/CE	No	Council in May 2018 in action plan update
	Consider whether site visits are necessary for every application and how they are conducted	Improved equipment at committee to enable better presentation on sites and proposals to be put in place e.g. google map photographs Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JN/JA/CE	No	Council in May 2018 in action plan update
	Encourage group leaders to ensure seating is not on group lines	Group leaders to speak with their members on Planning Committee and Democratic Services to relocate name plates with implementation from the new civic year in May 2018 – Alphabetical order of seating will be introduced.	GL/ML	No	From May 2018
	Change seating layout of the meeting and improve the visual presentations	Democratic Services to review the layout of the Planning Committee meeting and liaise with IT about the purchase and positioning of additional screens.	ML	No	Awaiting quotes for new screens to be installed ASAP.
	Review officer roles at committee	Advice to be sought from Planning Advisory Service/LGA and consider national best practice.	JA	No	Council in May 2018 in action plan update
	Officers to be given more opportunity to respond to public and members' comments	Planning Officers to agree to introduce an opportunity in the meeting for responding to public and members' comments for implementation from the new civic year in May 2018. Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JN/JA/CE	No – subject to not changing rules of debate	May 2018 and any additional advice incorporated from PAS/LGA 2018
	Increase size and quality of presentations and use of technology such as google maps	Planning Officers increase size and quality of presentations with immediate effect.	JN/CE	No	New projector in place. Changes to be implemented with immediate effect.
	Ensure consistent application of the public speaking rules	Democratic Services, Legal Services and Planning Services to ensure that the public speaking rules are treated with consistency. Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	SO, ML, CE	No	With immediate effect and any additional advice incorporated from PAS/LGA 2018.
	Review the requirement for motions at the start of the debate	Monitoring Officer to make constitutional changes in relation to motions at Planning Committee with a view to implementation from the new civic year in	EW	Yes	Report to Council in May 2018

Area	Recommendations	Actions	By	Change to Constitution?	Timescale
		May 2018. Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.			
	Refresh the Membership of Committee	Consideration of leaders and members at May full council	Leaders		Report to Council in May 2018
	Reduce size of the committee and allow a pool of substitutes	Democratic Services Team Manager to calculate consequential proportionality changes by reducing the size of the Planning Committee with a view to implementation from the start of the new civic year in May 2018.	ML	Yes	Completed – details in this report for approval
		Monitoring Officer to review the Substitution Scheme to allow for a pool of substitute members on the Planning Committee.	EW	Yes	Report to Council in May 2018
	Consider not allowing a ward member to sit on Planning Committee when an application in their ward is being considered.	Planning Services and Legal Services to liaise to enable the Monitoring Officer to make constitutional changes in relation to ward members not sitting on the Planning Committee during consideration of an item in their ward, with a view to implementation from the new civic year in May 2018	JA/JN/SO/ EW	Yes	Report to Council in May 2018
	Think about how you could be more transparent e.g. webcasting	Democratic Services Team Manager to investigate webcasting options and prepare a costings report by the end of March 2018.	ML	No	Council in May 2018 in action plan update
	Ensure that all members of the Planning Committee receive compulsory up to date training	Planning Officers to ensure that all members of the Planning Committee have received up to date training with the first compulsory training session being held no later than the date of the first Planning Committee following annual council in May 2018. Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice. Training programme to be prepared.	JN/CE	Yes	Council in May 2018 in action plan update
		To be formally recognized in Council's constitution with compulsory attendance required and members who fail to attend training not permitted to sit on committee and having to be replaced by a substitute.	EW		

Area	Recommendations	Actions	By	Change to Constitution?	Timescale
6. Reports, Minutes and Updates	Officers to be more confident in decisions and justifications	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice.	JN/CE	No	Council in May 2018 in action plan update
	Carry out best practice review of structure and layout of reports and include plans	Advice/external support to be sought from Planning Advisory Service/LGA and consider national best practice and Plain English guidance.	JN/CE	No	Council in May 2018 in action plan update
	Consider reducing the level of detail in the minutes	Democratic Services to reduce the detail contained in the minutes and continue to record the meeting to capture the detail with immediate effect.	ML	No	With immediate effect
7. Call-In	Introduce a single stage process – 28 days following the issue of consultation notices.	Legal Services and Planning Services look at a review of the call in processes for planning applications with a view to any changes, constitutional or otherwise, being implemented from the new civic year in May 2018.	JA/JN/EW/SO	Yes	Report to Council in May 2018
	Members to give strong planning reasons for any call-in	As above. Guidance to be developed with support from Planning Advisory Service/LGA.	JA/JN/EW/SO	Yes	Council in May 2018 in action plan update
	Members'/Officers' Relatives applications only go to Committee if officers are minded to approve	As above	JA/JN/EW/SO	Yes	Council in May 2018 in action plan update
	Consider a constitutional trigger only for serving members and officers	As above	JA/JN/EW/SO	Yes	Council in May 2018 in action plan update

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Abbreviations	
JN	Jim Newton, Head of Planning and Infrastructure
CE	Chris Elston, Planning and Development Team Manager
EW	Elizabeth Warhurst, Monitoring Officer
IN	Ian Nelson, Planning Policy and Business Focus Manager
JA	James Arnold, Strategic Director of Place
ML	Melanie Long, Democratic Services Team Manager
GL	Group Leaders
SO	Sima Odedra, Planning Solicitor

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL - TUESDAY, 20 MARCH 2018

Report Title	COUNCIL DELIVERY PLAN 2018/19
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Strategic Director of Housing and Customer Services 01530 454819 glyn.jones@nwleicestershire.gov.uk</p>
Purpose of report	To approve the Council's Delivery Plan for 2018/19 and consider any recommendations from Cabinet.
Council priorities	This report delivers an update and actions on all of the Council's priorities.
Implications:	
Financial/Staff	The implementation of the Council Delivery Plan has been resourced through the Council's Medium Term Financial Strategy.
Link to relevant CAT	Improvements contained within the Delivery Plan.
Risk Management	Improvements contained within the Delivery Plan.
Equalities Impact Screening	Equality impacts will be continuously monitored and taken into account for individual projects.
Human Rights	None discernible at this time.
Transformational Government	Improvements contained within the Delivery Plan.
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	CLT, Strategy Group.
Background papers	Draft Council Delivery Plan (Policy Development Group - 10 January 2018) Proposed Council Delivery Plan (Cabinet - 6 February 2018)
Recommendations	IT IS RECOMMENDED THAT COUNCIL: 1. APPROVE THE PROPOSED COUNCIL DELIVERY PLAN 2018/19. 2. AUTHORISE THE CHIEF EXECUTIVE, IN CONSULTATION WITH THE LEADER OF THE COUNCIL, TO MAKE ANY FINAL TECHNICAL AMENDMENTS TO THE PLAN PRIOR TO PUBLICATION.

1. BACKGROUND

- 1.1 The Council adopted its first Council Delivery Plan (CDP) in April 2005. Since then, the CDP has evolved annually to reflect the changing environment in which the Council is operating.
- 1.2 Since 2011/12, the CDP format has been designed to suit our customers rather than our auditors. These plans provided an accessible overview of the Council's plans for the new financial year, including priority outcomes and high level actions. Performance against the plan is reported quarterly to Cabinet. For the municipal year 2018/19 the quarterly reports will be taken to Policy Development Group prior to Cabinet. The most recent CDPs have a strong customer focus, and several sections of the reports were included largely for the benefit of readers outside the Council.

2. COUNCIL DELIVERY PLAN 2018/19

- 2.1 The service and financial planning process has been better aligned this year and the CDP and MTFs have been developed and considered by members in parallel. The MTFs provides a robust 5 year financial plan which has informed and supports the CDP.
- 2.2 The proposed draft of the CDP for 2018/19 is attached at Appendix 1. The design has been updated to make the document more engaging for readers.
- 2.3 The draft CDP was considered by Policy Development Group and Cabinet on 10 January and 6 February 2018 respectively. Copies of the minutes of both meetings are attached at Appendix 2. A change log which documents some of the comments made by Policy Development Group and responses from Directors is attached at Appendix 3.

3. STRENGTHENING OUR STRONG PERFORMANCE CULTURE

- 3.1 The CDP will continue as an outward-facing document for our customers and partners, and more detailed performance management will continue to be cascaded through the Authority using Team Business Plans and the performance management system. The performance management system will continue to be developed to improve reporting methodologies and

to ensure that the most important information is coming through at the right levels of management and to councillors.

- 3.2 The outcomes and actions listed in the CDP have a detailed set of quarterly milestones and indicators listed with Team Business Plans. Quarterly performance monitoring against these plans will continue as it does at present. In addition, it is proposed that performance against key corporate projects will be reported quarterly to Cabinet as part of the Quarterly Performance Report.
- 3.3 The portfolio holders are briefed monthly the performance of their services and are engaged in the quarterly performance reports.

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North West Leicestershire

District Council

Council Delivery Plan for 2018-19



Ashby de la Zouch achieved Purple Flag status in 2017



Picnic in the Park 2017

Welcome to our Council Delivery Plan for 2018-19

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North West Leicestershire District Council is committed to providing the best possible services for our communities.

We have a wide-reaching influence; from collecting bins and sweeping the streets that we all use, to lobbying government on national issues and contributing to wide ranging strategies that direct growth and infrastructure.

It's important that we use this influence to lead the way on the things that are important to us; growth in the right places, homes for local people, support for businesses and town centres, and driving a green agenda.

Most importantly, we need to provide the right service for our customers.

More than ever, we're putting our customers at the heart of what we do, striving to provide what they want in the right place at the right time. We're putting a lot more online to provide 24/7 access to our services and improving the ways we communicate with our customers so they can help shape the services we provide.

Financially, we're on a good footing. We're using this time to prepare for the future, when we will see cuts to some of our funding sources. This work revolves around robust budgeting, making sure we bring in money where we can and spending our money wisely for the benefit of our communities.

We're very proud of this plan, which sets out our priorities and aims for the coming years. We're looking forward to seeing our work take shape and make a positive contribution to North West Leicestershire.

Councillor Richard Blunt – Leader

Bev Smith – Chief Executive

Our priority areas | Value for money | Homes and communities | Building confidence in Coalville | Business and jobs | Green Footprints



Building confidence in Coalville

Our work to regenerate and build confidence in Coalville continues. Our aim is to work with others to help make Coalville town centre a desirable destination for those living in and around the town.

This coming year will see significant changes to Marlborough Square that will make it better for pedestrians and events. We're making improvements to the Memorial Tower ahead of our 2018 Remembrance events, whilst making plans for wider improvements to the whole of Memorial Square during the following year.

Our frontage grant scheme continues to change the face of our key streets and we maintain our 'open door' policy to any investor looking to make a positive impact in the town.

Building confidence in Coalville

Our aims

■ Coalville is vibrant, green and clean

■ Local people choose to spend their money and time in Coalville Town Centre

■ Coalville becomes a destination of choice for visitors and businesses

Key tasks 2018-19

Develop a vision and masterplan to further regenerate the town centre in consultation with Coalville residents

Identify short, medium and long term programmes for Coalville's regeneration:



Physical regeneration:

- Invest £1.1 million in changes to Marlborough Square, to create a better space for pedestrians and events
- Work with the private sector to secure a cinema operator for Coalville
- Begin residential development of at least one town centre site



Culture:

- Establish and maintain an events programme in our public spaces, including the redesigned Marlborough Square

Business support:

- Continue our Frontages Grants
- Support new business start ups in the town centre

Infrastructure:

- Support improvements to Ashby Road with removal of traffic calming, better street furniture and planting
- Changes to traffic flow as part of Marlborough Square redevelopment
- Improve cycle connectivity.

In the next three years we will...

Increase the number of Coalville businesses that successfully bid for our Enterprising grants by 50%

Increase the number of homes in Coalville by 950

Invest £1.5 million in regenerating Coalville town centre



Hold at least five events in Marlborough Square each year

Support the redevelopment of key housing sites

Work with Leicestershire County Council to ensure the redevelopment of the Snibston site and surrounding area goes ahead

Encourage people who use the 'gateway' site where the new leisure centre will be to use the town centre



Reception, Council offices

Value for money

We're committed to putting the customer at the heart of what we do and a big part of this is providing value for money through our services.

Through knowing our customers, understanding what they want from their council and helping them to access services in a broad range of ways, we can make sure we invest in the right places and make savings elsewhere.

Whilst we're in a financially strong position at the moment, we know the future holds some potentially difficult times. That's why we're using this year to assess our assets to make them work financially for us and looking at ways we can be more commercial to bring in money.

To read our Medium Term Financial Strategy, which sets out how we will manage our finances over the next five years, please visit www.nwleics.gov.uk/mtfs.

Value for money

Our aims

■ Right service, right time, right price

■ The council becomes a self-sustaining organisation

Key tasks 2018-19



Start our Customer First Programme to improve our customer service



Develop trusted commercial services that can be offered to external customers

Procure a new contractual partnership with an external leisure provider to build a new leisure centre in Coalville and make improvements to Hood Park Leisure Centre in Ashby de la Zouch



Develop and start working to a longer term financial strategy that helps the council to become resilient and self-sufficient, and not reliant on central government funding

Develop and implement an Asset Management Strategy to make best use of all council-owned buildings and land

Update and review the treasury management strategy to make best use of our investments



Establish a local housing / trading company

In the next three years we will...



Increase overall customer satisfaction by 10%

Give customers the ability to access at least 50 transactions online 24/7

Improve the financial return we receive from our investments by at least 25%



Generate £500,000 by selling the dry recycling we collect



Coalville Spring Clean, March 2017

Homes and communities

Our district is one of fantastic and varied communities and our services affect each and every one of them.

Our priority is to help these communities to thrive; by providing good quality homes in the right places, by tackling anti-social behaviour and by working for our communities on a national scale on developments like HS2.

We have a responsibility to help those most in need in our communities, so we're focussing on providing affordable homes and increasing the number of council homes we can offer for rent, whilst preventing homelessness.

Homes and communities

Our aims

- Residents live in high quality, affordable homes
- Vulnerable households are supported
- Communities are safe and cohesive
- Improve the quality of life for our residents

Key tasks 2018-19



Work with health partners to develop a health and well-being strategy for North West Leicestershire

Maximise the economic benefits and minimise the negative impacts from HS2 for North West Leicestershire and our residents

70



Modernise Coalville CCTV to tackle anti-social behaviour

Review our planning service and enhance our planning enforcement, to make sure housebuilders build in accordance with their approved plans, while maximising benefits from planning agreements and ensuring they are spent in a timely manner

Formally launch our Good Design Guide for housing developments

Devise, publish and implement a statement of licensing policy to reduce crime and improve public safety

In the next three years we will...

Increase the number of physically active adults in the district to 39,800, reducing the amount of physically inactive adults by 10%

Ensure anti-social behaviour levels do not increase



Build or acquire at least 68 council-owned homes

Work with local housing associations to supply 300 new affordable homes

Invest up to £15 million to improve council housing stock



Determine 100% of planning applications in line with our Good Design Guide, ensuring high quality developments in our district

Work according to our new duties under the Homeless Reduction Act to make sure people threatened with homelessness in the district receive the support they need



Determine 100% of licensing applications in accordance with the statement of licensing policy, which is shaped by the public and other key stakeholders



Coalville Jobs Fair at Stephenson College

71

Business and jobs

North West Leicestershire is an excellent place for business. We're perfectly located in the heart of the country with great access to important road networks and East Midlands Airport.

Our business support ranges from grants for start-ups and growing companies, to advise and support on a one to one basis.

We're investing in our town centres; both in terms of infrastructure and physical change, and by

organising events to attract people for shopping and entertainment. We're also planning to support Coalville and Ashby de la Zouch towards achieving town centre awards.

We're supporting jobs; working with education providers to build the skills we need to fill the jobs we have, creating apprenticeships in our own organisation and holding job fairs that benefit local companies and job seekers alike.

Business and jobs

Our aims

■ NWL has a thriving economy where businesses are supported

■ Support local people to access jobs

Key tasks 2018-19



Develop an Economic Growth Plan and a Place Marketing Strategy for the district

Develop a tourism strategy that promotes, encourages and enhances the visitor experience

Develop and enhance our apprenticeship programme, and provide volunteering and work experience opportunities

Develop an options appraisal for the future development of the Moira Furnace site



Develop a funded plan of infrastructure development and work with Leicestershire County Council to reduce congestion

Introduce town centre management support for our key town and village centres



Work with local businesses to support them to become Disability Confident employers

Increase the number of people attending events in our district year on year

Provide regulatory services (like licensing and environmental health) in a way that promotes business growth

In the next three years we will...

Double the number of apprentices we employ



Make sure local people make up at least 30% of the workforce used to build the new leisure centre and that the new facility maximises opportunities for apprenticeships

Help businesses to create 2,000 new jobs



Provide a pot of £250,000 grant funding and business support

Work with partners to organise two jobs fairs every year

Work with partners to actively promote seven tourism and culture events



Invest £1.1 million in Ashby de la Zouch

Provide face to face business and environmental health advice to 20 growing businesses each year



Green Shoots grants

Green Footprints

We want to lead the way in making the district greener in terms of the physical environment and reducing our own carbon footprint.

Our Free Tree Scheme, run in partnership with the National Forest, grows in popularity every year. Coupled with our work to tackle littering and fly-tipping, we're making a real difference to the appearance of communities.

We're pleased to say that people in our district are great at recycling but we're not planning to stop in our efforts to increase recycling levels in the district.

This year, we're looking at green technologies, making our council homes more fuel efficient by installing air source heat pumps as well as investigating other means of reducing our carbon footprint as a whole.

Green Footprints

Our aims

■ Communities are green and clean

■ To be an exemplar of green employers

Key tasks 2018-19

Achieve 'Very Good' BREEAM rating for the new leisure centre in Coalville

74 Develop a recycling strategy that encourages more households to recycle



Reduce our carbon footprint through agile and mobile working, and by making best use of technology

Establish a green policy that calculates our carbon footprint and sets a target and action plan to reduce this year on year

Work with the National Forest to increase the amount of trees planted and support the first international forest festival

Look at the feasibility of installing electric charging bays in council-owned car parks

Support Ashby de la Zouch to become a 'timber town'



Work with businesses on litter hotspots to enhance the areas and raise awareness of littering to change behaviour

Develop and deliver a targeted fly-tipping campaign in partnership with Highways England.

In the next three years we will...

Increase dry recycling by 100 tonnes



Replace 450 solid fuel heating systems in council houses

Reduce our carbon emissions to support global average temperature increase below two degrees Celsius



Distribute 15,000 trees through our Free Tree Scheme

Achieve Green Flag accreditation for parks across the district, starting with Coalville Park


Work with Highways England on their network in our district to reduce fly tipping.


Useful information

If you would like more information about the Council Delivery Plan or any council service, please use the contact details below:

www.nwleics.gov.uk

customer.services@nwleicestershire.gov.uk

 @nwleics

 This is NWLeics

North West Leicestershire District Council,
Council Offices,
Coalville,
Leicestershire,
LE67 3FJ

01530 454545 (Main switchboard)

If you have an emergency outside of normal hours
please call 01530 454789

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01530 454506 (Reception)



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EXTRACT of the MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 10 JANUARY 2018

Present: Councillor M Specht (Chairman)

Councillors N Clarke, T Eynon, J Geary, D Harrison, G Houlton, P Purver, V Richichi, A C Saffell and N Smith

In Attendance: Councillors R Johnson, J Legrys and S Sheahan

Portfolio Holders: Councillors R D Bayliss and T J Pendleton

Officers: J Arnold, Ms T Ashe, Ms K Greenbank, Mr G Jones, Mr C Lambert, Mr J Newton, Mr D Scruton, Mrs R Wallace and Miss E Warhurst

33. DRAFT COUNCIL DELIVERY PLAN

The Head of Legal and Support Services presented the report to Members, drawing Members attention to the new format to enhance the key points and for clarity of reading.

In response to a question from Councillor G Houlton, the Director of Housing explained that a local housing/trading company was being set up to allow the council to do a number of things that it could not currently do as a local authority, for example sell services to businesses outside of the council.

Councillor V Ricichi questioned the viability of the frontage grants for businesses in Coalville. He gave an example of the Former Litton Tree Public House building which had received a grant but had made no improvements, as well as the bus station. He suggested that all businesses in the town be given a business tax break instead so that all benefit. The Head of Economic Development responded that she had been in contact with the owner of the Litton Tree Public House to encourage them to make improvements. She added that the bus station had not received a grant for frontage improvements. They had however received a business grant which would be returned if the regeneration project did not progress.

Regarding the task to give customers the ability to access transactions on line 24 hours a day, Councillor T Eynon was concerned that it would exclude people and suggested it was monitored. However, she was pleased that a key task for 2018-19 was to develop a health and well-being strategy. She also commented on whether the Good Design Guide for housing developments would address accessibility.

Councillor N Smith raised concerns on the number of very small properties that were being built with very small bedrooms and asked if there was anything that could be done to influence the developers to build family sized homes. The Head of Planning and Regeneration stated that the Local Plan set out the range of housing needed and planning policy also backed it up. He explained that it was easy to influence developers on larger developments. He added that there was no longer a National Space Standard and it was the decision of the authority to set the minimum size of rooms. This was not set at the moment but as the Local Plan was being reviewed it was something that could be investigated. Councillor N Smith asked for this to be included in the review.

Regarding the task to ensure anti-social behaviour levels did not increase, even if crime increased in the next three years, Councillor N Clarke felt that the wording was contradictory. The Head of Legal and Support Services agreed to take the comment back to officers.

Regarding the task to formally launch the Good Design Guide, Councillor A C Saffell commented that the designs in the past were poor and the officer had brought in some

good improvements, however the designs in some areas had lost the rural feel of the villages. He asked if the guide was based on the current Urban Designer's work. The Head of Planning Regeneration confirmed that it was. Councillor A C Saffell felt that there should be a rural design officer to retain the character of these rural areas in new developments.

By affirmation of the meeting it was

RESOLVED THAT:

- a) The report be noted.
- b) The comments made be fed back to Cabinet when considering the report on 6 February 2018.

EXTRACT of the MINUTES of a meeting of the CABINET held in the Board Room, Council Offices, Coalville on TUESDAY, 6 FEBRUARY 2018

Present: Councillor R Blunt (Chairman)

Councillors R D Bayliss, T Gillard, T J Pendleton, N J Rushton and A V Smith MBE

In Attendance: Councillors J G Coxon, D Everitt, T Eynon, J Geary, G Hoults, J Legrys, S Sheahan and M Specht

Officers: Mr J Arnold, Ms T Ashe, Mr G Jones, Mrs M Meredith, Mrs B Smith and Miss E Warhurst

107. PROPOSED COUNCIL DELIVERY PLAN

The Leader presented the report to members, explaining that the content of the draft delivery plan had been aligned with the Medium Term Financial Strategy and the format had been updated to make it more engaging to readers. He added that the draft plan had been considered by Policy Development Group and the minutes were attached at Appendix 2. The final version would be considered by full Council on 23 March 2018.

It was moved by Councillor R Blunt, seconded by Councillor A V S and

RESOLVED THAT:

1. The proposed Council Delivery Plan for 2018/19 be considered and noted together with comments from Policy Development Group.
2. Subsequently endorses the plan's content be endorsed and recommended to Council for approval on 20 March 2018.
3. The Chief Executive be authorised, in consultation with the Leader of the Council, to make any final amendments to the plan prior to Council on 20 March 2018.

Reason for decision: To endorse the Council Delivery Plan for 2018/19 prior to Council's consideration.

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CDP change log

Response to comments from PDG

Six comments on the content of the Council Delivery Plan were received from members of PDG at its meeting on Wednesday 10 January 2018.

1. **PDG comment:** One member asked if the target of £500,000 income from recyclable is still realistic, given market changes.

Response: The target of £500,000 is achievable, even in the current market conditions. It is likely that this is a fairly low target and that the service will actually receive more each year for its recycling sales.

Decision: Leave content as it is.

Final content: 'Generate £500,000 by selling the dry recycling we collect'.

2. **PDG comment:** Suggestion to add wording to Homes and communities section on page 8: *'Working with developers to provide reasonable sized starter homes, with good sized rooms through the Local Plan review process'*.

Response: The Local Plan review will look at lots of things, so it's not advisable to highlight just one. Further, the size of homes and bedroom numbers are a developer decision made based on market conditions.

Decision: Do not include this line.

3. **PDG comment:** One member suggested that the sentence stating 'Ensure anti-social behaviour levels do not increase, even if crime increases' in the Homes and communities section on page 8 might imply that the council is content for crime to rise.

Response: The sentence as it stands could imply that the council is content for crime to increase so should be amended.

Decision: Remove 'even if crime increases' from the sentence.

Final content: 'Ensure anti-social behaviour levels do not increase'.

4. **PDG comment:** One member asked whether the sentence 'Maximise the economic benefits and minimise the negative impacts from HS2 for North West Leicestershire and our residents' in the Homes and communities section on page 8 should mention the community fund.

Response: The detail of exactly what the council will do to support communities and

maximise the benefits of HS2 has not yet been finalised. The current wording offers us the flexibility to finalise actions based on an overall outcome, and we will measure it against this.

Decision: Leave content as it is.

Final content: 'Maximise the economic benefits, and minimise the negative impacts from HS2 for North West Leicestershire and our residents'.

5. **PDG comment:** One member suggested that the Good Design Guide isn't as relevant to rural areas of the district and that urban design style is being applied across the board.

Response: The Good Design Guide is applied across the whole district. It has different ways of doing things in urban and rural areas. Member training could aid understanding of the Good Design Guide and its application.

Decision: Leave content as it is.

Final content: 'Formally launch our Good Design Guide for housing developments'.

6. **PDG comment:** The issue of Equalities Impact Screening was raised, in particular with regard to service transformation and provision of services online (Value for money), health and wellbeing strategy (Homes and communities), the good design guide and provision of accessible homes (Homes and communities), monitoring outcomes of supporting businesses to be disability confident employers (Business and jobs).

Response: Equalities Impact Screening applies to a lot of the work in the document. Rather than add elements to each section of the Council Delivery Plan, we should ensure that each project or piece of work includes it.

Decision: No change to the Council Delivery Plan. Equalities Impact Screening to be included in the corporate project management toolkit.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – TUESDAY, 20 MARCH 2018**

Title of report	GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Head of Planning & Regeneration 01530 454782 jim.newton@nwleicestershire.gov.uk</p> <p>Planning Policy Team Manager 01530 454677 ian.nelson@nwleicestershire.gov.uk</p>
Purpose of report	To approve the publication version of the Gypsy and Traveller Site Allocations Development Plan Document.
Council Priorities	Business and Jobs Homes and Communities
Implications:	
Financial/Staff	The cost of preparing the Gypsy and Traveller Site Allocations Development Plan Document to date is approximately £40,000 and is met from within existing budgets. . The provision of a transit site will have further resource issues which will be addressed in future reports to the Council's Cabinet.
Link to relevant CAT	None
Risk Management	A risk assessment of the project has been undertaken. As far as possible control measures have been put in place to minimise these risks, including monthly Project Board meetings where risk is reviewed.
Equalities Impact Screening	A full equality impact assessment has been prepared.

Human Rights	European Convention on Human Rights art.8 imposes a positive obligation on the State to facilitate the Gypsy and Traveller way of life.
Transformational Government	Not applicable
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	Local Plan Project Board
Background papers	<p>Minutes and reports of meetings of the Local Plan Advisory Committee dated 16 December 2015, 27 July 2016, 6 October 2016, 21 February 2017 and 18 October 2017. http://minutes-1.nwleics.gov.uk/ieListMeetings.aspx?CId=251&Year=0</p> <p>Gypsy and Traveller Site Allocations Development Plan Document: Consultation Draft http://www.nwleics.gov.uk/files/documents/gypsy_and_traveller_site_allocation_consultation_document/Gypsy%20and%20Traveller%20Site%20Allocation%20DPD%20Draft%20for%20Consultation%20-%20hard%20copy.pdf</p> <p>National Planning Policy for Traveller Sites https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/457420/Final_planning_and_travellers_policy.pdf</p> <p>2017 Leicestershire, Leicester and Rutland Gypsy and Traveller Needs Assessment http://www.harborough.gov.uk/download/downloads/id/3220/2017_06_01_leicestershire_gtaa_final_reportpdf.pdf</p> <p>North West Leicestershire Local Plan: Publication http://www.nwleics.gov.uk/files/documents/proposed_publication_local_plan_2016/LocalPlanDocJune2016.pdf</p> <p>Equalities impact assessment of the Gypsy and Traveller Site Allocation DPD</p>
Recommendations	<p>THAT COUNCIL</p> <p>(i) APPROVES THE PUBLICATION GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT;</p>

	<p>(ii) AGREES TO PUBLISH AND INVITE REPRESENTATIONS UPON THE GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT TOGETHER WITH THE SUSTAINABILITY APPRAISAL REPORT AND HABITAT REGULATION ASSESSMENT FOR A PERIOD OF AT LEAST SIX WEEKS IN ACCORDANCE WITH REGULATION 19 OF THE TOWN AND COUNTRY PLANNING (LOCAL PLANNING) (ENGLAND) REGULATIONS 2012;</p> <p>(iii) DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE, IN CONSULTATION WITH THE PORTFOLIO HOLDER FOR REGENERATION AND PLANNING TO SUBMIT THE GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT TO THE SECRETARY OF STATE FOLLOWING RECEIPT AND CONSIDERATION OF REPRESENTATIONS INCLUDING THE IDENTIFICATION OF POSSIBLE MODIFICATIONS TO THE INSPECTOR;</p> <p>(iv) DELEGATES AUTHORITY TO THE STRATEGIC DIRECTOR OF PLACE TO AGREE POSSIBLE MODIFICATIONS WHERE REQUESTED BY THE PLANNING INSPECTOR DURING THE EXAMINATION AND;</p> <p>(v) REQUESTS THE APPOINTED INSPECTOR TO RECOMMEND MODIFICATIONS TO THE SUBMITTED GYPSY AND TRAVELLER SITE ALLOCATION DEVELOPMENT PLAN DOCUMENT TO THE COUNCIL IN THE EVENT THAT THE INSPECTOR CONSIDERS THAT SUCH MODIFICATIONS WOULD MAKE THE PLAN SOUND.</p>
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1.0 BACKGROUND

- 1.1 As members will be aware Policy H7 of the adopted Local Plan sets out the Council's strategic approach to meeting the accommodation needs of Gypsies and travellers and travelling showpeople. Policy H7 sets out the minimum accommodation need that is required to be met in North West Leicestershire and criteria for the identification of sites and seeks to safeguard existing sites. Policy H7 also sets out the intention to prepare a Gypsy and Traveller Site Allocations Development Plan Document (DPD) as a means of identifying a range of sites to meet the identified need.
- 1.2 The Council has been working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) in the Leicester and Leicestershire Housing Market Area to update the pitch targets for Gypsies and travellers and the plot targets for travelling showpeople. The Leicestershire, Leicester and Rutland Gypsy and Traveller Needs

Assessment provides up to date evidence of need and supersedes the information presented in the Local Plan and has informed the preparation of the Gypsy and Traveller Site Allocations DPD.

- 1.3 The results of the 2017 Assessment were considered by the Local Plan Advisory Committee (LPAC) at its meeting of 18 October 2017.
- 1.4 The purpose of this report is to agree the publication version of the Gypsy and Traveller Site Allocations DPD (attached at Appendix A) and the arrangements for submission thereafter. The 14 March 2018 meeting of LPAC considered a report in respect of the proposed DPD and an update of the views of LPAC will be provided at the Council meeting.
- 1.5 The DPD has also been subject to the following independent assessments as required by Regulations and these documents will be published alongside the plan for consultation:
 - Sustainability Appraisal/Strategic Environmental Assessment;
 - Habitats Regulations Assessment (in respect of the river Mease Special Area of Conservation)

2.0 NATIONAL PLANNING POLICY FOR TRAVELLER SITES

- 2.1 The Government's planning policies and requirements for Gypsy and traveller sites is set out in the 2015 document 'Planning policy for traveller sites', which must be taken into consideration in preparing Development Plan Documents and taking planning decisions. It encourages local authorities to formulate their own evidence base for Gypsy and traveller needs and to provide their own targets relating to pitches required. If planning authorities are unable to demonstrate a five-year supply of deliverable traveller sites, this in turn may make it more difficult for them to justify reasons for refusing planning applications for temporary pitches at appeal.
- 2.2 'Planning policy for traveller sites' also includes changes to the definition of "traveller" for planning related purposes from that used to inform previous assessments of needs, so that it now excludes those who have permanently ceased from travelling.

3.0 SUMMARY OF THE 2017 GYPSY AND TRAVELLER ACCOMMODATION NEEDS ASSESSMENT

- 3.1 The 2017 Gypsy and Traveller Accommodation Needs Assessment (GTAA) takes account of the latest definition of "traveller". The 2017 GTAA is based on a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites. In North West Leicestershire, 16 interviews were completed with Gypsies and Travellers and 25 interviews were completed with Travelling Showpeople.
- 3.2 The Assessment covers the period 2016 to 2036. However, this has been broken down by 5 year bands which allows the DPD to plan to 2031- the same period as the North West Leicestershire Local Plan. Taking account of the need that may arise from households where an interview was not completed, the additional needs for permanent pitches and plots are set out below:

	2016-2031	2016-2036
Gypsies and Travellers	6 pitches	7 pitches
Travelling Showpeople	20 plots	22 lots

- 3.3 A pitch/plot is an area of land on a site that is generally home to one household. A pitch/plot can vary in size and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and plots to Travelling Showpeople yards.
- 3.4 The needs of Gypsies and Travellers who either travel all year round or for large parts of the year can be met by transit sites which only provide temporary accommodation. The 2017 GTAA identifies a need for a minimum of 12 caravan spaces (or managed equivalent) in Leicester City, and a minimum of 36 caravan spaces (or managed equivalent) spread over 2-3 sites elsewhere in Leicestershire. The 2017 GTAA states '*The data suggests that the need is greatest in the North West of the county and the City and that transit provision should be prioritised in these locations*', although it does not make any specific recommendations as to where transit provision should be made.
- 3.5 The 2017 GTAA notes that it has been suggested that there will be a need to increase transit provision across the country as a result of the revised definition of Gypsies and Travellers introduced by the Government's 2015 'Planning Policy for Traveller Sites'. This may be the case, but it will take some time for any robust evidence to be available to substantiate these claims. The study suggests that each local authority should review the evidence base relating to unauthorised encampments when there is a more robust evidence base which takes account of the changes introduced by the 2015 PPTS. It also notes that "*the provision of public transit sites needs to be balanced off against the use of managed approaches to dealing with unauthorised encampments as opposed to infrastructure provision*".

4.0 SITE IDENTIFICATION

- 4.1 The first step in seeking to identify suitable sites was undertaken in February 2016 with the publication of the Gypsy and Traveller Site Allocations DPD: Consultation Draft. This provided an opportunity for individuals, organisations (including parish councils) and stakeholders who may have an interest in provision for Gypsies, travellers and travelling showpeople to suggest sites that may be suitable for allocation. However, this 'call for sites' exercise failed to identify any new sites.
- 4.2 As a consequence, to identify as wide a range as possible of site options, other types of sites and relevant sources of data have been looked at. Over 500 sites have been assessed against national and local policies and designations to identify those that had a reasonable potential for development.
- 4.3 As noted at paragraph 2.1, the PPTS requires authorities to be able to demonstrate a five year supply of deliverable sites. The Council is unable to do this in respect of the need for travelling showpeople and nor is any transit provision available within the district. Therefore, in assessing sites it is not only necessary to consider the suitability of a site in planning terms, but also to have regard to the likelihood of deliverability. If a site is judged

suitable in planning terms but there is no evidence that it is likely to be delivered then this represents a significant risk to the DPD moving forward; a Planning Inspector is more likely to find the DPD not 'sound' at the Examination stage. The assessment and identification of potential sites has, therefore, had due regard to the issue of deliverability.

- 4.4 The initial pool of over 500 potential sites was, through a sieving process, reduced to 19 sites which were considered to be the most suitable. These sites were then assessed using more detailed site surveys prior to consultation with the Highway Authority, Environment Agency and others. To assess the availability and likely deliverability of sites, landowners have been contacted to determine whether there is an intention to develop or sell the site for Gypsies and travellers pitches or travelling showpeople plots.
- 4.5 A detailed explanation of the steps taken to identify suitable sites, together with a list of all sites considered, is included as part of the Sustainability Appraisal which is to be published alongside the proposed DPD (and which is available alongside this report). The Local Plan Advisory Committee was due to consider the site selection process at its meeting of 14th March 2018. Any issues which may have arisen will be reported to the Full Council in the form of an update sheet.

5.0 THE PROPOSED GYPSY AND TRAVELLER SITE ALLOCATIONS DEVELOPMENT PLAN DOCUMENT

- 5.1 A copy of the proposed DPD is attached at Appendix A of this report. The following summarises what is proposed to meet the needs identified in the 2017 GTAA.

Permanent Traveller Accommodation

- 5.2 The need for a permanent site for Gypsies and travellers is satisfied by an extant planning permission on land at Ashby Road, Sinope. No further provision is considered necessary.

Permanent Travelling Showpeople Accommodation

- 5.3 If needs cannot be met by the intensification or extension of existing travelling showpeople sites, a site at the former Measham Mine, Swepstone Road, Measham has been identified. The site is capable of meeting all the identified need for travelling showpeople plots. The landowner is willing to make the site available. Third party land may be required in order to achieve the visibility splays necessary for a safe access to the site. If appropriate, the Council may have to use compulsory purchase powers to secure the land that is needed.
- 5.4 The site has been the subject of a detailed highway appraisal by consultants acting on behalf of the council and has concluded that an appropriate means of access can be achieved.

Transit site

- 5.5 As noted above, the 2017 GTAA recognises that the provision of public transit sites should be balanced against the use of managed approaches to dealing with unauthorised encampments. For example, this could include the use of tolerated stopping or the introduction of Negotiated Stopping Agreements for short-term encampments. Negotiated Stopping describes a situation where some agreement has been reached between the Local Authority and Gypsies/Travellers which allows them to stay temporarily on a

particular piece of land which is not an official site, as an alternative to repeated evictions. In return, the Gypsies/Travellers agree to certain conditions on behaviour, tidiness of the site and length of stay. It is understood that the Leicestershire Multi Agency Traveller Unit (MATU) already uses similar approaches in Leicestershire as a means of managing unauthorised encampments.

- 5.6 The preferred approach set out in the proposed DPD is to use managed approaches to dealing with unauthorised encampments ahead of the provision of a public transit site in North West Leicestershire, consistent with the advice in the 2017 GTAA. However, it is recognised that this may not be sufficient and that it may be necessary to make formal public provision of a transit site. Therefore, the proposed DPD sets out that where a persistent unmet need remains, it is recommended that a transit site be provided. The DPD defines persistent unmet need as being where by end of 2020 the *"number of unauthorised sites in North West Leicestershire recorded by the twice-yearly count of Traveller caravans should, when compared with the 2016 survey, show no signs of decline"*.
- 5.7 The provision of a transit site by a public authority would enable the police to direct those on unauthorised sites to move to the transit site, so reducing the impact on the settled community and reducing costs to the Council associated with dealing with unauthorised sites. However, provision of a transit site would also bring with it additional costs to the Council (e.g. purchase of land, laying out a site and ongoing running costs). This will be the subject of a future report to the council's Cabinet.
- 5.8 The proposed DPD identifies a potential transit site on Nottingham Road, Ashby de la Zouch. This site is owned by Homes England who have expressed a willingness to sell the land to the Council. The site has been the subject of a detailed highway appraisal by consultants acting on behalf of the Council and has concluded that an appropriate means of access can be achieved. The site is well located for access to the strategic road network (the A42) such that there will be limited impact upon existing settlements as a result of vehicles using the site.

6.0 IMPLICATIONS OF NOT AGREEING A GYPSY AND TRAVELLER SITE ALLOCATIONS DPD

- 6.1 The failure to allocate sufficient land to meet the need for new pitches and plots has several impacts including:
- Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
 - Unauthorised developments and encampments have resource implications for the Council in terms of taking enforcement action and the cost of any clean-up of unauthorised sites once they have been vacated (whether voluntarily or enforced);
 - Increasing the Council's vulnerability to unwanted, adhoc planning applications (and potentially appeals), which due to the lack of provision of suitable sites would be difficult to resist;
 - Restricting the ability to enforce against unauthorised development as the ability to enforce is related to how proactive we are in meeting the need for sites; and

- Increasing the difficulty of ensuring that the Gypsy and Traveller community has access to all the support and services they need.

6.2 The issue of unauthorised encampments has been, and continues to be, an ongoing concern. The 2017 GTAA noted that between 1997 and 2016 a total of 1,711 unauthorised encampments were recorded across Leicestershire and Leicester City, with a general trend showing an increase from 2008 onwards. When broken down by individual local authorities over the same time period it can be seen that the highest number of unauthorised encampments were recorded in North West Leicestershire (453), Leicester City (453), Charnwood (183), Melton (180) and Hinckley and Bosworth (172).

6.3 Looking at more recent data for the period 2011-2016 again shows that the highest number of unauthorised encampments were recorded in Leicester City (248) and North West Leicestershire (184).

6.4 If the Council does not identify sufficient sites then it is likely that this historical high level of unauthorised encampments, together with its resource implications, will continue to be an issue. This will leave the Council without sufficient control or measures to tackle the problem. The provision of sites as recommended in the DPD will not necessarily eradicate unauthorised encampments, but the Council will be in a much stronger position to resist and deal with them.

6.5 An additional risk to the Council of failing to progress a Gypsy and Traveller Site Allocations DPD could be to the Local Plan itself. The Local Plan Inspector was persuaded of the efficacy of progressing the local plan in parallel to a standalone document to allocate sites for Gypsies and Travellers. The central argument was that the plan needed to progress quickly, and robust steps were in place to make good progress to meet all housing needs. If the Gypsy & Traveller Site Allocations DPD were to be further delayed, with the local plan review already having been published, there is a risk that a local plan Inspector could conjoin the two. Local Plan Policy S1 states that

“...the (Local) Plan Review will be submitted for examination within two years from the commencement of the review. In the event that the reviewed plan is not submitted within two years then this Local Plan will be deemed to be out of date.”

This means that, if the local plan review is not submitted for examination by 20th February 2020, it will be out of date, and the risk of unwanted greenfield housing proposals being granted at appeal would return (because we would have to rely on the National Planning Policy Framework, or NPPF, which sets out that in the absence of an up to date local plan and a five year supply, there is a presumption in favour of new housing development). It follows that, if sufficient progress is not made towards the Gypsy & Traveller Site Allocations DPD, we may be forced to slow down or even to re-start the local plan review to address the issue of Gypsy & Traveller sites, and this in turn would increase the risk of relying on the NPPF.

7.0 PROCEDURAL MATTERS

7.1 The preparation of the DPD is governed by legislation (The Town and Country Planning Act 1990, the Planning and Compulsory Purchase Act 2004 and the Localism Act 2011) and also Regulations (The Town and Country Planning (Local Planning) (England) Regulations 2012).

- 7.2 The DPD which Council is being recommended to approve is the ‘publication’ stage DPD (Regulation 19). The publication stage DPD represents the document that the Council considers ready for examination. This DPD must be published for representations for not less than six-weeks, together with other “proposed submission documents”, before it can be submitted to the Planning Inspectorate for examination. This provides a formal opportunity for the local community and other interests to consider the DPD which the Council would like to adopt.
- 7.3 Subject to the agreement of Council the DPD will then be published for a 6 week period of consultation. It is likely that this will be for the period 9 April to 20 May 2018.
- 7.4 The DPD must also be prepared in accordance with the Local Development Scheme and comply with the Council’s Statement of Community Involvement. The Local Development Scheme is the timetable for producing the planning documents that will make up the North West Leicestershire Local Plan which will include the Gypsy and Traveller Site Allocations DPD. The Statement of Community Involvement (SCI) outlines how the Council will involve the local community in the preparation of the DPD. The Local Development Scheme has been updated under delegated powers to take account of the anticipated programme for the preparation of the Gypsy and Traveller Site Allocations DPD.
- 7.5 Having received any representations on the publication version of the DPD, the Council will submit the DPD and any proposed changes it considers appropriate along with supporting documents to the Planning Inspectorate for examination on behalf of the Secretary of State. It is currently anticipated that submission will be in July 2018.
- 7.6 Once the DPD is submitted an independent Planning Inspector will be appointed by the Planning Inspectorate to consider whether the DPD is ‘sound’. At this point the Council will no longer be in control of the timetable as this will initially be determined by the Planning Inspectorate and then by the Planning Inspector appointed to hold the examination. Based on experience elsewhere it is likely that examination hearings would take place in early the autumn of 2018.
- 7.7 To be “sound”, the DPD should be:
- Positively prepared – the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
 - Justified – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
 - Effective – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
 - Consistent with national policy – the plan should enable the delivery of sustainable development in accordance with the policies in the [National Planning Policy] Framework.
- 7.8 Members will be aware that the Localism Act 2011 requires cooperation between local planning authorities and other public bodies to maximise the effectiveness of policies for

strategic matters in DPDs. This requirement places a legal duty on local planning authorities, county councils in England and public bodies to engage constructively, actively and on an ongoing basis to maximise the effectiveness of Local Plan preparation in the context of strategic cross boundary matters. In this regard, and of particular relevance to the preparation of this DPD:

- the District Council has been working with the other local planning authorities in Leicester and Leicestershire (excluding Hinckley and Bosworth Borough Council), to prepare the 2017 GTAA;
- the views of the Leicester and Leicestershire Multi Agency Travellers Unit (MATU) have been sought during the preparation of the Gypsy and Traveller Site Allocations Development Plan Document. MATU is a county-wide Gypsy and Traveller management and enforcement partnership which comprises all Leicester and Leicestershire Local Authorities, Leicestershire Police and the NHS Travelling Families Team; and
- South Derbyshire District Council has contributed to the Sustainability Appraisal/Strategic Environmental Assessment.

- 7.9 The first task of an Inspector appointed to hold an Examination is to assess whether the Council has complied with the legal Duty to Cooperate. If the Inspector concludes that this is not the case then the DPD will automatically fail, as non-compliance cannot be remedied through retrospective action.
- 7.10 During the examination stage it is likely that the Inspector will enquire of officers from time to time whether a change to a policy is something which the Council would support. In order to enable the smooth running of the examination it is recommended that the Director of Place be delegated authority to agree to changes to policies. Such changes would then be the subject of modifications recommended by the Inspector, which Members would have an opportunity to consider before the DPD was adopted.
- 7.11 The Inspector can only make recommendations in respect of main modifications which are required to ensure that the DPD satisfies the test of soundness and such recommendations can only be made where the Council has requested that he/she does so. This is covered by recommendation (v).

1. Introduction

Background

- 1.1 The North West Leicestershire Local Plan was adopted by North West Leicestershire District Council on 21 November 2017. The Local Plan provides a planning policy framework for guiding development in the District up to 2031. It comprises a vision, strategic objectives, site allocations and development management policies. With regard to housing, the Local Plan aims to meet the housing needs of the community. The Local Plan states that the accommodation needs of Gypsies and Travellers and Travelling Showpeople are to be met through the production of a Gypsy and Traveller Site Allocations Development Plan Document (DPD).

Why should we prepare a Gypsy and Traveller Site Allocations Development Plan Document?

- 1.2 The Government requires local planning authorities to assess the accommodation needs of Gypsies and Travellers and Travelling Showpeople and to meet those needs through the identification of land for suitable sites.
- 1.3 As in many other areas of the country, there has been a shortage of authorised Gypsy and Traveller sites in North West Leicestershire to meet identified need. This leads to unauthorised developments and encampments and results in uncertainty for both the settled population and the Gypsy and Traveller community. It is also recognised that Gypsies and Travellers are amongst the most socially excluded groups in society and research has consistently confirmed the link between the lack of good quality sites and poor health and education outcomes. The provision of sites can therefore be the key to tackling a host of issues.
- 1.4 The failure to allocate sufficient land to meet the need for new pitches has several impacts including:
- Continuing the current problem of unauthorised development and encampments, as well as tensions with the settled community;
 - Restricting the Council's ability to enforce against unauthorised development as our ability to enforce is related to how proactive we are in meeting the need for sites; and
 - Increasing the difficulty of ensuring that the Gypsy and Traveller community has access to all the support and services they need.
- 1.5 This Development Plan Document addresses these issues by identifying sites to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople in North West Leicestershire to 2031. This includes the needs of Gypsies (including English, Scottish, Welsh and Romany Gypsies), Irish Travellers, New (Age) Travellers, and Travelling Showpeople.

What is the process for preparing a Development Plan Document?

- 1.6 A Consultation Draft document published in February 2016 under Regulation 18 of the Town and Country Planning (Local Planning) (England) Regulations 2012 provided an opportunity for individuals, organisations and stakeholders who may have an interest in provision for Gypsies, Travellers and Travelling Showpeople to make initial comments and suggest sites that may be suitable for allocation. Responses received were used to inform the preparation of this publication DPD.
- 1.7 This publication Gypsy and Traveller Site Allocations Development Plan Document has been prepared under Regulation 19 of The Town and Country Planning (Local Planning) (England) Regulations 2012. After this stage the plan (together with any comments received) will be submitted to the Secretary of State (Regulation 22) who will appoint a Planning Inspector to assess the plan through a Public Examination to establish whether it is 'sound' or not.
- 1.8 Only when the plan has been through these various stages and a Planning Inspector considers the plan to be 'sound' is the Council able to adopt the Development Plan Document.
- 1.9 Once adopted, this DPD together with the North West Leicestershire Local Plan and the Minerals and Waste Local Plan prepared by Leicestershire County Council will be the Development Plan for North West Leicestershire. The Development Plan provides the basis for determining planning applications.

What other matters must we have regard to in preparing the DPD?

- 1.10 The Gypsy and Traveller Site Allocations Development Plan Document is not prepared in isolation. In particular, the DPD must be consistent with national planning requirements and the policies of the North West Leicestershire Local Plan. We also have to comply with various European regulations.

National Policy

- 1.11 The Government's planning policy for Traveller sites was published in August 2015. The Government's overarching aim is to ensure fair and equal treatment for Travellers, in a way that facilitates the traditional and nomadic way of life of Travellers while respecting the interests of the settled community.
- 1.12 The Government's 'Planning Policy for Traveller Sites' includes the following definition of Gypsies and Travellers:

1. For the purposes of this planning policy "Gypsies and Travellers" means:

Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of Travelling Showpeople or circus people travelling together as such.

2. In determining whether persons are "Gypsies and Travellers" for the purposes of this planning policy, consideration should be given to the following issues amongst other relevant matters:

- a) whether they previously led a nomadic habit of life
- b) the reasons for ceasing their nomadic habit of life
- c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

3. For the purposes of this planning policy, “Travelling Showpeople” means:

Members of a group organised for the purposes of holding fairs, circuses or shows (whether or not travelling together as such). This includes such persons who on the grounds of their own or their family’s or dependants’ more localised pattern of trading, educational or health needs or old age have ceased to travel temporarily, but excludes Gypsies and Travellers as defined above.

Local Policy

- 1.13 The North West Leicestershire Local Plan and Policy H7 specifically, provide the context and local policy framework for this Gypsy and Traveller Site Allocations Development Plan Document.
- 1.14 Policy H7 of the Local Plan on Provision of Sites for Gypsies and Travellers states:
 - (1) Provision will be made to meet the accommodation needs of Gypsies and Travellers and Travelling Showpeople between 2012- 2031 for a minimum of:
 - 2012 - 2017: 27 pitches plus 20 transit pitches
 - 2017 - 2022: 11 pitches plus 3 plots for showpeople
 - 2022- 2027: 14 pitches plus 3 plots for showpeople
 - 2027- 2031: 16 pitches plus 3 plots for showpeople
 - (2) The required provision will be identified through the production of a Gypsy and Traveller Site Allocations Development Plan Document, taking into account the most-up-to-date Gypsy and Traveller Accommodations Needs Assessment.
 - (3) A five year supply of deliverable sites will be identified as well as a supply of developable sites or broad locations for the following years. The following criteria will be used to guide the site allocation process, and for the purposes of considering planning applications for such sites.
 - (4) Proposals for new sites or extensions to existing sites should meet the following requirements:
 - (a) Be located with reasonable access to a range of services, such as shops, schools, welfare facilities or public transport
 - (b) Be proportionate to the scale of the nearest settlement, its local services and infrastructure
 - (c) Have suitable highway access, and is not detrimental to public highway safety
 - (d) Provides for adequate on-site parking and turning of vehicles as well as appropriate facilities for servicing and storage
 - (e) Be capable of being provided with adequate services including water supply, power, drainage, sewage disposal, and waste disposal facilities
 - (f) Be compatible with landscape, environment, heritage and biodiversity as well as the physical and visual character of the area,
 - (g) Be compatible with the amenities of neighbouring properties and land uses.

- (5) Authorised, existing and new, sites will be safeguarded for Gypsy and Travellers and Travelling Showpeople groups unless they are no longer required to meet an identified need.
 - (6) Any development provided for within this policy which discharges wastewater into the Mease catchment will be subject to the provisions of policy En2. Any such development which does not meet these provisions will not be permitted.
- 1.15 A pitch/plot is an area of land on a site that is generally home to one household. A pitch/plot can vary in size and have varying caravan numbers. Pitches refer to Gypsy and Traveller sites and plots to Travelling Showpeople yards.
- 1.16 The policies and proposals of this DPD need to be read alongside the policies of the North West Leicestershire Local Plan. When considering development proposals, all the relevant policies of both plans will apply.

European Regulations

- 1.17 A Strategic Environmental Assessment (SEA) of the plan is required to assess its environmental impacts. The requirement for a SEA has been taken further by the Government which requires that a Sustainability Appraisal (SA) be carried out to assess not only the environmental effect of the plan, but also the economic and social effects.
- 1.18 A Habitats Regulations Assessment (HRA) is also needed to consider the impact of the policies and proposals of the DPD on sites of European significance designated for species and habitats (Special Areas of Conservation (SAC)) or birds (Special Protected Areas (SPA)). That part of the river Mease and its tributaries which lie within North West Leicestershire is designated as a Special Area of Conservation.
- 1.19 This publication Gypsy and Traveller Site Allocations Development Plan Document is accompanied by a Sustainability Appraisal/ Strategic Environmental Assessment and a Habitats Regulations Assessment.

Duty to Cooperate

- 1.20 The Localism Act 2011 introduced a requirement on local planning authorities to co-operate with neighbouring local authorities and other bodies with a regulatory or strategic interest in Local Plan issues. This is referred to as the “Duty to Cooperate” and includes the need to consider the impact of the plan as a whole and its proposals for major development on other places close to North West Leicestershire.
- 1.21 North West Leicestershire lies within the county of Leicestershire which, together with Leicester City, has been identified as a Housing Marker Area (HMA) and the Leicester and Leicestershire Enterprise Partnership area (LLEP). The District Council has a close working relationship with the authorities across the HMA/LLEP through a variety of different groups. In particular, and relevant to the preparation of this DPD, we have been working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council) in the HMA, to prepare pitch targets for Gypsies and Travellers and the plot targets for Travelling Showpeople.

- 1.22 The Leicester and Leicestershire Multi Agency Travellers Unit (MATU) has also been involved in the preparation of this Gypsy and Traveller Site Allocations Development Plan Document. MATU is a county-wide Gypsy and Traveller management and enforcement partnership which comprises all Leicester and Leicestershire Local Authorities, Leicestershire Police and the NHS Travelling Families Team. The unit is hosted by Leicestershire County Council and acts on behalf of (but in liaison with) these other bodies and organisations. MATU's work covers a range of functions including traveller welfare, reducing friction between travellers and the settled community, dealing with unauthorised encampments, and providing advice on the development and implementation of traveller related policies.

2. Leicester and Leicestershire Gypsy and Traveller's Accommodation Needs Assessment

The Leicestershire and Leicester Gypsy and Traveller's Accommodation Needs Assessment 2017

- 2.1 Working with the other local planning authorities (excluding Hinckley and Bosworth Borough Council¹) in the Leicester and Leicestershire Housing Market Area, North West Leicestershire District Council has updated the pitch targets for Gypsies and Travellers and the plot targets for Travelling Showpeople. The 2017 Gypsy and Traveller Accommodation Needs Assessment (GTAA) takes account of the latest definition of "traveller" (which now excludes those who have permanently ceased from travelling) set out in the Government's 2015 planning policy document for travellers and changes in the supply of pitches and plots since the previous 2013 Assessment.
- 2.2 The GTAA is based on a combination of desk-based research, stakeholder interviews and engagement with members of the travelling community living on all known sites. In North West Leicestershire, 16 interviews were completed with Gypsies and Travellers and 25 interviews were completed with Travelling Showpeople.
- 2.3 The GTAA provides a robust and up to date evidence of need that replaces the pitch and plot requirements set out in Local Plan Policy H7. The Assessment covers the period 2016 to 2036. However, this has been broken down by 5 year bands which enables us plan to 2031- the same period as the North West Leicestershire Local Plan.
- 2.4 The additional pitch needs for Gypsies and Travellers are set out in the following sections. Additional needs are set out for those households that meet the planning definition of a Gypsy or Traveller together with an allowance for those unknown households where an interview was not able to be completed who may meet the planning definition. These needs are to be addressed through the identification of sites.
- 2.5 There is no requirement for this DPD to meet the needs of those households that do not meet the planning definition of a Gypsy or Traveller.

¹ Hinckley and Bosworth commissioned its own assessment using the same methodology.

3. Gypsies and Travellers and Travelling Showpeople site Allocations

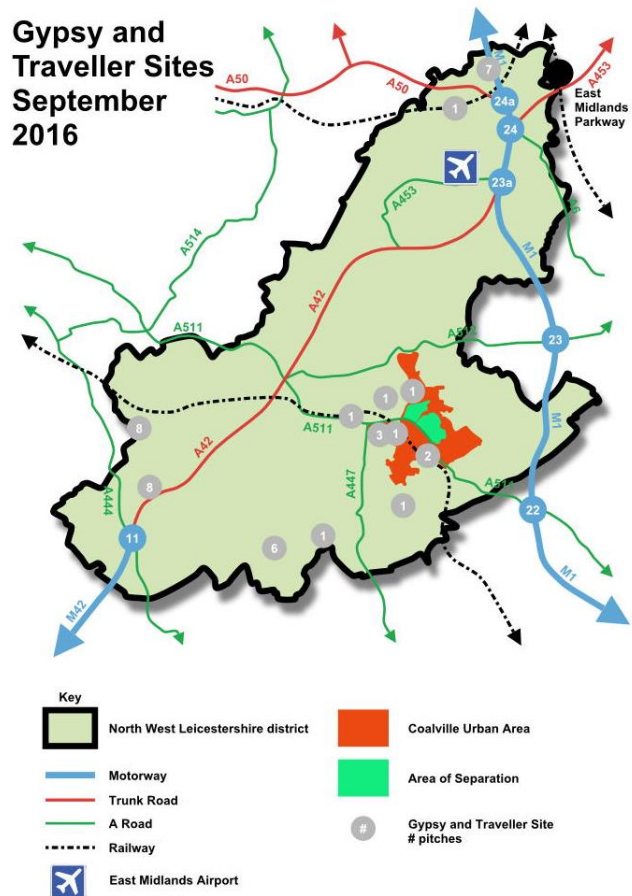
Gypsies and Travellers: Permanent Sites

3.1 At September 2016, there were 13 Gypsy and Traveller in North West Leicestershire providing 34 pitches. As part of the 2017 Leicestershire and Leicester Gypsy and Traveller’s Accommodation Needs Assessment, a total of 16 interviews were completed with Gypsies and Travellers living on these sites.

3.2 The Accommodation Needs Assessment identified four Gypsy or Traveller households in North West Leicestershire District that meet the planning definition, and 12 households that did not meet the planning definition. There were 13 households where an interview was unable to be completed.

3.3 For North West Leicestershire, the Accommodation Needs Assessment identifies a need for five additional pitches for households that meet the planning definition for the period to 2031. We have also allowed for one additional pitch to provide for the need that may arise from households where an interview was unable to be completed. The Gypsies and Travellers provision on permanent sites is therefore six pitches.

3.4 In 2011, planning permission was granted on appeal for a six-pitch residential Gypsy caravan site at Old Ashby Road, Sinope. The owner commenced development to implement the planning permission within the specified time period but has not been in a position to complete the development. Discussions with the owner have confirmed that the site is available for a Permanent Gypsy and Traveller Site.



Policy GT1: Permanent Gypsy and Traveller Site Allocation at Old Ashby Road, Sinope

Land to the north of Old Ashby Road, Sinope will be protected for the development at least six permanent Gypsy and Traveller pitches.

Gypsies and Travellers: Transit Sites

- 3.5 While the majority of Gypsies and Travellers have permanent bases either on Gypsy and Traveller sites or in bricks and mortar, other members of the community either travel all year round or for large parts of the year. Their needs can be met by transit sites which can operate all year round but only provide temporary accommodation. Transit sites are not intended for use as a permanent base and have more basic facilities (e.g. communal washing/utility facilities).
- 3.6 Between 1997 and 2016 a total of 1,711 unauthorised encampments were recorded across Leicester and Leicestershire, with a general trend showing an increase from 2008 onwards. The highest number of unauthorised encampments was recorded in North West Leicestershire (453).
- 3.7 Based on a combination of a review of the outcomes of the previous 2013 GTAA, Traveller Caravan Count Data and intelligence from MATU and other stakeholders, there is a current need for a minimum of 12 caravan spaces (or managed equivalent) in Leicester City, and a minimum of 36 caravan spaces (or managed equivalent) spread over 2-3 sites elsewhere in Leicestershire. The need is greatest in the North West of the county.
- 3.8 It has been suggested that there will be a need to increase transit provision across the country as a result of the revised definition of Gypsies and Travellers introduced by the Government's 2015 'Planning Policy for Traveller Sites'. This may be the case, but it will take some time for any robust evidence to be available to substantiate these claims. Therefore, we will need to consider a review of the evidence base relating to unauthorised encampments once the impact of the revised definition of Gypsies and Travellers becomes clear.
- 3.9 Our preferred approach is, in conjunction with MATU, to use managed approaches to dealing with unauthorised encampments ahead of the provision of a public transit site in North West Leicestershire. These approaches could include the continued use of tolerated stopping or the introduction of Negotiated Stopping Agreements for short-term encampments.
- 3.10 If this managed approach does not properly address needs, a transit site has been identified on Nottingham Road, Ashby de la Zouch which has good access to the wider road network and is suitable, available and achievable.

Policy GT2: Gypsy and Traveller Transit Site

The need for Gypsies and Travellers transit accommodation in North West Leicestershire will be reviewed by 31 December 2020.

In the interim, in meeting the need for transit accommodation for Travellers, priority will be given to managed approaches.

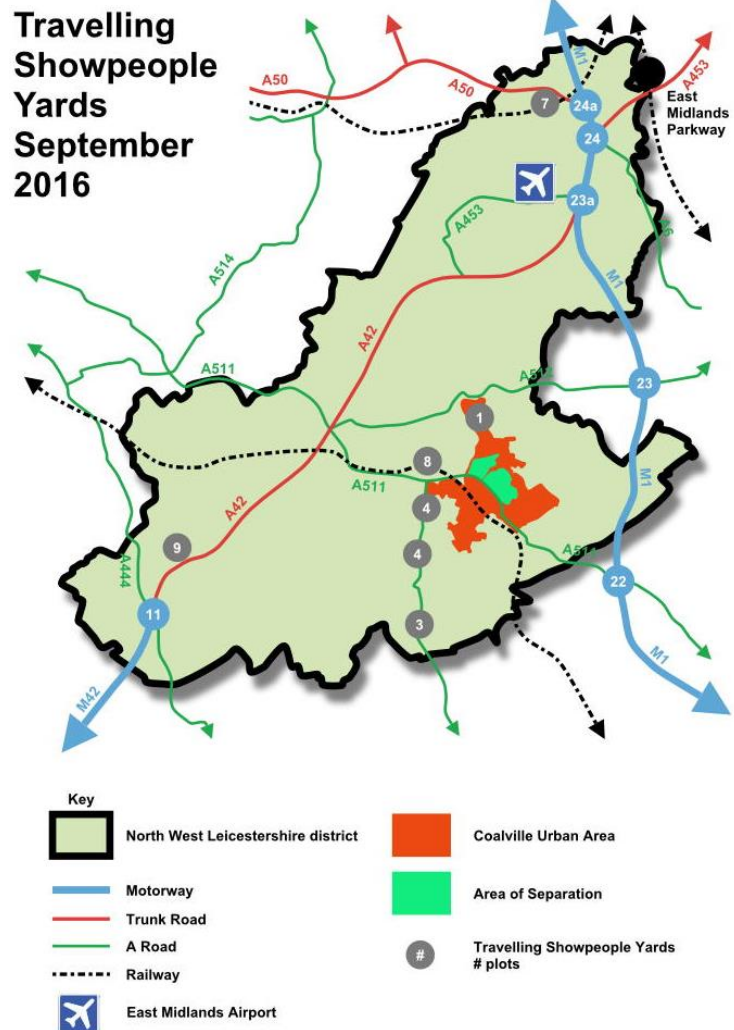
Thereafter, if there is a persistent unmet need for transit accommodation in North West Leicestershire, land to east of Nottingham Road, Ashby de la Zouch is allocated as a Gypsy and Traveller transit site for around 12 pitches subject to the following provisions:

- A. Access to the site shall be off Nottingham Road;
- B. The incorporation of noise mitigation measures to shield site from A42 noise;
- C. That the placement of any pitches would not create a new Air Quality Management Area;
- D. That the risks associated with made ground are assessed and mitigated;
- E. A landscaping scheme should be implemented to provide for an improvement in biodiversity and include the retention of trees and the enhancement of boundary planting; and
- F. The maximum permitted length of stay on the site is 28days.

For there to be a persistent unmet need, the number of unauthorised sites in North West Leicestershire recorded by the twice-yearly count of Traveller caravans should, when compared with the 2016 survey, show no signs of decline.

Travelling Showpeople Sites

3.11 Showpeople travel the country, often with their families, holding fairs. Many of these families have been taking part in this lifestyle for generations. Although their work is of a mobile nature, showpeople nevertheless require secure, permanent bases for the storage of their equipment and more particularly for residential purposes. These bases are mainly occupied during the winter, when many showpeople will return there with their caravans, vehicles and fairground equipment. For this reason, these sites traditionally have been referred to as “winter quarters”, with individual pitches generally referred to by showpeople as plots.



3.12 At September 2016, there were seven Travelling Showpeople’s Yards in North West Leicestershire providing 36 plots. As part of the 2017 Leicestershire and Leicester Gypsy and Traveller’s Accommodation Needs Assessment, 25 interviews were completed with Travelling Showpeople living on these sites.

3.13 A total of 14 Travelling Showpeople households based in North West Leicestershire that were interviewed as part of the 2017 GTAA met the planning definition of travelling. The overall level of need for those households who meet the planning definition of a Travelling Showperson is for 18 additional plots over the period to 2031.

3.14 It was not possible to determine the travelling status of 11 households as they either refused to be interviewed, or were not on site at the time of the fieldwork. However, some of these households may be Travelling Showpeople that meet the planning definition. We have allowed for an additional two plots to provide for this potential need to 2031. The overall Travelling Showpeople provision to 2031 is therefore 20 plots.

- 3.15 Some of this need could be met through the extension of existing Travelling Showpeople sites in the district. The remaining need will be met by the allocation of the former Measham Mine at Swebstone Road, south-east of Measham.

Policy GT3: Travelling Showpeople Site Allocations

The need for twenty Travelling Showpeople plots will be met by:

1. The intensification of existing, suitable Travelling Showpeople sites or the extension of such sites onto adjoining, suitable, available land; and
2. 3.73 Hectares of land at the former Measham Mine, Swebstone Road, near Measham to provide up to 20 plots, subject to the following provisions:
 - A. Access to the site shall be off Swebstone Road;
 - B. That the risks associated with the former use of the site as a mine are assessed and mitigated; and
 - C. A landscaping scheme should be implemented to provide for an improvement in biodiversity and include the enhancement of boundary planting.

4. Detailed Planning Considerations

- 4.1 The Government's 2008 Good Practice guide on Designing Gypsy and Traveller Sites was cancelled in August 2015. Nonetheless, it is important that there is certainty and clarity for applicants, the Gypsy, Traveller and Travelling Showpeople communities and the settled community about what is expected from development and the future use of land. The inclusion of a detailed planning considerations policy seeks to provide this assurance to all concerned.

Policy GT4: Detailed Planning Considerations

Proposals for Gypsy, Traveller and Travelling Showpeople development will be expected to:

- A. Incorporate appropriate vehicular access and turning space;
- B. Minimise conflict between pedestrians / cyclists and vehicles on site;
- C. Include appropriate landscaping proposals and demonstrate that key elements of landscape character have been identified, retained and incorporated into the design. The presence of high close-board fencing will generally be considered inappropriate as a means of screening the site or pitch separation;
- D. Be well designed and laid out, ensuring that proposed amenity buildings or day rooms are sensitively sited and use sympathetic materials;
- E. Promote community safety and social cohesion through measures such as natural surveillance on site;
- F. Ensure that children are able to play safely on site;
- G. Include details of foul sewerage disposal and surface water drainage, and where appropriate, look for opportunities to implement Sustainable Drainage Systems; and
- H. Where feasible, reduce exposure to severe weather and climatic risks, utilising for example, natural shade and shelter. To reduce fuel poverty, consideration should also be given to the use of renewable energy systems such as wind or solar energy together with more energy-efficient buildings, especially amenity blocks;
- I. Schemes should make clear what commercial activity, if any, would be carried out on site and where;
- J. Ensure that the site is occupied only by Gypsies, Travellers and Travelling Showpeople as defined by the Government's Planning Policy for Traveller Sites; and
- K. Any discharge of wastewater into the river Mease catchment shall be in accordance with the provisions of Local Plan Policy En2. Development which does not meet these provisions will not be permitted.

Safeguarding

- 4.2 To ensure that the levels of Gypsy, Traveller and Travelling Showpeople accommodation are maintained, all current authorised sites and future sites allocated through the Plan or via the successful outcome of a planning application will be safeguarded for Traveller use in accordance with Local Plan Policy H7.

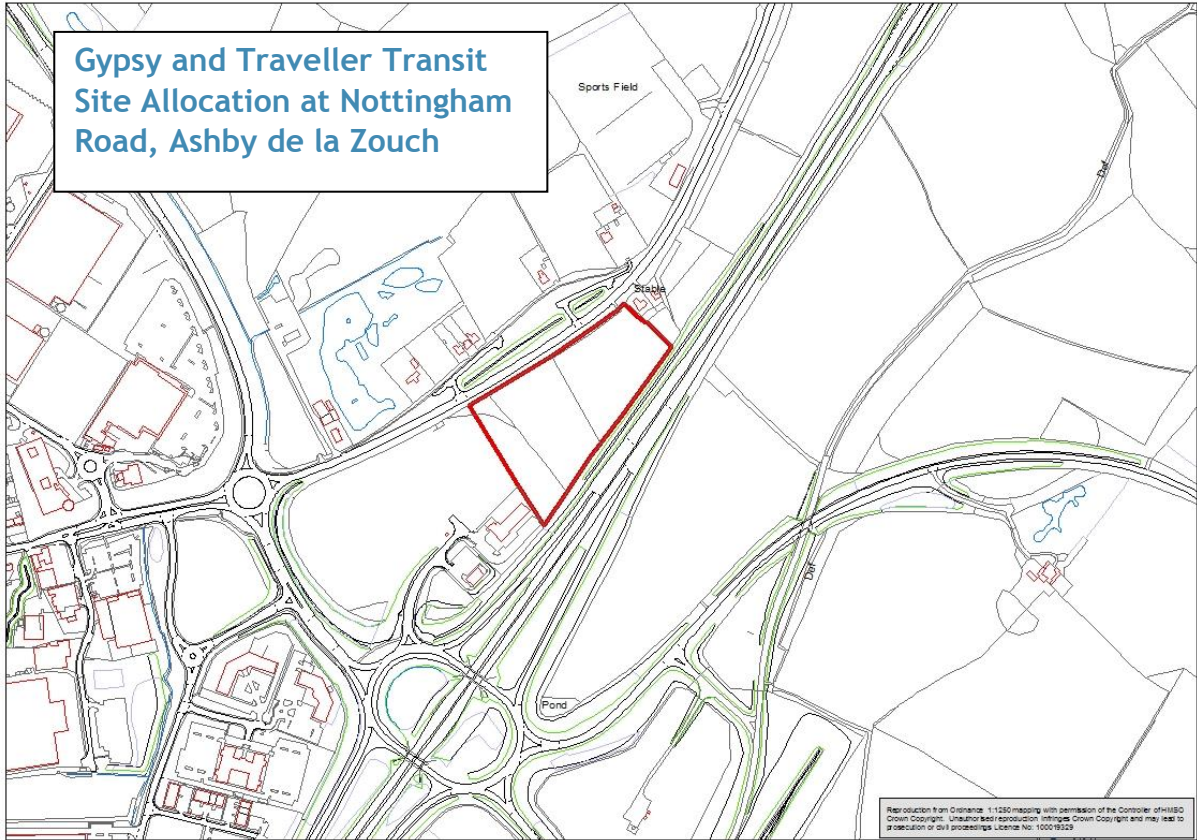
Appendix 1: Policies Map

The Policies Map shows all the areas in North West Leicestershire where different policies of the North West Leicestershire Local Plan apply. The Policies Map will be revised and updated as each Development Plan Document is adopted. In the case of the Gypsy and Traveller Site Allocations Development Plan Document, the Policies Map will be updated to show the following allocated sites.

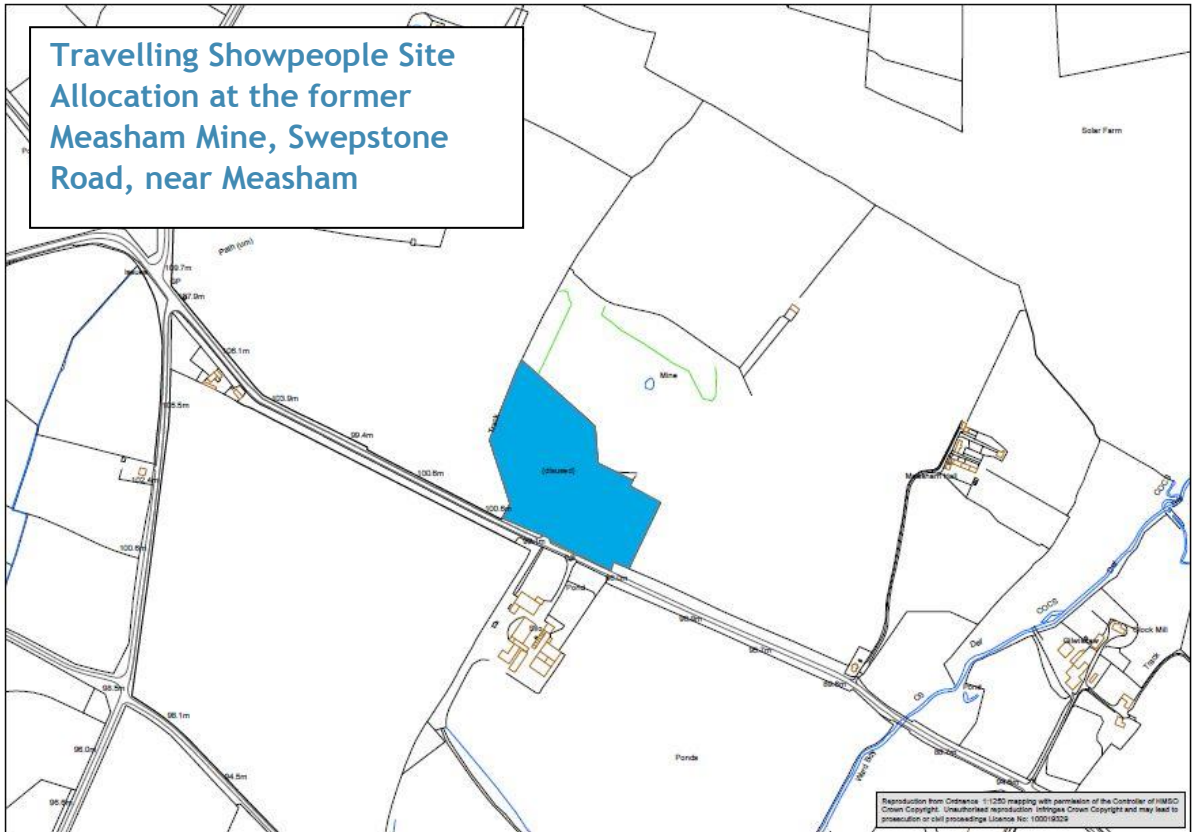
Permanent Gypsy and Traveller Site Allocation at Old Ashby Road, Sinope



**Gypsy and Traveller Transit
Site Allocation at Nottingham
Road, Ashby de la Zouch**



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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – TUESDAY, 20 MARCH 2018**

Title of report	REVIEW OF STREET TRADING POLICY
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Strategic Director of Place 01530 454555 james.arnold@nwleicestershire.gov.uk</p> <p>Head of Community Services 01530 454832 paul.sanders@nwleicestershire.gov.uk</p>
Purpose of report	To outline the policy proposed to control street trading in North West Leicestershire, for consideration and approval
Council Priorities	Business and Jobs Homes and Communities
Implications:	
Financial/Staff	No additional financial or staffing implications
Link to relevant CAT	Business CAT
Risk Management	There is a risk that the Council's Street Trading Policy is challenged. Legal advice has been sought in its preparation to mitigate the risk of challenge. The current street trading policy has not been challenged
Equalities Impact Screening	Equality Impact Screening already undertaken, issues identified have been actioned
Human Rights	Article 1 of Protocol 1 provides that everyone is entitled to the peaceful enjoyment of his possessions except in the public interest and subject to the conditions provided by the law
Transformational Government	This relates to the new ways in which council's are being asked to deliver their 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	NWLDC Elected Members, NWLDC (Environmental Health, Licensing, Community Safety, Waste, Environmental Protection Teams), Leicestershire County Council Highways, Leicestershire Police, current consent holders, Parish Councils, Ashby de la Zouch Town Council, Leicestershire Fire & Rescue Service, NWL Chamber of Commerce, Federation of Small Businesses, secondary schools
Background papers	NWLDC Street Trading Policy – Issue 3 Local Government (Miscellaneous Provisions) Act 1982 http://www.legislation.gov.uk/ukpga/1982/30 Review of Street Trading Policy – Licensing Committee 21 February 2018 (Minutes – Member consultation responses)
Recommendations	<p>1. THAT COUNCIL CONSIDERS AND APPROVES THE DRAFT STREET TRADING POLICY AT APPENDIX 1</p> <p>2. THAT THE HEAD OF SERVICE IN CONSULTATION WITH THE PORTFOLIO HOLDER BE DELEGATED TO APPROVE CHANGES TO THE STREET TRADING POLICY</p>

1.0 BACKGROUND

- 1.1 The Council's first street trading policy was introduced in 2009 to create a street environment which compliments premises-based trading, to provide diversity and consumer choice and to enhance the character and safety of the local environment. The policy has previously been subject to review and amendment in 2014 and 2015.
- 1.2 The current policy was approved by Council on 24 February 2015 and came into force on 25 February 2015.
- 1.3 The main purpose of this review is to simplify processes and to reduce unnecessary beauocracy on compliant businesses.

2.0 CONSULTATION PROCESS

- 2.1 The procedure for implementing a new street trading scheme (by passing a resolution) is set down by legislation which requires a specific period for representations before the scheme can be implemented (Statutory consultation).

- 2.2 On 21 January 2014 the Council adopted a resolution “designating the whole area within the District as “consent street” for the purposes of street trading”. It is not proposed to amend this resolution.
- 2.3 The proposals for amending the policy detailed at paragraph 4 do not require a change to this resolution, consequently the consultation process does not have to follow the structure required by the statute. That said a comprehensive non statutory consultation process commenced on 12 October 2017 and closed on 8 December 2017.
- 2.4 All of the following people/bodies have been consulted:
- NWLDC Elected Members, NWLDC (Environmental Health, Licensing, Community Safety, Waste, Environmental Protection Teams), Leicestershire County Council Highways, Leicestershire Police, current consent holders, Parish Councils, Ashby de la Zouch Town Council, Leicestershire Fire & Rescue Service, NWL Chamber of Commerce, Federation of Small Businesses, secondary schools.
- 2.5 A first draft policy was presented to and considered by Licensing Committee on 4 October 2017. Comments made by Licensing Committee on 4 October were acted upon and influenced the content of the draft policy published for wider consultation.
- 2.6 A further draft policy was presented to and considered by Licensing Committee on 21 February 2018.

3.0 CONSULTATION FINDINGS

- 3.1 The Council received comments from 12 consultees during the targeted non-statutory consultation.
- 3.2 Consultees generally supported each of the proposals. A summary of the analysis of all consultee comments is provided at Appendix 1.
- 3.3 Amendments were made to the draft policy as a result of consultee feedback. The revised draft was presented to Licensing Committee on 21 February 2018 for further comment.
- 3.4 Comments received from members of Licensing Committee can be found as a background paper to this report.

4.0 SUMMARY OF KEY CHANGES PROPOSED

- 4.1 A final draft policy taking into account all comments made by consultees is at Appendix 2.
- 4.2 The key policy changes are:
- The introduction of definitions for consent holder and nominated person; This amendment makes it clearer where a consent holder has given responsibility to someone else to operate the business on a day to day basis.
 - The removal of the requirement for a concessionary consent;

- An amendment to the consultation process. The amendments create a more efficient, proportionate process where a business has a history of legal compliance.

Removal of the mandatory requirement to consult on renewal applications where no issues have been reported during the previous 12 months of trading;

Removal of the current formal mandatory process of consultation with all consultees on new applications. The proposed process involves consulting consultees in group 1 on all new applications. The council may choose to seek the views of those in group 2 before determining the application;

The addition of Leicestershire police and Leicestershire Fire and Rescue Service to the list of consultees;

- Minor changes to the wording of the policy objectives/criteria for determining applications;
- Simplification of the process of determining applications where objections are received by removing the requirement for an officer panel;
- A trader is able to trade from more than one trading location on a single consent;
- An application for a consent from a person that has previously had a consent revoked will not normally be considered for a period of up to 3 years;
- Minor changes to the consent variation process and the introduction of a variation fee.

5.0 IMPLEMENTATION PROCESS

5.1 The appointed day for the revised street trading policy will be 1 April 2018.

6.0 FUTURE AMENDMENTS TO STREET TRADING POLICY

6.1 On 21 January 2014 the Council adopted a resolution hereby designating the whole area within the District as “consent streets” for the purposes of street trading (the scheme). Any change to this resolution (scheme) will require the approval of Council.

6.2 The street trading policy is a document detailing the criteria for determining applications, application and determination processes. This policy may require further amendment from time to time and therefore it is appropriate that their approval of minor procedural changes be delegated to the Head of Service, in conjunction with the Portfolio Holder, to remove the need to keep referring back to Council.

Analysis of consultee comments

1. Proposal to add Leicestershire police and Leicestershire fire and rescue service to the list of consultees

The proposal was supported by all consultees

2. Proposal to remove the requirement to consult on renewal applications where no issues or concerns have been reported during the previous 12 months

3. Proposal to amend the consultation process for new applications. To consult NWLDC District Councillors on all applications and all other consultees where the licensing officer considers it relevant to do so

10 of the 12 consultees supported these proposals.

The two Town/Parishes that disagreed with the proposal wish to be consulted on all applications, both new and renewal.

Response to consultee comments:

To add Town/Parish Councils to consultee group 1.

4. Proposal to introduce a policy whereby an application for a consent from a person that has had a consent revoked will not normally be considered for a period of up to 3 years.

10 of the 12 consultees supported this proposal.

The two remaining consultees felt the policy required further clarity to reduce ambiguity and ensure consistency.

Response to consultee comments:

Guidance has been devised in response to comments made by Licensing Committee and other consultees.

5. Proposal to simplify the process of determining an application where objections are received by removing the requirement for an officer panel and replacing it with delegation for an officer decision in consultation with the Licensing Team Leader or Environmental Health Team Manager.

9 of the 12 consultees supported this proposal.

Those that did not support the proposal felt that 2 officers discussing the objections together in a hearing environment would be more robust.

One consultee felt that one officer making a decision would be unfair.

Response to consultee comments:

The proposal is to retain the requirement for 2 officers to be involved in the decision making. All decisions will require a recommendation from an officer and approval from a second officer.

6. Proposal to make the following changes to the policy criteria:
- Detection and prevention of public nuisance and anti-social behaviour removed and replaced with two criteria, avoidance of nuisance and prevention and detection of street crime and anti-social behaviour
 - Promotion of environmental improvement and regeneration replaced with needs of the area
 - To ensure food safety and public safety removed and replaced with compliance with legal requirements

All 12 consultees supported the proposal

STREET TRADING POLICY

Approved by Council on

ISSUE 4 DRAFT

Foreword

As a licensing authority, we are keen to support Street Traders, as they are a sector of our business community that provides a valuable service to consumers across the district.

This policy, which covers the whole district, is designed to ensure that all street traders operate from a level playing field – making things fair for all traders and safer for customers.

First of all, we will make sure that areas are not saturated by street traders, giving businesses a fair chance of making a living.

Secondly, our Environmental Health Officers now know the exact locations of all traders. This will make it much easier to make sure traders are complying with the law, protecting consumers from unsafe practices and maintaining environmental standards.

We are keen to bring more order to Street Trading and to drive up standards within North West Leicestershire for the benefit of traders and consumers. This policy is key to that ambition.



Councillor Alison Smith MBE
Deputy Leader and Portfolio Holder for Community Services

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1 Introduction

- 1.1 District Councils have the power to adopt Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982 enabling them to control Street Trading within their district. Once this schedule is adopted a District Council may choose to designate any street within its area as a prohibited, licence or consent street.

North West Leicestershire District Council adopted Schedule 4 on 1st January 1983.

A Consent Scheme has been adopted in North West Leicestershire. This policy details this scheme

This policy was approved by Council on DATE and came into force on DATE.

Within North West Leicestershire consents are required if a trader wishes to trade on a street anywhere within the district.

2 Definitions

1. 'Consent' means a consent to trade granted by North West Leicestershire District Council under powers conferred by the Local Government (Miscellaneous Provisions) Act 1982.
2. 'Consent Street' means a street in which street trading is prohibited without the consent of the district council.
3. 'Council' means North West Leicestershire District Council.
4. 'District' means the area within the boundaries of North West Leicestershire District Council.
5. 'Street trading' means the selling or exposing or offering for sale of any article (including a living thing) in a street.

The following street trading activities are exempt from the requirement to obtain a consent from the council for the purposes of this policy:-

- (a) trading by a person acting as a pedlar under the authority of a pedlar's certificate granted under the Pedlars Act 1871;
- (b) anything done in a market or fair the right to hold which was acquired by virtue of a grant (including a presumed grant) or acquired or established by virtue of an enactment or order;
- (c) trading in a trunk road picnic area provided by the Secretary of State under section 112 of the Highways Act 1980;
- (d) trading as a news vendor;
- (e) trading which –
 - (i) is carried on at premises used as a petrol filling station; or

- (ii) is carried on at premises used as a shop or in a street adjoining premises so used and as part of the business of the shop;
 - (f) selling things, or offering or exposing them for sale, as a roundsman. A roundsman does not include ice cream sellers (*Kempin v Brighton and Hove Council*) and mobile catering vehicles;
 - (g) the use for trading under Part VIIA of the Highways Act 1980 of an object or structure placed on, in or over a highway;
 - (h) the operation of facilities for recreation or refreshment under Part VIIA of the Highways Act 1980;
 - (j) the doing of anything authorised by regulations made under section 5 of the Police, Factories, etc (Miscellaneous Provisions) Act 1916.
 - (k) Residents wishing to sell items from the pavement outside their home address on a temporary basis may be granted a concessionary consent.
 - (l) 'Markets' The legislation specifically provides that anything done in a market or fair which is held by virtue of a Charter, a presumed grant of a charter or a statutory provision is not street trading for the purposes of the legislation.
 - (m) Trading in a market run by a town/parish council. This policy will not impact on Coalville, Ashby or Castle Donington Markets.
 - (n) Fetes, carnivals or similar community based and run events, for example Christmas lights switch-on events, Christmas Fair, special markets.
6. 'Street' means any road, footway, or other area to which the public have access without payment or any part of a street. For the purposes of this policy, street includes
 - All forecourts, roads, footways or other areas adjacent to the streets as defined in the order.
 - A service area as defined in section 329 of the Highways Act 1980
 7. Premises means any barrow, stall, unit, vehicle, trailer or other premises from which street trading will take place.
 8. Persons means a natural person or a body corporate.
 9. 'Consent Holder' means the person or body corporate to whom the consent to trade has been granted by North West Leicestershire District Council.
 10. 'Nominated Person' means the person nominated by the consent holder to undertake day to day management of the business carried out under the consent.

3. Relevant Authorities

New Applications:

Before a new application for a street trading consent is determined by the council the following people will be consulted:

Group 1:

All District Council Ward Members
Town or Parish Council – where located

Before determining a new application the council may seek the views of the following authorities:

Group 2:

North West Leicestershire District Council – Environmental Health (Safety)
North West Leicestershire District Council – Environmental Health (Licensing)
North West Leicestershire District Council – Environmental Protection (Public Nuisance)
North West Leicestershire District Council – Waste (littering, street cleansing)
North West Leicestershire District Council – Planning (appearance – loss of amenity, planning consent)
North West Leicestershire District Council – Community Safety
Relevant Highways Authority (Leicestershire County Council / Highways England)
Leicestershire Police
Leicestershire Fire & Rescue Service

Renewal applications:

The council will not normally seek the views of others for renewal applications, unless there have been issues raised during the term of the previous consent.

Where complaints or concerns have been reported to the licensing team during the previous 12 months the consultation process for new applications detailed above will be followed.

We may take up to 28 days to seek the views of other in relation to an application.

4. Site Assessment

The suitability of the proposed site will be assessed.

Where the licensing team consider the proposed site to be unsuitable the applicant will be informed and the application will be rejected.

Where the licensing team consider the proposed site to be suitable, the application will proceed to the next stage.

5. Inspection of the Street Trading Unit

The vehicle, van, trailer, stall or other device to be used for the proposed street trading activity will be inspected by an Authorised Officer of the council prior to the issue of any street trading consent, where this is reasonably practicable.

The appearance of the unit will not present a loss or be detrimental to the needs of the area. At this stage the external colour decoration and appearance of the premises will be discussed and agreed.

The unit to be used for the street trading activity shall comply with the legal requirements relating to the type of street trading activity proposed. In particular the unit to be used shall comply with food hygiene, health and safety and environmental protection legislation.

6. Criteria for determining an application

You must be over 17 years of age to hold a consent.

The council may refuse an application to trade on a consent street on any grounds they think fit. There are no specific grounds stipulated in the legislation, however the council will use the criteria listed below in the determination of street trading consents. All the criteria should normally be satisfied, and equal weight will be applied to the criteria listed. Each application will be assessed on its own merits and individual circumstances

- **Public Safety**
The street trading activity (location and trading activity) should not present a substantial risk to the public in terms of road safety, obstruction and fire hazard.
- **Prevention of street crime (public order) and anti-social behaviour.**
The street trading activity should not present a risk to good public order or be the cause of anti-social behaviour in the locality in which it is situated.
- **Public Health**
The street trading activity (or range of goods sold) should not have a detrimental impact on public health, given the location of the trading site in terms of its proximity to a local school or college.
- **Avoidance of Nuisance**
The street trading activity should not present a substantial risk of nuisance from noise, light, litter, smells or fumes to households and businesses in the vicinity of the trading site.
- **Needs of the Area**
The street trading unit should not present a loss of amenity in terms of its appearance;
The council will have regard to whether there is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes;
The council will have regard to the number, nature and type of traders already present in a particular area.
- **Compliance with Legal Requirements**
The street trading activity should not present an unacceptable risk to the public in terms of food hygiene/safety. The street trading unit should comply with the relevant legislation.

Street trading consents from static locations will not normally be granted where:

1. There is not enough space for the applicant to trade in the manner proposed without obstructing the safe passage of users of the footway or carriageway, or
2. The site or pitch obstructs either pedestrian or vehicular access, or traffic flows, or places pedestrians in danger when in use for street trading purposes, or
3. There is a conflict with Traffic Orders such as waiting restrictions, or
4. The pitch interferes with sight lines for any road users such as road junctions, or pedestrian crossings, or

5. The site does not allow the Consent Holder, staff and customers to park in a safe manner, or
6. There would be a significant loss of amenity caused by the appearance of the unit, or
7. The range of goods in which the applicant desires to trade is likely to have a detrimental impact on public health, given the proposed location in terms of its proximity to a local school or college.
8. The consent, if granted, is likely to result in nuisance to members of the public, residents and local businesses due to the likely noise, smell, litter, disturbance or other problems which will be caused by granting the consent.
9. The structure / equipment / appliances / layout / location of the proposed premises (barrow, stall, unit, vehicle, trailer or other) presents an unacceptable public safety risk.
10. There is already adequate like provision in the immediate vicinity of the site to be used for street trading purposes, or
11. Any other reason (relevant to the street trading policy criteria).

The application will either be;

- 1) Granted and a trading consent will be issued with conditions attached, or
- 2) Refused and a proportion of the fee will be refunded as appropriate to the applicant.

The grant or refusal of an application is a matter for the District Council to determine having had regard to any views from relevant persons/organisations and any other relevant considerations.

7. Objections or concerns relating to an application

In the event that the licensing team receive comments from organisations / persons opposing or expressing concerns relating to the application, the officer may choose to discuss these concerns with the applicant.

An Authorised Officer will devise a report detailing a recommendation. A second Authorised Officer will consider the recommendation report and determine the application.

8. Approval of Application

Upon approving the application the council will issue a street trading consent to which conditions will be attached. The consent will contain specific terms such as days and hours when street trading is permitted, the location from which trading will take place and the goods that may be sold.

A consent may permit a street trader to trade from up to 3 specified locations. All trading locations must be detailed on the consent.

The conditions attached to the consent form part of the approval to carry out street trading in North West Leicestershire. They **MUST** be complied with at all times and failure to do so could lead to the consent being either revoked, or not renewed.

9. Issue of Street Trading Consents

Street trading consents will be issued by the Licensing Team at North West Leicestershire District Council.

There are two types of consent, annual and occasional.

10. Refusal of applications

Where the council refuses an application the applicant will be informed in writing of the reasons for not granting the application.

In the event that an application is refused the fee, minus an administration fee will be refunded.

11. Revocation of a Trading Consent

If an Authorised Officer of the council is of the opinion that the holder of the trading consent has contravened the conditions attached to the consent a revocation of the consent may be sought.

If an Authorised Officer of the council is of the opinion that the operation of a street trader undermines one of the policy criteria, firstly consideration will be given to adding to or amending consent conditions. If the concern cannot be mitigated through consent conditions revocation of a consent will be considered.

Fixed cabins used by consent holders to trade will not remain closed for longer than 4 months unless agreed with the council. The council reserve the right to revoke a consent in the event that a trader does not trade for a period of longer than 4 months.

The Officer will present a report to the Licensing Team Leader detailing the reasons for recommending revocation. Comments from the consent holder would be invited to accompany the report.

In the event of a consent holder having a consent revoked by the council a further application from that person will not normally be considered within a period of up to 3 years from the date of revocation. In order to promote fairness through consistency and proportionality the following guidance has been devised:

- Each application will be treated on its own merits.
- The Licensing Officer must obtain legal advice before making a decision.
- The reasons behind the decision to revoke the consent must be obtained and understood. The following factors will be taken into consideration.
- The length of time should meet, in a fair and proportionate way, the objectives of the punishment, deterrence and the removal of gain derived through the non-compliance, it should not be cheaper to offend than to comply with the street trading consent conditions.
- The following will be used as a guide when determining the length of time before which the Licensing team will consider an application.

	Up to 1 year	2 to 3 Years
Seriousness of failings	Failings were significant, however they occurred as an isolated incident	Deliberate breach of or flagrant disregard for the law

		Pattern of non compliance over a prolonged period of time Concerns raised by customers, employees were ignored
Impact of failings	No harm or injury resulted from the failings	Harm or injury resulted from failings
Attitude / co-operation of consent holder	Some efforts were made to address the risk although they were inadequate	Failed to make appropriate changes following prior incident(s) exposing a public safety risk

Where a trading consent is revoked by the council there will be no refund of the application fee.

There is no right of appeal against the council's decision to revoke a consent.

12. Minor Variations to Trading Consents

A consent holder is able to apply to vary a consent. Further details of this process can be found within the guidance.

All applications to vary an existing consent must be made in writing. All applications will be considered by the Licensing Officer.

The Licensing Officer is not required to seek the views of others prior to making a decision, however they may choose to.

There is no right of appeal against the council's decision to refuse to vary a consent.

A variation fee must be submitted with the application.

Document History

Issue 1 - 6 April 2009 – 31 March 2014 (Agreed by the Council on 26 February 2009)

Issue 2 - 1 April 2014 – 23 February 2015 (Agreed by the Council on 21 January 2014)

Issue 3 - 25 February 2015 (Agreed by the Council on 24 February 2015)

Issue 4

Appendix 1

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – TUESDAY, 20 MARCH 2018**

Title of report	GENDER PAY GAP REPORT 2018
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Head of Human Resources and Organisational Development 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>
Purpose of report	The Council is required by the Equality Act 2010 (section 78) to publish gender pay gap information, by reporting the percentage differences in pay between male and female employees. This report has been produced to provide the relevant information in accordance with the relevant provisions of the Act.
Council Priorities	Business and Jobs
Implications:	
Financial/Staff	There are no additional costs to the Council resulting from the information in this report.
Link to relevant CAT	Not applicable.
Risk Management	None.
Equalities Impact Screening	The report details the gender pay gap differences between male and female employees.
Human Rights	No implications.
Transformational Government	Not applicable.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	The report is satisfactory.

Comments of Monitoring Officer	The report is satisfactory.
Consultees	None.
Background papers	None.
Recommendations	THAT THE REPORT BE NOTED.

1.0 BACKGROUND

1.1 Under Section 78 of the Equality Act 2010, the Council is required to publish and report percentage differences in pay between its male and female employees. The figures are based on specific reference date (snapshot date) of 31st March 2017

1.2 The following information has to be published on the Council's website and will also be reported to and published by central government

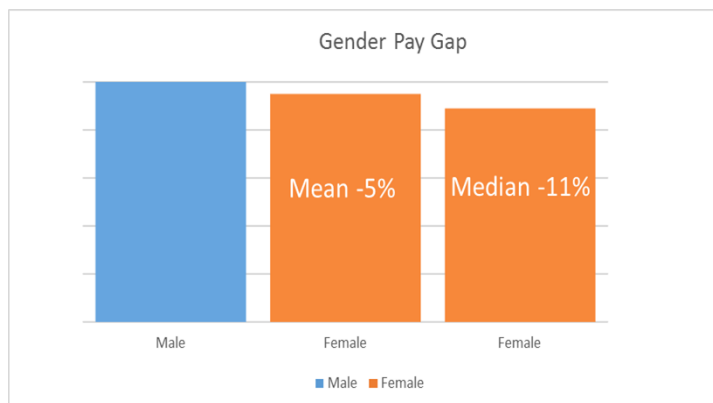
- **Mean Gender Pay Gap** – The mean pay gap is the difference between average hourly earnings of men and women.
- **Median Gender Pay Gap** – The median pay gap is the difference between the midpoints in the ranges of hourly earnings of men and women. It takes all salaries in the sample, lines them up in order from lowest to highest, and picks the middle-most salary.
- **Mean bonus Gender Pay Gap** - The difference between the mean bonus pay paid to male employees and that paid female employees
- **Median bonus Gender Pay Gap** – The difference between the median bonus pay paid to male employees and that paid to female employees
- **Proportion of males and females receiving a bonus payment** – The proportion of male and female employees who were paid bonus pay during the period
- **Proportion of males and females in each pay quartile** – The proportion of male and female full-pay employees in the lower, lower middle, upper middle and upper quartile pay bands.

1.3 Gender pay gap is a measure of the difference between men's and women's average earnings across the organisation. This is different to the Equal Pay reporting, which aims to ensure that men and women are not paid differently for doing the same or similar work. The intention behind gender pay gap reporting is to increase transparency of the differences in pay between men and women in the workplace with the aim of closing the gender pay gap.

2.0 RESULTS

2.1 A summary of this Council's results are as follows

- **Mean Gender Pay Gap** – The females mean hourly rate is 5% lower than males
- **Median Gender Pay Gap** – The females median pay hourly rate is 11% lower than males
- **Mean bonus Gender Pay Gap** - Not applicable
- **Median bonus Gender Pay Gap** – Not applicable



- **Proportion of males and females receiving a bonus payment** – Not applicable
- **Proportion of males and females in each pay quartile**

2.2 The table below shows the gender split of males and females in each pay quartile – this shows a higher proportion of females in the lower grades at 66%, nearly equal proportions of males and females in the lower and upper middle quartiles, and a higher proportion of females in the top quartile band.

2.3 The table also includes details from a number of our neighbouring Councils for purposes of comparison. It is relevant to note that the gender split at other Councils is likely to be significantly different as some have outsourced elements of service delivery and this can have an impact on the gender split of the workforce.

Table 1

		NWLDC	Charnwood Borough Council	Leicestershire County Council	Hinckley And Bosworth Borough Council
Lower Quartile	Male	34	33	14	62
	Female	66	67	86	38
Lower Middle Quartile	Male	49	33	24	38
	Female	51	67	76	62
Upper Middle Quartile	Male	51	46	28	45
	Female	49	54	72	55
Top Quartile	Male	43	59	37	59
	Female	57	41	63	41

- 2.4 It is important to note that job roles are subject to job evaluation processes, which determine the pay grade for the job based on knowledge, skill and responsibility levels. Therefore, while acknowledging there is a gender pay gap, we are confident that men and women are paid equally for doing the equivalent jobs across the council.
- 2.5 For comparison, the table below includes results from neighbouring local authorities who have published their gender pay gap information.

	North West Leicestershire District Council	Charnwood Borough Council	Leicestershire County Council	Hinckley And Bosworth Borough Council
Mean Gender pay gap (%)	5.29	12.8	18	4.3
Median Gender pay gap (%)	11.28	17	20	0

3.0 ANALYSIS

- 3.1 While we are confident that men and women are paid equally for doing equivalent jobs across the Council, the main reason for the organisation-wide gender pay gap is an imbalance of male and female employees across the Council. The analysis has shown that women are much more likely to work part-time than men across the workforce so when producing an average weekly pay listing, women are more likely to appear in the lower quartile of the workforce.
Also, there is a disproportionately high number of women (82%) paid at Grade A (see Appendix 1) – the overall gender pay gap would have been greater if the council had not committed to the voluntary living wage.
- 3.2 We accept that the ideal position would be no gender pay gap, and part of the rationale for publishing the data is to understand where we are and how we compare to other organisations. In measuring the data we can monitor any changes that might occur from year to year. We are not complacent about reducing the difference and we already have a number of measures in place to support female employees:-
- We introduced the voluntary Living wage in 2014, which had a significant impact on the (largely female) employees engaged in part-time roles in the lower pay scales.
 - We have extended our flexible working policies for all employees across the Council. These include flexible working hours, part-time working, flexible retirement, and mixed location working (a combination of office and homeworking).
 - We have provided childcare vouchers to employees to facilitate additional financial support following periods of maternity leave.
 - We offer enhanced (national conditions of service) maternity and paternity schemes to support parents to more easily facilitate returns after the birth or adoption of a child.
 - We have in place a scheme which allows employees to buy additional (unpaid) leave to facilitate more flexibility around caring responsibilities.
 - We have allowed employees to move into a flexible retirement situation where they reduce their hours of work and access part of their pension - in some circumstances this also has the benefit of then creating a part-time development opportunity for other employees in the workforce.

- 3.3 Our future plans will involve a wide-ranging consideration of how we might further support female employees with their career development, to provide the conditions to support them during times of maternity absence, childcare or elderly caring responsibilities and further improvements to flexible working arrangements. We will undertake more detailed monitoring and reporting of recruitment activity and trends to consider changes to our recruitment strategies, particularly in areas of the workforce where women may be underrepresented.
- 3.4 For purposes of further comparison the table below provides some further information about the results of other Councils and local organisations as published on the Governments dedicated website.

Organisation	Mean %	Median %
Amber Valley Borough Council	5	15.6
Bolsover	4	0
Brooksby College	12.1	2
Broxtowe Borough Council	6.6	0
Charnwood Borough Council	12.8	17
Corby District Council	9.2	11.2
East Midlands Housing	3.2	14.4
Hinckley and Bosworth Borough Council	4.3	0
Ibstock Brick	7	19
Leicester City	0.5	3.1
Lincolnshire County Council	11.1	13.3
North East Derbyshire District Council	9.7	8.8
North West Leicestershire District Council	5.2	11.2
Stratford Council	20.6	26.2
Stroud Borough Council	14	17.2

The table shows significant variations across the different organisations, with a mean range from 0, 5% to 20.6% and a median range from 0 % to 26.2%.

Appendix 1

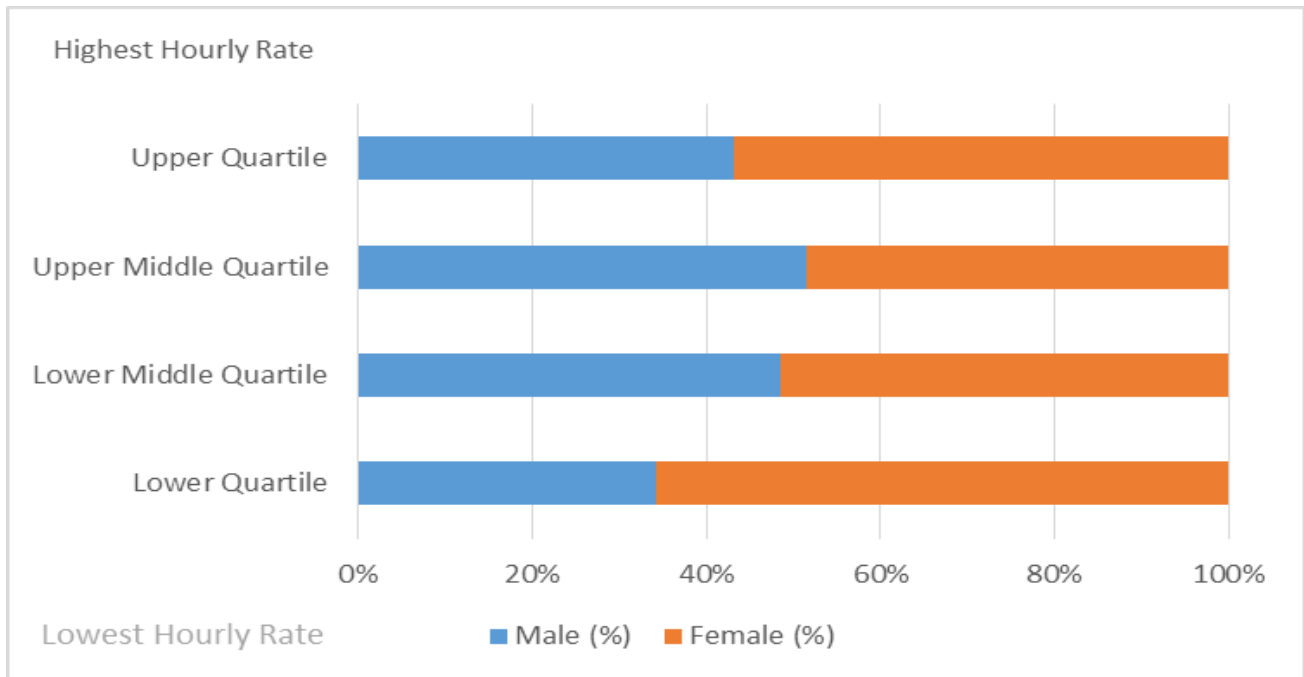
Split of men and women in each pay grade.

Grade	Female (%)	Male (%)
APPRENTICES	33	67
A	82	18
B	50	50
C	68	32
D	40	60
E	47	53
F	58	42
G	41	59
H	78	22
I	33	67
Head of Service	43	57
Director	0	100
CEO	100	0

Appendix 2

Council wide split of Men
and Women

	%
Female	55.48
Male	44.52



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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL**COUNCIL – TUESDAY, 20 MARCH 2018**

Title of report	PAY POLICY STATEMENT 2018/19
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 bev.smith@nwleicestershire.gov.uk</p> <p>Head of Human Resources and Organisational Development. 01530 454518 mike.murphy@nwleicestershire.gov.uk</p>
Purpose of report	The Council is required by the Localism Act 2011 to prepare and approve a pay policy statement in respect of each financial year, before the commencement of that financial year. This report has been produced to provide the relevant information in accordance with the relevant provisions of the Act.
Council Priorities	Value for Money.
Implications: Financial/Staff	<p>The pay policy statement will apply to all of the most senior employees in the organisation.</p> <p>There are no additional costs to the Council resulting from the information in this report.</p>
Link to relevant CAT	Not Applicable.
Risk Management	None.
Equalities Impact Screening	No equality issues identified.
Human Rights	No implications.
Transformational Government	This relates to the new ways in which councils are being asked to deliver their 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 report and pay statement has been provided to the Senior Officers of the Council for information.
Background papers	Held in Room 132 of the Council Offices. Some of the Background papers are confidential because they relate to individual employees.
Recommendations	THAT COUNCIL APPROVES THE COUNCIL'S PAY POLICY STATEMENT 2018/19, AS ATTACHED AT APPENDIX 1 OF THIS REPORT.

1.0 BACKGROUND

- 1.1 Under Section 38 of the Localism Act 2011, the Council is required to produce a Pay Policy Statement for each financial year, which must be approved by full Council before the beginning of the financial year to which it relates.
- 1.2 The Statement must set out the Council's policies in relation to:
- Senior Officers
 - Its lowest paid employees; and
 - The relationship between the pay of Senior Officers and the pay of other employees
- 1.3 For the purposes of this statement 'pay' includes basic salary, bonuses and all other allowances arising from employment.
- 1.4 The proposed pay policy statement attached sets out the Council's policy and explains the processes that apply to performance management and assessment. The Policy Statement also details the other benefits payable to Senior Officers and the approach to the engagement of Interim Senior Officers who may be in receipt of a previous public sector pension.
- 1.5 In accordance with the requirements of the Localism Act, the statement details the Council's pay multiple, which is 5.0 (the relationship between the median average pay of the Council's workforce compared to the salary of the most Senior Officer (the Chief Executive). This multiple has decreased slightly from a factor of 5.8 in last year's pay statement.

2.0 CHANGES

2.1 The following changes are worthy of mention in this year's pay statement:-

- The structure of the Councils' senior management team was changed in a report to Council agreed on the 23 January 2018. The senior structure now comprises a Chief Executive, Two Directors and Eight Heads of Service. A further Head of Service, the Joint Strategic Planning manager, although employed by this Council is a shared funded post with other Leicestershire and Rutland partner Councils.
- (Paragraph 3.5) Cost of living pay increases award have not been agreed at the time of writing this report. An offer averaging 2% for the majority of the workforce is currently being balloted by the trade unions – if this is agreed the pay rates will increase, on average, by 2% from April 2018.
- (Paragraph 11.2). The Council agreed to adopt the "Living Wage" for all of its employees from 1st April 2014. The Living Wage rate changed to £15,972 per annum (£8.45 per hour) in November 2017 from a previous level of £15,594.
- (Paragraph 11.3) The pay multiple ratio between the median average pay and the salary of the most highly paid senior officer has declined to a factor of 5.0.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Pay Policy Statement 2018/19

1.0 Introduction

- 1.1 This Statement sets out the Council's policies in relation to the pay of its workforce, particularly its Senior Officers, in line with Section 38 of the Localism Act 2011. In accordance with that Act, the Statement is required to be approved by Full Council each year. The statement will be published on the Council's website. The Council is committed to an open and transparent approach to the pay and benefits that apply to its workforce.
- 1.2 This Statement sets out the Council's policies relating to the payment of the workforce particularly:
- Senior Officers
 - Its lowest paid employees; and
 - The relationship between the pay of Senior Officers and the pay of other employees
- 1.3 For the purposes of this statement 'pay' includes basic salary, bonuses and all other allowances arising from employment.

2.0 Objectives of this Statement

- 2.1 This Statement sets out the Council's key policy principles in relation to pay. The Council has employment law and contractual responsibilities in relation to the pay and benefits of its existing employees and these have been taken into account when formulating the Statement.
- 2.2 This Statement aims to ensure the Council's approach to pay and benefits attracts and retains a high performing workforce whilst ensuring value for money. It sits alongside the information on pay that the Council already publishes as part of its responsibilities under the Code of Practice for Local Authorities on Data Transparency.

3.0 Basic Salaries of Senior Officers

As a responsible employer North West Leicestershire District Council is committed to delivering a fair, equitable and transparent policy covering pay and other employee benefits which improves flexibility in delivering services and provides value for money.

This Pay Policy Statement sets out the Council's policies relating to the pay of its workforce for the period from 1st April 2018 to 31st March 2019, in particular the remuneration of chief officers; the remuneration of the lowest-paid employees and the relationship between the remuneration of chief officers and employees who are not chief officers.

- 3.1 In North West Leicestershire District Council eleven posts are deemed to be Chief Officers; a Chief Executive which applies to one post, a Director Grade which applies to two posts, and a Head of Service Grade which applies to nine posts.

- 3.2 The following posts are determined to be statutory, Chief or Deputy Chief Officer posts in the Council:-

Chief Executive (Head of Paid Service and Returning Officer)
Strategic Director of Place
Strategic Director of Housing and Customer Services
Head of Legal and Commercial Services (Monitoring Officer)
Head of Finance (S151 Officer)
Head of Human Resources and Organisational Development
Head of Housing and Property
Head of Planning and Infrastructure
Head of Community Services
Head of Economic Regeneration
Head of Customer Services
Joint Strategic Planning Manager (Jointly funded Partnership post, but actually an employee of North West Leicestershire District Council)

- 3.3 It should also be noted for completeness that two other posts at Service Manager Level are also technically Deputy Chief Officers because of their functions within the Council as Deputy Monitoring Officer and Deputy Finance Officer.

- 3.4 The Heads of Service are all located within a salary range £54,035 to £62,967 (9 incremental points), The Director salary range is £74,280 to £83,225 (6 incremental points) and the Chief Executive Salary range is £114,960 to £123,076. (4 incremental points). Cost of living increases are agreed at national level for all of these roles – the potential award effective from 1 April 2018 has not been determined at the time this report was written.

- 3.5 The salaries of all Senior Officers have been set previously by formal meetings of elected members. The Chief Executive's salary level was reviewed as part of the decision to replace the post in 2017. The Chief Executive's performance is considered annually at a meeting of the members' Appointments Panel.

- 3.6 A member review of the salaries of the Heads of Service last took place in 2011. The Directors and Heads of Service are all subject to an annual appraisal process, and are required to report on their progress on Service Delivery Plans to members.

- 3.7 Increments for all employees including Senior Officers are paid on an annual basis until the maximum of the scale is reached. Under the management restructure agreed by Council in January 2018, two of the Head of Service posts are subject to a career-graded scheme to determine incremental progress. The Chief Executive, or her nominated representative, has the discretion to award and withhold increments of officers' dependant on satisfactory or unsatisfactory performance.

4.0 Car Allowance payments made to Senior Officers.

- 4.1 It is a requirement of the contracts of all Senior Officers that they be on a call-out rota to be available for Service Emergencies or to act in the event of a civil local or national emergency situation. The rota offers 24/7 365 days a year cover.

- 4.2 Due to the need to respond to emergencies out-of-hours and being on-call, Senior Officers have retained either a Car Lease or equivalent allowance.

- 4.3 The annual car leasing value to Senior Officers varies depending on the year renewal date of their vehicle and the relative value of “benchmark” vehicles in the Car Leasing scheme. On the basis of the current arrangements the actual current Council contributions or equivalent values range between £2,974 and £3,121 per annum (for the Senior Officers in this statement).
- 4.4 All Officers who are provided with a lease car are tied to a 4 year contract, with penalties payable if they terminate the contract prematurely. Officers are responsible for their own car insurance and petrol / diesel costs. If Officers with a lease car use the car for business mileage they are reimbursed at 16.6p per mile. This rate is reviewed periodically by reference to the National Conditions of Service petrol element. This rate has not changed during the course of the 2017/18 financial year

5.0 Local Government Pension Scheme

- 5.1 All Council employees may join the Local Government Pension Scheme. The Scheme is a statutory scheme with contributions from employees and from employers. For more comprehensive details of the local government pension scheme see:

<http://www.lgps.org.uk/>

- 5.2 Neither the Scheme nor the Council adopt different policies with regard to benefits for any category of employee and the same terms apply to all staff. It is not normal Council policy to enhance retirement benefits but there is flexibility contained within some pensions discretions for enhancement of benefits. The Council will consider each case on its merits in accordance with the discretions determined by Council at the time. There is no scope for the discretions to be applied more favourably to Senior Officers.
- 5.3 The Local Government Pension Scheme is an optional benefit. If senior officers are members of the scheme the employee contribution rates range between 8.5% and 11.4%.
- 5.4 The discretions that North West Leicestershire is able to apply were revised and agreed by Cabinet on the 24th June 2014 (as a direct result of the changes to the National Local Government Pension Scheme). The discretions apply to all employees in the Council’s workforce including Senior Officers and there are no special considerations for employees working at Senior Officer level.

6.0 Professional Fees

- 6.1 The Council reimburses the cost of professional fees for Senior and other Officers where it is essential to the performance of the job role. The Council will reimburse the cost of one fee up to a current maximum of £249 per annum. The annual maximum is linked to a percentage of one of the spinal column points in the main employee salary scale, so is increased when there is a nationally-agreed cost of living rise.

7.0 Election fees

- 7.1 In accordance with the national agreement the Chief Executive and the Head of Legal and Commercial Services are entitled to receive and retain the personal fees arising from performing the duties of returning officer, acting returning officer, deputy returning officer or deputy acting returning officer and similar positions which they complete.
- 7.2 Fees for returning officer and other electoral duties are identified and paid separately for local government elections, elections to the UK Parliament and EU Parliament and other electoral processes such as referenda. As these relate to performance and delivery of specific elections duties they are distinct from the process for the determination of pay for Senior Officers. The fees are set externally by legislation and based on a formula linked to the number of electors.

8.0 Employment Stability Policy

- 8.1 The Council has previously determined that its “Employment Stability Scheme” will apply to all employees of the Council including Senior Officers. The Employment Stability Policy provides that actual weekly pay will be used when calculating an employee’s redundancy payment and the number of redundancy weeks payable is the statutory number of weeks redundancy multiplied by a factor of 1.5. This means that the maximum number of weeks payable, depending on age and service, is 45. The National Local Government Pension Scheme Regulations provide that employees aged over 55 gain automatic payment of their pension if they are made redundant by the Council and there can then be an associated pension Capital cost payable by the Council.
- 8.2 The Employment Stability Policy also includes the potential for any employee (including Senior Officers) who is at risk of being made redundant to receive salary protection for 3 years on a stand-still basis if they are redeployed to a lower graded post. It should be noted that in practice, this is a rare occurrence.
- 8.3 Full Council will be given the opportunity to vote on severance arrangements which exceed a total value of £100,000 before they are approved. The information presented will clearly set out the components of the severance package (e.g. salary paid in lieu, redundancy compensation, pension capital costs, holiday pay and any other bonuses, fees or allowances paid).

9.0 Whole-time service

- 9.1 All Senior Officers are expected to devote the whole of their service to the Authority and are excluded from taking up additional business, ad hoc services or additional appointments without consent. Officers at a senior level are restricted from being involved in specified political activities, and all employees of the Council are bound by a code of conduct. Senior Officers are expected to work the hours required to complete the job, subject to a minimum of 36.25 hours per week. No additional payments are normally made for out-of-hours working, and there is an expectation that Senior Officer Roles will include on-call and out-of-hours meetings and duties.

10.0 Other benefits.

- 10.1 A number of the Senior Officers' terms and conditions of Service are determined at National level according to the following frameworks:

National Joint Council for Chief Executives Conditions of Service
National Joint Council for Chief Officers Conditions of Service

These frameworks provide the details of conditions of service such as annual leave, sick pay, maternity allowances, training and development etc.

11.0 Pay Relationships

- 11.1 The Localism Act 2011 requires the Council to set out its policy relating to the relationship between the pay of its Senior Officers and the pay of the rest of its employees. The Council has not previously set its pay structure of any group of employees by reference to a pay multiple. The Council has previously set the pay rates for different groups through processes of job evaluation, market comparability and the prevailing economic and market conditions. These can vary enormously from time to time and between the many occupational groups comprising the Council's workforce.

- 11.2. Pay of the Council's Lowest Paid Employees

The Council has defined its lowest paid employees as those on the lowest pay grade the Council operates, who are not undergoing an apprenticeship. The Council agreed to pay the "Living Wage" rate as a minimum wage figure in April 2014, so the lowest pay rate is the current Living Wage of £16,539 per annum.

- 11.3 The Localism Act requires Councils to calculate the pay multiples between the highest and lowest earners. The median average pay of the Council's workforce in February 2017 (including overtime payments) was £22,948, which when compared to the salary of the most highly-paid Senior Officer at £114,960 per annum, the pay multiple factor is 5.0. There has been a change in the ratio when compared to 2017 when the factor was 5.8 due in part to the appointment of the new Chief Executive during 2017 at the lowest point of the Chief Executives' pay scale.

12.0 Approach to pensioners and Interim Managers.

- 12.1 The Localism Act requires an explanation of the Council's policy in relation to the arrangements that might apply where it could appear that the public sector is paying an individual twice through a salary and a pension for doing the same job. This Council's view is that it is not good value for money for the taxpayer to make a person redundant (and pay a pension if they are aged 55 years and over) for them to then return to the same job. The Council will not condone this approach. However, it should be noted that there may be circumstances where the Council may employ individuals who are in receipt of a public sector pension for new roles where they are the best person for the job. An example of this may be the employment of ex-services or "blue-light" personnel, to a different role in this Council. It should also be noted that there might be risks of age or disability claims if the Council was to adopt a contrary position.
- 12.2 The Council has used Interim Managers to fill short-term vacancies or to undertake specific projects where there are capacity issues or a shortage of a particular skill set within the Council's own workforce. This may mean that the Council could engage Interim Managers who are in receipt of a public sector pension from other previous employment where an appropriate assessment has been completed on the value-for-money of the proposed arrangement for the Council. Such assessments will be completed by the Head of the Paid Service in consultation with the Leader of the Council.

13.0 Review and Changes

The Council will review this policy annually, or if amendments need to be made before the date of the scheduled review, in year, to Full Council. Any significant amendments or changes to the legislation which may affect the pay and benefits of Senior Officers will be determined according to the Council's constitution or legislation by the relevant Committee / Panel / Council meeting.