

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

Time/Date 6.30 pm on TUESDAY, 21 JANUARY 2014
Location Council Chamber, Council Offices, Coalville
Officer to contact Member Services (01530 454512)

Christine E. Fisher

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Chief Executive

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

PART A

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 received from Councillor T Neilson:

"Council understands that as a result of government cuts Leicestershire County Council have made it clear they are unable to sustain Snibston Discovery Museum and are looking to reduce the offering to visitors by redevelopment focusing on mining and the scheduled ancient monument.

North West Leicestershire District Council is ambitious for Coalville and believes that the loss of a major part of this attraction will have a significant negative impact on Coalville. The loss of footfall to the remaining colliery museum is likely to render it unviable.

We therefore support moves for a community organisation or trust to take on the running of Snibston so that current facilities can be retained and improved upon.

We call on Leicestershire County Council to realise this is a major community asset for North West Leicestershire and wider afield and to refocus their objectives for Snibston Discovery Museum towards engagement with the community to secure the future of this vital attraction".

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 29 October 2013.

Item		Pages
10.	HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS - RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL	
	Report of the Director of Services Presented by the Regeneration and Planning Portfolio Holder	23 - 42
11.	COUNCIL TAX SUPPORT SCHEME	
	Report of the Head of Finance Presented by the Corporate Portfolio Holder	43 - 48
12.	STREET TRADING POLICY	
	Report of the Chief Executive Presented by the Community Services Portfolio Holder	49 - 74

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MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 29 OCTOBER 2013

Present: Councillor G Jones (Chairman).

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

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

46. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Blunt, J Geary, R Holland, D Howe and N J Rushton.

47. DECLARATION OF INTERESTS

Councillor S Sheahan referred to his declarations at previous meetings in respect of the Core Strategy. He explained that the land pertaining to this item had now been granted outline planning permission, and as such, with the principal of development having been established, there was no longer any requirement to declare an interest in this matter.

48. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

- The Chairman announced that on Monday, 28 October he had had the pleasure and privilege of welcoming HRH The Princess Royal to the District. Oak trees were planted to mark the official opening of the Paralympic Grove in the Diamond Jubilee Wood.

- On Saturday, 26 October the Chairman attended the launch of the Poppy Appeal at the war memorial. The Normandy Veterans were in attendance.

- The Chairman congratulated students at Ashby School for their success in their A Level results. The Chairman proposed that a letter of congratulations and best wishes for the future be sent to the students.

- The Chairman read the following message from Councillor R Blunt:

"I have just completed the restoration of St Helen's House in Derby, which is Grade 1 listed and the project has been short listed by the Georgian Group as the best restoration in the country. It is a great honour to be nominated and I am only sorry that the awards ceremony clashes with Full Council which I would not normally miss".

The Chairman wished him the best of luck.

49. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

Councillor A V Smith was delighted to announce that the Council's Street Action team had won another National Award at the Annual Keep Britain Tidy awards last week. This

was the third year in a row that the team had won such an award. She explained that the Council's Street Environment Managers and the Street Cleansing team had identified a need to reduce roadside litter, especially as there were a number of large busy roads running through the District which were all blighted by litter issues, irrespective of how frequently they were visited. They developed a Roadside Litter Campaign and designed a Charter for the haulage companies based in the District to sign up to. Pallex were the first to come on board and numerous others have since signed up including McVities and United Biscuits.

Councillor A V Smith reported that the campaign and Charter including an 'In Cab Pack' and a message of 'Keep Your Cab Fab' won the Partnership Award category, won runner up in the Innovation Award category and was also classified as Overall Winner at the awards. She added that to win three years in a row at a National Awards ceremony was a fantastic achievement for the Council and testimony to the focus on keeping our District clean and tidy and having the Green Footprints Challenge as a Corporate Priority.

Councillor A V Smith referred to the number of complaints received by Members relating to litter and highlighted the importance of positive campaigns such as this. She added that as resources get tighter, working in partnership was an efficient way of delivering our environmental messages and preventing littering at source was far more efficient than having to clean it up later.

Councillor A V Smith thanked the staff and Street Environment Managers in particular for not only developing this campaign but for continuing to champion keeping North West Leicestershire tidy for the benefit of our residents, businesses and visitors.

Councillor M Specht added thanks to the Parish Councils and volunteer groups who worked in partnership with officers.

Councillor D De Lacy added his congratulations to the team on their achievement and an outstanding job done.

50. QUESTION AND ANSWER SESSION

Mrs P Chander put the following question to Councillor R D Bayliss:

"It is my understanding that this Council, when calculating qualification for discretionary housing payments uses Disability Living Allowance (DLA) as an income. As far as I am aware DLA is not means tested and is not listed as income on any Government literature. DLA is meant for the specific purpose of helping disabled people live independently and to have the adaptations and treatments they require. This policy disadvantages the disabled when requesting discretionary housing payments, as it is extremely difficult and challenging for many to identify all costs related to their disability when assessments are made. If DLA was not used as income this disadvantage could be removed.

I ask that this Council reviews this policy as a matter of urgency, and considers removing DLA from calculations when assessing peoples income".

Councillor R D Bayliss gave the following response:

"Discretionary Housing Payments are very different to state benefits or Council Tax Support. They are intended to be paid for a very short period of time to people in desperate and immediate need until they are able to make any changes necessary so

that they can live within their means. They are not a replacement or compensation for reductions in welfare benefits. The funds provided by Central Government are limited, £103k in 2013/14, so objective criteria are applied to ensure that the limited resources are made available to the most needy.

The assessment of awards of Discretionary Housing Payments is therefore quite different from that of state benefits. Yes, Disability Allowance Income is taken into account, but so are the costs which this income is intended to cover. These include mobility costs, care costs, special dietary needs and additional fuel costs.

If Disability Living Allowance was to be disregarded as income then the costs associated with the disability would also be excluded from calculations. The current process allows additional costs to be included making it a fairer assessment of need".

Mrs P Chander declined to ask a supplementary question.

Councillor N Clarke thanked Mrs P Chander for raising this issue and felt that it deserved further debate. He moved that an item be placed on the agenda of the next Policy Development Group meeting where it could be debated further. This was seconded by Councillor T Neilson.

Councillor R D Bayliss indicated that he had no objection to the proposal.

The motion having been moved and seconded, the Chairman then put it to the vote and it was declared CARRIED.

RESOLVED THAT:

An item in respect of Discretionary Housing Payments be considered at the next meeting of the Policy Development Group.

51. QUESTIONS FROM COUNCILLORS

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

"With the ever increasing waiting lists for social housing it seems a disgraceful situation to have council houses standing empty in desperate need of repair for over 6 months. Can the Portfolio Holder please explain how the council could speed up the process of getting these homes habitable for tenants in desperate need of a home, under the "Decent Homes programme"."

Councillor R D Bayliss gave the following response:

"The allocation of social housing is a core function for the Housing Service and undertaking essential works to bring the properties up to the 'Void Lettable Standard' (a standard developed with our involved tenants), is a priority service area. Over the past 2 years we have had a number of properties become empty which require in excess of £10k per property to bring them up to this standard, works included rectifying damp issues and red ash floors. Had the service undertaken the work without regard for the cost, the service would have far exceeded its budget. Therefore a procurement exercise has been completed to undertake the specialist work at a reduced cost, achieving value for money for the Council. Work on these properties commenced earlier this month.

Properties which have identified works as part of the Decent Homes Improvement Programme have the work undertaken whilst the property is empty ensuring our home

seekers have a better quality of home to move into. This approach has exceeded the period of time the properties are empty for.

This year we have experienced a 17% increase in the amount of properties which have become empty and early indications show more tenants are moving from one council property to another. Further analysis of tenancy terminations is being undertaken.

As at 1 October 2013, there are a total of 228 properties empty or 5% of the total council housing stock.

This is broken down as follows:

- 125 are in the process of or work is scheduled to bring the properties to a lettable condition ready for allocation.
- 92 are sheltered housing units where we are considering the long term future use of the buildings. This includes 53 properties in scheme Cabinet approved to decommission.
- 6 in supported housing where we are considering redesignating general needs due to low demand.
- 4 properties, which are being considered for conversion/disposal.
- 1 property which is currently being used by one of the Decent Homes Contractors as office accommodation as approved by Planning Committee".

As a supplementary question, Councillor J Ruff stated that she felt the question had not been answered. She asked if this meant that renovation had started or was about to start. She also asked why four properties were being considered for disposal or conversion.

Councillor R D Bayliss responded that it was not a case of speeding up, but of carrying through the process. He added that there were currently in the region of 34 properties which would require in excess of £10,000 expenditure to bring them up to the 'Void Lettable Standard', and which were effectively out of use. He added that at any one time there were approximately 200 properties being worked on under the Decent Homes Improvement Programme and work was commencing on new properties each week. He explained that the out of debit properties had not previously been included in the Decent Homes Improvement Programme due to the cost. He added that all the current out of debit properties could now be dealt with and it was anticipated that this would be completed by the end of the year.

Councillor J Legrys put the following question to Councillor T J Pendleton:

"Will the Portfolio Holder please provide me with a detailed breakdown of all annual costs to this Council from May 2007 to September 2013 for work undertaken by its staff and Consultants (including legal fees) for work associated with the submitted Core Strategy".

Councillor T J Pendleton gave the following response:

"After the meeting I will provide Councillor Legrys with a series of detailed spreadsheets which show a breakdown by year of the costs borne by the Council both in terms of employee and agency costs and in terms of consultancy fees for specific pieces of work relating to the submitted Core Strategy.

I'm sure Councillor Legrys will accept that there are a number of assumptions built into these figures, particularly in trying to calculate the amount of time spent by officers on certain pieces of work over a 7 year period.

Nevertheless what these figures show is that since 2007 approximately £570,000 was

spent by the Council on employee and agency costs in planning policy in the preparation of the Core Strategy. Of course the preparation of planning policy is an ongoing statutory duty placed on the Council and therefore these costs would be costs that the Council would have had to meet whether it was part of the submitted Core Strategy or any other Local Plan document.

In addition, the Council spent over £18,000 on corporate and support service costs, including internal and external legal costs, over the same 7 year period. The corporate and support services would include the costs of writing and checking Council reports and arranging and attending Council meetings etc.

In addition just over £314,000 was spent on consultancy fees for specific pieces of work in compiling the Core Strategy evidence base. It is also important here to stress that should Council later this evening choose to withdraw the Core Strategy but also to re-submit the document next year, then much of this evidence base will still be relevant and will not have been abortive work".

Councillor J Legrys indicated that he wished to reserve his supplementary question for the debate on item 10 and thanked Councillor T J Pendleton and the officers for providing the information.

Councillor R Johnson put the following question to Councillor A V Smith:

"In March this year I put a question to you as the Portfolio holder, as follows:-

"Could the portfolio holder tell me what provision the Council is giving weight to in filling in the potholes on our car parks within the district, especially the council offices car park, in my view a poor advertisement to both visitors and residents visiting our town"

Your answer then was at council

"I thank Cllr Johnson for this question although the details were provided at the last full council meeting within the capital programme for 13/14. We have made provision for the following car parks to be resurfaced in the forthcoming financial year:

Market Hall car park in Coalville
Council offices rear extension car park
Council offices rear main car park

All car parks are assessed on an annual basis and a programme of works are put forward for consideration during the annual budget process.

These car parks are in need of attention and following budget approval the costs and programme of works are now being developed. The exact dates will be communicated to all Members in due course".

So my question is after seven months why hasn't anything been done, well apart from cosmetically filling in the pot holes, this council has had ample time in this time period to do this, after all we have had a decent summer for these works to happen.

What sums of money has been put aside for the resurfacing of the public car parks in our town, as our council tax payers need Value For Money".

Councillor A V Smith gave the following response:

"I indicated to Cllr Johnson in March that works were programmed to be completed within this financial year, and that remains the case today.

Work to date has included the writing of a detailed technical specification and the completion of the procurement process.

The tenders for two of the three car parks have been evaluated and were awarded last week with contracts signed on Friday 25 October.

There are however external factors which are affecting the timescales for delivery that are outside of the Council's control. Western Power Distribution have scheduled cabling works in the Market Hall car park which will require the car park to be dug up in order to lay new cables. We are therefore waiting for these works to be completed before progressing our resurfacing works. I cannot give a definitive timescale but way leave agreements are currently in the process of being signed.

The timeframe for resurfacing the main Council Offices car park is currently being agreed with the contractor and I am hopeful this will be before the end of the calendar year but this will be dependent on weather conditions.

The Council Offices rear extension car park is currently on hold pending further ground investigations into root damage and as a result works are likely to be reprogrammed for 14/15.

Pot holes have been filled in the interim to ensure on-going safe use of the car parks.

All car parks are assessed on an annual basis and decisions are made through the budget process for any capital requirements. At present, South Street Car Park in Ashby (estimate £26,000) is planned for resurfacing in 14/15".

In formulating his supplementary question, Councillor R Johnson sought to make a statement and attempted to debate. In accordance with Council Procedure Rule 11.8, the Chairman reminded Councillor R Johnson to confine his contribution to a supplementary question only.

As a supplementary question, Councillor R Johnson asked if the Portfolio Holder thought it was fair that the car parks were in such a poor state when the Administration proposed to increase car parking charges.

Councillor A V Smith responded that it would be foolish to resurface a car park only for the utility services to dig it up, and this would not provide value for money. She reminded Councillor R Johnson that the issue of car parking charges did not arise in his original question and invited him to put this question to her at another time. She added that if there were no car parking charges, there would be no money available to resurface car parks.

Councillor A C Saffell put the following question to Councillor A V Smith:

"Last Saturday Evening large parts of my Ward, Castle Donington, had to suffer significant noise pollution from the Gatecrasher Event held at Donington Park. The noise went on from early evening till 6am and prevented many people getting a full night's sleep. The Parish Council has received many complaints.

The Licence granted to the Operators of Donington Park specifically bans noise after 11pm which can be heard inside neighbouring properties. The objectors to (and even

some supporters of) the event all agreed that the noise was very evident inside all properties in the southern two thirds of the village. My own house which has very thick walls and double glazing and is in the very middle of the village was also affected badly.

This is the second time in as many months we have had this trouble, it was also a problem at Download, when the entertainment on the camp site was very noisy and went on every night of the event until 3am or later.

Our Local Authority is supposed to protect us from events that reduce our wellbeing, but we are under constant attack at the moment and the impression is that both in Planning and Environment terms the District Council does not seem to want, or is not able to, exert any control whatsoever. We are in danger of attracting far more of these events because they know they will be allowed to do whatever they want without fear of reprisal and can come again next year to be welcomed with open arms.

I repeat my allegation that this District Council will stand idly by and in the process destroy the Ancient Market Town that is Castle Donington.

I don't believe we would have known about the Zoo Event in September if I had not phoned to ask what was in place to protect my voters. We were told nothing about this latest event which following what happened at the Zoo Event I find reprehensible. The voters expect us to be able to represent them which we cannot do if we have no involvement.

So I would ask the Portfolio Holder:

- a) Are the terms of the Event License adequate for these events?
- b) Why are the Council not enforcing the regulations? And
- c) Why were Ward Members not involved in either of the last two events?"

Councillor A V Smith gave the following response:

"1) The Premises Licence held by Donington Park was initially granted permitting outdoor and indoor music events in 2005. The conditions on the licence were agreed following a full consultation process in accordance with the Licensing Act. The adequacy of the licence has been challenged on a number of occasions since 2005. The licence was reviewed in 2008 following an application submitted by Leicestershire Police regarding crime and disorder concerns. A full consultation process was undertaken and extra conditions added to the licence.

In 2008 an application was received requesting an extension of the licensable area and an extension of operating hours. Following consultation representations were received from the Councils noise team, health and safety team, East Midlands Airport, Melbourne Parish Council, Castle Donington Parish Council and 2 residents. The request to extend the permitted hours for regulated entertainments was refused.

In 2010 and 2012 the Council received an application to increase the maximum capacity from 79,999 to 120,000. Full consultation was undertaken with each application which resulted in representations being received. A decision to grant the licence was made by a Licensing Sub-Committee in 2010 and 2012.

The Council has never received an application to review the licence relating to public nuisance concerns nor have we prosecuted for a breach of the licence. As such, it is felt that to date the conditions in the licence have been adequate for the events taking place.

2) The Council continues to direct significant resource to both working with the event organisers to agree event planning documentation and monitoring compliance with licence conditions. Specifically in relation to the 2013 Download and Zoo festivals, analysis of the noise levels recorded during those events has shown that the noise limits specified within the licence were not exceeded and that there was no evidence of a breach of the licence.

The analysis of the data relating to the Gatecrasher event held on 19/20 October has yet to be completed. Should that analysis identify any breaches of noise limits or noise conditions, further action will be considered.

3) In relation to involving Ward Members in the planning of such events, officers' work is normally focussed on working with the event organiser and agreeing event management plans where required.

The organisers of the Zoo festival and Gatecrasher event did not require permission from the District Council to hold these events as authorisation was already provided for by the premises licence initially granted in 2005 and last varied in 2012. Where a licence is already in place to hold an event the Licensing Act 2003 and Statutory Guidance does not provide a District Council with a mechanism for consulting with Ward Members. However this does not prevent a District Council taking the decision to notify Ward Members of events, outside of the statutory process.

In relation to the Zoo festival the District Council did notify Ward Members of the event and process in place to enable residents to make a complaint should they suffer noise disturbance. Ward Members were not notified of the Gatecrasher event as noise disturbance and the number of resident complaints was not anticipated. The previous Gatecrasher event held in May of this year was fully compliant and generated just 2 complaints. Events are risk assessed by Officers taking into consideration factors such as attendance, nature of the entertainment and adequacy of event plans. Ward Members are notified of events where resident issues are anticipated.

Should it be the view that more is required of the licence holder in terms of resident and Ward Member involvement, this is a matter which could be addressed through a review of the licence by suggesting additional licence conditions.

Looking forward, officers will continue to notify Ward Members in advance of music events that they are aware of which are likely to generate issues for nearby residents. This will offer an opportunity for the Ward Members to discuss any concerns or issues with the organisers and officers.

In addition to following all statutory requirements regarding consultation and notification the licensing team will continue to notify by email Parish Councils and Ward Members of all applications for new and variations to existing premises licences".

In formulating his supplementary question, Councillor A C Saffell sought to make a statement. In accordance with Council Procedure Rule 11.8, the Chairman reminded Councillor A C Saffell to confine his contribution to a supplementary question only.

Councillor A C Saffell stated that he was disappointed with the response and felt that this did not portray the full picture. He referred to the sad state of affairs in Castle Donington and felt that this could not continue. He stated that the licence was not adequate and the Parish Council had previously requested a review.

Councillor A V Smith responded that the data in respect of the Gatecrasher event was

still being analysed. She stated that the Council had no knowledge of a request from the Parish Council to review the licence, and added that the requisite steps would be taken if such a request was received.

Councillor T Neilson put the following question to Councillor A V Smith:

"What is the current cost to the council, including staff time of the Local Government Boundary Review and what is the expected additional cost to the Council in maintaining 38 separate wards instead of the current 20?"

Councillor A V Smith gave the following response:

"When the decision was made by Council to request that the Local Government Boundary Commission for England undertake a boundary review, there was a clear timetable of when work on this review was likely to commence and at what stage further work would be required to be undertaken.

Therefore there was sufficient time to allocate resources to the work which needed to be done without detriment to the service. No work has been undertaken outside normal working hours save for attendance at evening meetings at which officers would be required to attend in any case.

The Local Government Boundary Commission for England does not recharge the Council for any of the work it has undertaken.

In the interests of transparency I have set out below a breakdown of the staff time and estimated cost allocated to the work to date relating to the review.

Legal Services

Nature of work	Hours
Attending meetings	6
Writing Reports	22.5
General Administration	16
Checking Reports	0.5
Collation and provision of data and statistics	2.5
Total	47.5
Estimated cost	£1,685

Democratic Services

Nature of work	Hours
Attending meetings	6
Writing Reports	6
General Administration	4
Collation and provision of data and statistics	56.25
Plotting draft boundaries on maps	150
Total	222.25
Estimated Cost	£5,556

In terms of the expected additional cost to the Council in maintaining 38 separate wards instead of the current 20, I am reliably informed that because we have the same number of Members, the same number of polling stations and the therefore the same number of staff working at those polling stations, there will be no additional cost save for a very minimal amount for the cost of new signage at the count depicting the new wards.

Members may also be aware that as soon as practicably possible after the completion of the boundary review the Council is required to undertake a polling places review. Under normal circumstances this may have incurred additional cost because it would coincide with another polling places review which the Council is required to undertake within 16 months of 1 October 2013 and every 5 years thereafter. To prevent this duplication of work, staff in Democratic Services have re-prioritised their workloads to time the polling places review it so that it has only to be undertaken the once and on the new boundaries should they be approved by Parliament".

Councillor T Neilson declined to ask a supplementary question.

Councillor D De Lacy put the following question to Councillor T J Pendleton:

"A recent Planning Inspectorate decision concluded that the District Council could not demonstrate a 5 year housing land supply, and in future would need to provide an additional 20% buffer for housing land supply.

It was stated in the documentation to the October Planning Committee meeting that the most recent calculations indicate that a supply of 4.33 years is the current housing land supply position.

The consequences of an inability to demonstrate a five year housing land supply are profound. Paragraph 49 of the National Planning Policy Framework advises that "Relevant Policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites".

What this means, in practice, is that it is very difficult for the Planning Committee to oppose applications from developers who are likely to mount appeals with the danger of costs being awarded against the Council.

What is the Council's strategy to restore a five year (+20%) housing land supply?"

Councillor T J Pendleton gave the following response:

"The issue of 5-year land supply is consistently being monitored and updated. The current supply is estimated to be 4.33 years which represents a shortfall of 444 dwellings. It should be noted that for each year that the required annual build rate for 5-year land supply purposes (currently standing at 665 dwellings) is not met, the annual requirement for subsequent years will increase.

The current assessment makes assumptions regarding the likely build rates on individual sites. These assumptions are informed by data from developers and promoters of sites, together with knowledge regarding historic build out rates and market conditions. Account also has to be taken of national guidance in respect of what can be considered to be deliverable sites – for example, national guidance is that if a site has planning permission it should be assumed that some (if not all) of such a site will be built in the 5 year period being considered unless there is evidence to suggest otherwise.

The potential contribution that a proposed development could make to the 5-year supply is one of a number of material considerations that Planning Committee need to consider, but it will still be necessary, in accordance with the advice in the National Planning Policy Framework, to assess whether the proposed development represents sustainable development or not.

The Council's Strategy to achieve a 5 year supply (+20%) as soon as possible will be through the preparation of a Core Strategy, including the allocation of sites as necessary, and the ongoing granting of planning permission for new housing development which is considered to be sustainable. However, it should be appreciated that not all dwellings which receive planning permission will be built out in the next 5 years. Whilst it is the Council that grants planning permission it is ultimately the market and demand for housing that determines how many houses will get built. It is important therefore that the Council continue to support economic growth and new job creation in the district to encourage and the demand for new housing. Furthermore, as the economic position improves demand for new housing will increase which should result in an increase in build rates such that current predictions regarding future building may be able to be upgraded and so result in a healthier 5-year supply of housing".

As a supplementary question, Councillor D De Lacy stated that it was clear from the answer that the Council was not in control of the five year housing land supply. He added that no matter the number of dwellings that were approved, it was the build rate which determined whether or not the dwellings counted towards the housing land supply, and it was in the developers' interests not to have a housing land supply. He asked if the Portfolio Holder had any concerns about developers controlling the housing land supply and what action he would take if evidence of landbanking by developers was forthcoming.

Councillor T J Pendleton acknowledged that the housing land supply was commercially driven, however the figure had risen from 2.3 to 4.3, and he was confident that a five year housing land supply would soon be achieved. He added that the Council was acting effectively as ringmaster in ensuring that the housing land supply was moving in the right direction. He stated that he would maintain work to ensure the growth of the housing land supply and would continue to be vigilant in order to prevent landbanking.

52. MOTIONS

Councillor T Neilson moved the following motion:

"Council notes the current consultation by the Local Government Boundary Commission on the proposed new warding pattern for North West Leicestershire District elections in 2015.

Council notes that the review passed by majority vote at full Council in March 2011 was called in order to consider single Member Wards and that decision has led to a waste of time and money at a time when the Council is in short supply of both.

The growth figures the Commission are relying on are derived from the core strategy, not only are those figures in question but so are the directions for growth. It seems that the electoral equality of the Wards in 2015 will be no better than when the review commenced in 2012.

In addition to this the Leader of Leicestershire County Council has taken it upon himself to call for the abolition of this Council in 2017, which provides further evidence that this review has been a waste of time and money.

The Council believes that should the current recommendations stand it will deteriorate the representation of our communities and make democracy more expensive, an outcome that no one wanted and recognises that Council was mistaken to request a single Member Ward review as the outcome does not reflect community identities or provide convenient and effective local government.

Therefore the Motion is: That Council request that the Local Government Boundary Commission stop the review process that would lead to new electoral arrangements for North West Leicestershire".

Councillor T Neilson spoke to the motion and stated that this was a matter which had been taxing many Members' patience. He referred to the outcome of the latest round of consultation from the Boundary Commission which had exercised the minds of Measham Parish Council and they were not happy with the outcome. He added that it was a shame the Leader and the County Council Leader were not present to see this shambles. He stated that in March 2011 the Council was a very different place and no consultation was undertaken by the Council before requesting a single Member Ward review. He added that he was aware that many Conservative Members were not happy with the proposals either. He stated that the motion provided Members a final opportunity to cease the review. He urged Members to grasp the opportunity to state that the review was no longer wanted and plea to the Boundary Commission to halt the review. He felt that the review would not achieve better electoral equality, would split up communities and worsen representation, and had already cost enough. He urged Members to support the motion and stand up for the cohesion of our communities.

The motion was seconded by Councillor R Woodward who reserved his comments.

Councillor A V Smith reminded Members that the decision to have a review was passed by majority vote. She added that the Boundary Commission had now undertaken the review, and whilst the Council did not have any power to stop the review, the Constitution enabled Council to put the request to the LGBCE. She reported that she had asked the Boundary Commission for their view should a request to stop the review be forthcoming, and their response was that they had never suspended a review that was in progress, and was unlikely to do so at this stage, particularly having already published its draft recommendations and committed resource and expenditure to the review. She added that it was entirely open to Members to make representations to the Commission. She reminded Members that a review would take place sooner or later due to the growth figures in the area, and therefore suspending the review would only delay the inevitable.

Councillor J Legrys thanked the Deputy Leader for her response. He added that he was aware this was likely to be the response from the Boundary Commission, however he felt their reply indicated that they would welcome a recommendation from this Council. He hoped that all Members would support the motion. He stated that the absent Leader of Leicestershire County Council had made it clear in the media that he would be seeking a unitary authority from 2017 for the whole of Leicestershire, which placed a great deal of doubt on the future and value of this Council beyond 2017, and therefore this re-organisation was premature. He added that he understood Leicestershire County Council had also requested a review with a view to reducing the overall number of Members. He referred to the item later on the agenda to debate the withdrawal of the Core Strategy, which would throw the areas of growth into doubt. He added that the cost of the review was miniscule to the Council, but was considerable for the taxpayer. He stated that he was angered by the disfunctionality of the Administration of the District and County Councils as they did not communicate with one another. He felt that the review was premature and was putting local government further into the mire of disrepute.

Councillor D Everitt stated that the review was completely unnecessary and would not benefit anyone. He added that the current situation worked well, as Members had built up a relationship with residents, and Members in multi-Member Wards worked well together, regardless of political affiliation. He contemplated what taxpayers would think

of the cost of the review considering that they were struggling to pay their bills. He felt that Members should support the motion as no one wanted the review to take place.

Councillor L Spence stated that he believed the decision to request a single Member Ward review was one of the biggest follies of this Council, however he believed the review had been requested for the right reasons. He added that the difficulty with single Member Wards was that if a Member was inefficacious or ill, the Ward could end up very badly represented. He referred to the cost of the review to the Council and the greater cost to the public purse of £100,000 - £200,000. He added that single Member Wards could make the District Council elections more costly and would also increase the cost of Parish Council elections. He referred to inaccuracies in the process. He stated that the trigger point would be met sooner or later but the review did not have to consider single Member Wards. He added that this was an opportunity to highlight what could have been done better and he felt that the proposed warding pattern was bad for democracy. He urged Members to think again and support the motion.

Councillor A C Saffell stated that he supported everything that had been said and he did not wish to see Castle Donington split into three. He added that Members in multi-Member Wards worked together and he did not see why multi-Member Wards could not be retained and considered as part of the review. He agreed that the proposals would cost more to administer and he added that the proposals would cause chaos for the Parish Council elections in May. He added that the current arrangements with the Parish and District Council worked perfectly well.

Councillor D De Lacy stated that there was no demand from Ibstock and Heather Parish Council to split into single Member Wards and artificial boundaries were being drawn up. He added that multi-Member Wards promoted cross party collaboration and this would be lost. He believed that the only reason for undertaking the review was political advantage. He stated that the proposals would not be good for the District or Parish Councils. He urged Members to support the motion.

Councillor R Woodward stated that Whitwick Parish Council was never consulted on the proposals. As the spokesperson for the Parish Council he reported that they were in the process of applying for the General Power of Competence which could lead to Quality Council status. He explained that a requirement of this was that two thirds of the Members of the Parish Council were directly elected and not co-opted, and the likelihood of this following the review was negligible.

Councillor T Gillard stated that Whitwick Parish Council had been consulted on the proposals and had responded to the consultation.

Councillor R Woodward clarified that Whitwick Parish Council had debated the proposals but had never been consulted on them. He called upon all Members as representatives of their communities to request that the review be halted.

Councillor T Neilson exercised his right of reply and stated that the review was a grave misjudgement and no one would benefit from it. He added that the contributions from the floor demonstrated that the warding pattern would have a negative impact upon engagement, and the Boundary Commission had indicated that there was a real appetite to take single Member Wards off the agenda. He urged Members to support the motion.

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

53. PETITIONS

None received.

54. MINUTES

Consideration was given to the minutes of the meeting held on 17 September 2013.

Councillor R Johnson commented on the accuracy of the response to the question submitted by Councillor J Legrys in respect of the land transfer to Hugglescote and Donington le Heath Parish Council. This was subsequently clarified following the meeting.

Councillor D De Lacy commented on the speech made by Councillor N J Rushton in respect of the motion moved by Councillor N Clarke.

Councillor D J Stevenson raised a point of order in respect of Council Procedure Rule 17.1, that only the accuracy of the minutes could be discussed.

RESOLVED THAT:

The minutes of the meeting held on 17 September 2013 be approved and signed by the Chairman as a correct record.

55. NORTH WEST LEICESTERSHIRE LOCAL PLAN: CORE STRATEGY

Councillor T J Pendleton presented the report to Members. He referred to the exploratory meeting which took place on 17 September 2013 and reported that the Inspector was not prepared to allow the examination to proceed and had strongly recommended that the Core Strategy be withdrawn. The Inspector had concerns that the evidence base figures were not up to date and that there should be specific sites identified in respect of the direction of growth areas.

Councillor T J Pendleton stated that he felt the Inspector was wrong. He stated that the proposals had the support of the local community and the evidence base was sound. He added that the Council had argued strongly in respect of the direction of growth proposals, as others in a similar position had successfully done, particularly as most of the locations now had planning permissions granted. Nevertheless, this particular inspector had drawn his conclusions and the Council was bound by them as the Inspector was judge, jury and executioner.

Councillor T J Pendleton explained that therefore he was recommending that the Core Strategy be withdrawn at this stage, and the requisite evidence be prepared in order that the Core Strategy could be resubmitted as soon as possible. He added that having a lodged Core Strategy was beneficial, as was having an emerging Core Strategy. He acknowledged that it was disappointing that the Core Strategy had to be withdrawn, but the top-down housing targets set by the previous Regional Plan had to be resisted. He added that a high court judicial review had been withstood in respect of the Whitwick green wedge, and this would not have been possible without the emerging Core Strategy.

At this point in the meeting, the Chairman called for order.

Councillor T J Pendleton stated that if the figures in the Regional Spatial Strategy had been adopted, the current housing land supply figure would have been even lower.

Councillor T J Pendleton moved recommendations 1 and 2 as set out in the report. He withdrew recommendation 3 and formally invited the Opposition to debate the issues around resubmitting the Core Strategy. He stated that the work completed so far would enable the Core Strategy to be resubmitted fairly quickly in the new year. He added that none of the work completed had been lost, and reconsultation could be undertaken very quickly. He explained that he would bring a report to the next meeting of Council to agree the governance arrangements.

Councillor D J Stevenson seconded the motion and reserved his comments.

Councillor T Neilson sought to raise a point of order in that it was not in order to consider the two recommendations together, as a decision on recommendation one needed to be taken before recommendation two could be considered.

Councillor T J Pendleton stated that he was not prepared to withdraw his motion to consider the two recommendations together.

Councillor R Woodward stated vehemently that it was shameful to claim the credit for the outcome of a judicial review and he called for the Portfolio Holder to apologise to the people of Whitwick. He asserted that the Portfolio Holder's claims were simply not true.

Councillor J Legrys stated that this was not a moment to be triumphant about the withdrawal of the Core Strategy, and agreed that any Core Strategy was better than no Core Strategy. He felt that there was no option but to withdraw the Core Strategy. He stated that the contract in respect of the Strategic Housing Market Assessment had not been formalised and was not likely to be in the short term. He referred to the discussion at the exploratory meeting which recommended that officers be told to overcome the issues relating to the Core Strategy. He stated that recommendation 2 was unclear and meant that the Core Strategy document would be suspended. He pointed out that the Strategic Housing Market Assessment would take until Spring, the revised housing figures would not be available until April next year, and to start again would take until 2016. He added that the revised housing figures were unknown. He emphasised that the figures in the Regional Spatial Strategy were not set by the Labour Group but by the Conservative-led County Council in 2005. He added that the duty to co-operate meant that it was unknown how many additional houses would be allocated to the District. He stated that the Council needed to start again and engage fully with the local community. He suggested that the current Administration was dysfunctional and was allowing officers to take the blame. He stated that the Council was informed on 17 August 2012 that the Core Strategy was unsound and tomorrow he would be asking the Monitoring Officer to consider whether the Council had been misled as the Planning Inspectorate was clear that the Core Strategy was unsound.

At this point in the meeting, the Chairman called for order.

Councillor J Legrys called for the Portfolio Holder to resign.

At this point in the meeting, the Chairman called for order. He advised Councillor J Legrys that he had spoken for 5 minutes in total.

Councillor D De Lacy sought to raise a point of order and asked how long Members were allowed to speak for.

The Chairman advised Councillor D De Lacy that Members were able to speak for five minutes in total in accordance with Council Procedure Rule 14.4.

Councillor T Neilson stated that he was disappointed that Councillor T J Pendleton had not seen fit to move the recommendations separately, as he would be happy to support the motion to withdraw the Core Strategy, however he believed that the best way forward was to start on a new process. He referred to the notes from the Planning Inspectorate dated 17 August 2012 which Councillor J Legrys had discovered by way of a Freedom of Information request. He added that the Core Strategy had been discussed on three occasions since the date of the letter, however this information was not given to Members, which was tantamount to misleading the Council. He stated that given the fundamental flaws outlined at every stage the Opposition felt very much let down. He added that the Council owed it to the community to get this right. He stated that the best way to do so was to start again and have a plan which was led by communities rather than developers. He added that the evidence base was wrong, the whole document was fundamentally flawed, and the only way forward was to start again.

Councillor A C Saffell concurred that the Inspector was judge and jury. He stated that more work would need to be done than simply re-submitting the Core Strategy as the Inspector had been very clear on his requirements and he would not be impressed by this. He added that to suggest the Inspector had got it wrong was not the right approach. He stated that he was not suggesting that the process needed to start again, however he reminded Members that the Inspector was not prepared to suspend the process for six months as he had no confidence that the Council could be in a position to resubmit the Core Strategy within a year at a sufficient standard to satisfy him.

Councillor M Specht stated that there were some good points in the current version of the Core Strategy and he felt that these should be reconsulted upon to save money. He added that he was shocked to hear Councillor J Legrys calling for Councillor T J Pendleton to resign and pointed out that none of the Labour-led Local Authorities who had withdrawn their Core Strategies had had their Portfolio Holders resign.

Councillor J Legrys sought to raise a point of order in that Councillor M Specht did not speak through the Chairman.

Councillor D De Lacy stated that the report was absolutely damning and he found the complacency of the Portfolio Holder astonishing. He added that the Conservative Administration had managed the Council into a situation where developers had a 'free for all'. He stated that the Portfolio Holder was clearly blaming the Inspector, however the Inspector was speaking on behalf of the Secretary of State, and his role was to ensure that any local plan conformed with the National Planning Policy Framework. He added that the Inspector was clearly saying that the Core Strategy did not conform. He stated that Councillor J Legrys should be congratulated for extracting the letter from the Planning Inspectorate which clearly spelled out fifteen months ago that the Core Strategy was completely contrary to the National Planning Policy Framework and would be found unsound, and the option to suspend the process would in all likelihood not be possible should the Core Strategy be submitted. He stated vehemently that the Council ought to have received this advice. He added that the Council had ignored the Inspectorate for the past fifteen months, which was a folly and a complete waste of time, effort and money. He stated that any person reading the letter could see that the Core Strategy was doomed and fifteen months had been wasted. He added that he was present at the exploratory meeting and he felt it was embarrassing. He stated that the Cabinet and the Portfolio Holder were responsible for the chaos that Planning was in at the Council today and the withdrawal of the Core Strategy was fifteen months too late. He stated that the Portfolio Holder should accept responsibility for this debacle and recognise that his position was untenable.

The Chairman advised Councillor D De Lacy that he had spoken for five minutes in total.

Councillor R Johnson asked the Portfolio Holder to comment on whether the sale of the Snibston Museum and Country Park to developers would be contributing towards the housing land supply figure.

Councillor D J Stevenson stated that the rules of calculating the housing land supply had changed numerous times and the Administration had done its best to keep the housing requirement figure down. He added that he could see no point in starting again as this would cost more money. He urged Members to support the recommendation so that work could commence as soon as possible.

Councillor M Specht attempted to make a further speech. The Chairman clarified whether Councillor M Specht was seeking to raise a point of order. In accordance with Council Procedure Rule 14.5, the Chairman advised him that he was unable to speak again other than to raise a point of order.

Councillor T J Pendleton stated that it was not unusual for an initial plan not to be perfect. He added that the actions of other Local Authorities had been taken into consideration, and others had had their Core Strategies allowed on the same basis. He clarified the timescales and stated that it was highly conceivable that the Core Strategy would be agreed upon and ready for resubmission in Spring 2014. He stated vehemently that to scrap the Core Strategy would set the Council back a minimum of 18 months in time, and the cost would be phenomenal. He added that a huge reworking of the Core Strategy was not necessary, as the work already done could be built upon. He stated that some Inspectors had been pragmatic in their approach, however ours had decided not to be. He urged Members to support the recommendations.

Councillor R Johnson attempted to make a further speech. In accordance with Council Procedure Rule 14.5, the Chairman advised him that he was unable to speak again.

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

RESOLVED THAT:

a) The North West Leicestershire Local Plan Core Strategy be withdrawn in accordance with regulation 27 of the Town and Country Planning (Local Planning)(England) regulations 2012.

b) Work continues on the Core Strategy with a view to re-submitting as soon as is practicable.

56. APPOINTMENT TO SUBSTITUTE SEAT ON PLANNING COMMITTEE

It was moved by Councillor G Jones, seconded by Councillor T Gillard and

RESOLVED THAT:

Councillor V Richichi be appointed to the vacant substitute seat on the Planning Committee.

The Chairman opened the meeting at 6.30pm.

Councillor R Adams left the meeting at 8.05pm during the debate on item 10 - North West Leicestershire Local Plan: Core Strategy, and returned to the meeting at 8.07pm.

The Chairman closed the meeting at 8.09pm.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 21 JANUARY 2014

Title of report	HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS – RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
Contacts	<p>Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk</p> <p>Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk</p> <p>Head of Regeneration and Planning 01530 454782 david.hughes@nwleicestershire.gov.uk</p>
Purpose of report	To agree the Council's response to the current consultation in respect of the proposed route for HS2.
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	In the event of HS2 being given the go-ahead it is likely that future more detailed consultations by HS2 and the government will have staffing resource implications on an ongoing basis. These will be managed as far as possible within existing staffing resource but there may be a need for specialist input
Link to relevant CAT	None
Risk Management	Failure by the Council to respond to the current consultation would potentially result in local concerns not being considered to the detriment of local communities along the proposed route of HS2.
Equalities Impact Assessment	Not applicable
Human Rights	None discernible
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	<p>The Strategic Case for HS2 (Department for Transport) The Economic Case for HS2 (Department for Transport) HS2 Regional Economic Impacts (HS2) Sustainability Statement – Volume 1: main report of the Appraisal of Sustainability (A report by Temple-ERM for HS2 Ltd) Sustainability Statement – Volume 2: maps (A report by Temple-ERM for HS2 Ltd) Options for phase two of the high speed rail network (HS2) Route engineering report (West Midlands to Leeds) (Department for Transport) Better Connections – Options for the integration of JS2 (Network Rail)</p> <p>All available at www.hs2.org.uk/phase-two/route-consultation/document-library</p> <p>Impact of HS2 on the development of Measham Waterside and the associated regeneration of Measham – Moss Naylor Young. https://www.nwleics.gov.uk/files/documents/moss_naylor_young_limited_report_hs2/Moss%20Naylor%20Young%20Limited%20Report%20-%20HS2.pdf</p>
Recommendations	THAT COUNCIL ENDORSES THE VIEWS OF CABINET AS AGREED AT ITS MEETING OF 14 JANUARY 2014.

1.0 BACKGROUND

- 1.1 At its meeting on 14 January 2014 Cabinet considered the report attached at Appendix 1 in respect of the consultation on the proposed route of HS2. Under the Council's constitution this is a matter that falls to be determined by Cabinet. However, in view of the significance of the proposal it is considered appropriate that Council be given an opportunity to formally endorse the response agreed by Cabinet.
- 1.2 The views of Cabinet will be included within the additional papers submitted to Council in the form of the draft minutes of the Cabinet meeting held on 14 January 2014.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

CABINET – 14 JANUARY 2014

Title of report	HIGH SPEED RAIL (HS2) PHASE 2: CONSULTATION IN RESPECT OF PROPOSED ROUTE FROM WEST MIDLANDS TO LEEDS – RESPONSE OF NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
Key Decision	a) Financial Yes/No b) Community Yes
Contacts	Councillor Trevor Pendleton 01509 569746 trevor.pendleton@nwleicestershire.gov.uk Director of Services 01530 454555 steve.bambrick@nwleicestershire.gov.uk Head of Regeneration and Planning 01530 454782 david.hughes@nwleicestershire.gov.uk
Purpose of report	To outline the Government's proposals for HS2, the potential implications for communities in North West Leicestershire and to agree the Council's response to the current proposals.
Reason for Decision	To establish the Council's position in respect of the HS2 proposals
Council Priorities	Homes and Communities
Implications:	
Financial/Staff	In the event of HS2 being given the go-ahead it is likely that future more detailed consultations by HS2 and the government will have staffing resource implications on an ongoing basis. These will be managed as far as possible within existing staffing resources but there may be a need for specialist input
Link to relevant CAT	None
Risk Management	Failure by the Council to respond to the current consultation would potentially result in local concerns not being considered to the detriment of local communities along the proposed route of HS2.
Equalities Impact Assessment	Not applicable
Human Rights	None discernible

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	Leicestershire County Council HS2 Executive Various affected landowners
Background papers	<p>The Strategic Case for HS2 (Department for Transport) The Economic Case for HS2 (Department for Transport) HS2 Regional Economic Impacts (HS2) Sustainability Statement – Volume 1: main report of the Appraisal of Sustainability (A report by Temple-ERM for HS2 Ltd) Sustainability Statement – Volume 2: maps (A report by Temple-ERM for HS2 Ltd) Options for phase two of the high speed rail network (HS2) Route engineering report (West Midlands to Leeds) (Department for Transport) Better Connections – Options for the integration of JS2 (Network Rail)</p> <p>All available at www.hs2.org.uk/phase-two/route-consultation/document-library</p> <p>Impact of HS2 on the development of Measham Waterside and the associated regeneration of Measham – Moss Naylor Young https://www.nwleics.gov.uk/files/documents/moss_naylor_young_limited_report_hs2/Moss%20Naylor%20Young%20Limited%20Report%20-%20HS2.pdf</p>
Recommendations	<p>THAT CABINET:</p> <p>(I) AGREE THE COUNCIL’S RESPONSE TO THE CONSULTATION HAVING REGARD TO THE COMMENTS SET OUT IN SECTION 6 OF THIS REPORT AND;</p> <p>(II) ASK COUNCIL TO ENDORSE THE RESPONSE AT ITS MEETING OF 21 JANUARY 2014.</p>

1.0 BACKGROUND

- 1.1 Members will be aware that the Government is promoting the construction of a new High Speed rail link (known as HS2) from London to the West Midlands (Phase 1) and then on to Leeds and Manchester (Phase 2).
- 1.2 On 28 January 2013, the Secretary of State announced the initial preferred route for Phase Two. The preferred route for the eastern branch connecting Birmingham with

Leeds passed through this district with new stations at Toton (the East Midlands Hub) and Sheffield.

- 1.3 In response to this announcement Council at its meeting of 26 February 2013 agreed the following motion *“North West Leicestershire District Council objects to the proposed HS2 route on the basis that there is no positive impact on the district, its residents and businesses and we urge the Secretary of State to reconsider the proposals and look again at following a route along the A38 to Derby”*.
- 1.4 Following the announcement in January 2013 the Government carried out a period of informal engagement where Ministers met with Members of Parliament affected by the proposed Phase Two route, station and depot options to give MPs an opportunity to raise any initial concerns ahead of the public consultation. The results of these engagement opportunities lead to two changes to the preferred route. One of these is located in this district and proposed to extend the tunnel under East Midlands Airport to minimise the impact on land to the north of the airport which is a potential site for a Strategic Rail Freight Interchange (known as the Roxhill site).
- 1.5 Formal consultation on the proposed route (which reflected the preferred route announced in January 2013 subject to the changes referred to above) commenced in July 2013.
- 1.6 More recently on 25 November 2013 the Government published a Hybrid Bill for phase one of HS2 from London to the West Midlands. The bill sets out in detail the proposed route and once approved will enable the Government to acquire the necessary land to proceed with the project. It is currently anticipated that it will be 2015 at the earliest before the Bill is approved by Parliament.
- 1.7 The purpose of this report is to formulate the Council’s response to the consultation on the proposed route of HS2.
- 1.8 Under the Council’s constitution this is a matter that falls to be determined by Cabinet. However, in view of the significance of this issue it is also proposed that Council be asked to endorse the response agreed by Cabinet on behalf of the Council at its meeting on 21 January 2014.
- 1.9 This report is structured as follows:
 - the current consultation
 - an outline of the route and key facts as they relate to North West Leicestershire
 - justification for HS2
 - what are the likely impacts of HS2 and
 - suggested response to the consultation

2.0 THE CONSULTATION

- 2.1 The current consultation runs until 31st January 2014 and seeks views on the proposed Phase Two high speed rail route. The consultation sets out a number of questions upon which responses are sought. Those most pertinent to the eastern branch are set out at Appendix 1 of this report.
- 2.2 Views are also sought on the accompanying Sustainability Appraisal (SA) which describes how the proposed route of HS2 would support objectives for sustainable development and how sustainability issues have been considered.
- 2.3 In addition to the Sustainability Appraisal a number of other reports have also been published including a Strategic Case for HS2 and a detailed Economic Case. All of these documents can be viewed at the HS2 website as identified above in the section on background papers.

- 2.4 As part of the consultation, HS2 held a series of information events at locations close to the proposed Phase Two route between October 2013 and January 2014.
- 2.5 Events in the district were held at Measham Leisure Centre on 27th November 2013 (12pm-8pm) and in Ashby at Hood Park Leisure Centre on 5th December (12pm-8pm). Based on information provided by HS2, it is estimated that 550 people attended these two events.
- 2.6 Following the consultation the Government is expected to announce its chosen route for Phase Two by the end of 2014 following which detailed engineering designs, an Environmental Impact Assessment and preparation of the Hybrid Bill for Phase Two will commence. The Hybrid Bill is expected to be introduced in 2015, after the next general election.
- 2.7 It is understood that a number of groups and organisations across the district have or will be responding to the current consultation. For members information a summary of those that officers are aware of is provided at Appendix 2 of this report. In the event of additional responses being brought to Officers attention a verbal update will be provided at the meeting.

3.0 THE ROUTE

- 3.1 The preferred route through this district largely follows the route of the A42 as far as Tonge and then cuts under East Midlands Airport before crossing the floodplain of the rivers Trent and Soar and northwards towards Long Eaton.
- 3.2 The preferred route, from south-west to north-east, is described below;
- The HS2 preferred route (identified as HSL06) crosses from Warwickshire into Leicestershire in a cutting alongside the M42 passing to the west of Appleby Parva and Appleby Magna. It then approaches Measham on an embankment, crossing the River Mease on a 17m high viaduct and passing through the Westminster Industrial estate.
 - Continuing in a cutting close to the north side of Measham, it takes the alignment of the existing A42, which is consequently realigned 95m to the north-west.
 - Beyond Measham, the line closely follows the A42 on its south-east side to the north west of Packington, Newbold and Worthington before crossing the A42 and A453 south of Tonge.
 - From its crossing of the A453 near Tonge, the line continues as HSL09 as it approaches Diseworth which is passed in a cutting to the north-west.
 - The line enters a tunnel some 1.9 miles (3km) in length beneath East Midlands Airport and the adjacent site of the proposed strategic rail freight interchange. It emerges to the north east of the proposed strategic rail freight, climbing onto a new embankment as it approaches the M1 just to the north of Junction 24.
 - The A50 and M1 are then crossed to the north-west of Kegworth as the line continues on a 2.1 miles (3.3km) viaduct across the flood plain of the rivers Trent and Soar towards Long Eaton and the proposed station at Toton. The first 1.2 miles (2km) of this viaduct are in Leicestershire, before it crosses the River Soar into Nottinghamshire.
- 3.3 The following key facts provide more information regarding that part of the route that passes through the district (it should be noted that the distances quoted are not exact and may not add up due to rounding up and down):
- The overall length of the preferred route through the district is about 19.5 miles (31 km) which is about 17% of the Birmingham to Leeds leg;

- The route includes 15 new bridges, 10 over the HS2 and 5 under, 4 viaducts and 1 tunnel.
- The majority of the route through the district is in cuttings (about 9.8 miles or 15.8km) but with 4.5 miles (7.3km) on embankment. A further 2.7 miles (4.4km) is on viaduct, 2.1 miles (3km) in tunnel and the remaining 1.4 miles (2.3km) is at grade (ie at existing ground level).

4.0 JUSTIFICATION FOR HS2

4.1 This section of the report considers the justification, as set out in the consultation documents, for HS2 in general and also the proposed route that affects this district.

General

4.2 A key aim of the Government is to build a balanced and strong economy. The strategic case made by Government is that the development of HS2 will have four overall benefits to the economy:

- Increased capacity on the rail network – i.e. the ability for more people to travel on rail by not only providing a range of new services on HS2, but also releasing capacity on the existing network as a result of passengers diverting to HS2;
- Increased connectivity – i.e. reduced journey times to and from London and other major cities such as Birmingham and Manchester;
- Job creation – primarily jobs associated with the construction of the new railway and associated facilities such as stations and depots. In the long term it is suggested that additional jobs will be created in the manufacturing and maintenance of rolling stock;
- Regeneration – by attracting inward investment along the route of HS2, for example around new stations and existing airports along the route of HS2.

4.3 The economic case involves undertaking a cost-benefit analysis using the Department for Transport's standard cost-benefit analysis framework. The cost-benefit analysis compares the cost and benefits against each other to generate a 'benefit-cost ratio': i.e. the value of benefits that would result from every £1 that the scheme costs.

4.4 The cost-benefit analysis projects that a benefit-cost ratio of 2.3 (i.e. a return of £2.30 for every £1 spent) for the full Y network (Phase One and Two combined) and 1.7 (i.e. a return of £1.70 for every £1 spent) for Phase One on its own. Under the government's assessment system the full Y network would therefore deliver what is termed 'high' value for money, with Phase One on its own will delivering 'medium' value for money. These figures could increase to between 2.8 (i.e. a return of £2.80 for every £1 spent) and 4.5 (i.e. a return of £4.50 for every £1 spent) if assumptions regarding when demand will stop growing (assumed to be 2036) occurs later in 2040 or 2049 respectively.

4.5 A separate regional economic impact study report was published by HS2 in September 2013. This takes a different approach to the cost-benefit analysis by focussing on the potential impact of investment in HS2 on the structure of regional economies. Within the East Midlands the report focuses upon the Derby-Nottingham city region (i.e. excluding North West Leicestershire). The study's overall conclusion is that HS2 could generate £15 billion of additional output per year for the British economy by 2031 (at 2013 prices). For the Derby-Nottingham City Region it is estimated that there will be an increase in labour connectivity of 14.7% and 23.2% in business connectivity. The latter figure is the highest of any City region assessed, including that of Greater London, whilst the labour figure is the third highest.

- 4.6 The overall result of this improved connectivity for both labour and businesses is that the Derby-Nottingham economy would benefit to the tune of between £1.1 billion and £2.2 billion per year, equivalent to between 2.2% and 4.3% economic output.

The preferred route

- 4.7 In determining the most appropriate route for HS2 it was determined that any solution must:

- minimise disruption to the existing network;
- use proven technology that can deliver the desired results;
- be affordable and represent good value to the taxpayer; and
- minimise impacts on local communities and the environment.

- 4.8 In addition, a number of key design principles were factored in to the design of the preferred route including:

- HS2 will be a two track railway (one northbound and one southbound track);
- up to 18 trains per hour could run in each direction on the opening of the full Y network;
- the line of route design seeks to follow existing transport corridors where practicable; and
- the route was to be designed for speeds up to 250mph (400kph). This has implications for the detailed route as to maintain such speed consistently requires the line be kept as straight as possible.

- 4.9 In arriving at a preferred route HS2 examined a number of strategic alternative routes for the West Midlands to Leeds leg followed by more detailed alternatives along the strategic corridor chosen.

- 4.10 More information about these alternatives and the process of determining the preferred route is set out at Appendix 3 of this report. In summary HS2 considered that Toton was the most appropriate location for a station to serve the East Midlands and that the A42 corridor was the preferred strategic corridor. Within this corridor three alternatives were considered and it was determined that a route to the north of Measham was preferable due to less noise impact, although it was more expensive.

5.0 WHAT ARE THE LIKELY IMPACTS ON NORTH WEST LEICESTERSHIRE?

- 5.1 There are a number of potential impacts on North West Leicestershire in terms of the environment, the community and the economy. HS2 have produced factsheets for small sections of the route which accompany the consultation and detail how the proposed route would affect each area. There are two factsheets relevant to North West Leicestershire; these are Birchmoor to Tonge and Tonge to Trowell. Using these factsheets and the Sustainability Appraisal (SA) the implications that have been identified for North West Leicestershire are outlined below.

Potential Environmental Impacts

Landscape and Townscape

- 5.2 As noted in paragraph 3.3 the majority of the proposed HS2 route through the district would be in cuttings. Whilst this will reduce the impact on the environment there will still be impacts on the landscape. Such impacts include the associated infrastructure such as overhead power lines, gantries for over head lines, viaducts and bridges.
- 5.3 HS2 state that the design of the route, following a transport corridor would keep potential landscape and visual impacts to a minimum and that the design of the line

would seek to reduce impact by introducing landscaping, such as earthworks and the planting of trees, hedgerows and shrubs.

- 5.4 The SA suggests that the eastern leg of the proposed route would have no direct or indirect impacts on any nationally designated landscapes and that there are no areas within the district where HS2 is identified as having a high impact on landscape character.
- 5.5 There are however, two areas within the district where the impacts on landscape character are judged to be moderate. These areas are south of Tonge, where the embanked route would affect the landscape setting of the village and Conservation Area and land to the east of the junction 24 of the M1, where the railway would be an intrusive new landscape element crossing the flat River Soar floodplain, parallel to but separate from the existing (embanked) A453.

Wildlife and Habitats

River Mease Special Area of Conservation

- 5.6 Members will be aware that the River Mease is designated as a Special Area of Conservation (SAC), a European level designation, because of its valued (mainly aquatic) species. In selecting the proposed route HS2 notes that one of the main drivers for route selection between Water Orton and Toton was how to avoid or minimise any impact on the River Mease SAC. The proposed route crosses the River Mease SAC at Measham.
- 5.7 The SA considers that the route to the north of Measham is more favourable than the other options considered as it crosses a narrower part of the floodplain and so reduces the shadowing affect on the river from any bridge structure and makes a more direct crossing of the river with a shorter viaduct structure.
- 5.8 HS2 are working with Natural England and the Environment Agency and have undertaken a Screening Opinion and a draft Appropriate Assessment, the provisional conclusion of the latter was that the River Mease crossing would not have an adverse effect on the SAC. Natural England has agreed with this provisional conclusion.

Sites of Special Scientific Interest (SSSI)

- 5.9 The River Mease is also a SSSI designated for similar reasons to the River Mease SAC. The SA states that the effects on the River Mease SSSI from the proposed crossing would be negligible, as they are for the SAC.
- 5.10 The proposed route passes in close proximity to Lount Meadows SSSI where some areas would be at potential risk from changes in hydrology. As the proposed route passes Lount Meadows it is on an embankment and HS2 state that this would need to be designed in order to allow the free-passage of surface-water beneath the proposed route. HS2 identify that effects on the site are likely to be major adverse but mitigable through detailed design.
- 5.11 During the construction of HS2 the SA also identifies that there is limited potential for disturbance of birds at Lockington Marshes SSSI as the proposed route crosses a branch of the Hemington Brook.

Heritage

- 5.12 In terms of heritage assets the proposed route would potentially result in the demolition of the Grade II Listed Meer Bridge at Measham. The proposed route is on a viaduct at this stage and as a result it is possible that the bridge might be

preserved. The SA states that impacts on the setting would be minor. If the feature is demolished the impact would be moderate.

- 5.13 There are also another 15 Listed Buildings within 100metres and 450 metres of the proposed route, although not on it. There are two Grade II* Listed Buildings which lie further afield and where the parks associated with these are identified as Registered Historic Parks and Gardens (Coleorton Hall and Staunton Harold Hall). In both cases the SA suggests that the impact on the buildings and associated parks would be negligible.

Potential Community Impacts

Noise

- 5.14 Within the SA, noise impact on dwellings has been assessed over an 18-hour daytime period (i.e. 6am to midnight when it is expected that services would largely operate). A number of areas are predicted to suffer from residual noise impacts which are categorised as areas where there will be a noticeable increase in noise experienced or areas where noise insulation may be required. Based on information in the factsheets it is estimated that some 1,201 dwellings in North West Leicestershire will be affected by noise, of which 162 will potentially require noise insulation and 1,039 would be affected by a noticeable increase.
- 5.15 Those dwellings requiring noise insulation are concentrated in Measham whilst other settlements where there will be noticeable noise increases include Appleby Parva, Packington, New Packington, Ashby, Lount, Newbold, Worthington, Breedon on the Hill and Tonge.
- 5.16 The SA notes that a more detailed impact regarding noise will be undertaken when a decision on the final route has been made.

Construction

- 5.17 HS2 expects the route would be open to passengers in 2033 although there is no information at this time in respect of any time frame for construction. There will inevitably be disruption during construction including noise and air pollution and roads and other access routes temporarily affected whilst new infrastructure is constructed. The exact impact and implications are not clear at this stage.

Physical Impacts

- 5.18 There are a number of communities that would be in close proximity to the preferred route including Appleby Parva, Appleby Magna, Measham, Packington, New Packington, Ashby, Worthington and Tonge. High speed rail is not a means of transport that many residents will have experience of and it will take some time to obtain a clear idea of the visual, noise and atmospheric impacts and the potential effects of land and community severance.

Visual Impacts

- 5.19 In terms of visual impacts, the SA identifies that the area around Tonge would be one of seven areas along the eastern branch which would be subject to major impacts. This is due to the high level crossing of the A42 which would intrude into the foreground of distinctive views from local roads to Breedon on the Hill.
- 5.20 Visual impacts that are considered to be more than slight are identified as follows:
- Appleby Parva (around 300m from the proposed route) minor or moderate impact.

- Worthington (around 350 metres from the proposed route) minor visual intrusion
- Breedon on the Hill (700m from the proposed route) and Tonge (200 metres from the proposed route) moderate or locally major visual impacts
- North of the A453 at Kegworth moderate impact (although limited impact from Kegworth itself)

Community Facilities

- 5.21 There is no evidence that any community buildings in the district would be directly affected by the proposed route.

Community Severance

- 5.22 HS2 have highlighted that the route could result in the isolation of the residential communities at Worthington. It is presumed that this refers to the fact that there are a number of residential properties to the west of Worthington which would be located between the routes of the A42 and HS2 and so would be physically separated from other settlements.

Potential Economic Impacts

Agriculture

- 5.23 The proposed route would pass through a number of areas of Grade 2 Agricultural Land (which together with Grade 3a represents the best and most versatile agricultural land) within the district. This would not only result in the loss of agricultural land but would also result in severance issues for the management of the agricultural holdings. The remainder of the route largely crosses Grade 3 Agricultural Land together with Grade 4 land.

Tourism and Recreation

- 5.24 The proposed route cuts through the National Forest which is a tourism and recreation destination of vital importance to the economy of the district.

Transport Networks and Access

- 5.25 Several roads will require permanent or temporary re-alignment. These include:
- A444 at Appleby Magna,
 - A42 west of Measham
 - Tamworth Road, Rectory Lane, Huntingdon Way, Burton Road, New Street at Measham
 - the B4116 near Packington
 - Ashby Road, Leicester Road and the A511 at Ashby;
 - The A512,
 - Melbourne Road, Long Hedge Lane, Breedon Lane, Stocking Lane near Breedon-on-the-Hill
- 5.26 HS2 intends that the effect on cycle routes and footpaths will be addressed as more detailed planning work is done.

Property and Business

- 5.27 The proposed route would result in the demolition of commercial properties at the Westminster Industrial Estate in Measham. In total it is estimated that within 60 metres of the proposed route there are 16 business properties (some of which are currently vacant) which would potentially need to be demolished. The most

significant of which would be Plastic Omnium an international company with its only UK research and development centre located at the plant in Measham.

- 5.28 In addition, it would also be necessary to realign the access to the Westminster Industrial Estate from Burton Road.
- 5.29 The preferred route would also result in the loss of two major hotels, the Best Western Appleby Park Hotel at Appleby Magna and the Hilton hotel at junction 24 of the M1.
- 5.30 There is no evidence in HS2's publications that the route will result in the demolition of any residential properties within the district. The proposed route runs close to properties along Amersham Way, Measham (within about 50 metres) and a retaining wall is proposed at this location to reduce visibility and noise impacts on nearby properties.
- 5.31 In order to provide assistance to people whose properties may be affected the Government has introduced a discretionary Exceptional Hardship Scheme (EHS).

Development at Measham Waterside

- 5.32 The proposed route would run through the western extent of land to the west of Measham which had been included in the Council's now withdrawn Core Strategy as a Broad Location and where the Council has resolved to grant planning permission on the site for the development of up to 450 residential dwellings to include the reinstatement of 0.6 miles (1.1km) of the Ashby Canal (known as Measham Waterside). As currently proposed the sites capacity would be significantly reduced to about 250 dwellings if the proposed HS2 route were to go ahead in its current form.

6.0 SUGGESTED RESPONSE TO CONSULTATION

- 6.1 A project of the scale of HS2 will inevitably have significant impacts, both positive and negative. In considering the Council's response to the current consultation it is important to recognise that it is difficult for the Council to comment upon the principle of HS2 as a proposal as it does not have the available expertise to assess the proposals in the minutiae. However, the District Council does have a responsibility to ensure that the interests of the district and its communities are adequately addressed.
- 6.2 Therefore, in responding to the consultation it is suggested that the Council restrict itself to those questions set out at Appendix 1 of this report each of which is considered below.

(iv) Do you agree or disagree with the Government's proposed route between West Midlands and Leeds as described in Chapter 8? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the East Coast Main Line.

- 6.3 Para 4.10.2 of the Strategic Case notes that "*The proposed line of route has been carefully designed to avoid or reduce local environmental effects wherever possible by seeking to avoid the most significant impacts on centres of population*".
- 6.4 The SA suggests that most of the identified impacts are capable of being mitigated. However, it is still the case that there will be an impact upon local communities close to the preferred route. For example the SA acknowledges that there will be a moderate impact upon the landscape in the vicinity of Tonge; moderate visual impacts upon Appleby Parva, Breedon on the Hill, Tonge (possibly rising to major)

and Kegworth; a loss of best and most versatile agricultural land as well as various economic impacts.

- 6.5 In addition, there are concerns that some of these impacts have been underestimated. Of particular concern is that of noise which has used an 18-hour assessment period. Such an approach fails to adequately take account of significant individual noise episodes which occur, such as the passing of a train. Therefore, each train may cause significant short-term disturbance without having a noticeable effect upon the time weighted average.
- 6.6 Furthermore, it is difficult to see how the principle set out at paragraph 4.10.2 of the Strategic Case has been complied with in the case of Measham. The preferred route goes through the middle of an important employment area and passes within less than 50 metres of existing dwellings.
- 6.7 The SA has also failed to take proper account of the National Forest which although not a national landscape designation, is of significance to the environment and economy of the district.
- 6.8 The Strategic Case for HS2 identifies four key benefits for the economy that it is suggested would result from the construction of HS2 (i.e. increased capacity, increased connectivity, job creation and regeneration). An assessment of each of these demonstrates that none of these will be realised in North West Leicestershire.

Increased capacity and connectivity

- 6.9 In terms of connectivity an assessment has been made of the journey time from Coalville to London both with and without HS2. This is done to illustrate the potential time saving that residents could potentially benefit from as a result of HS2 based on the current proposals. Travel time by car to the respective stations is based on information from the RAC Route Planner website so as to ensure a consistent comparison.
- 6.10 It currently takes 29 minutes to travel by car from the Council Offices to Leicester train station (the nearest mainline station with the best direct connections to London). The current journey time by train from Leicester to London is 1 hour 9 minutes. Therefore, the total journey time from Coalville to London is currently 1 hour 37 minutes.
- 6.11 The journey time (by car) to Toton where the East Midlands hub would be located is 28 minutes. Figure 4.7 of Strategic Case identifies a journey time from Toton (East Midlands Hub) to London of 51 minutes. Therefore, total journey time from Coalville would be 1hr 19 minutes.
- 6.12 The introduction of HS2 would, therefore, represent a saving of 18 minutes over current times. However, a report from Network Rail (Better Connections Options for the integration of High Speed 2) suggests that as result of HS2 there will be opportunities to “*deliver a faster, more frequent service from Leicester into London*”. In addition, the Midland Mainline through Leicester is to be electrified which will result in a journey time of about 1 hour, reducing the time saving to less than 10 minutes. It is considered, therefore, that in terms of journey times that a saving of 10 minutes would not represent a significant advantage to the residents of the district.
- 6.13 Furthermore, as there are no passenger services which directly serve North West Leicestershire any additional capacity that results from HS2 will have limited impact.
- 6.14 Therefore, it is considered that the increased capacity and connectivity that would result from HS2 would not be of direct benefit to the district or its residents. The

Council would seek that some of the additional capacity that would be realised in the existing rail network would be invested in the former passenger railway routes such as the National Forest line from Leicester to Burton.

Job creation

- 6.15 Any jobs created as part of the construction of HS2 will be of a temporary nature albeit over a reasonable period of time. Unless there is any specific commitment to employ people from the locality through which the HS2 line is proposed to pass, there will be no guarantee that residents of the district will benefit from such employment opportunities. It is, however, likely that there would be some benefits as a result of construction workers spending money within the local economy – for example for food, drink and accommodation. But once again these will be of a temporary nature and of an uncertain amount. In terms of other job creation benefits such as maintenance of rolling stock, there are no plans to locate any depots within the district.
- 6.16 The preferred route rather than creating jobs will actually result in the loss of both existing and potential jobs. In terms of existing jobs it is estimated that some 425 jobs will be lost as a result of the demolition of the Plastic Omnium factory on the Westminster Estate. Plastic Omnium have indicated that their only option will be to relocate out of North West Leicestershire. Therefore, these 425 jobs will be lost in Measham. In addition, a number of jobs will also be lost as a result of the demolition of two units at Huntington Court also on the Westminster Estate.
- 6.17 Furthermore, 800-1,000 potential jobs will be lost as a result of the preferred route going through the site of the former Lounge Disposal Point to the east of Ashby de la Zouch where planning permission has been granted for a 1million square foot distribution centre.

Regeneration

- 6.18 As there are no stations proposed in North West Leicestershire, there are no regeneration benefits associated with HS2. In fact from a regeneration perspective the preferred route will have significant negative consequences on the regeneration of Measham as a result of passing through a proposed housing site to the west of Measham (Measham Waterside). It was envisaged that this development would act as a catalyst for both the restoration of the Ashby Canal through to the centre of Measham and the regeneration of the High Street area of Measham. Consultants (Moss Naylor Young) engaged by the site promoter (Ideal Country Homes) to estimate the impact on Measham's economy, taking account of the impact upon Measham Waterside, including the ability to deliver the restoration of the Ashby Canal and the loss of jobs at Plastic Omnium estimate the loss to Measham's economy to be in the order of £130million between 2015 and 2034.
- 6.19 Although not specifically a regeneration issue the preferred route also impacts upon a number of potential housing sites (not just Measham Waterside) included in the Council's Strategic Housing Land Availability Assessment which will affect the ability of the Council to deliver its housing requirements and also conflicts with the Government's stated aim of increasing the supply of new housing.
- 6.20 On the basis of the above it is concluded that the preferred route of HS2 will not provide the benefits to North West Leicestershire which the government has identified will result from HS2. Indeed, for the reasons set out above, there will be significant negative impacts upon the communities of the district with no benefits in return. Whilst the alternative routes through the district would lessen some of these impacts, for example by avoiding existing and proposed development at Measham, it

is still considered that any route through the district will not deliver the benefits identified by the government and therefore, the Council should **object** to the preferred route.

6.21 In coming to a view on the final route it is important that the Government and HS2 takes full account of all the comments and suggestions made by various organisations and individuals from across North West Leicestershire, including those summarised at Appendix 2 of this report.

6.22 Notwithstanding the above objection, in the event that it is decided that the current proposed route is to be taken forward the Council would wish to engage constructively with Government and HS2 in respect of compensatory measures designed to minimise and offset the impact upon local communities. This would include, but is not limited to, details of landscaping and attenuation measures to minimise the impact of noise and visual intrusion along the route of HS2 and to agree financial compensation for local communities.

(v) Do you agree or disagree with the Government's proposals for:

c. An East Midlands station to be located at Toton as described in Chapter 8 (sections 8.3.1 – 8.3.6)?

6.23 Locating a station at Toton would necessitate the preferred route coming through North West Leicestershire. In view of the response to question (iv) it is considered that the Council should oppose a station at Toton and instead support the provision of a new station at Derby. This would avoid the need for the proposed route to come through North West Leicestershire and could also help to deliver regeneration benefits to Derby.

(vi) Do you think that there should be any additional stations on the eastern leg between the West Midlands and Leeds?

6.24 In order to provide direct , tangible benefits to the local communities in North West Leicestershire it is considered that there should be a new station located within the district.

(vii) Please let us know your comments on the Appraisal of Sustainability (as reported in the Sustainability Statement) of the Government's proposed Phase Two route, including the alternatives to the proposed route as described in Chapter 9.

6.25 See comments under (iv)

(viii) Please let us know your comments on how the capacity that would be freed up on the existing rail network by the introduction of the proposed Phase Two route could be used as described in Chapter 10?

6.26 As outlined in response to question (iv) in the event that it is decided to go ahead with HS2 (whether along the preferred route or an alternative) the Council would want to see consideration be given to re-opening former passenger rail routes such as that between Leicester and Burton-upon-Trent. This would help to improve the connectivity of the district and would, in the event that the route goes through North West Leicestershire, help to offset some of the negative impacts that results for the communities of the district.

CONSULTATION QUESTIONS IN RESPECT OF THE EASTERN BRANCH OF THE PROPOSED ROUTE FOR HS2 FROM BIRMINGHAM TO LEEDS

- (iv) Do you agree or disagree with the Government's proposed route between West Midlands and Leeds as described in Chapter 8? This includes the proposed route alignment, the location of tunnels, ventilation shafts, cuttings, viaducts and depots as well as how the high speed line will connect to the East Coast Main Line.
- (v) Do you agree or disagree with the Government's proposals for:
 - a. A Leeds station at Leeds New Lane as described in Chapter 8 (sections 8.8.1 – 8.8.5)?
 - b. A South Yorkshire station to be located at Sheffield Meadowhall as described in Chapter 8 (sections 8.5.1 – 8.5.8)?
 - c. An East Midlands station to be located at Toton as described in Chapter 8 (sections 8.3.1 – 8.3.6)?
- (vi) Do you think that there should be any additional stations on the eastern leg between the West Midlands and Leeds?
- (vii) Please let us know your comments on the Appraisal of Sustainability (as reported in the Sustainability Statement) of the Government's proposed Phase Two route, including the alternatives to the proposed route as described in Chapter 9.
- (viii) Please let us know your comments on how the capacity that would be freed up on the existing rail network by the introduction of the proposed Phase Two route could be used as described in Chapter 10?

SUMMARY OF LIKELY RESPONSE FROM OTHER INTERESTED PARTIES

Ideal Country Homes for the Measham Waterside Development (Moss Naylor Young Ltd Report)

The Report identifies the adverse economic impacts of the proposed route on Measham's economy. The Report states that it would result in the loss of over £130 million to the Measham economy between 2015 and 2034, including the loss of 425 existing jobs at Plastic Omnium.

The Report promotes the advantages of the route to the south of Measham. This route (identified by HS2 as HLS07) leaves the A42 corridor south of Appleby Parva and travels on the southern side of Appleby Parva, Appleby Magna and Measham and realigns with the A42 to the north of Packington, as it reaches Ashby. This route would avoid both the Plastic Omnium unit and the Measham Waterside development site.

Tonge and Breedon HS2 Action Group (TABAG)

The Tonge & Breedon HS2 Action Group (TABAG) represent 57 member households in the villages of Tonge and Breedon on the Hill.

TABAG opposes the construction of HS2 for all the reasons which have been set out by the national opposition groups (including HS2 Action Alliance and STOP HS2). TABAG's objections include the following;

- the economic case for HS2 is flawed,
- increasing costs of the project;
- consider that there are more cost effective ways of increasing capacity on existing railway lines;
- consider that there is no global evidence that High Speed Rail generates returns and;
- they consider, as many authorities suggest, far greater economic benefit would be gained by investing the same amount of public money in rail, road and internet infrastructure across the country.

In terms of the proposed route TABAG profoundly disagree with the proposed route between Ashby de la Zouch and Toton on the grounds that there are alternative routes which would save some £ ½ billion and could use the existing East Midlands Parkway as an alternative to Toton (an alternative route has been proposed by TABAG which departs from Ashby veering North Easterly until it reaches the area of the A42 / M1 interchange where it veers more Northerly to pass West of Kegworth before re-joining the HS2 Preferred Route to the West of Ratcliffe Power Station).

TABAG offer an alternative route that completely avoids the need for the extended tunnel under the Airport and Roxhill site. TABAG states that if an alternative route was unacceptable an alternative approach would be to lower the proposed route by 8 metres in the area of Tonge and Breedon to reduce the environmental impact of HS2 on those communities and improve the overall sustainability of the whole HS2 project.

East Midlands Airport

The proposed route includes a 3km tunnel under East Midlands Airport. It is understood that the Manchester Airport Group (owners of East Midlands Airport) will be submitting comments in response to the consultation.

Lounge Site, Ashby

The 34.80ha site has planning permission for the development of a rail connected distribution building and associated works. This site sits adjacent to the A42 and A511 and the proposed HS2 route runs through the western extent of the site. It is understood that the site owners (Haworth Estates and Gazeley) have/will be submitting an objection in view of the impact upon their site.

SUMMARY OF ALTERNATIVE ROUTES AND LOCATIONS FOR STATIONS CONSIDERED IN THE EAST MIDLANDS

The following strategic corridors to serve the East Midlands were considered:

- East from Birmingham/West Midlands to Leicester and then north to Nottingham or north-east to Newark – rejected due to longer journey times than to stations at Derby or Nottingham and likely extra cost;
- Along the A42 corridor to Nottingham;
- Along the A38 corridor to Derby – rejected due to construction issues through Burton Upon Trent and noise impact on National Memorial Arboretum;
- Initially along the A42 before diverting to the A38 corridor;
- Route to the east of Coalville and north-west of Leicester – rejected due to additional time and cost that would result

Having sifted through the various alternatives the A42 corridor route to a station at Toton and the combined A42/A38 route to a station at Derby were taken forward for more detailed assessment.

In terms of the A42 corridor (within North West Leicestershire) the River Mease Special Area of Conservation (SAC) was recognised as a specific issue which would need to be addressed. The three options around the Measham area considered were:

- cross the River Mease SAC to the north of Measham
- cross the River Mease SAC to the south of Measham
- avoid the River Mease SAC and Measham by running further to the east.

In determining which route to follow, the initial key determinant was where the station to serve the East Midlands was to be located. This also involved a sifting process to arrive at the preferred choice, which included the consideration of three possible sites in North West Leicestershire (at East Midlands Airport, at Kegworth and at Lockington) all of which were rejected.

Consideration was also given to have a station at East Midlands Parkway but this was rejected due to cost and the fact that it is located within the Green Belt which was taken to mean that development “*would not be supported*”.

Stations in the centre of Derby and Nottingham were also rejected on the grounds of insufficient demand to justify more than one service per hour.

It was concluded therefore, that Toton was the preferred location for a station to serve the East Midlands, although on the advice of Network Rail it is recognised that further work would be required to consider the likely impact upon existing services as in this respect East Midlands Parkway performed better.

Having chosen Toton as the site for a station it follows, therefore, that the A42/A38 corridor option to Derby was not appropriate and so the Preferred Route would follow the A42 corridor.

There remained the question of which of the three options should be followed. It was concluded that the route which avoided Measham and the River Mease SAC performed worst in terms of sustainability. Of the two options via Measham, the performance of the options would be generally similar with the route via the north of Measham having a slightly higher cost. However, it was highlighted in the Appraisal of Sustainability options that a larger number of people would be potentially affected by noise from the route via the south of Measham. It was, therefore, concluded that the route to the north of Measham was preferred.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 21 JANUARY 2014

Title of report	COUNCIL TAX SUPPORT SCHEME
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Finance 01530 454520 ray.bowmer@nwleicestershire.gov.uk</p>
Purpose of report	<ul style="list-style-type: none"> • The Local Government Finance Act 2012 requires all Council Tax billing authorities to agree a local Council Tax Support Scheme (LCTSS) by 31 January each year for the forthcoming financial year. The LCTSS replaced the previous nationally determined Council Tax Benefit Scheme from 1 April 2013. • This report seeks approval of changes to the Scheme which the Council agreed at its meeting on 22 January 2013 to be effective from 1 April 2014. The report also seeks delegated authority for Cabinet to make future revisions to the Scheme.
Council Priorities	Business and Jobs Value for Money
Implications:	
Financial/Staff	Financial implications are contained within the report. There are no additional staffing implications.
Link to relevant CAT	Welfare Reforms CAT
Risk Management	There are risks associated with systems changes, annual billing, non-collection of Council Tax and the implications for other services of customers receiving less support towards their Council Tax. These risks are being managed through sound project management, public consultation/communications and the establishment of a Council Tax hardship fund paid for by the Council, County, Police and Fire & Rescue service.

Equalities Impact Assessment	Completed and available below: https://www.nwleics.gov.uk/files/documents/lcts_eia/LCTS%20EIA%20NWL%20V5.pdf
Human Rights	None identified.
Transformational Government	None identified
Comments of Head of Paid Service	The report is satisfactory.
Comments of Section 151 Officer	As report author the report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Existing Council Tax Support claimants, Public through the Council's website, Leicestershire County Council, Leicestershire Police Authority, Leicestershire Fire and Rescue Authority.
Background papers	<p>Analysis of Consultation Responses: https://www.nwleics.gov.uk/files/documents/nwl_council_tax_support_consultation_responses_analysed_2/NWL%20Council%20Tax%20Support%20Consultation%20Responses%20-%20Analysed%20%282%29.xlsx</p> <p>https://www.nwleics.gov.uk/files/documents/council_tax_support_consultation/Council%20Tax%20Support%20Consultation.xlsx</p> <p>Report to Cabinet 10 December 2013 Reports to Cabinet 21 November 2012 and 21 August 2012 Minutes of Policy Development Group 3 October 2012</p> <p>All available at: http://www.nwleics.gov.uk/pages/councillors_democracy_and_elections</p> <p>Local Government Finance Act 2012: http://www.legislation.gov.uk/ukpga/2012/17/enacted</p>
Recommendations	<p>1. THAT THE MAXIMUM LEVEL OF COUNCIL TAX SUPPORT AVAILABLE BE REDUCED FROM 91.5% TO 85% FROM 1 APRIL 2014.</p> <p>2. THAT DELEGATED AUTHORITY BE GIVEN TO THE CABINET TO MAKE ANY FURTHER CHANGES TO THE SCHEME IN FUTURE FINANCIAL YEARS.</p>

1.0 INTRODUCTION

- 1.1 The Local Government Finance Act contains provisions for the localisation of council tax support in England by imposing a duty on billing authorities to approve a localised council tax support scheme by 31 January each year and to consult with major precepting authorities and such other persons as it considers likely to have an interest in the scheme.
- 1.2 In line with legislative requirements a period of public consultation on the 2014/15 Local Council Tax Support Scheme (LCTSS) commenced on 28 August 2013 and ended on 11 October 2013. Consultation was also conducted with the County Council, Police and Fire services as precepting authorities with their comments having been considered.
- 1.3 In year one of the LCTSS (2013/14), the Government provided a one-off Transitional Grant to assist Councils which implemented schemes limiting contributions to Council Tax liabilities to 8.5%. This announcement influenced Cabinet's decision to recommend to Council a Local Council Tax Support Scheme which took advantage of this payment, as recommending a higher contribution would have meant that the Council would not have received this grant. The transitional grant for the area of North West Leicestershire was £140,182 (£20,428 payable to the District).
- 1.4 In 2014/15 this additional payment is no longer available, which has a bearing on the overall cost of the Scheme and therefore influences the maximum level of support that can be afforded by the Council and the precepting authorities.
- 1.5 At its meeting on 10 December the Cabinet recommended to the Council that the maximum entitlement for Council Tax Support be reduced from 91.5% to 85%.

2.0 BACKGROUND INFORMATION

- 2.1 As part of the Government's Welfare Reform programme, from April 2013 Council Tax Benefit, the previous means of helping people on low incomes meet their Council Tax obligations, was replaced by a new localised support scheme defined by each Council. At the same time the Government reduced the funding for Council Tax Support by around 10%. This aimed to save £470m nationally and the North West Leicestershire share of this was £586,000. This Council was required to save £84,000 with the remainder to be saved by the County Council, Police and Fire and Rescue Authority.
- 2.2 For 2014/15 the Government has maintained its position that pensioners will be protected from the effects of the local schemes by a national framework of rules and eligibility. Although the level of funding was reduced nationally by an average of 10% from this April, taking into account the protection for pensioners, the reduction in support for working age claimants in North West Leicestershire is nearer 21%.

Summary of Consultations

- 2.3 In order to assist the decision making with regard to the 2014/15 LCTSS, the Council consulted on a capped eligibility scheme of 80%, 85% and 90%. The consultation was promoted by customer services staff, on the Council's website, through social media, leaflets distributed within district and county facilities and through local stakeholder forums. The Council also wrote out to all existing working age Council Tax Support claimants and to the

major preceptors – County Council, Police and Fire & Rescue as well and consulted with Town and Parish Councils through the regular liaison meeting.

2.4 A relatively small number of responses (56) were received to the public consultation. 29 of these were from people currently in receipt of CTS, which represents 0.44% of the number of Council Tax Support claimants (6,489). Questions were asked to assist the Council in determining its local scheme. The responses can be summarised as follows:

- 61% (34) agreed that everyone, apart from pensioners, should pay something towards their Council Tax. As opposed to 34% (19) who disagreed. 5% (3) didn't know.
- When asked how much people should pay, only 34 people answered the question. Of these, 36% (20) of people said they thought everyone should pay 10%. 4% (2) said everyone should pay 15% and 21% (12) thought everyone should pay 20%.
- 84% (47) of people said that they thought the Council should protect the vulnerable from paying more. 14% (8) disagreed with this and 2% (1) didn't know.
- When given a list of vulnerable groups to choose from, 'people who are in receipt of higher or middle rate Disability Allowance' were perceived to be the most vulnerable group (48%), followed by 'Carers' (43%) and those being re-housed due to being made homeless (e.g. hostel or care leavers, those fleeing domestic violence or forced marriages) (43%)

In addition to the public responses the following key comments from major preceptors (County Council, Police Authority and Fire and Rescue Authority) were also received:

- The principle of partnership working adopted by Leicestershire Districts is strongly supported
- The development of new local schemes that are designed to be financially sustainable is strongly supported
- A 'hardship fund', to mitigate the impact of the new local schemes on council tax benefit recipients should be continued in 2014/15

2.5 Based on the consultation responses and the need for the scheme to be affordable to the District and the major preceptors, it is proposed that the maximum level of Council Tax Support be reduced from 91.5% to 85% of the total Council Tax Liability. This means that eligible people will now be responsible for 15% of their Council Tax liability as opposed to the 8.5% of last year. This change will save the District Council £28,200 per year.

2.6 The commitment to continue with the hardship fund will assist in meeting the needs of the vulnerable people highlighted by the consultation responses. The proposed scheme would result in a minimum Council Tax Bill (District and all preceptors) of around £231 per annum based on the current Band D which takes into account the proposed increase in Council Tax for 2014/15. As the 85% LCTS award is applied after all other discounts have been applied, in practice many people's bills would be significantly lower than this. This compares with £128 estimated for the 2013/14 year where people were receiving up to 91.5% discount.

Hardship Fund and Administrative Costs

- 2.7 Subject to the council reducing its cap from 91.5% to 85%, the Discretionary Council Tax Hardship Fund administered by the Council can be continued. The costs will be shared by the District Council (£8,589) and the major preceptors (£50,354) pro-rata to the share of the Council Tax bill. This is already part of the agreed scheme.
- 2.8 In addition, the preceptors will continue to contribute towards the additional administrative costs, at an amount of £28,703, on the basis that the LCTS cap is reduced to 85%. As in 2013/14, the design of the 2014/15 scheme continues to make savings to cover these costs as well as the reduction in Government funding

Impact of the Scheme in 2013/14

- 2.9 The overall Council Tax collection rate as at 30 November 2013 was 75.71%, only marginally down on 76.17% at the same time last year. People were also given the facility to pay in 12 instalments instead of 10 from 2013/14 so the rate of collection may well be at its former level by the end of the financial year.
- 2.10 The demand on the Hardship Fund so far has been less than anticipated although it is possible that people will come forward as recovery processes continue to progress. There were 163 applications to the end of November 2013 of which 140 were approved. The total amount of discretionary discount was £5,510 out of £58,950 available. Any underspending will be carried forward to fund applications in 2014/15.

3.0 RISK MANAGEMENT IMPLICATIONS

3.1 Technical

IT systems were successfully modified for 2013/14 to allow for changes to be made to LCTS schemes and the change of eligibility cap can be considered to be relatively minor to implement.

3.2 Future Government Funding

The transitional grant, by definition, will not be available in 2014/15 unless there is a further Government announcement. The main LCTSS funding will be fixed but demand is not. Changing demographics or unexpected consequences of the scheme design could mean Council Tax Support awarded is more than anticipated and hence Council Tax collected and distributed will not equate to that budgeted for. This expenditure is monitored throughout the year by the District and information shared with the precepting authorities. The funding does not increase to reflect future Council Tax increases and the 2014/15 budget will make provision for any additional cost

4.0 FINANCIAL IMPLICATIONS

- 4.1 The table below shows the cost to this authority should the cap be retained at the 2013/14 rate of 91.5% compared to the financial position if the Council were to reduce the level of support to 85% for 2014/15 onwards. The Council would be over £100,000 worse off if it does not revise its scheme as recommended by the Cabinet.

	Current Scheme Maximum Council tax Support 91.5% £	Proposed Scheme Maximum Council tax Support 85% £
Loss of support for Discretionary Discount Funding from Preceptors if the scheme does not change (see paragraph 2.7).	50,354	0
Loss of support for admin funding from Preceptors if the scheme does not change. (see paragraph 2.8).	28,704	
Loss of Transitional Grant (see paragraph 1.3).	20,428	20,428
Loss to recover	99,486	20,428
Savings on proposed scheme (see paragraph 2.5).	0	28,200
Deficit/(Surplus)	99,486	(7,772)

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 21 JANUARY 2014

Title of report	STREET TRADING POLICY
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To 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 Assessment	Equality Impact Assessment 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	Other Leicestershire local authorities; Leicestershire County Council (Highways); Leicestershire County Council (Trading Standards); Leicestershire Police; public; current consent holders; all known non consented street traders; Parish Councils; schools; Leicestershire Fire & Rescue; Leicestershire Chamber of Commerce; Public Health England; British Hospitality and Restaurant Association; Ashby de la Zouch Town Council
Background papers	North West Leicestershire District Council. Issue 1. Street Trading Policy Street Trading Policy, NWLDC Issue 1 Local Government (Miscellaneous Provisions) Act 1982 http://www.legislation.gov.uk/ukpga/1982/30 Minutes of Licensing Committee on 27 th November 2013 (Member responses). http://www.nwleics.gov.uk/pages/councillors_democracy_and_elections
Recommendations	THAT COUNCIL CONSIDERS AND APPROVES THE DRAFT STREET TRADING POLICY

1.0 BACKGROUND

- 1.1 The current policy was determined by Council on 26 February 2009 and came into force on 6 April 2009.
- 1.2 The Council's current street trading policy was introduced 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.
- 1.3 By knowing who is trading in the district, through the use of consent trading and the working relationships with those traders in assisting with the reporting to the Authority of any traders in operation believed not to have consent, regulatory services such as Environmental Health have been able to ensure that legislative standards are complied with. The public can also be confident that any rogue traders will be dealt with and traders, both fixed or premises based and mobile can be confident that they are trading from a level playing field. The current policy has therefore resulted in benefits for both the public and traders.

2.0 DRIVERS RESULTING IN THE DECISION TO REVIEW THE CURRENT POLICY

- 2.1 The current street trading policy only requires a consent to trade on streets within a list of specified 'zones'. All of the zones are located either near to secondary schools or a

college, within a town centre; within an industrial estate or business park or on a major trunk road or arterial route.

- 2.2 Since 2009 there has been an increase in the number of traders trading outside of the consent streets. The review of the policy will consider whether it is appropriate to avoid the situation whereby only some street traders require consent by making the whole district a consent area.
- 2.3 In considering this proposal research has been undertaken to determine what position other Authorities take on street trading.

The following table details other Leicestershire Local Authorities with a street trading policy and whether the policy applies to the whole of a part of the area:

Name of Local Authority	Does it cover the whole area or parts of the area?
Leicester City	Whole
Charnwood Borough Council	Part
Hinckley & Bosworth Borough Council	Part
Oadby & Wigston Borough Council	Whole
Blaby District Council	Whole
Harborough District Council	Whole

- 2.4 A search of street trading policies at local authorities around the Country has been carried out.

The following table details local authorities with a policy covering the whole or a part of the area:

Local Authorities with a policy covering the whole area	Local Authorities with a policy covering a part of the area
Swale Borough Council	Mid Sussex District Council
Stroud Borough Council	Cherwell District Council
Surrey Heath Borough Council	Eden District Council
Central Bedfordshire	Wyre Council
Warwick Borough Council	Thurrock Council
Gosport Borough Council	
South Kesteven District Council	
Hart District Council	

- 2.5 Complaints received relating to street traders in areas where consent is required have remained low, however complaints have been received relating to traders located in areas where a consent is not currently required. This would suggest making the whole District a consent area would be beneficial.
- 2.6 A report was presented to Licensing Committee on 11 September 2013 providing notification of the review of the policy.

3.0 PROPOSED CHANGES TO CURRENT POLICY

The first draft of the policy sent to all consultees contained the following amendments:

- To widen the definition of consent streets from specific areas of the District to the whole District
- To refresh the policy objectives
- To remove the current prohibition on street trading within the vicinity of secondary schools and colleges between 12 noon and 16:30, Monday to Friday during term time. To replace with guidance for applicants stating that consent to trade will only be issued where an applicant can demonstrate to the Council that all policy objectives will be upheld. A consent may also be revoked if conditions are not complied with.
- To insert a paragraph detailing general principles relating to consent conditions
- To introduce a list of mandatory or standard conditions
- To allow the licensing authority to attach additional conditions to a consent if considered appropriate for the promotion of the policy objectives
- To introduce a list of consultees
- To specify a consultation period of 28 days

4.0 CONSULTATION PROCESS

- 4.1 The procedure for implementing the new policy is set down by legislation which requires a specific period for representations before the policy can be implemented (Statutory consultation). In addition, the Council has conducted its own non-statutory consultation to ensure all opinions and comments are taken into consideration when writing the final policy.

Non-statutory Consultation Process

- 4.2 A non-statutory consultation process commenced on 5 August 2013 and ended on 28 October 2013.
- 4.3 All of the following people/bodies have been consulted: Other Leicestershire local authorities; Leicestershire County Council (Highways); Leicestershire County Council (Trading Standards); Leicestershire Police; public; current consent holders; all known non consented street traders; Parish Councils; schools; Leicestershire Fire & Rescue; Leicestershire Chamber of Commerce; Public Health England; British Hospitality and Restaurant Association; Ashby de la Zouch Town Council

Consultee Comments

- 4.4 The Council received 17 representations from the following 6 consultees: Waste Services Team (NWLDC), Whitwick Parish Council, Licensing Team (NWLDC), Ashby Civic Society, Community Safety Team (NWLDC), Measham Parish Council,
- 4.5 A table detailing all consultee comments is provided at Appendix 1.
- 4.6 An amended draft of the policy was presented to Licensing Committee on 27 November for their consideration and comment. The following comments were received:
- Councillor M B Wyatt raised concerns regarding no mention of the use of street furniture within the policy. An extra condition has been added to Objective 3 of the Street Trading Consent Conditions (page 22).
 - There were several concerned comments relating to the removal of restrictions preventing street trading in the vicinity of schools. A recent example arose where a trader wanted to apply for a consent to sell fruit and vegetables from a barrow in the vicinity of a school. The application was refused as to grant it would have flown in the face of the policy although it was felt that the trader would have contributed positively to the neighbourhood. Under the new policy officers would have more control over where and what traders sell. Officers would be able to exercise their discretion when considering applications but would guard against dictating what people should be eating or reducing choice.
 - Members also discussed the question of litter and the limits of responsibility consent holders should adhere to when cleaning around their premises. There was a feeling that the 25 and 10 metre area stipulated in the draft policy was too large. In view of those comments Condition 3 of Objective 4 on page 22 has been amended to 10 metres and 5 metres

Statutory Consultation Process

- 4.7 Following Licensing Committee, in compliance with the legislation, a public notice was placed in a local newspaper and formal notice given to the police and the highways authority advertising the Council's intention to pass a resolution to adopt the amended policy. The notice allowed 28 days for representations.
- The police have replied that they have no comment to make.
- 4.8 No other replies have been received. A final draft policy taking into account all comments made by consultees is at Appendix 2.

5.0 SUMMARY OF KEY CHANGES PROPOSED

- 5.1 To adopt a whole district approach
The current street trading policy only requires a consent to trade on streets within a list of specified 'zones'. All of the zones are located either near to secondary schools or a college, within a town centre; within an industrial estate or business park or on a major trunk road or arterial route. Since 2009 there has been an increase in the number of

businesses trading outside of the consent streets. It is proposed to widen the definition of consent streets from specific areas of the district to the whole district.

5.2 To refresh the policy objectives

The current policy objectives are: To protect public health; to improve standards of food safety and health & safety; to ensure street traders operate within the law and act fairly and to prevent and detect statutory nuisance, unsafe practices and anti social behaviour.

5.3 The proposed policy objectives are: To protect public health; to ensure food safety and public safety; to detect and prevent public nuisance and anti social behaviour and to promote environmental improvement and regeneration.

5.4 To remove the current prohibition

There is currently a prohibition on street trading within the vicinity of secondary schools and colleges between 12 noon and 16:30, Monday to Friday during term time. It is proposed to replace with guidance for applicants stating that consent to trade will only be issued where an applicant can demonstrate to the Council that all policy objectives will be upheld. A consent may also be revoked if conditions are not complied with.

5.5 In addition the following minor changes are proposed:

- To insert a paragraph detailing general principles relating to consent conditions
- To introduce a list of mandatory or standard conditions
- To allow the licensing authority to attach additional conditions to a consent if considered appropriate for the promotion of the policy objectives
- To introduce a list of consultees
- To specify a consultation period of 28 days

6.0 IMPLEMENTATION PROCESS

6.1 Once Council approve the policy a public notice will be placed in a local newspaper advertising the Council's decision to implement the resolution noting the date for implementation. A second notice will be advertised 7 days after the first advert.

6.2 The appointed day for the resolution will be 1 April 2014.

STREET TRADING POLICY

DRAFT

2014

Foreword

To be inserted post consultation

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

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 are not street trading 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.
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.
7. Premises means any barrow, stall, unit, vehicle, trailer or other premises from which street trading will take place
8. '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. This policy will not impact on Coalville, Ashby or Castle Donington Markets.
- Special 'Market' events may fall within the scope of this policy e.g. the French Market, Ibstock Christmas Fair, the turning on of the Christmas Lights in Coalville and Ashby. Where those events have a 'charitable purpose' they will be dealt with under the Police, Factories, Etc (Miscellaneous Provisions) Act 1916 (street collections or sales). A scheme of concessionary consents will operate to support special events where traders fall outside the Police, Factories Etc (Miscellaneous Provisions) Act 1916 and require a street trading consent.
9. 'Trader' means not only the consent holder but also his or her assistants.
10. 'Vicinity' means within 10 metres on trunk roads and laybys and 5 metres in all other locations.

3. Fundamental Principles

3.1 Background

All decisions relating to consents will be made on the merits of the individual case, having regard to this policy as part of the decision making process.

Applicants are required to consider carefully this policy when drafting their applications.

3.2 The Policy Objectives

The Council will carry out its functions with a view to promoting the objectives. The objectives, which carry equal importance, are:

- To protect public health;

- To ensure food safety and public safety;
- To detect and prevent public nuisance and anti social behaviour;
- To promote environmental improvement and regeneration.

3.3 **Balance**

The Council will seek to achieve a balance between leisure/entertainment and the needs of residents and other businesses for an acceptable environment and quality of life.

This Policy will not undermine the right of any individual to apply for a variety of permissions and to have any such application considered on its individual merits.

4 The Policy

- 4.1 This policy was approved by Council on 21 January 2014 and came into force on 1 April 2014
- 4.2. Within North West Leicestershire consents are required if a trader wishes to trade on a street anywhere within the district.
- 4.3 Legislation including that relating to food safety, health and safety, environmental protection and planning will continue to apply to traders granted a street trading consent.
- 4.4 The duration of each consent will be for a maximum 12 months.
- 4.5 A consent to trade within close proximity to a secondary school or college will only be granted where an applicant can demonstrate that all policy objectives will be upheld.

5 Fees

- 5.1 The fees charged by the Council for consents to trade will cover the cost of administering the service.
- 5.2 The fees will be reviewed annually.
- 5.3 Should the consent holder wish to add /amend or vary the consent at any time during the life of the consent an administration fee will be charged. A variation of the consent includes the transfer of the consent.
- 5.4 Where a trading consent is surrendered during the life of the consent the Council will refund the fee paid on an appropriate pro rata basis. An administration fee will also apply to the surrender of a consent.
- 5.5 The current scale of fees can be found on the Council's web site.

6 Consent Conditions – General Principles

- 6.1 Conditions on a consent are important in setting the parameters within which premises can lawfully operate. The use of wording such as “must”, “shall” and “will” is encouraged. Consent conditions:
 - Must be appropriate for the promotion of the policy objectives;

- Must be precise and enforceable;
- Must be unambiguous and clear in what they intend to achieve;
- Should not duplicate other statutory requirements;
- Must be tailored to the individual type, location and characteristics of the premises;
- Should not be standardised;
- Should be proportionate, justifiable and be capable of being met;
- Cannot seek to manage the behaviour of customers once they are beyond the direct management of the consent holder and their staff, but may impact on the behaviour of customers in the immediate vicinity of the premises or as they enter or leave; and
- Should be written in a prescriptive format.

6.2 When granting or renewing a trading consent the Council may attach such conditions as are considered appropriate for the promotion of the policy objectives. A pool of conditions has been produced relating to each of the policy objectives. These can be found at Appendix 1. A list of mandatory conditions will be applied to all consents. These can be found at Appendix 2.

6.3 Each set of conditions will be specific to the trading consent issued. The Council may add to/amend the conditions of a street trading consent at the time of renewal.

6.4 The conditions will specify the exact trading location and the times of trading.

7 Application Process & Determination

7.1 An application for a street trading consent must be made in writing using the Councils' prescribed application form to the Environmental Health Licensing Team. Application forms and information packs are available from the Council or downloadable from its website. The appropriate fee and the necessary supporting documentation must accompany the application form.

7.2 On receipt of the application form the licensing team will send a copy of the application to each of the following consultees:

- Environmental Health Safety Team
- Street Action Team
- Waste Team
- Planning Team
- Community Safety Team
- Licensing Team

7.3 All applications for new consents need to be supported by an operating schedule. The schedule must specify (amongst other things) the steps which the applicant proposes to promote each of the four policy objectives. Applicants are advised to discuss their application with a member of the licensing team and to have regard to the list of consent conditions appended to this policy. A pool of conditions will be developed over time and are available to view on the Council web pages.

7.4 The application will be determined within 28 days of receipt, unless an objection is received from a consultee.

7.5 In the event that all consultees confirm that they do not wish to object to an application, the application may be determined before the end of the 28 day consultation period.

- 7.6 In the event that a relevant objection is received the application will be determined no later than 14 days from the last day of the consultation period.
- 7.7 In the event that a relevant objection is received the Licensing Officer will negotiate with the applicant on behalf of the objector. The application will then be determined by the Licensing Officer.
- 7.8 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.
- 7.9 There is no right of appeal against a variation of a condition, or refusal to grant or renew a trading consent. The reasons for any variation or refusal will be communicated to the applicant.
- 7.10 An officer may visit the applicant and inspect the premises from which the applicant intends to trade. At this stage the external colour decoration and appearance of the premises will be agreed.
- 7.11 Until the application has been determined it is an offence to trade without a consent.
- 7.12 In considering an application for a consent, the Council will have regard to the number, nature and type of traders already present in a particular area.
- 7.13 Visits may be made to holders of trading consents throughout the consent period to assess compliance with the conditions or to undertake any other duty that the Council has, such as food hygiene inspections.
- 7.14 Although the consent holder may employ any other person to assist them in their trading the consent holder is expected to be present during the majority of their trading hours.
- 7.15 A pre-requisite to being granted a consent to trade will be that street traders can demonstrate they have the necessary planning permission where required and have a contract with an appropriate waste collection operator.
- 7.16 A consent holder may hold more than one consent for different premises and the application process will be the same for each premises. Each application will be accompanied by the correct fee.
- 7.17 Special 'Market' events that require a street trading consent will be considered on an individual basis. Organisers should contact the Licensing Team to enquire about Concessionary Consents.
- 7.18 Persons wishing to sell items from the pavement in front of their home address on a temporary basis should contact the Licensing Team to enquire about Concessionary Consents.
- 7.19 The EU Services Directive provides a mechanism for its citizens to apply for street trading consents in other member states. That mechanism allows an applicant to make an application, electronically, through the Council's web site. Payments can also be made electronically.
- 7.20 The Council's EU Services Directive web pages can be found at [www.nwleics.gov.uk/pages/licences and street trading](http://www.nwleics.gov.uk/pages/licences_and_street_trading).

- 7.21 Consent holders selling hot food or beverages between 23:00 hours and 05:00 hours must be in possession of a suitable authorisation issued under the Licensing Act 2003.

8 Renewal of Trading Consents

- 8.1 The Council advises consent holders that there is a 28 day consultation period for determining renewal applications. In the event that the licensing team receives a relevant objection, the application must be determined within 14 days of the end of the consultation period.
- 8.2 Given the time periods explained at 8.1 the Council recommends applications to renew a trading consent must be received by the Council at least 42 days before the expiry of an existing consent.
- 8.3 Renewal applications must be accompanied by the appropriate fee and relevant documentation.

9 Revocation of a Trading Consent

- 9.1 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. When considering contravention of a condition Officers will have regard to the Council's enforcement policy.
- 9.2 Fixed cabins used by consent holders to trade will not remain closed for longer than 4 months unless agreed with the Licensing Authority. The Licensing Authority reserve the right to revoke a consent in the event that a trader does not trade for a period of longer than 4 months.
- 9.3 The Officer will present a report to the Licensing Team Leader for consideration. Comments from the consent holder would be invited to accompany the report.
- 9.4 There is no right of appeal against the decision to revoke a trading consent.
- 9.5 Where a trading consent is revoked by the Council there will be no refund of the application fee.
- 9.6 In exceptional circumstances a fee can be paid in instalments. The non-payment of any application fees will be grounds for the immediate revocation of a consent.

10 Amendments/Variations to Trading Consents

- 10.1 Should a consent holder wish to add, amend or vary the range of goods for sale they will first notify the Council's licensing team.
- 10.2 Should a consent holder wish to relocate to a new trading location a new consent will be required.
- 10.3 Should a non-food consent holder wish to retail or cater food a new consent will be required.
- 10.4 There is no right of appeal against the Council's decision to refuse or revoke a consent.

11 Offences

11.1 Under the Local Government (Miscellaneous Provisions) Act 1982, a person who;

- Engages in street trading in a consent street without being authorised to do so;
- Being authorised by a street trading consent to trade in a consent street, trades in that street –
 - (i) from a stationary van, cart, barrow or other vehicle; or
 - (ii) from a portable stall,without first having been granted permission to do so; or
- Contravenes a condition imposed in agreeing to permit street trading

shall be guilty of an offence

It shall be a defence for a person charged with any of the offences above to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

Any person who, in connection with an application for a street trading consent, makes a false statement which he knows to be false, in any material respect, or which he does not believe to be true, shall be guilty of an offence.

11.2 Any action taken by the Council with regard to the above offences will have regard to the Council's enforcement policy.

12 Further Information

For further information in relation to street trading please contact:
Environmental Health - Licensing
North West Leicestershire District Council
Council Offices
Coalville
Leicestershire
LE67 3FJ

Tel: 01530 454545
Fax: 01530 454574

Email: licensing@nwleicestershire.gov.uk

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
STREET TRADING CONSENT CONDITIONS**

Conditions relating on the objectives of the policy at paragraph 3

Objective 1 – To protect public health

1. No smoking is permitted inside or within 2 metres of the premises.
2. The premises shall be kept free from rats and mice.
3. The consent holder shall undertake periodic inspections for rodents and shall ensure that pest treatments are carried out as appropriate.
4. Fixed trading sites that allow customer seating must ensure that WC facilities are provided.

Objective 2 – To ensure food safety and public safety

1. The premises must be clean and must be so placed, constructed and in such a condition to protect food from the risk of contamination.
2. All food handlers must wear clean and washable over-clothing.
3. All food handlers must keep themselves and their over-clothing clean. Smoking and spitting must be prohibited on or about the vehicle.
4. Staff handling open high-risk foods must have training to a level equivalent to the Chartered Institute of Environmental Health (CIEH) Level 2 Award in Food Safety.
5. Any food handler who is suffering from food poisoning or any condition likely to cause food poisoning must notify the Council.
6. With the exception of Guide/hearing dogs, no live animals, which could contaminate the food, are permitted within the premises.
7. All wrapping paper and food containers must be clean and approved for food use.
8. High-risk foods must be kept at or below a temperature of 8 °c or, if to be served hot, kept at a temperature of 63 °c or higher for no longer than 4 hours.
9. Every vehicle must have a sufficient supply of clean and wholesome cold water.
10. A wash hand basin with an adequate supply of hot water at a suitably controlled temperature must be provided with soap and clean towels to be used only for hand washing. The wash hand basin must be clean and in efficient working order.
11. Suitable and sufficient sinks complete with an adequate supply of hot and cold water; detergents and drying facilities must be provided and maintained in a clean and efficient working order.

12. Suitable and sufficient artificial lighting must be provided and maintained within the vehicle.
13. The premises must not be used as a sleeping place.
14. Adequate first aid materials including waterproof dressings must be maintained on the premises.
15. LPG cylinders, regulators or change-over valves must be housed in a separate, ventilated, fire resistant compartment having access only from outside the vehicle. Cylinders must be securely fastened to prevent movement during transit. Rigid piping, either copper or steel should be used within the unit and isolation taps fitted on the supply pipe to each appliance. A competent engineer must regularly maintain the LPG system and appliances.
16. A suitable fire extinguisher and other fire fighting accessories as specified at the time of inspection must be provided.

Objective 3 – To detect and prevent public nuisance and anti social behaviour

1. A suitable bin with a close fitting lid should be provided for the separation and disposal of food and waste.
2. No refuse or other waste must be allowed to accumulate in or around the vehicle. This includes waste water. A suitable disposal method for waste water must be in place.
3. The consent holder will take all reasonable measures to prevent anti-social behaviour in the vicinity of their vehicle/premises.
4. No tables, chairs, bar stools, other furniture or other items will be sited on land forming part of the street.

Objective 4 – To promote environmental improvement and regeneration

1. Any generators used are to be environmentally friendly as regards to noise and polluting the atmosphere.
2. The exterior of all premises (vehicles, stalls, barrows and lay-by cafes) shall be well maintained, clean and free from defects. The exterior colour of the premises will be agreed with the Licensing Authority.
3. Consent holders will maintain the area within the vicinity of the vehicle. Maintenance will include litter picking, mowing and grass cutting and paving and pathway where appropriate. Vicinity means within 10 metres within lay bys and trunk roads and 5 metres at all other trading locations.

**NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
STREET TRADING
MANDATORY CONSENT CONDITIONS**

The grant of a Street Trading Consent shall not be deemed to give any approval or consent which may be needed under any By-law, enactment or regulation other than part 3, Schedule 4 of the Local Government (Miscellaneous Provisions) Act 1982.

1. The consent holder will notify the Council of any change of home or operating address.
2. No person under 17 years of age will be granted a Consent to Trade.
3. The Consent to Trade will be valid for 12 months.
4. Should a consent holder commit a breach of any relevant regulations the Council may revoke his/her Consent to Trade. Any breach of these conditions may also lead to revocation.
5. Should a consent holder wish to add, alter, amend or extend the range of goods for sale they will first notify and obtain agreement from the Council.
6. The consent holder's premises will be fit for purpose and will conform, where appropriate, to road vehicles construction and use legislation. It will be maintained in good condition and kept in a clean and tidy condition.
7. An Employers Liability Certificate should be displayed as necessary.
8. The consent holder will allow authorised officers of the Council to inspect his/her premises at any reasonable time.
9. The consent holder will prominently display their Consent in their vehicle etc. whilst trading.
10. The consent holder will prominently display their sales prices whilst trading.
11. The consent holder will not cause any obstruction, statutory nuisance or danger, in any street, any adjacent premises or to either passers-by, immediate neighbours or the community at large.
12. The consent holder will comply with any reasonable request made by a duly authorised officer of the Council or by a Police Constable.
13. The consent holder will have the appropriate contracts in place with a waste collection and disposal operator to comply with legal and environmental requirements under the Environmental Health Protection Act 1990.
14. The consent holder will provide a litter receptacle, for use by customers, on or near the trading site and will empty it and dispose of the contents appropriately.

15. Only one sign or 'A' board will be allowed on the approach to each location. It will be placed within 200 metres of premises and not be a danger to motorists or pedestrians. All boards will be removed after the hours of business.
16. To ensure the amenity is kept as neat and tidy as possible consent holders will litter pick around the vicinity of their premises at the end of the trading day.
17. Where a motor vehicle will be used for street trading valid MOT and insurance certificates will be produced with the application form.

Document History

Issue 1	6 April 2009 – 6 April 2014 (Agreed by the Council on 26 February 2009)
Issue 2	1 April 2014 – To date (If agreed by the Council on 21 January 2014)

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Appendix 2 - Review of Street Trading Policy – Consultee Comments

Date Received	Consultee	Comment	Response
8/8/13	Paul Coates Waste Services Team Manager NWLDC	<p>I do think that the current draft policy needs to be more specific in relation to clause 16 and litter picking. Also I think it would do no harm to reword the requirement re having a waste contractor in place.</p> <p>Suggested wording:</p> <p>13. The consent holder will have the appropriate contracts in place with a waste collection and disposal operator to comply with legal and environmental requirements under the Environmental Protection Act 1990.</p> <p>16. To ensure the amenity is kept as neat and tidy as possible Consent holders will litter pick around the vicinity of their premises at the end of the trading day. The vicinity is defined as within 200 metres of the premises.</p>	<p>Noted. This is currently a requirement. Consents are not issued until an appropriate waste contract is in place.</p> <p>It is felt that to define the vicinity as within 200 metres of the premises would not be appropriate or proportionate. A recent Consent renewal imposed a condition defining vicinity as within 25 metres of the premises.</p>
30/8/13	Whitwick Parish Council	<p>The only concern expressed was regarding scrap metal collectors who drive around papping hooters. Amongst other scrap, they collect old fridges and freezers from people’s doorsteps but simply cut the pipes to let out the greenhouse gasses and there is a suspicion that some may remove the parts they want and then fly tip the carcass which is a danger to</p>	<p>The Scrap Metal Dealers Act 2013 is the relevant legislation for controlling scrap metal collections. Collectors now have to be licensed under the act. The vast majority of individual metal collections are unlikely to be covered by street trading legislation as a sale does not take place – scrap metal will</p>

		children who could get trapped inside	be given to the collector.
1/9/2013	Licensing	Rebuttable Presumption to refuse – applications around schools – ‘Policy is too complex and lacks clarity’	Noted. Paragraph 4.5 has been reworded.
2/9/13	Ashby Civic Society	We support the control of street trading and the need for licensing. We support policy changes and especially the proposed inclusion of all streets to become consent streets.	Noted, no amendment required Noted, no amendment required
5/9/13	Community Safety Team, NWLDC	The 4 objectives appear relevant and necessary for inclusion. I am not convinced that the Council should decide on the paint colour of the premises. The whole District should become a consent area as this could help regeneration. I would recommend the addition of an anti social behaviour related condition ‘The consent holder will take all reasonable measures to prevent antisocial behaviour in the vicinity of their vehicle / premises. ‘Vicinity’ needs to be clearly defined. I suggest 100 metres may be suitable for Town Centres and 200 metres for trunk roads and lay-bys.	Noted, no amendment required This was part of the original policy and there is a level of support for it to be continued. Condition 3 has been added to Objective 4 of the draft policy. Noted, no amendment required Noted. Condition 3 added to Objective 3 of the draft policy. Noted. Vicinity has now been defined, as an amendment, at definition 10.
13/9/13	Measham Parish Council	Each of the policy objectives are relevant and necessary for inclusion. It is appropriate for the Council to agree the external colour of the premises.	Noted, no amendment required Noted. Condition 3 has been added to Objective 4 of the draft policy.

		The draft conditions are appropriate to uphold the policy objectives.	Noted, no amendment required
		The whole District should become a consent area.	Noted, no amendment required
3/10/13	Licensing	To add Mobile Chip vans as they will fall under the same category as ice cream sellers in not being a roundsman.	Definition 5(f) amended to include 'and mobile catering vehicles.'
1/10/13	Licensing	To add 'Fixed portacabins that require street trading consent must not remain closed for longer than <u>(a stated fixed period)</u> unless agreed with the Licensing Authority. If we adopt an "any Street" approach we need to consider that this would include any home sellers such as plants, fruit and veg etc. we also need to consider any market stalls such as Christmas markets that do not come under the term established markets or market charter. We may need to look at a daily fee for such.	Noted. New paragraph inserted at 9.2 and remaining paragraphs renumbered. Noted. A scheme of concessionary consents will be devised and maintained. Residents wishing to sell items from the pavement outside their home address on a temporary basis may be granted a concessionary consent. Christmas markets to be included with concessionary scheme.
9/12/13	Leicestershire Police (Inspector Rixon)	As a result of the pre-implementation notice:- 'I have consulted with the Neighbourhood Team at Coalville and there is no objection from the police.'	

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