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

Time/Date 6.30 pm on TUESDAY, 7 SEPTEMBER 2021
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)



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Chief Executive

AGENDA

Item	Pages
PRAYERS	
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS	
Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	
5. QUESTION AND ANSWER SESSION	
To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Commercial Services.	

Item	Pages
6. QUESTIONS FROM COUNCILLORS	
<p>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 Commercial Services.</p>	
7. MOTIONS	
<p>To consider the following motion received from Councillor J Legrys:-</p> <p>"This Council believes planning works best when developers and the local community work together to shape local areas and deliver necessary new homes; and therefore calls on the Government to protect the right of communities to object to individual planning applications".</p>	
8. PETITIONS	
<p>To receive petitions in accordance with the Council's Petition Scheme.</p>	
9. MINUTES	
To confirm the minutes of the meeting of the Council held on 22 June 2021	5 - 8
10. COUNCIL DELIVERY PLAN	
Report of the Chief Executive	9 - 34
11. CAPITAL PROGRAMME UPDATE	
Report of the Section 151 Officer	35 - 40
12. REVIEW OF THE CONSTITUTION	
Report of the Monitoring Officer	41 - 84
13. APPOINTMENTS TO COMMITTEES	
Report of the Chief Executive	85 - 90
14. EXCLUSION OF PRESS AND PUBLIC	
<p>The officers consider that the press and public should be excluded during consideration of the following items in accordance with Section 100(a) of the Local Government Act 1972 as publicity would be likely to result in disclosure of exempt or confidential information. Members are reminded that they must have regard to the public interest test and must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available.</p>	
15. DISPOSAL OF NWLDC LAND HOLDING IN CROPSTON DRIVE/WATERWORKS ROAD	
Report of the Strategic Director	91 - 106

Item

Pages

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MINUTES of a meeting of the COUNCIL held in the Wheatcroft Suite, Radisson Blu, Castle Donington on TUESDAY, 22 JUNE 2021

Present: Councillor V Richichi (Chairman)

Councillors R Boam, E G C Allman, R Ashman, R D Bayliss, C C Benfield, D Bigby, A S Black, R Blunt, A J Bridgen, R Canny, J Clarke, D Everitt, T Eynon, J Geary, L A Gillard, S Gillard, T Gillard, D Harrison, B Harrison-Rushton, M D Hay, R Johnson, J Legrys, K Merrie MBE, R L Morris, N J Rushton, A C Saffell, C A Sewell, S Sheahan, J G Simmons, N Smith, J Windram, A C Woodman and M B Wyatt

Officers: Mrs B Smith, Mr A Barton, Mr D Bates, Mr B Walford, Miss E Warhurst, Mrs M Long and Mr T Delaney

19. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Bridges, M French and J Hoult.

20. DECLARATION OF INTERESTS

Pecuniary interests were declared in relation to agenda item 10 on the Ashby Business Improvement District (BID) by Councillors E Allman, B Harrison-Rushton, N Smith and N Rushton for reasons of being the owner of or a relation to the owner of a business in the area.

21. CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that both himself and the Leader had handed over a cheque in the sum of £20k to the Measham Canal Restoration Fund; he had this week attended a flag raising ceremony; and wished to advise members that his charity dinner scheduled for 1 July had been postponed to 29 July as a result of the extension to the lifting of the lockdown restrictions. Further details will be included in the Members' Bulletin.

22. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader of the Council, Councillor R Blunt announced that the Council had submitted a bid for funding in the sum of £11.5m to the Levelling Up Fund as part of the Council's ongoing commitment to the regeneration of Coalville. The bid included provision for a Skills and Art Centre which would see cinema screens being introduced to Coalville. The outcome of the bid would not be known until the end of the year but he was confident that everything that could have been done had been done to secure the best chance of success.

This news was broadly supported from the floor with some air of skepticism from some based on previous promises the Council had made in bringing a cinema to Coalville.

23. QUESTION AND ANSWER SESSION

There were no questions received.

24. QUESTIONS FROM COUNCILLORS

There were no questions received.

25. MOTIONS

Council considered and debated the following motion received from Councillor R Ashman:

“This Council:

- Notes that 2021 is the 26th anniversary of the Srebrenica genocide in Bosnia and Herzegovina, which saw over 8,000 Muslim men and boys killed by Serbian nationalist forces.
- Notes that in 2009 the European Parliament passed a resolution that 11 July should be recognised as the day of commemoration of the Srebrenica genocide all over the EU; and in 2015 urged the development of educational and cultural programmes that promote an understanding of the causes of such atrocities and raise awareness about the need to nurture peace and to promote human rights and interfaith tolerance. All UK political parties have supported the work of Remembering Srebrenica in this regard.
- Applauds the work of those involved in the pursuit of justice for the victims and their surviving relatives, including the International Commission of Missing People (ICMP) and the Mothers of Srebrenica, whose courage and humility in the face of unthinkable horror is an inspiration to us all.
- Commends the work of the charity, Remembering Srebrenica, in raising awareness of this tragic and preventable genocide and working in communities across Britain to help them learn the lessons of Srebrenica”.

The motion received cross party support and members made some poignant references to the ongoing issues across the world.

It was moved by Councillor R Ashman, seconded by Councillor S Sheahan and

RESOLVED THAT:- The Council

- (1) Incorporates the lessons learnt into our existing Hate Crime work programme within the Council’s Equality and Diversity action plan ensuring we support Remembering Srebrenica to share the lessons learnt, to tackle hatred and intolerance, and to help build a better, safer and more cohesive society for everyone.
- (2) Works with Remembering Srebrenica delegates from North West Leicestershire who visited Bosnia on the ‘Lessons from Srebrenica’ education programme and have been working tirelessly in the community to share key messages and raise awareness of the genocide.
- (3) Holds Srebrenica memorial events in July each year throughout North West Leicestershire as part of the UK-wide Remembering Srebrenica Memorial Week.”

The Chairman then invited Council to hold a minutes silence to remember Srebrenica.

26. PETITIONS

No petitions were received.

27. MINUTES

Consideration was given to the minutes of the meeting held on 25 May 2021.

It was moved by Councillor V Richichi, seconded by Councillor R Boam and

RESOLVED THAT:

The minutes of the meeting held on 25 May 2021 be approved and signed by the Chairman as a correct record.

Councillors E Allman, B Harrison-Rushton and N Rushton left the meeting at this point having declared a pecuniary interest.

Councillor N Smith left the room for consideration of this item having declared a pecuniary interest.

28. ASHBY BUSINESS IMPROVEMENT DISTRICT (BID)

Councillor T Gillard presented the report to members.

The report was supported and it was confirmed that the aim of the BID was to support Ashby and not to divert resources.

It was moved by Councillor T Gillard, seconded by Councillor D Bigby and

RESOLVED THAT: Council

1. Notes the Ashby BID proposals set out in the report;
2. Notes the recommendations of Cabinet on 8 June 2021;
3. In the event of a successful ballot, approves the proposal for the Council to join the Ashby BID Company and participate in the incorporation of it;
4. In the event of a successful ballot, approves the entering into of a Members' Agreement, Articles of Association and associated documents with the BID company and delegates authority for negotiating and agreeing the final Members' Agreement, Articles of Association and associated documents to the Director of Place, in consultation with the Portfolio Holder for Business and Regeneration;
5. Notes the power delegated within the Constitution to the Chief Executive to appoint a representative of the Council to the Ashby BID Company Board of Directors.

29. SCRUTINY ANNUAL REPORT

Councillor R Ashman presented the report to members.

The report was supported and it was felt that, whilst the Cross Party Working Group had ensured that good progress had been made, there was still more work to do to improve the scrutiny function.

It was moved by Councillor R Ashman, seconded by Councillor D Harrison and

RESOLVED THAT:

1. The annual scrutiny report be noted;
2. Council agrees to continue the Scrutiny Cross Party Working Group having had regard to the views of Members of both Scrutiny Committees.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.35 pm

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – TUESDAY, 7 SEPTEMBER 2021



Title of Report	COUNCIL DELIVERY PLAN REVIEW - 2021/22 AND 2022/23	
Presented by	Councillor Richard Blunt Leader of the Council	
Background Papers	Corporate Scrutiny Committee Report – 9 June 2021, Cabinet 27 July 2021.	Public Report: Yes
Financial Implications	As detailed in the report	
	Signed off by the Section 151 Officer: Yes	
Legal Implications		
	Signed off by the Deputy Monitoring Officer: Yes	
Staffing and Corporate Implications	These are addressed under the Team Plans for each area of the Council.	
	Signed off by the Head of Paid Service: Yes	
Purpose of report	The report proposes a revised, updated Delivery Plan for the Council for the periods 2021/22 and 2022/23.	
Recommendations	THAT COUNCIL APPROVES THE COUNCIL DELIVERY PLAN FOR 2021/22 AND 2022/23.	

1. BACKGROUND

- 1.1 The Council Delivery Plan has been refreshed and updated to respond to the impact of the COVID-19 pandemic which has had a major impact on our District's economy and communities and will focus activity over the next two years up until May 2023 contributing to our economic and community recovery. The plan will be regularly reviewed and updated to take account of the emerging impacts of COVID-19. The short to medium term recovery plan will sit under the umbrella of the Council Delivery Plan.

2. NORTH WEST LEICESTERSHIRE CONTEXT

- 2.1 The wider context within North West Leicestershire helps inform the activities and priorities set within the Council Delivery Plan. A combination of good transport links, an adaptable workforce, strong support services and a number of strategically significant growth sectors have contributed to North West Leicestershire becoming one of the fastest growing areas in the country. These factors have assisted the District's economy to be relatively robust during the COVID-19 pandemic.

- 2.2** The District is predominately a rural area, with six town and local centres. Coalville and Ashby de la Zouch being the largest. Over 100,000 residents and over 4,000 businesses call North West Leicestershire home, as well as being the location for East Midlands Airport and the East Midlands Strategic Rail Freight Interchange, which has just secured Free Port status.
- 2.3** The District's population in 2019 stood at 103.600⁽¹⁾ – 11.8% higher than ten years previous and the population growth was higher than both the regional and national averages.
- 2.4** In the period 2011-20, 5,547 new homes have been built, with the build rate exceeding 600 homes each year since 2014 and 700 homes each year since 2016. Both these trends support the need for a robust Local Plan to ensure appropriate sustainable development and the delivery of quality homes.
- 2.5** The health of people in the District is varied compared with the England average. About 12.8% (2,175) of children live in low-income families. Life expectancy for both men and women are similar to the England averages, although this is 6.7 years lower for men and 6.4 years lower for women in the most deprived areas of the District than in the least deprived areas². There is a higher percentage of adults classified as overweight or obese than nationally.² We are a key partner working within our wider health partner family contributing to the health recovery plan, activity which will be focussed on increased participation levels, tackling obesity and isolation.
- 2.6** As regards qualifications, in 2020, 41.7% of the District's population had an NVQ4 or above, higher than the East Midlands 37.2% but below GB's 43.1% - with 88.2% stating that they had an NVQ1 & above – above both the regional and national figure.³
- 2.7** The District supports a diverse, dynamic economy which has stood up well during the past year, with few redundancies recorded and some sectors, particularly logistics, seeing growth as sales switched on-line.
- 2.8** The District has the third highest job density ratio in the East Midlands of 1.09⁴ – (ratio of total jobs to working-age population) – far higher than the regional and national figures of 0.81 & 0.87 respectively, illustrating the high number of employers and their related jobs which attract workers from neighbouring areas.
- 2.9** In recent years, the District has seen two particularly significant private sector investments in both SEGRO Logistics Park East Midlands Gateway, which is home to such companies as The Very Group, XPO (Nestle), Amazon and in the near future, DHL (Mars) and Mercia Park which will be the home to Jaguar Land Rover for their 2.94 million square foot Global Logistics Centre and DSV Logistics.
- 2.10** Of Leicestershire's Top 200 Companies in 2019, 54 of them were based in North West Leicestershire and there is less reliance on the public, education and health sectors than regionally and nationally too. The largest sectors by employment are wholesale & retail, transportation & storage and manufacturing. The number of claimants claiming unemployment-related benefits stands at 2,600 (as of March 2021) - 4.1%. This is lower than the East Midlands (5.6%) and GB (6.5%)⁵.
- 2.11** In July 2020, the District saw 8,400 residents furloughed, representing 16% of eligible employees but this fell to 6,400 in February 2021 (around 10%) and this figure is likely to drop as lockdown eases.⁶

With the economy beginning to revive and an increased business confidence, it is hoped that North West Leicestershire is well placed to continue to have a robust and resilient economy in the years to come.

3.0 COUNCIL DELIVERY PLAN PRIORITIES

3.1 Whilst the world has changed the vision for our District's communities, to provide ambition and focus for the future remains valid and it is proposed to retain the five key priorities until the full review of the Corporate Delivery Plan in early 2023.

The five key priorities:

- Supporting Coalville to be a more vibrant family-friendly town
- Our communities are safe, healthy, and connected
- Local people live in high quality, affordable homes
- Support for businesses and helping people into local jobs
- Developing a clean green district

With a theme of Value for Money thread through the Council Delivery Plan.

3.2 The challenge now is to prioritise our actions, focus our energy and work in partnership with residents, stakeholders, communities, and businesses to lead North West Leicestershire into the future with confidence. Ensuring our work programme consists of projects and initiatives that contribute to the outcomes and principles set out within the plan remain central but will take into account the impacts of COVID-19.

3.3 The attached proposed Council Delivery Plan at Appendix 1 incorporates elements of work that are in progress but also recognises the following changes:

- a shift in consumer behaviour to maximise digital technology and access our services in a different way This alongside a demand for new services, such as the community hub support, presents both an opportunity and challenge.
- a rapid increase in pace for consumer on line retail matched with a recognition of local supply chains have reinforced the importance of our retail centres which will need reimagining and support to grow and regenerate.
- growth of new sectors and markets and need for support to those sectors impacted adversely.
- ensuring our District wide workforce has the skills required to support future growth.
- increased national and public focus on climate change is providing an opportunity to rethink economic growth and how we can continue to champion a green recovery.
- health recovery requires collaborative leadership across multiple partners to ensure health inequalities are tackled.

The key performance indicators to accompany the refreshed Council Delivery plan actions have also been refocussed.

3.4 Performance Management

The Council's performance framework sets out the clear route for monitoring and managing performance against the key actions. Performance is monitored at service level and throughout the organisation, with data clearly identifying where there is a

need for early intervention. A distinction has been made between service specific 'business as usual' actions and those at a strategic level requiring member oversight. Performance against the key actions will continue to be reported to members through Corporate Scrutiny and Cabinet on a quarterly basis. The quarterly performance reports will also include additional information set around key organisational effectiveness indicators such as customer complaints, sickness absence and health and safety.

In addition, we are proposing the following changes:

- Annual 'State of North West Leicestershire' which will provide members with a summary of the contextual information such as skills, employment and health indicators. This will accompany the annual review of the Council Delivery Plan and feed into the budget setting process; and
- Annual individual ward member narrative provided in September to help support ward members. These profiles would also support the Scrutiny Committees where there are cross cutting areas the committee members may want to look at in more detail and incorporate into scrutiny work programmes.

4 FINANCIAL CONTEXT

- 4.0** The Council has maintained strong financial health in recent years due in part to healthy growth in business rates, council tax base and new homes bonus. However, it is widely expected that future funding will reduce significantly as the Government focusses on redistributing income to authorities with social care pressures. Consequently, North West Leicestershire, like most district councils, will have to plan carefully to address reduced funding over the next few years.

The Council will maintain a focus on Value for Money to ensure that it remains financially resilient over the longer term. The Journey to Self Sufficiency Programme will identify and progress opportunities for delivering long term savings through better ways of working.

As part of this programme, the Council will challenge all revenue and capital budgets in respect of their link to the Corporate Delivery Plan to show that financial decisions support organisational objectives. For capital schemes, business cases will be produced which provide detailed information on capital costs as well as subsequent revenue costs and incomes in addition to the benefits in terms of improved well-being outcomes.

The Council will update its Procurement Strategy to use its buying power to support local businesses and so assist local economic growth. Whilst the strategy will still look to ensure good value and quality, it will also seek to measure the social, economic, and environmental value that is achieved through supporting good local suppliers and businesses.

- 4.2** The proposed Council Delivery Plan was considered by the Corporate Scrutiny Committee at its meeting on 9 June 2021. The comments of the Committee can be found in the draft minutes attached at Appendix 2 of this report. The proposed Council Delivery Plan was agreed by Cabinet on 27 July 2021.

5 COMMUNICATION

5.1 The final approved Council Delivery Plan will be summarised and published in a customer friendly short document which sets out the key priorities for the District. As the current plan comes to an end a public consultation will be held to inform the new plan post 2023.

Sources:

- 1 ONS Population Estimates 2020
- 2 Public Health England LA Health Profile 2019
- 3 ONS Annual Population Survey
- 4 ONS Jobs Density 2020 – the level of jobs per resident aged 16 – 64. e.g., a job density of 1.0 would mean there is one job per every resident aged 16-64
- 5 ONS Claimant count April 2021
- 6. HMRC Coronavirus Job Retention Statistics March 2021

Policies and other considerations, as appropriate	
Council Priorities:	The report applies to all the Council priority areas. <ul style="list-style-type: none"> - Supporting Coalville to be a more vibrant, family-friendly town - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy, and connected
Policy Considerations:	The Council Delivery Plan incorporates several key policy areas.
Safeguarding:	Not applicable.
Equalities/Diversity:	Each element of the Plan will be subject to an Equalities Impact Assessment.
Customer Impact:	Detailed in the report.
Economic and Social Impact:	Detailed in the report
Environment and Climate Change:	Detailed in the report
Consultation/Community Engagement:	Consultation has taken place across the service areas of the Council.
Risks:	Contained in the corporate risk register.
Officer Contact	Bev Smith Chief Executive bev.smith@nwleicestershire.gov.uk

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Appendix 1 - PROPOSED UPDATED COUNCIL DELIVERY PLAN 2021 - 2023

Supporting Coalville to be a more vibrant, family friendly town

Our aims

Coalville is a vibrant town – Local people choose to spend their time and money in Coalville town centre

– Coalville is a good place to do business

2021/22	2022/23	Narrative to explain change from previous year's action
Complete Coalville's Regeneration Framework and commence delivery.	Continue delivery of the projects set out in Coalville Regeneration Framework.	2020 -21 key task of seeking funding from the new national Future High Streets Fund completed although unsuccessful. The work will be used to support future funding opportunities and regeneration projects. The Regeneration Framework will be finalized in 2021 building on this work and all previous community/business engagement and work of The Prince's Foundation/Regeneration Strategy. It will set out key projects for the regeneration of Coalville.
Begin construction of Marlborough Square new public space.	Complete construction of Marlborough Square public space and put in place an events programme designed to increase footfall and improve the shopping experience.	20/21 – Implementation carried forward to 21/22 due to need to develop designs to meet highway legal requirements particularly the need to model and accommodate all types of traffic using the local network. 21/22 – Key tasks to enable construction to start including: obtaining planning/highway approvals; procuring contractor and starting initial construction.
Open Coalville's Newmarket once COVID-19 restrictions permit and continue to provide support, guidance, and funding for Coalville Market traders to grow their businesses.	Enable further growth of market trading activity and associated events by establishing an open-air market on Marlborough Square.	
Seek a cinema operator for Coalville.	Operator identified and programme for delivery in place including funding model/planning application and targeted completion.	2020 – 21 key tasks of seeking a cinema operator for Coalville continued and formed part of funding bid to Future High Streets Fund.

		Work continues on this task in collaboration with the new owner of Belvoir Shopping Centre although progress has been slowed by COVID-19.
Develop a framework of opportunities for the land adjacent to the new Leisure Centre, the Hermitage Recreation Ground and the existing Hermitage Leisure Centre Building.	Start the roll out of a new framework of uses for the land adjacent to the new Leisure Centre, the Hermitage Recreation Ground and the existing Hermitage Leisure Centre Building.	

Supporting Coalville to be a more vibrant, family friendly town - performance indicators

Coalville is a vibrant town – Local people choose to spend their time and money in Coalville town centre

– Coalville is a good place to do business

Performance Indicator	Actual	Target 21/22	Target 22/23	Commentary
Increase footfall in Coalville town centre per annum	Baseline to be established	3%	3%	Percentage Increase in Coalville Town Centre footfall per annum – Target 3%
Percentage of major residential development schemes scoring / performing positively against Building for a Healthy Life and the Council's Good Design Supplementary Planning Document	New PI	90%	90%	New KPI
High Street Retail Vacancy Rate in Coalville is below national average	National Average 13.7% (Dec 2020) Coalville 14% (Dec 2020)	< 13.7% *	< 13.7%*	*Note: targets for 2021/22/23 may vary as National Average varies
Increase the number of Coalville events attendees by 500 per year from baseline of 5000 in 2020/21	5000	5500	6000	New KPI
Trade Occupancy rates in Coalville's Newmarket.	New PI	88%	90%	Occupancy rates will be reported for 2021/2 for the period July 21 to March 22 and will be compared with similar markets within neighbouring areas.

Our communities are safe, healthy, and connected

Our aims

Put our customers at the heart of all we do – Increase connectivity (physically and virtually) throughout our communities

– Support safer neighbourhoods

2021/22	2022/23	Narrative to explain change from previous years action
<p>Make sure our customers can interact with us in a way which meets their needs, improving our services, promoting self-serve and digital options as well as providing face-to-face support compliant with COVID-19 guidance.</p>	<p>Make sure our customers can interact with us in a way which meets their needs, improving our services, continuing to promote self-serve and digital options as well as providing face-to-face support compliant with COVID-19 guidance. Explore the opportunities to introduce new methods of contact, such as web chat.</p>	<p>Minor revision. We have new facilities available which make methods of contact such as a web chat a realistic prospect in the next 12 months.</p>
<p>Work with our leisure partners to continue the construction of the new Whitwick and Coalville Leisure Centre with completion planned for July 2022 and increase participation at both this centre and Ashby Leisure Centre to where they were pre-COVID-19</p>	<p>Work with our leisure partners to continue the construction of the new Whitwick and Coalville Leisure Centre with completion planned for July 2022 and increase participation levels by 58% by 2026 at both Whitwick/Coalville Leisure Centre and Ashby Leisure Centre</p>	<p>This has combined two previous actions.</p>
<p>Encourage and support town and Parish Councils to write and prepare their own Neighbourhood Plans.</p>	<p>Encourage and support town and Parish Councils to write and prepare their own Neighbourhood Plans.</p>	<p>20/21 Key task c/f to 21/22. Monitoring by engagement with Parish Councils and number of Neighbourhood Plans progressing/adopted.</p>
<p>Work towards increasing participation back to where it was at before –Covid-19 at Coalville and Ashby Leisure Centres.</p>	<p>Work towards increasing participation levels at Coalville and Ashby Leisure Centres by 58% by 2026.</p>	

<p>Consultation will take place with relevant stakeholders on emerging options for the Local Plan Substantive Review including the development strategy and potential site allocations for new development.</p>	<p>The Local Plan Substantive Review will be published, and this will be followed by submission for Examination at Public Inquiry.</p>	<p>Partial Review of Local Plan adopted in 20/21 and new Council Delivery Plan target 21/22, 22/23 to prepare and submit to Planning Inspectorate a new Local Plan.</p>
<p>As part of the Integrated Neighbourhood Team, and in partnership with the West Leicestershire Clinical Commissioning Group, the North West Leicestershire GP Federation, Adult and Social Care, front line health care workers, and other key stakeholders, develop a locality based Healthy Communities Plan aimed at tackling significant health inequalities in North West Leicestershire.</p>	<p>Identify key performance indicators that can be used to measure the success of the North West Leicestershire Healthy Communities Plan.</p>	

Our communities are safe, healthy, and connected – performance indicators

Put our customers at the heart of all we do – Increase connectivity (physically and virtually) throughout our communities

– Support safer neighbourhoods

Performance Indicator	Actual	Target 21/22	Target 22/23	Commentary
Number of online accounts		40,000	45,000	Existing KPI
Number of online forms submitted by customers (transactions)		4,000	5,000	Existing KPI
Percentage of customer satisfaction (Customer Services)		95%	97%	Existing KPI
The percentage of adults in North West Leicestershire who are overweight or obese.	71.3%	71.3%	70.3%	Leicestershire County Council's Healthy Weight strategy and emerging action plan will drive forwards a range of interventions.
Levels of participation at Hermitage/Whitwick and Coalville Leisure Centres.	406,431 (19/20)	323,893	626,577	New KPI
Levels of participation at Hood Park / Ashby Leisure Centre	462,051 (19/20)	371,526	558,639	New KPI
NWL Local Plan – number of new homes built since the start of the Local Plan period in 2011 (target 481 homes annually)		5,291 (11 years x 481 homes)	5,771 (12 years x 481 homes)	New KPI
Number of new Neighbourhood Plans made		2	2	New KPI
Number of new locations for mobile CCTV cameras in partnership with local stakeholders including parish and	5	5	5	Each installation will be based upon need and evidence and will be deployed in partnership with the Joint Action Group

town councils to help make our communities safer.				
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Local People live in high quality, affordable homes

Our aims

Increase the number of affordable homes in the District

Improve the quality of our council housing – Improve the quality of private rented accommodation

2021/22	2022/23	Narrative to explain change from previous years action
New Council Housing Supply – ensure we deliver at least 10 additional NWL Council Homes.	New Council Housing Supply – ensure we deliver at least 10 additional NWL Council Homes.	Updated and reframed to latest position
New Council Housing Supply - Complete feasibility assessment of potential new Council Housing build across the District, and progress to planning application stage if viable.	New Council Housing Supply - Obtain planning permission and commence on site if they are considered viable for development.	New action
New Housing Supply - Work with housing associations & partners to deliver over 100 new affordable homes per year to help meet local housing needs.	New Housing Supply - Work with housing associations & partners to deliver over 100 new affordable homes per year to help meet local housing needs.	Combined total of Section 106, and new Registered Providers affordable housing developments as well as Council new build. Year of delivery of sites once planning permission granted is complicated by multiple market factors making detailed target setting complex. Reporting will include details on volumes and locations.
Maintaining & Improving Council Tenants' Homes - Complete a programme of investment of up to £4.5m of improvement works to maintain our tenants' homes at the Decent Homes Standard. Commence a programme of additional improvement works, worth up to £2.4m to complete improvement works deferred from 2020/21 as a result of the COVID-19 pandemic.	Maintaining & Improving our Council Homes - Complete a programme of investment of up to £4.5m of improvement works necessary to maintain our tenants' homes at the Decent Homes Standard. Complete the programme of additional improvement works, worth up to £2.4m to complete improvement works deferred from 2020/21 as a result of the COVID-19 pandemic.	Targets refined to match budget setting. This work will include the replacement of components within each home including rewiring, new kitchens and bathrooms, reroofing, new windows and doors, and heating systems. They are replaced due to their age and/or condition on an annual programme of works, the contents of which are determined from conditions surveys. The detail around the COVID-19 catch up programme yet to be confirmed and could possibly be completed in 2021/22.
Maintaining Our Council Homes Estates - Invest up to £1.06m in estate improvements to improve the quality of	Maintaining Our Council Homes Estates - Invest £1.47m in estate improvements	Targets update to align with budget allocations

life for residents of Council estates, including our tenants.	to improve the quality of life for residents of Council estates, including our tenants.	
Other Housing Actions - Obtain Planning Permission, appoint a contractor and complete the delivery of the redevelopment of Appleby Magna Caravan Park, to provide a modern, fit for purpose environment for the residents.		Project delivery timetable currently indicates completion by the end of Q3 2021/22, No 2022/23 target as should be completed in 2021/22.

Local People live in high quality, affordable homes – performance indicators

Increase the number of affordable homes in the District

Improve the quality of our council housing – Improve the quality of private rented accommodation

Performance Indicator 2020-21	Actual	Target 21/22	Target 22/23	Commentary
Percentage of major residential development schemes scoring / performing positively		90%	90%	Retained KPI
Percentage of major planning applications determined within 13 weeks		75%	75%	Retained KPI
Percentage of minor planning applications determined within 8 weeks		80%	80%	Retained KPI
Percentage of other planning applications determined within 8 weeks		85%	85%	Retained KPI
Percentage of all repairs completed within target		94%	95%	Retained KPI
Average length of time taken to re-let a Council property when it becomes vacant		25 days	25 days	Retained KPI
Number of New Council Homes delivered within year. Built, Purchased, or through S106 Bid TOTAL		10	10	This new indicator will show those new Council houses delivered to NWL stock through build, buying from market or bid through s106.
Number of new affordable homes delivered by Housing Associations & Partners within the year.		100	100	This new indicator will show new homes for rent delivered via Housing Associations & Partners.
Number, type & value of components improved across NWL Council Homes in year. Bathrooms, kitchens, electrical rewire, roof, heating or other			To be determined via budget	This new target will show global spend and number of component changes by major categories – combined main programme

<p style="text-align: center;">Total Components</p> <p>Total Spend</p>		<p style="text-align: center;">£6.9m</p>	<p style="text-align: center;">setting for 2022/23</p>	<p>and COVID-19 catch up. No target for individual components as relies on need and demand.</p>
<p>Number, type & value of adaptations to homes for our most vulnerable tenants</p>		<p style="text-align: center;">£300k</p>	<p style="text-align: center;">To be determined via budget setting for 2022/23</p>	<p>This new target will show global spend Council Delivery Plan narrative will summarise where and what</p>

Support for businesses and helping people into local jobs

Our aims

Match local people with skills and jobs – Support new and growing businesses to create jobs – Help young people into work

2021/22	2022/23	Narrative to explain change from previous years action
Update the North West Leicestershire Economic Growth Plan and commence delivery.	Continue delivery of the North West Leicestershire Economic Growth Plan	
Enable business growth and inward investment in North West Leicestershire that contributes to the objectives of NWL Economic Growth Plan.	Enable business growth and inward investment in North West Leicestershire that contributes to the objectives of NWL Economic Growth Plan.	
Preserve the vibrancy of our High Streets by supporting Shop Local initiatives designed to reduce vacancy rates.	Preserve the vibrancy of our High Streets by supporting Shop Local initiatives designed to reduce vacancy rates.	
Develop our “visitor economy” offer to encourage dwell time, local spend and investment in new and improved attractions.	Develop our “visitor economy” offer to encourage dwell time, local spend and particularly support the improvement of one tourism attraction in NWL.	
Working with our leisure centre construction contractor increase local employment, training, and apprenticeship opportunities with a key focus on local supply chains in the construction of the new Whitwick and Coalville Leisure Centre.	Working with leisure centre construction partner increase local employment, training, and apprenticeship opportunities with a key focus on local supply chains in the construction of the new Whitwick and Coalville Leisure Centre.	Note: specific targets set in performance indicators and reported quarterly.
Contribute to the work of the East Midlands Development Corporation Interim Vehicle in implementing Year One deliverables included in the	Contribute to the work of the East Midlands Development Corporation (Interim Vehicle).	New key task. Interim Development Corporation to be established in 2021/22. NWL represented on new board. Outputs identified with the business case.

<p>Business Plan. This includes developing a strategic masterplan/infrastructure plan and delivery strategy for the East Midlands Airport Area.</p>	<p>Implementing deliverables established from Year One Business Plan.</p>	<p>The key task is to deliver inclusive growth for the whole East Midlands Region (targets include 84K jobs and £4.8bn of Gross Value Added (GVA) by 2045).</p>
<p>Contribute to the establishment of the East Midlands Freeport with private sector businesses, other local authorities, and government.</p>	<p>Contribute to the establishment of the East Midlands Freeport with private sector businesses, other local authorities, and government.</p>	<p>New key task due to East Midlands Freeport announced by the Government creating an estimated 60,000 new skilled jobs for the region.</p> <p>Based around the East Midlands Airport and Gateway Industrial Cluster, North West Leicestershire will work with the consortium of private sector businesses and local authorities to develop the business case and work with Government.</p>

Support for businesses and helping people into local jobs
Performance Indicators

Match local people with skills and jobs – Support new and growing businesses to create jobs – Help young people into work

Performance Indicator 2020-21	Actual	Target 21/22	Target 22/23	Commentary
Support Inward Investment to the District		5 large businesses per year 1000 new jobs per year £1,000,000 of investment per year	5 large businesses per year 1000 new jobs per year £1,000,000 of investment per year	
Businesses supported to recover from the impacts of COVID-19		£500,000 of Restart Grant shared between up to 50 businesses. £250,000 of Growth Grant shared between up to 10 businesses		2021/22 target to reflect specific time limited grant programme
Increase the number of jobs in the tourism sector in the District	Tourism Sector Jobs: 777 FTE* (Dec 2020)	2%	2%	Evidenced by external statistics information and comparisons. *note - figure reduced by 59% from Dec 2019 due to COVID-19.
Increase annual visitor spend	Visitor Spend: £13.6m* economic impact (Dec 2020)	2%	2%	Evidenced by external statistics information and comparisons. *note – figure reduced by 62% from Dec 2019 due to COVID-19.

Increase the number of overnight stays in NWL year on year	Overnight stays: 255,000 * (Dec 2020)	2%	2%	Evidenced by external statistics information and comparisons. *note – figure reduced by 63% from Dec 2019 due to COVID-19
Work with schools / colleges and local businesses to improve employment skills/opportunities.		Work with 5 schools per year across the district	Work with 5 schools per year across the district	
Support market town businesses to respond to transformational opportunities	0	Deliver 5 Digital Growth Training Sessions. Support 25 businesses to Access Digital Growth Training. Provide £10,000 of Digital Growth Grants	Deliver 5 Digital Growth Training Sessions. Support 25 businesses to Access Digital Growth Training. Provide £10,000 of Digital Growth Grants	
% of construction materials used in the construction of the new Whitwick and Coalville Leisure Centre that are sourced in the local area.	25%	25%	10%	Ongoing monitoring of local material and suppliers is being undertaken by the project team. Strong levels of engagement have been experienced thus far from the local market which is positive.
Local economic value to the local area as a result of the construction of the new Whitwick and Coalville Leisure Centre. (Target £2.2m)	£1.7m	£0.4m	£0.1m	These figures are a combination of spend in local shops, local hotels/B&B's/guesthouses etc. as well as monies spent with material suppliers and local contractors/trades workers,

Developing a clean and green district

Our aims

Lead by example by delivering the Council's Zero Carbon Roadmap's Action Plan and ambition to be zero carbon for its operations by 2030 – Reduce littering and fly tipping – Promote the work of the National Forest

2021/22	2022/23	Narrative to explain change from previous years action
Increase recycling rates by at least 1% per annum through our Recycle More campaign.	Increase recycling rates by at least 1% per annum through our Recycle More campaign including the District wide roll out of food waste recycling and a new stackable or drawer container system to all households across the district.	
Support towns and villages to develop an identity associated with the National Forest spaces.		2020/21 key task carried forward to 2021/22. NWL supporting National Forest Company to develop new marketing plan for the National Forest.
Review our employee travel and allowances to help deliver the Zero Carbon Roadmap.	Commence work on the review. Complete by end of year with view to implementation in 2022/23.	
Explore the setting up of a carbon offset fund as part of the local planning process.		New key action
Develop a Council wide strategy for more electric vehicle charging points on Council car parks, housing land and corporate property land. Initial installations to be made at Lindon Way Depot to support electric vehicle trials	Secure funding to install EV charging points at Council offices/depots in line with fleet management strategy recommendations and grey fleet strategy (personal vehicles used for business use).	
Develop a fleet management strategy to transition our fleet to a zero carbon/low carbon solution by 2030 and start the first phase of procurement and purchase of vehicles.	Implement year 2 of the fleet management procurement.	New key action

Develop a property portfolio action plan and retrofit programme to make our assets fit for purpose and reduce our carbon footprint.		New key action
Develop and implement a new taskforce to tackle litter across the district by enhancing the work of volunteers and aligning with the work carried out by street cleansing.	Implement the year two action plan to tackle litter across the district.	New amended key action
Deliver improvements to 56 of the least energy efficient Council tenants' homes through the Green Homes Grant Local Authority Delivery Phase 1B Programme, including the installation of additional insulation, air source heat pump systems, and photovoltaic electricity generation.	Evaluate the opportunities presented by the Social Housing Decarbonisation Fund (SHDF) to obtain grant funding for energy efficiency improvement to Council tenants' homes and submit bids as appropriate.	New action - Grant applied for and successfully obtained. Line added to CDP to enable reporting and tracking.
Reduce carbon emissions at the new Whitwick and Coalville Leisure Centre and Ashby Leisure Centre by 20% by 2024.	Reduce carbon emissions at the new Whitwick and Coalville Leisure Centre and Ashby Leisure Centre by 20% by 2024.	New PI showing current emission rates.
Reduce vehicle emissions from licensed Hackney Carriage and Private Hire Vehicles by encouraging taxi operators to move to vehicles that emit lower emissions (Euro 5).	Reduce vehicle emissions from licensed Hackney Carriage and Private Hire Vehicles by encouraging taxi operators to move to vehicles that emit lower emissions (Euro 5).	

Developing a clean and green district -Performance indicators

Lead by example by delivering the Council's Zero Carbon Roadmap's Action Plan and ambition to be zero carbon for its operations by 2030 – Reduce littering and fly tipping – Promote the work of the National Forest

Performance Indicator 2020-21	Actual	Target 21/22	Target 22/23	Commentary
Number of trees delivered to the local community to increase the number of trees in the District's National Forest Area	0	13,000		Retained KPI
Percentage increase on yearly recycling rate by 1%		1%	1%	Retained KPI
Amount in kgs of household waste sent to landfill per house, per year	132.6kgs	125kgs	120kgs	Retained KPI
% of the taxi vehicle fleet that are fitted with a Euro 5 engine or higher	88%	93%	100%	New KPI

Value for money performance indicators (No CDP actions for VFM)

Performance Indicator	Actual	Target 21/22	Target 22/23	Commentary
Percentage of rent loss	0.87%	0.75%	0.75%	Retained KPI
Percentage of Council Tax Collected (in year target)	91.1%	96.7%	96.7%	Retained KPI
Percentage of National Non-Domestic Rates (in year target)	87.6%	99.20%	99.2%	Retained KPI
Number of days taken to process new claims		18.7 days	18.7 days	Retained KPI
Percentage of rent collected from commercial tenants	95.84%	98%	98%	Retained KPI
Percentage of commercial units occupied per annum	86%	90%	90%	Retained KPI
Amount of annual income achieved by the In-house Repairs Team	£911,051.60	£1,300,000	To be determined via budget setting for 2022/23	Retained KPI

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 7 SEPTEMBER 2021



Title of Report	CAPITAL PROGRAMME UPDATE	
Presented by	Councillor Nick Rushton Corporate Portfolio Holder	
Background Papers	Budget and Council Tax 2021/22 – Council – 23 February 2021 Marlborough Centre – Community Scrutiny Committee – 22 July 2021 Marlborough Centre – Cabinet – 31 August 2021 Corporate Accommodation – Corporate Scrutiny Committee – 9 June 2021 Corporate Accommodation – Cabinet – 27 July 2021	Public Report: Yes
Financial Implications	Financial implications are detailed within the report. The financial implications of each project are contained in the relevant Cabinet report.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	This report ensures compliance with the Council's constitution. The legal implications of each project are contained in the relevant Cabinet Report.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	The staffing and corporate implications of each project are contained in the relevant Cabinet Report.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To allow the Council to approve changes to the 2021/22 Capital Programme budgets that were previously approved by Council in February 2021.	
Recommendations	COUNCIL IS RECOMMENDED TO APPROVE THE CHANGES TO THE GENERAL FUND CAPITAL PROGRAMME DETAILED IN THIS REPORT	

1.0 BACKGROUND

1.1 In February 2021, the Council approved budgets for the 2021/22 financial year, including a £7.0 million capital programme for the Council's general fund. Since that programme was approved there have been significant developments to some planned capital programmes that require full Council to approve changes to the capital programme. This report sets out the changes to the capital programme required.

2.0 REGENERATING COALVILLE

2.1 The capital programme included a £2,993,000, three-year investment in the regeneration of Coalville, of which £1,373,000 was expected to be spent in 2021/22. This was placed into the programme pending further development of a business case for the project and subsequent approval by Cabinet and Council.

2.2 Officers have now developed plans to acquire and regenerate the Marlborough Centre by refurbishing the property and creating 10 apartments for sale. This is expected to cost £4,464,672 over two years, which is £1.47 million more than previously approved. However, there is expected to be a capital receipt from the apartments of around £1.47 million making the net costs around the level of the previous capital programme.

2.3 The proposal was reviewed by the Community Scrutiny Committee on 22 July 2021 and approved by Cabinet on 31 August 2021. Links to these meetings are provided in the background papers and can be used to find more detail about the project.

2.4 The resulting change to the capital programme is detailed in the table below.

	2021/22 For approval	2022/23 Indicative	2023/24 Indicative	2024/25 Indicative	2025/26 Indicative	Total Budget
Previously agreed budget: Coalville Regeneration	£1,373,000	£720,000	£900,000	£0	£0	£2,993,000
New Budget: Marlborough Centre Regeneration	£797,500	£3,667,172	£0	£0	£0	£4,464,672
Change in budget	-£575,500	£2,947,172	-£900,000	£0	£0	£1,471,672

3.0 ACCOMMODATION PROJECT

3.1 The 2021/22 capital programmes included budgets to make a series of improvements to the council offices in Coalville, totalling £3.74 million over four years.

3.2 This work has been on hold whilst the council's accommodation needs have been reviewed. This review recommended relocating the council offices to the Whitwick Business Centre, refurbishing Stenson House as a civic/democratic hub and relocating customer services to Coalville town centre. The main part of the current headquarters will be demolished as part of these plans.

- 3.3 This proposal was reviewed by the Corporate Scrutiny Committee on 9 June 2021 and approved by Cabinet on 27 July 2021. Links to these meetings are provided in the background papers and can be used to find more detail about the project.
- 3.4 The resulting change to the capital programme is detailed in the table below, and this proposal represents a saving in capital costs of £220,000 over its lifetime. In addition, Cabinet has agreed to the principle of disposing of the site of the current offices in the future, subject to a further report on the approach. This could generate a capital receipt estimated to be around £1.25 million.

	2021/22 For approval	2022/23 Indicative	2023/24 Indicative	2024/25 Indicative	2025/26 Indicative	Total Budget
Previously agreed budget: Council Office Refurbishment	£1,576,000	£591,000	£709,000	£864,000	£0	£3,740,000
New Budget: Accommodation Project	£351,963	£3,142,662	£25,000	£0	£0	£3,519,625
Change in budget	-£1,224,037	£2,551,662	-£684,000	-£864,000	£0	-£220,375

4.0 SUMMARY

- 4.1 The changes listed in this report will see the 2021/22 capital programme reduce by £1.8 million, although the 5-year indicative capital programme will increase by £1.25 million. This increase will be funded by the sale of the apartments in the Marlborough Centre.
- 4.2 Appendix A provides a summary of the new general fund capital programme which incorporates the changes within this document. The resulting general fund capital programme for 2021/22 will reduce to £5.2 million, with £13.2 million of the 2020/21 programme carried forward.

Policies and other considerations, as appropriate	
Council Priorities:	Changing with capital programme will contribute to the following priorities: <ul style="list-style-type: none"> - Support for businesses and helping people into local jobs - Developing a clean and green district - Local people live in high quality, affordable homes - Our communities are safe, healthy and connected
Policy Considerations:	Details of the policy considerations for each project are in the relevant Cabinet report.
Safeguarding:	None.
Equalities/Diversity:	Details of the equality and diversity impacts of each project are detailed in each of the relevant Cabinet report.
Customer Impact:	Details of the customer impact of each project are detailed in each of the relevant Cabinet report.
Economic and Social Impact:	Details of the economic and social impacts for each project are detailed in each of the relevant Cabinet report.
Environment and Climate Change:	Details of the environmental and climate change impacts for each project are detailed in each of the relevant Cabinet report.
Consultation/Community Engagement:	Details of the consultations completed for each project are detailed in each of the relevant Cabinet report.
Risks:	The risks for each capital project are detailed in the relevant Cabinet report.
Officer Contact	Dan Bates Head of Finance and Section 151 Officer dan.bates@nwleicestershire.gov.uk

GENERAL FUND CAPITAL PROGRAMME 2020/21 TO 2025/26

PROJECT	2020/21							2021/22	2022/23	2023/24	2024/25	2025/26	Funding					
	Original Budget	In year funding, virements and 2019/20 carry forward	Carry Forward to 2021/22	Revised Budget	In Year Savings	In Year Overspend	Actual Outturn 20/21						Grant & S106	DF Grants	Capital Receipts	Reserves / Other Reserves	Revenue	Leasing or Borrowing
	£	£	£	£	£	£	£						£	£	£	£	£	£
Finance System / Review	-	100,000	- 69,912	30,088	-	-	30,088	35,000	40,000	-	-	-	-	-	-	-	-	175,000
Server and storage additional capacity	-	14,560	-	14,560	-	332	14,228	-	70,000	-	-	-	-	-	-	14,228	-	70,000
User Screen Bulk Replacement	18,000	-	- 18,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	18,000
Wi-Fi Replacement	-	-	-	-	-	-	-	-	25,000	-	-	-	-	-	-	-	-	25,000
Website Intranet and Internet	-	-	-	-	-	-	-	-	50,000	-	-	-	-	-	-	-	-	50,000
LAN Switches replacement	-	-	-	-	-	-	-	-	-	50,000	-	-	-	-	-	-	-	50,000
WAN and DC Renewal	60,000	- 60,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Firewall Security Replacement	12,000	-	-	12,000	-	800	12,800	-	70,000	-	-	-	-	-	-	-	-	82,800
Laptop Replacements	25,000	60,000	-	85,000	- 461	-	83,739	22,000	64,000	44,000	68,000	92,000	-	-	-	-	-	373,739
Video Conferencing	-	31,700	-	31,700	-	-	31,700	-	-	-	-	-	-	-	-	-	31,700	-
Telephony Unified Communication	-	135,092	- 13,766	121,326	-	-	121,326	-	-	-	140,000	-	-	-	5,092	-	-	270,000
Windows Server 2012 to 2019 Professional services migration	-	-	-	-	-	-	-	-	45,000	-	-	-	-	-	-	-	-	45,000
Disabled Facility Grants	670,310	45,264	-	715,574	-	-	715,574	670,310	670,310	670,310	670,310	670,310	-	4,067,124	-	-	-	-
Refuse Vehicles & Refuse Kerbsider	660,000	-	- 660,000	-	-	-	-	240,000	360,000	360,000	180,000	-	-	-	24,300	-	-	1,775,700
Food Waste Vehicles	-	-	-	-	-	-	-	288,320	-	-	-	-	-	-	-	-	-	288,320
Market Vehicles/Cars	30,000	-	- 30,000	-	-	-	-	75,000	-	30,000	-	-	-	-	-	-	-	135,000
Vans - Small	-	-	-	-	-	-	-	37,500	26,000	30,000	-	-	-	-	-	-	-	93,500
Vans - Medium	240,000	180,000	- 420,000	-	-	-	-	198,000	50,000	60,000	180,000	-	-	-	-	-	-	908,000
Vans - Pickup	-	-	-	-	-	-	-	90,000	90,000	25,000	81,000	-	-	-	-	-	-	286,000
Vans - Box Lorry	-	20,000	- 20,000	-	-	-	-	-	-	-	50,000	-	-	-	-	-	-	70,000
Sweeper	130,000	7,820	-	137,820	-	-	137,820	180,000	-	-	-	-	-	-	7,820	-	-	310,000
Digger/Misc Plant	-	-	-	-	-	-	-	172,000	-	-	-	-	-	-	-	-	-	172,000
Mowing	10,000	35,075	- 10,000	35,075	-	-	35,075	82,500	-	-	70,000	-	-	35,075	-	-	-	162,500
Electrical vehicle charging point installations	115,000	45,000	- 57,446	102,554	-	-	102,554	-	-	-	-	-	-	45,000	-	-	115,000	-
Driver ID Fobs and Tachograph download	15,000	-	- 11,035	3,965	-	-	3,965	-	-	-	-	-	-	-	-	-	-	15,000
Phase 2 Recycling Trolley's	10,000	-	- 10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000
GM Depot Coalville Park - Concreting Grounds	-	2,367	-	2,367	-	-	2,367	-	-	-	-	-	-	-	-	-	-	2,367
District Council Parks - LED Lighting Replacement	-	25,000	-	25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000
Leisure Project - Hood Park Leisure Centre Ashby	-	121,420	-	121,420	-	-	121,420	-	-	-	-	-	-	-	30,000	-	-	91,420
Leisure Project - New Leisure Centre Coalville	9,678,000	7,251,402	- 8,880,918	8,048,484	-	-	8,048,484	1,893,875	3,004,125	-	-	-	-	4,356,000	-	-	-	17,471,402
Memorial Clock Tower	-	-	-	-	-	-	-	30,000	-	-	-	-	-	-	-	-	-	30,000
Linden Way Depot - Welfare Facilities	-	147,084	- 82,942	64,142	-	-	64,142	-	-	-	-	-	-	-	55,000	-	-	92,084
Moira Furnace - Masonry & Drainage/Upgrades to Furnace and Bridge & further remedial works	-	280,000	- 280,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	280,000
Council Office - Replacement fire alarm & Cotag system	-	13,798	-	13,798	-	-	13,798	-	-	-	-	-	-	-	-	-	-	13,798
Council Offices - (Stenson House) External works to roadway outside registry office	-	5,000	- 5,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000
Council Offices Refurbishment/Boiler heating/Lighting	-	-	-	-	-	-	-	351,963	3,142,662	25,000	-	-	-	-	1,250,000	-	-	2,269,625
Whitwick Business Centre - Installation of Solar Power	40,000	-	- 40,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	40,000
Car Park - High Street, Ibstock - Remove and Renew Gullies	35,000	-	- 35,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	35,000
Cropston Drive - External and Internal Renovation of Changing Rooms	-	-	-	-	-	-	-	20,000	-	-	-	-	-	-	-	-	-	20,000
UPS/Generator related (reconfiguring electric distribution)	60,000	- 11,316	-	48,684	- 48,684	-	-	-	-	60,000	-	-	-	-	-	-	-	60,000
Market Hall - Demolish and make good	75,000	-	- 75,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	75,000
Coalville - Cemetery - provision of a inclusive toilet	25,000	-	- 25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000
New Garage Roof at Coalville Park	50,000	-	- 50,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	50,000
The Courtyard - renew rainwater goods/door	25,000	-	- 25,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	25,000
Whitwick Business Centre - Upgrade CCTV	10,000	-	- 10,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	10,000
Market Street Car Park - Resurfacing	12,000	-	- 12,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	12,000
Ashby Town Hall Mews - installing bollard, resurfacing & relining	15,000	-	- 15,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	15,000
Marlborough Square	-	1,765,868	- 1,667,343	98,525	-	-	98,525	-	-	-	-	-	-	-	1,765,868	-	-	-
New Market Provision	-	572,401	- 56,080	516,321	-	-	516,321	-	-	-	-	-	-	-	572,401	-	-	-
Salt Bay Cover -	-	20,000	- 20,000	-	-	-	-	-	-	-	-	-	-	-	-	-	-	20,000
Breedon on the Hill Gate	-	-	-	-	-	-	-	50,000	-	-	-	-	-	-	-	-	-	50,000
Appleby Magna Caravan Site - redevelopment	610,000	130,584	- 565,000	175,584	- 121,622	-	53,962	-	-	-	-	-	-	-	-	-	-	618,962
Coalville Regeneration: Marlborough Centre Purchase and Renovation	-	-	-	-	-	-	-	797,500	3,667,172	-	-	-	-	-	1,470,000	-	-	2,994,672
TOTAL GENERAL FUND	12,630,310	10,938,119	- 13,189,442	10,378,987	- 171,099	800	10,207,886	5,233,968	11,374,269	1,354,310	1,439,310	762,310	80,075	4,067,124	7,108,120	2,442,589	146,700	29,716,889
							cfwd	13,189,442										
								18,423,410	11,374,269	1,354,310	1,439,310	762,310						

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 7 SEPTEMBER 2021



Title of Report	REVIEW OF THE CONSTITUTION	
Presented by	Councillor Rushton Corporate Portfolio Holder	
Background Papers	The Council's Constitution Council Minutes 20 March 2018 Council Minutes 15 May 2018 Council Minutes 13 November 2018 Council Minutes 25 June 2019	Public Report: Yes but Appendix 3 is confidential
Financial Implications	There are no financial implications to be considered under this report	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	<p>The Monitoring Officer has reviewed the constitution to ensure that members and officers can make robust effective decisions. The proposed amendments are based on legal advice and are in compliance with the law.</p> <p>External legal advice has been sought issue debated by the Audit and Governance Committee in relation to the planning call in decision-making process and that advice is contained in a confidential appendix (Appendix 3)</p>	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	<p>An up-to-date and modern constitution helps the council to make robust and effective decisions and deliver corporate priorities. The MO consulted and engaged with the Chief Executive, Directors, S151 Officer, other officers, the Leader and Deputy Leader, the Planning Cross Party Working Group and the Audit and Governance Committee in carrying out this review.</p>	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To explain the outcome of the Monitoring Officer's review of the constitution and present proposed changes.	

	To address the proposal for amendment to the decision-maker in relation to planning call in decision raised by the Audit and Governance Committee.
Recommendations	<p>THAT COUNCIL</p> <ol style="list-style-type: none"> 1. CONSIDERS THE COMMENTS FROM THE AUDIT AND GOVERNANCE COMMITTEE MEETING ON 21 JULY 2021 2. ADOPTS THE PROPOSED AMENDMENTS TO THE CONSTITUTION AS SET OUT IN THIS REPORT 3. ADOPT THE PROPOSED AMENDMENT TO THE PLANNING CALL IN PROCESS AS SET OUT IN PARA 3.1.3 OF THIS REPORT

1.0 BACKGROUND

- 1.1 The Local Government Act 2000 requires each local authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.
- 1.3 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Council to reflect best practice. This report takes a wider look at improvements to the Council's processes and proposes changes to the Constitution to Full Council.

2.0 METHOD OF REVIEW

- 2.1 In carrying out the review, officers have been consulted on areas of the constitution that need updating/amending, any areas that have been raised with the Legal Team previously for clarity have been taken account of and any relevant changes in law have been considered. In addition, the review has also taken account of requests from Members raised through working party discussions.
- 2.2 The entire constitution has been reviewed, including the articles, responsibility for functions, rules of procedure and codes and protocols, but in most cases only minor changes have been made for consistency reasons. This report only sets out the key changes that are being proposed and where appropriate those changes are shown in the relevant extracts in Appendix 1.

3.0 KEY CHANGES TO THE CONSTITUTION

- 3.1 The key changes being proposed to the constitution are as follows:
 - 3.1.1 Removal of outdated definitions and explanations

It was identified that some definitions within the constitution were either out-of-date or no longer in common usage. It was therefore considered appropriate to remove them where they are no longer relevant. There are a few of these and they aren't referenced in Appendix 1 as it would add to the volume of the report. The Monitoring Officer could make these changes under her delegation to make amendments arising from fact and law but they are mentioned here for completeness. If any member wishes to see these, they can be provided upon request.

3.1.2 Revised descriptions of Council Functions and Local Choice Functions to provide clarity

The Council gets its powers to do things by statute. The law will set out which functions rest with Council and which need to be retained by Council or can be delegated to committees and sub-committees, which are functions of the executive and which are matters of local choice and which are delegated to officers. The changes proposed make it clearer which functions are Council, executive or local choice. This is important as it makes it clearer to officers, Members and the public which body makes decisions. **See Appendix 1 – pages 1-2**

3.1.3 Amended the remit of the Planning Committee so that call in only applies to the decisions that it is legally required to

It was identified that certain planning functions were susceptible to call in because of the way in which they were presented in the constitution but they should not legally be and in practice they would never be called in because the applications to which they relate would have long since been dealt with. This has been discussed at the Cross Party Planning Working Group and it was agreed that amendments to the constitution on this point would be appropriate. **See Appendix 1 – pages 3-7**

This was subject to further discussion at the Audit and Governance Committee on 21 July 2021 and their comments are covered later on in this report.

3.1.4 Amended the Scheme of Delegation to provide that both Strategic Directors can exercise the powers of the other Strategic Director if that Strategic Director is unavailable for any reason and/or there is other good reason

It was raised that there may be circumstances in which it would be prudent for a Strategic Director to exercise the powers of the other e.g. due to sickness or a project crossing areas of responsibility. Amendments have therefore been proposed that allow the Strategic Directors to do this. It will mean that each Strategic Director will still have their own delegated powers but the other Strategic Director could exercise one or more of those powers if there was good reason to do so. **See Appendix 1 – page 8**

3.1.5 Addressed some inconsistencies on the delegation of functions and removed unnecessary duplication

The current scheme of delegation has some duplication of functions where general delegations overlap with more specific ones. To avoid confusion, instances of these overlapping delegations have been removed. As above, there are a few of these and they aren't referenced in Appendix 1 as it would add to the volume of the report but if any member wishes to see these, they can be provided upon request.

3.1.6 Updated asset disposal limits to be consistent with Asset Disposal Policy

The current constitution has a delegation to the Strategic Director for Housing and Customer Services to dispose of land up to the value of £10,000 to give effect to the Council's policies and programmes. We are proposing to remove this delegation as both the Strategic Directors and the Chief Executive already have a separate delegation to acquire land of value up to £100,000 and dispose of land up to a value of £30,000. **See Appendix 1 – page 9**

3.1.7 Increased the number of substitutes available per seat under the Substitute Scheme

It was identified by Members that the availability of substitutes was causing an issue, particularly in relation to Planning Committee where applications cross ward boundaries. It is therefore proposed to double the number of substitutes to be appointed under the Substitute Scheme. **See Appendix – page 10**

There is a separate report on this agenda regarding the appointment of additional substitutions.

3.1.8 New band of contracts for £25k-50k to enable less formal contracting and can be signed off by officers within their financial authorisations

Currently contracts above £25k are required to be procured under a full tender exercise. Officers consider that for contracts below £50k a full tender exercise should not be necessary and a formal quote process for those contracts between £25k-50k would be more appropriate. The introduction of this new contracts band will give officers greater flexibility to award contracts. Whilst support will always be available from Legal and Procurement where needed, it is no longer compulsory to seek approval and therefore officers will be under greater responsibility to comply with the rules. This process is in line with the Public Contract Regulations 2015 and modern procurement practices. **See Appendix 1 – pages 11-14**

3.1.9 Authorisation for contracts where the Council doesn't incur costs

The current Contract Procedure Rules make it clear who has authority to sign contracts where they do not incur costs (e.g. if the Council is receiving a grant or entering into an information sharing agreement) but it doesn't address who has authority to agree entering into them. It is therefore proposed to make this clear and consistent with other agreements that require an authority to enter into them and an authority to sign them. **See Appendix 1 – page 15**

3.1.10 Introduced Budgetholder as the decision-maker in certain circumstances

The Finance Procedure Rules set out how budgets are managed by Team Managers, however, it is not always the case that budgets are held by them. Consequently, it is proposed to introduce a definition of 'Budgetholders' and make them the decision-maker in such instances. **See Appendix 1 – pages 16-17**

3.1.11 Amended the Planning Code of Conduct to revise the circumstances in which questions can be asked of speakers at Planning Committee

As a consequence of COVID, the Planning Committee ceased questioning of public speakers (e.g. applicant or objector) due to partial remote attendance making this difficult. Prior to this, issues had been raised around whether questioning of public speakers was appropriate and legal advice from counsel had been sought on the issue, which cautioned against it. In light of this, following meetings returning to in

person, the Cross Party Planning Working Group considered whether to reintroduce questioning of public speakers and took the view that it would be best not to remove it completely but to restrict it. Proposed revisions that limited questioning to factual clarifications in exceptional circumstances through the Chair were presented to the Planning Cross Working Group and no comments were received. It is therefore proposed to introduce these revisions to the Planning Code of Conduct. **See Appendix 1 – pages 18-20**

3.1.12 Removal of Remote Meeting Procedure Rules

Under the Monitoring Officer's delegation to make changes arising out of fact and law, a change is being made to remove the temporary standing order relating to the remote meetings procedure rules. These were introduced last year as a matter of urgency to confirm how remote meetings would take place and ratified by Council in September 2020. It was always intended that these rules would be temporary as the regulations were time limited. Now that the regulations have expired and Members have to attend in person as before, these rules are no longer relevant and therefore they will be removed.

4.0 COMMENTS OF THE AUDIT AND GOVERNANCE COMMITTEE

- 4.1 A report was taken to Audit and Governance Committee on 21 July 2021 setting out the proposed changes to the constitution as set out in this report. That report recommended that the Committee comment on and support the changes to the constitution, and recommend to Council that the changes be adopted. An extract of the minutes regarding this issue is appended at Appendix 2.
- 4.2 The report was the subject of lengthy debate, primarily focussed on the amendment relating to the call in of planning decisions (see paragraph 3.1.3 above). The Members of the Committee did not object to the principle of excluding the listed types of planning applications from call in but proceeded to debate the process for call in generally and in particular the role of ward members in that process.
- 4.3 The current call in process under the constitution provides that a Ward member may notify the Strategic Director for Place that they wish for an application to be determined by the Planning Committee. In such circumstances, the Chair of the Planning Committee will determine (based on planning and legal advice) whether the request is supported by one or more material planning grounds and whether the item relates to a matter of local concern. In the event that those tests are met, the matter shall be called in to the Committee. Where those tests are not met and the call in is declined, the Chair is required to provide written reasons to the requesting member and that will be saved on the public planning file.
- 4.4 This process was derived from a planning peer challenge review that was carried out in 2018, which concluded that the Chair, on the advice of officers, should make the decision whether to approve call-in requests. Council agreed to adopt this process at its meeting on 15 May 2018. Following its adoption, the process has been the subject of discussion at meetings of the Cross Party Planning Working Group, the outcome of which was that the procedure was amended to make it clear that Ward members could contact the Chair to discuss their request prior to a decision being made.
- 4.5 At the Audit and Governance Committee meeting of 21 July 2021, concerns were raised regarding the decision on call-in requests sitting with the Chair and officers. It was expressed by members that they felt the Ward member should have a greater role

in the decision-making process and should determine the decision rather than it being left to the Chair. The full debate can be viewed [here](#).

- 4.7 Following the debate, a motion was moved and passed that this issue be brought to Council, along with the other proposed changes, for a decision to be made on the Council's call in process. Members were advised by the Monitoring Officer during the meeting that legal advice would need to be sought on whether it was appropriate for the Ward member to take part in the decision-making process.
- 4.8 Subsequently, legal advice has been sought from Counsel on this point. That advice is appended as a confidential appendix (Appendix 3). Given that the advice is confidential, if Members wish to discuss the advice in detail during the meeting, Council will need to retire into private session. For the reasons set out in that advice it is recommended that Council does not amend the decision-maker in relation to planning call in decisions and leaves the call in process as it is (subject to the amendments proposed at paragraph 3.1.3 of this report) and recommendation 3 refers. Clearly, whilst officers have made a recommendation, this is a matter for Council to decide based on the information before it.
- 4.9 At the time of debating this issue, the Audit and Governance Committee did not have the benefit of the previous wording of this part of the Constitution before them. To assist in understanding how the wording was changed as a consequence of the Peer Challenge Review in 2018, Appendix 4 sets out the previous version, along with what it has changed to and the changes proposed under paragraph 3.1.3 above.

Policies and other considerations, as appropriate	
Council Priorities:	An up to date and modern constitution helps the council to make robust and effective decisions and deliver corporate priorities
Policy Considerations:	N/A
Safeguarding:	N/A
Equalities/Diversity:	N/A
Customer Impact:	The constitution is made available to customers on the Council's website
Economic and Social Impact:	N/A
Environment and Climate Change:	N/A
Consultation/Community Engagement:	The MO consulted and engaged with the Chief Executive, Directors, S151 Officer, other officers, the Leader and Deputy Leader and the Planning Cross Party Working Group
Risks:	An up to date constitution which is reviewed regularly ensures that robust effective decisions can be made by members and officers
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk Kate Hiller Legal Team Manager kate.hiller@nwleicestershire.gov.uk

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SECTION 1 - INTRODUCTION

- (i) This part of the Constitution sets out which bodies and individuals are responsible for particular functions of the Authority. These fall into two categories:

- Council functions
- Local choice functions; and
- Executive functions

- (ii) These are described in more detail in this part of the Constitution. Also included in this part of the Constitution are details of the membership of boards and committees, the Scheme of Delegation to Officers, and the list of Proper Officer designations. The list of Proper Officer designations sets out the officers responsible for certain functions under a particular piece of legislation.

Council Functions

- (iii) Full Council can discharge all the Council's non-executive functions, but it cannot discharge executive functions or take executive decisions. The list of "Non-executive functions" is fixed by law, principally the Local Government Act 2000 and the Local Authorities (Functions and Responsibilities) (England) Regulations 2000.

Some non-executive functions may only be discharged by full Council, whereas others can be delegated to Committees, Sub-Committees and Officers. This is set out in section 2 of this Constitution. These are also sometimes referred to as non-executive functions and under law are functions that cannot be the responsibility of the Cabinet. In some instances, for example adopting the annual budget, the decision can only be taken at a meeting of the full Council. In other cases, the responsibility for undertaking the function may be delegated by the Council to a board, committee or an officer – where this is the case it is identified in this part of the Constitution.

Local Choice Functions

- (iv) There are a number of functions for which Councils are able to determine responsibility locally. These are known as "local choice functions". These local choice functions which this Council has determined will be the responsibility of Council or a committee and which will be the responsibility of the Cabinet are listed in Section 3 of this part of the Constitution sets out which local choice functions will be the responsibility of Council, a committee or Cabinet respectively.

Executive Functions

- (v) All other functions are executive functions. Decisions about these functions may be taken by the Leader, the Cabinet, individual Cabinet members, Cabinet committees, joint arrangements with other authorities and officers. Further information about the executive delegation scheme and its operation is set out in Section [5.4](#) of this part of the Constitution.

(b) **Review Sub-committee**

Consideration of requests for a review in accordance with the Council's Guidance.

(c) **Determinations Sub-committee**

To receive reports from the Monitoring Officer or her appointed Investigating Officer and to decide either:

- to determine finding of no failure to comply with the Code of Conduct
- to determine finding of failure to comply with the Code of Conduct and impose relevant sanctions
- Refer the matter for other action

in accordance with the Council Guidance.

3.1.2 Membership, Quorum and Other Matters

- (i) Each Sub-committee must be Cchaired by a District Council member.
- (ii) The quorum is three District Council members.
- (iii) The Sub-committee may co-opt at least one Parish Council member when decisions are taken concerning a Parish matter.
- (iv) The Sub-committee may co-opt at least one independent person as appropriate.
- (v) No member who considered a complaint at the Initial Assessment/Determination Sub-committee may consider the same complaint at the Review Sub-committee.

4. PLANNING COMMITTEE

Membership: Eleven councillors

Quorum: Three councillors

Functions	Matters Reserved for a Decision
The determination of all non-executive decisions under the Planning Acts including all planning applications and	(a) The application is contrary to the provisions of an approved or draft development plan policy and is

Functions	Matters Reserved for a Decision
<p>applications for advertisement consent, listed building consent and conservation area consent is delegated to the Strategic Director of Place except where:</p>	<p>recommended for permission, and in the opinion of the Strategic Director of Place the application is likely to:</p> <ul style="list-style-type: none"> (i) be potentially controversial, or (ii) be of significant public interest, or (iii) have a significant adverse impact on the environment, or (iv) raise matters which should be referred to the Planning Committee.
	<p>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no material (in the opinion of the strategic Director of Place) planning objections have been received.</p>
	<p>(c) A legal agreement (S106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.</p>
	<p>(d) (i) <u>Excluding those types of applications detailed at (d) (iii)</u>, †The ward member of the ward to which the application relates or the ward member of adjoining ward (if that adjoining ward is materially impacted by the application) has notified the Strategic Director of Place (in writing or</p>

Functions	Matters Reserved for a Decision
	<p>by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee</p> <p>And</p> <p>(ii) in the opinion of the Chair having consulted the Strategic Director of Place (or his nominated officer):</p> <p style="margin-left: 20px;">A the notification is supported by one or more material planning grounds, and</p> <p style="margin-left: 20px;">B the item relates to a matter of local concern,</p> <p>Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this “call-in” shall automatically be triggered for consideration by the Chair under (d)(ii) above.</p> <p>Where the Chair decides that an application does not satisfy (d)(ii) A or B above, written reasons shall be given to the requesting member.</p> <p>(iii) - <u>Agricultural Prior Approval</u> - <u>East Midlands Airport Informal Notification</u> - <u>Certificate of Alternative Appropriate Development</u> - <u>Certificate of Lawful Development – Existing</u> - <u>Certificate of Lawful Development – Proposed</u> - <u>County Council Consultation</u></p>

Functions	Matters Reserved for a Decision
	<ul style="list-style-type: none"> - <u>Demolition Prior Approval</u> - <u>Discharge of Conditions</u> - <u>Habitat Regulations Assessment</u> - <u>Hedgerow Removal Notice</u> - <u>Neighbouring Authority Consultation</u> - <u>Non Material Amendment</u> - <u>Overhead Lines Notification</u> - <u>Pre Application Advice</u> - <u>Pre Application Advice – Major Applications querying whether Planning Permission is required</u> - <u>Prior Approval for Householder development</u> - <u>Works to trees in the conservation area</u>
	<p>(e) An application is recommended for approval by officers and that application is submitted by:</p> <ul style="list-style-type: none"> (i) a serving member or officer of the Council; or (ii) the close relative of a serving member or officer of the Council <p>except for the approval of an application which in the opinion of the Strategic Director of Place (of his nominated officer) is unlikely to have any major impacts and to which no objections have been received.</p>

Functions	Matters Reserved for a Decision
	<p>(f) The Strategic Director of Place refers any application or matter to the Committee including (but not limited to) any consultation on an executive function.</p> <p>Where the matter referred to the Committee relates to an executive function, the Committee's view shall be subject to being agreed with the relevant portfolio holder or agreed by Cabinet.</p>
Making orders to revoke or modify planning permissions, to impose conditions to remove buildings or repair listed buildings.	All matters reserved.
Making tree preservation orders.	To consider objections or other representations.
Serving Building Preservation Notices or Listed Building Repair Notices.	All matters reserved except where necessary to serve a notice in an emergency.
Public Footpath Orders under the Town and Country Act 1990.	To determine matters referred to it following the receipt of objections or other representations.
Footpath Diversion Orders under the Highways Act 1980.	To determine matters referred to it following the receipt of objections or other representations.

SECTION 7 - SCHEME OF DELEGATION TO STAFF - COUNCIL AND EXECUTIVE FUNCTIONS

1. SCOPE OF THE SCHEME

This scheme sets out the extent to which the powers and duties of the Authority are delegated to officers.

2. EXERCISE OF DELEGATED POWERS

- 2.1 Functions, tasks and responsibilities listed in this scheme of delegation may be exercised by the nominated officer(s) and includes anything which facilitates, or is conducive or incidental to, the discharge of these functions, tasks, or responsibilities.
- 2.2 Where an officer has been given delegated authority by this scheme he or she may authorise any member of his or her staff to act on his or her behalf except the signatories to financial documents (paragraph 10 post) on matters relating to the Council's banking.
- 2.3 An officer may always refer a delegated matter to the Cabinet or the Council or to one of its Boards or Committees for consultation or decision rather than take the decision him/herself.
- 2.4 When exercising delegated powers officers must always have regard to the financial, legal and human resource implications of the decision. When necessary, advice should be taken.
- 2.5 Before taking a decision under delegated powers, an officer shall notify the relevant portfolio holder of any action which is likely to be contentious or politically sensitive.
- 2.6 The Chief Executive, Strategic Director of Housing & Customer Services and Strategic Director of Place shall keep portfolio holders informed of the work of their service area.
- 2.7 When exercising delegated powers officers shall consult with staff in another service area if the decision is likely to impact on the work of that service area.
- 2.8 When exercising delegated powers an officer shall always have regard to the requirements of the Constitution.
- 2.9 The functions delegated to the Strategic Directors under this scheme of delegation are those functions, which fall within their areas of responsibility. Both Strategic Directors can exercise the powers of the other Strategic Director if that Strategic Director is unavailable for any reason and/or there is other good reason why that Strategic Director should exercise the delegated powers in place of the other.

- 6.2.45 To grant and determine temporary lettings and licences of Council owned land and buildings.
- 6.2.56 To enter into deeds of dedication on such terms as the [Strategic Director](#) sees fit.
- 6.2.67 To agree perpetual and fixed term easements and wayleaves on such terms as the [Strategic Director](#) sees fit.
- 6.2.78 To determine rent reviews and to instigate and participate in arbitrations.
- 6.2.89 To agree terms for the surrender of leases.
- 6.2.940 To authorise action to determine a lease in the event of rent arrears or other breach of covenant.
- 6.2.104 To agree terms for waiving covenants, whether freehold or leasehold.
- 6.2.112 To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 6.2.123 To make and settle claims for dilapidation.
- 6.2.134 To appropriate land belonging to the Authority at proper value.
- 6.2.145 To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £40,000.
- ~~6.2.16 To dispose of freehold land where the market value does not exceed £30,000.~~
- 6.2.157 Following consultation with Asset Management Group, to approve the Asset Management Policy.
- ~~6.2.18 Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the appropriate Cabinet member and the Corporate Scrutiny Committee).~~
- 6.2.169 To determine applications for discretionary non-domestic rural rate relief following consultation with the ward member(s) for the settlement concerned and the portfolio holder.

4.2: MEMBERS' SUBSTITUTE SCHEME PROCEDURE RULES

1. INTRODUCTION

- 1.1 The Council recognises that the purpose of the Local Government (Committees and Political Groups) Regulations is to ensure that, in the decision-making process, the political balance of and representation on committees and sub-committees of the Council is maintained. This Scheme for the use of substitutes has been adopted to ensure this principle is maintained.

2. APPLICATION

- 2.1 The scheme will apply to all committees, sub-committees and working groups of the Council except:
- 2.1.1 the Cabinet and any sub-committee established by the Cabinet;
 - 2.1.2 the Audit and Governance Committee and any sub-committee established by the Audit and Governance Committee;
 - 2.1.3 Licensing Sub-Committees and Taxi Licensing Sub-Committee

3. NOMINATION AND APPOINTMENT

- 3.1 The Council, when establishing appointments to committees and working groups of the Council, will also appoint substitutes for elected Members to those bodies on the nomination of the political group leaders. Substitutes to other working groups will be appointed by the establishing body, as appropriate. The substitutes themselves must also be elected members.
- 3.2 The number of substitutes appointed will relate to the number of seats that each political group or grouping has on the body concerned as follows:
- 3.1.1 more than 5 seats - ~~63~~ substitutes
 - 3.1.2 2 to 5 seats - ~~42~~ substitutes
 - 3.1.3 1 seat - ~~24~~ substitute.
- 3.3 On appointment, it shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed to ensure effective decision making.
- 3.4 Cabinet Members may not substitute for Scrutiny Committee Members.

regarded as non commercial issues that must be ignored when entering into a contract for the supply of supplies, services or works). This shall at all times be subject to the provisions of 5.2 below.

5.2 In relation to any contract for the supply of services not through an existing framework or existing arrangement, the officer shall have regard to the considerations set out in the Public Services (Social Value) Act 2012. Specifically, the officer must consider how the services might (in addition to the service requirement) improve the economic, social and environmental well-being of the district and how the procurement itself might be conducted to secure that improvement.

5.3 All procurement documents (including business questionnaires, specifications and contracts) shall be completed prior to advertising the contract opportunity.

Procedures for Determining Which Procurement Option to Follow

5.4 Where an officer has reasonably determined not to use any available options in the Procurement Hierarchy, the following provisions shall apply.

5.5 When the officer has assessed the value of the proposed arrangement (see above), the appropriate procurement route shall be determined in accordance with the Threshold Table (below).

5.6 Notwithstanding the provisions in the Threshold Table, lower value procurements can be conducted using a more sophisticated process as long as it remains objectively reasonable and proportionate to do so and secures open, transparent and fair competition.

Threshold Table

Contract Value		Process	Award Procedure based on	Advertise Contract Opportunity	Documentation
From	To				
Minor Purchases					
£0	£999	No prescribed process	Officer's discretion	N/A	Purchase Order
Band A					
£999	£245,000 999	Quotation	Seeking a minimum of three written quotations	N/A	Purchase Order Budget holder to record details when authorising order
Band B					

£25K	£49,999	Quotation	Seeking a minimum of three written quotations using Invitation to Quote documentation	Contracts Finder for contracts £25k plus only	Purchase Order Budget holder to record details when authorising order
Band CB					
£5025K	FTS EU	Formal Tender	Full Tender Process	NWL Web site Contracts Finder	ITT documentation using NWL E-tendering Portal
<p>NOTE: the FTSEU threshold is a figure set out by the EU Government and the World Trade Organisation's (WTO) Government Procurement Agreement (GPA). And These varies from time to time. Please seek advice from the Procurement Team.</p>					
Band DC					
FTSEU	Above	Formal Tender	Full Tender Process	OJEU Find a Tender Service (FTS) NWL Web site Contracts Finder	ITT documentation using NWL E-tendering portal

Authority to award contracts

5.7 Officers may only enter into a contract if they have sufficient authority to do so. Legal advice in respect of authority to award contracts can only be given to the extent that such authority is set out in the Constitution. Officers are responsible for knowing the extent of any delegated authority they may have and ensuring they do not exceed that.

5.8 The Authority's Constitution contains the Scheme of Delegation, which sets out what decisions can be made by which body, individual or group of individuals. For the purposes of awarding contracts, the following Authorisation Table provides an initial indication of where those decisions sit. However, officers should take advice from Legal Services as to the appropriate source of authority to award where they are unsure.

Authorisation Table and Signatories

5.9 It is for individual Officers to ascertain the limits of their authority to award contracts and orders. Some Officers have unlimited authorisation levels, please see Paragraph 11 – Designated Authorised Officers of Section 7 – Scheme of Delegation to Staff, Council and Executive Functions. An officer may award a contract provided that the value of that contract does not exceed their level of financial authorisation (see paragraph D.5 of the Financial

Band B Contracts

6.4 For any single contract, not related to or part of any larger procurement, whose value is between £25,000 and £49,999, three written quotations sought using a formal Invitation to Quote and provided using a Response to Invitation to Quote, shall be obtained. Template Invitation and Responses shall be provided by the Procurement Team,

6.5 Where officers are seeking formal Responses to Invitation to Quotes:

6.5.1 the opportunity shall be advertised on the Source Leicestershire website, Contracts Finder and the Authority's website, by the Procurement Team

6.5.2 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

6.5.3 officers must select the quotation which offers value for money for the Authority. In Band B contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

6.5.4 The Head of Service shall be responsible for keeping a record for audit purposes of:

(a) all those contractors that were requested to provide a quotation;

(b) the reasons why those particular contractors were selected to provide a quotation; and

(c) the reason for selecting the winning quote;

6.5.5 notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new quotations should be obtained each time, to ensure the prices paid represent value for money for the Authority.

6.6 Subject always to the Council's duty to obtain value for money, where the relevant Head of Service is satisfied that there are sufficient reasons for three formal Responses to Invitation to Quotes having not being obtained in respect of a Band B contract, that Head of Service may authorise the award of a Band B contract even though fewer than three formal Responses to Invitation to Quotes have been obtained.

6.7 All Band B contract opportunities shall be published on Contracts Finder.

Band CB Contracts

6.874 For any single contract, not related to or part of any larger procurement, whose value is £250,000 or more, but less than the relevant FTSEU threshold, the officer shall conduct a formal tender using a template to be provided by the Procurement Team and accompanied by terms and conditions prepared with advice from Legal Services.

6.985 Where officers conduct a formal tender:

6.985.1 the opportunity shall be advertised on the Source Leicestershire website, Contracts Finder and the Authority's website, by the Procurement Team;

6.985.2 Heads of Service shall ensure that the selection process used is fair and equitable and in accordance with these Standing Orders;

6.985.3 officers must select the quote which offers value for money for the authority. In Band CB contracts, value for money will normally be shown by choosing the most economically advantageous quotation and in assessing this officers should be mindful of price, quality and the added economic, social and environmental benefits that could be obtained by procuring supplies, services or works in a particular way;

6.985.4 Notwithstanding where the supplies, services or works sought are a repetition of a previous procurement, subject to the rules above in relation to aggregation, new tenders should be obtained each time, to ensure the prices paid represent value for money for the Authority.

6.1096 The FTSEU threshold is an amount set out by the by the Government and the World Trade Organisation's (WTO) Government Procurement Agreement (GPA)~~EU~~ and can vary year to year. The Cabinet Office confirms the amounts in Sterling. Please seek advice from the Procurement Team as to the current FTSEU thresholds.

7. CONTRACTS TO WHICH THE PUBLIC PROCUREMENT REGULATIONS APPLY (BAND DC – FTSEU)

7.1 For any contract whose value is more than the threshold amounts set out the Public Contracts Regulations 2015 (as amended from time to time), tenders shall be sought in accordance with those regulations.

7.2 The procuring officer must note that the Public Contracts Regulations 2015 contain minimum timescales for a procurement exercise and therefore it is imperative that advice is sought from both the Procurement Team and Legal Services well in advance of the commencement of the procurement exercise.

Procedure Rules). The below table provides a guide for Officers in salary bands A-I, who should check with their line managers and/or the finance department as to what they are and are not authorised to commit the Council to.

5.10 The authority to award a contract (i.e. decide that the contract should be given to a particular supplier) is separate from authority to sign the contract. Contracts under which the Council will be liable for sums up to £250,000 may be signed by any officer (or awarded by issuing a purchase order) provided that the contract value does not exceed their financial authorisation. All contracts above £250,000 must be signed by the Head of Legal and Commercial Services or their appointed nominee.

5.11 Contracts under which the Council will not incur any costs (such as Information Sharing Agreements or grant documents where the Council is receiving the grant) and contracts for the provision of goods or services in return for a revenue payment may be authorised by any Team Manager, Head of Service, Director or the Chief Executive.

4.8 FINANCIAL PROCEDURE RULES (FINANCIAL REGULATIONS)

1. INTRODUCTION

1.1 What are the Financial Procedure Rules?

1.1.1 Section 151 of the Local Government Act 1972 states that “every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.

1.1.2 Financial Procedures provide the framework for managing the Council’s financial affairs. Financial Procedures are supported by more detailed Financial Management Standards which set out how the procedures will be implemented.

1.1.3 The procedures identify the financial responsibilities of the full Council, the Cabinet and officers.

1.1.4 To avoid the need for regular amendment due to changes in post titles generic terms are included for officers as follows:

(a) The term, “Chief Finance Officer,” refers to the Section 151 Officer who is currently the Head of Finance.

(b) The term, “Chief Officers”, refers to the Council’s Chief Executive, and Directors.

(c) The term, “Monitoring Officer”, refers to the Head of Legal and Commercial Services.

(d) The term, “Chief Internal Auditor”, refers to the Audit Manager

~~(d)~~(e) (a) The term “Budgetholder” refers to any Officer with designated responsibility for a revenue and/or capital cost centre in the annually agreed revenue budget and capital programme. The budgetholder is responsible for financial management and compliance with these rules. This might include Chief Executive, Directors, Heads of Service and Team Managers..

1.2 Why are they important?

1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as

the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

OTHER OFFICERS

~~Team Managers~~Budgetholders

- A.21** The ~~Budgetholders~~Chief Executive, Directors, Heads of Service and Team Managers are responsible for ensuring that Heads of Service and the relevant Strategic Director Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Head of Finance. The Strategic Director shall then in turn advise Cabinet.
- A.22** It is the responsibility of ~~Team Managers~~Budgetholder to consult with the Head of Finance and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred.
- A.23** ~~Team Managers~~Budgetholders are responsible for the control and accountability of resources consumed and generated by their service areas.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

- A.24** The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.25** When a proposal arises to spend money or forego income from a budget area where an underspending would otherwise occur and the overall net expenditure of a Service Area is not altered by such changes this may be approved by the relevant Director/Head of Service/Team Manager in consultation with the Head of Finance.
- A.26** Where in exceptional or unexpected circumstances a Directorate is faced with a material increase in its net expenditure, which cannot reasonably be contained within its resource allocation figure for the year, the Chief Executive or Directors must (wherever possible, prior to incurring the expenditure) submit a request to Cabinet for a supplementary estimate to cover the additional expenditure. The Cabinet will also decide how the expenditure will be funded, e.g. from revenue, loan or otherwise.
- A.27** The Chief Executive, Directors and Heads of Service shall monitor revenue expenditure and the Asset Management Group (Capital Working Party) shall monitor Capital expenditure on a regular basis. Significant matters will be reported to the Cabinet as necessary.

- 14.1** A site visit may be held if the Head of Planning and Infrastructure in consultation with the Chair of the relevant committee considers it will assist members in reaching their decision. This would be, for example, where the impact of the proposed development is difficult to visualise from plans and supporting material. Members should try to attend site visits organised by the Council where possible.
- 14.2** Site visits will be organised in accordance with the following procedures:
- 14.2.1** The Head of Legal and Commercial Services will invite the local Member to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chair of the relevant Planning Committee the local Member for the adjacent division will also be invited.
 - 14.2.2** The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
 - 14.2.3** Objectors will not normally be invited to attend a site visit or participate in any discussions on site.
 - 14.2.4** On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning and Infrastructure or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning and Infrastructure, or clarification sought on matters which are relevant to the site inspection, the Chair will bring the site visit to a close.
 - 14.2.5** When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to committee so that all members have the same information.
- 14.3** Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless you feel it is essential for you to visit the site other than through attending the official site visit and you have first spoken to the Head of Planning and Infrastructure about your intention to do so and why

(which will be recorded on file) and you can ensure you will comply with these good practice rules on site visits.

15. PLANNING APPLICATION DEBATES AND REPRESENTATIONS

15.1 At Planning Committee, each application shall be debated as follows:

15.1.1 At the meeting the Head of Planning and Infrastructure (or his nominated officer) will present his/her report first.

15.1.2 Subject to paragraph 15.3, the objectors will make their representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), ~~and may be asked questions by the Committee.~~

15.1.3 Subject to paragraph 15.3, the applicant will then make his or her representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), ~~and may be asked questions by the Committee.~~

15.1.4 Subject to paragraph 15.3, the ward member (and any neighbouring ward members whose wards are materially impacted by the application) may make their representations, subject to a time limit of 5 minutes, ~~and may be asked questions by the Committee.~~ If the relevant ward member or neighbouring ward member has a Disclosable Pecuniary Interest that is affected by an application, they may not speak but may nominate an alternate member to speak on behalf of their ~~consitutents~~ constituents.

15.1.5 Where the Chair exercises their discretion to extend the time limit for either the objectors or the applicant, then similar provision shall be made for the other parties (should they so wish) to ensure that all parties receive a fair hearing.

15.1.6 Members of the Planning Committee may seek points of factual clarification from applicants (or their agents), statutory consultees or people making representations to the Planning Committee on matters relating to the application or any representations that have been made. In such exceptional circumstances, questions should be raised through the Chair and in the event that the Chair feels a point of clarification is not appropriate then they will have the discretion not to allow the question to be put to the speaker.

15.1.7 Officers may comment on the representations and the merits of the application and any points of clarification as necessary during the debate.

15.1.78 The Committee will proceed to debate the application. The Rules of Debate set out in Rule 14 (Rules of Debate) of Section 4.1 (Council Procedure Rules) of Part 4 (Rules of Procedure) of this Constitution shall apply except that Rule 14.1 shall not apply meaning that the debate can proceed without a motion being moved and seconded.

15.1.89 Following the Committee's debate, officers may comment on the content and themes emerging from the debate in order to assist in framing the debate in a planning context.

15.1.910 The Chair will then ask for a motion in respect of the application to be moved and seconded and, subject to any of the motions listed in paragraphs 14.10.1 to 14.10.9 of Rule 14 (Rules of Debate) of Section 4.1 (Council Procedure Rules) of Part 4 (Rules of Procedure) of this Constitution being moved, the Committee shall make a decision by simple majority. All votes of the Planning Committee shall be recorded votes. The minute will include the reasons for the decision.

15.2 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee Members will be given the opportunity to inspect all letters received before the decision on the application is made.

15.3 There will be occasions when applicants, objectors and/or ward members whose ward is affected by the application, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will apply:

15.3.1 The applicant will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. The ward members, applicant and the objectors will be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the decision is to be made. They must register to speak at the meeting by 12.00 noon on the last working day prior to the meeting and if they fail to do so they will not be allowed to speak unless the Chair exercises his discretion to permit them to do so. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 15 copies have been delivered to the Council by 12.00 noon on the last working day prior to the meeting. Speakers can also use the Council's IT system to make electronic submissions to the Committee provided that the submission is delivered to the Council

Extract of the draft MINUTES of a meeting of the AUDIT AND GOVERNANCE COMMITTEE held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 21 JULY 2021

Present: Councillor S Gillard (Chairman)

Councillors N Smith, E G C Allman, C C Benfield, J Clarke, M D Hay, V Richichi and S Sheahan

In Attendance: Councillors

Officers: Mr A Barton, Mr D Bates, Miss K Hiller, Miss A Wright, Mrs L Marron, Miss E Warhurst and Mrs R Wallace.

External Audit:

At the commencement of the meeting, the Chairman advised that Councillor E Allman would be joining the meeting remotely as he was currently self-isolating. In accordance with the law, he was able to participate in the meeting but would not be permitted to vote.

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Morris and M Wyatt.

2. DECLARATION OF INTERESTS

No interests were declared.

10. ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

The Legal Services Team Manager presented the report on proposed improvements to the Council's processes and suggested changes to the Constitution, which were due to be recommended to Full Council. It was noted that in carrying out the review, officers have been consulted on areas of the Constitution that need updating. It was noted that it also takes account of requests from members raised through working party discussions. The entire Constitution has been reviewed, including the articles, responsibility for functions, rules of procedure and codes and protocols, but in most cases only minor changes have been made for consistency reasons. The report before the Committee sets out the key changes that are being proposed.

A question was raised on the subject of Band B contracts and whether members would have access to the records of the Head of Service in relation to how contracts are awarded. The Monitoring Officer advised that the 'need to know' principle would apply. Therefore, if a member needed to know in order to effectively carry out their duty as a member of the council then they may make a request. Each request would be considered given the facts at the time. A question was asked about larger contracts and what advice could be given on the changes now that we are no longer under the rules of the EU. The Legal Services Team Manager reported that there were currently no major differences as the Law encompassed the EU rules. Whilst this may change in the future, as it currently stood, we are still in the same position, other than a few small practical changes.

A debate ensued on the merits of enabling questioning at Planning Committee. The term 'in exceptional circumstances' had been suggested to be included in the rules for speaking to allow points of clarification to be raised and responded to whilst limiting the potential for unnecessary cross-examination. Members considered that all facts should be on the table and that they be given the opportunity to seek clarification on any points

ahead of making a decision. The Head of Planning agreed that this would be enabled, but the suggestion was intended to limit the extent at which lots of questions are being asked which did not seek to establish the facts of the application and were in fact a cross examination of the applicant. It was therefore intended that the Chairman, with the support and guidance of officers, would enable questions 'in exceptional circumstances' if it was felt the question was reasonable and would help members to reach a decision. This debate became lively when the issue of the call in process was being discussed. The report identified that certain planning functions were susceptible to call in because of the way in which they were presented in the Constitution but they should not legally be and, in practice, they would never be called in because the applications to which they relate would have long since been dealt with. This matter had been discussed at the Cross Party Planning Working Group and it was agreed that amendments to the Constitution on this point would be appropriate. The debate centred around the involvement of officers and the chairman in determining whether or not an application which had been called in found its way to Planning Committee. It was acknowledged that in every case where it had not proceeded to Committee, the decision and the reasons for how this decision was reached are sent to the ward member and subsequently published on the planning portal as part of the file notes for the application. One member made some disparaging comments about Planning Committee members and officers and these comments were supported in part by a fellow member and they were warned by the Monitoring Officer to be mindful about casting aspersions on the impartiality of officers; particularly with the references to coercion.

It was moved by Councillor V Richichi and seconded by Councillor J Clarke that the Constitution be amended to reflect that the decision on whether to allow a called-in planning application to be progressed to Committee should not be determined by officers in consultation with the Chairman, but by the ward member.

The Monitoring Officer urged caution with this motion given that planning matters must be determined by members of the Planning Committee and not all ward members are members of the Planning Committee. She did suggest that some work be undertaken outside the meeting to establish what other Authorities did in this regard and how, if at all, they involved ward members.

The Head of Planning also assured the Committee that the Chairman undertook to liaise with the ward member ahead of making the decision so the provision of ward member involvement was already in place.

The Committee was advised that discussions could be held by the Cross Party Working Group about the planning call in process as a whole, but the references in the report were because of an anomaly in the Constitution and had no bearing on the process itself and could be recommended to Council by the Committee tonight. It was further suggested that the Cross Party Working Group could work closely with Councillor Richichi to enable him to help shape the call-in protocol.

Some members, whilst not wholly sure of their views on the issue of ward member involvement, did wish for it to be pursued by way of a debate at Council. The Monitoring Officer advised that a vote could be taken on this motion against her advice and she would seek to establish the legal position ahead of the debate at Council. She offered a further suggestion of inviting the Committee to vote on the recommendations with the exception of the part, which referenced call-in so that this could be dealt with at a later date.

Following further discussion about the merits or otherwise of ward member involvement in the call-in process it was moved by Councillor V Richichi, seconded by Councillor J Clarke and subsequently

RESOLVED:-

- (1) That the changes proposed by the Annual Review of the Constitution be supported;
- (2) That Council be recommended to
 - a. adopt the proposed amendments to the Constitution at its meeting on 7 September 2021
 - b. consider changes to the planning call in process with a view to including ward member involvement having had regard to legal advice.

The meeting commenced at 6.30pm and closed at 8.03pm

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Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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Changes to the Planning Call In Process

Pre-Peer Challenge Review Wording

Prior to the Peer Challenge Review in 2018, the Constitution stated the following in respect of planning call in:

- (d) *The ward member has notified the Strategic Director Place in writing or by e-mail within 3 weeks of the publication of the weekly list that the application should be determined by the Planning Committee, and*
 - (i) *the notification is supported by one or more planning grounds, and*
 - (ii) *where the item relates to a matter of local concern.*

Provided that this “call-in” shall not be exercised by any member with a Disclosable Pecuniary interest.

Post-Peer Challenge Review Wording

In light of the recommendations from the Peer Challenge Review in 2018, Council decided at its annual Council meeting on 15 May 2018 that “The arbiter of whether the grounds submitted constitute “material planning grounds” will be the Chair of the Planning Committee in consultation with the Strategic Director of Place (or his nominated officer)”.

The Constitution was therefore subsequently amended to:

- (d) (i) *The ward member of the ward to which the application relates or the ward member of adjoining ward (if that adjoining ward is materially impacted by the application) has notified the Strategic Director of Place (in writing or by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee*

And

- (ii) *in the opinion of the Chair having consulted the Strategic Director of Place (or his nominated officer):*

A the notification is supported by one or more material planning grounds, and

B the item relates to a matter of local concern,

Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this “callin” shall automatically be triggered for consideration by the Chair under (d)(ii) above.

Where the Chair decides that an application does not satisfy (d)(ii) A or B above, written reasons shall be given to the requesting member.

This remains the current wording of the Constitution.

Proposed Wording

Following the wider review of the constitution, it is recommended to change the wording to the following to remove decisions that are not appropriate for call in:

(d) (i) Excluding those types of applications detailed at (d) (iii), the ward member of the ward to which the application relates or the ward member of adjoining ward (if that adjoining ward is materially impacted by the application) has notified the Strategic Director of Place (in writing or by email within 4 weeks of being notified of the application) that the application should be determined by the Planning Committee

And

(ii) in the opinion of the Chair having consulted the Strategic Director of Place (or his nominated officer):

A the notification is supported by one or more material planning grounds, and

B the item relates to a matter of local concern,

Provided that where the relevant ward member or neighbouring ward member has a disclosable pecuniary interest in the application in question, this “call-in” shall automatically be triggered for consideration by the Chair under (d)(ii) above.

Where the Chair decides that an application does not satisfy (d)(ii) A or B above, written reasons shall be given to the requesting member.

(iii) - Agricultural Prior Approval

- East Midlands Airport Informal Notification

- Certificate of Alternative Appropriate Development

- Certificate of Lawful Development – Existing

- Certificate of Lawful Development – Proposed

- County Council Consultation

- Demolition Prior Approval

- Discharge of Conditions

- Habitat Regulations Assessment

- Hedgerow Removal Notice

- Neighbouring Authority Consultation

- Non Material Amendment

- Overhead Lines Notification

- Pre Application Advice

- Pre Application Advice – Major

- Applications querying whether Planning Permission is required

- Prior Approval for Householder development

- Works to trees in the conservation area

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL
COUNCIL – TUESDAY, 7 SEPTEMBER 2021



Title of Report	APPOINTMENTS TO COMMITTEES	
Presented by	Councillor Tony Gillard Group Whip	
Background Papers	Reports and Announcements made at the meeting on 7 September 2021.	Public Report: Yes
Financial Implications	An additional Special Responsibility Allowance is payable for the new Portfolio Holder in the sum of £7,540.65. Adjustments will need to be made to the recipient of the SRA payable for the Chair of the Community Scrutiny Committee but there will be no additional cost.	
	Signed off by the Section 151 Officer: Yes	
Legal Implications	In determining the membership of committees, account has been taken of the requirements of the Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989. These Regulations require that seats on committees and sub-committees are allocated to the political groups in a way which reflects the overall balance on the Council.	
	Signed off by the Monitoring Officer: Yes	
Staffing and Corporate Implications	None have been identified.	
	Signed off by the Head of Paid Service: Yes	
Purpose of Report	To seek nominations and appoint to the vacant positions which have arisen as a consequence of decisions made earlier in the meeting, should they be agreed.	
Recommendations	<p>(1) THAT AN APPOINTMENT BE MADE TO REPLACE COUNCILLOR K MERRIE ON THE COMMUNITY SCRUTINY COMMITTEE FOR THE REMAINDER OF THE 2021/22 CIVIC YEAR;</p> <p>(2) THAT AN APPOINTMENT BE MADE TO REPLACE COUNCILLOR K MERRIE ON THE PLANNING COMMITTEE FOR THE REMAINDER OF THE 2021/22 CIVIC YEAR;</p> <p>(3) THAT AN APPOINTMENT BE MADE TO REPLACE COUNCILLOR K MERRIE ON THE LOCAL PLAN COMMITTEE FOR THE REMAINDER OF THE 2021/22 CIVIC YEAR;</p>	

	<p>(4) THAT AN APPOINTMENT BE MADE TO REPLACE COUNCILLOR K MERRIE AS CHAIRMAN OF THE COMMUNITY SCRUTINY COMMITTEE FOR THE REMAINDER OF THE 2021/22 CIVIC YEAR; AS SET OUT IN PARAGRAPH 2.1.2</p> <p>(5) THAT AN APPOINTMENT BE MADE TO REPLACE TO REPLACE COUNCILLOR K MERRIE AS DEPUTY CHAIRMAN OF THE LOCAL PLAN COMMITTEE FOR THE REMAINDER OF THE 2021/22 CIVIC YEAR; AS SET OUT IN PARAGRAPH 2.1.4</p> <p>(6) THAT THOSE LISTED IN THE ADDITIONAL PAPERS IN THE COMPLETED COLUMN OF THE TABLE SHOWN AT PARAGRAPH 2.2.4 BE APPOINTED AS SUBSTITUTES TO THE COMMITTEES AS SHOWN.</p>
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1.0 BACKGROUND

1.1 Earlier this evening, you will have heard the Leader announce some changes to his Executive arrangements. You will also have considered a report which seeks to make some changes to the Constitution, one of which is a proposed change to the Substitution Scheme. If agreed, these changes require nominations to be made to fill the consequential vacant seats.

2.0 CONSEQUENTIAL CHANGES

2.1 Executive Arrangements

2.1.1 The change to the Executive arrangements presents a conflict with regard to the membership of the Community Scrutiny Committee. This is because the Constitution states that a member of the Cabinet may not sit on a Scrutiny Committee. This report therefore seeks to appoint a member of the Conservative Group to the Community Scrutiny Committee to replace Councillor K Merrie. The group whip has been consulted and his nomination will be set out in the additional papers.

2.1.2 As Councillor K Merrie was also the chair of the Community Scrutiny Committee, an appointment needs to be made for a new Chair for the 2021/22 civic year. The group whips will be consulted ahead of the meeting and any nominations set out in the additional papers. Should there be more than one nomination, then a vote with a show of hands for each nominee, will be taken.

2.1.3 Councillor Merrie also sits on the Planning Committee and the Local Plan Committee, and, whilst there is nothing in the Constitution which prevents him from retaining these seats, he has taken the decision to step away so as prevent any perception of bias or conflict given his portfolio area. This report therefore seeks to appoint a member of the Conservative Group to the Planning Committee and the Local Plan Committee to replace Councillor K Merrie. The group whip has been consulted and his nominations will be set out in the additional papers.

2.1.4 As Councillor K Merrie was also the deputy chair of the Local Plan Committee, an appointment needs to be made for a new deputy chair for the 2021/22 civic year. The

group whips will be consulted ahead of the meeting and any nominations set out in the additional papers. Should there be more than one nomination, then a vote with a show of hands for each nominee will be taken.

2.1.5 As Councillor K Merrie was a substitute for the Corporate Scrutiny Committee, then this seat will need to be appointed to, as Cabinet Members may not substitute for Scrutiny Committee Members. This is addressed in the table referred to below.

2.2 Substitution Scheme

2.2.1 It was considered by members that the availability of substitutes was causing an issue, particularly in relation to Planning Committee where applications affect cross-ward boundaries. It was therefore agreed to double the number permitted under the current scheme and this report seeks to appoint the additional substitute members.

2.2.2 The Substitution Scheme now allows the following number of substitutes

- more than 5 seats – 6 substitutes
- 2 to 5 seats – 4 substitutes
- 1 seat - 2 substitutes.

2.2.3 It shall be the responsibility of a substitute member to keep up to date with the business of the body to which he or she has been appointed.

2.2.4 The table below sets out how many more substitute members each Group is entitled to for each Committee and the group whips have been consulted. The names of the nominees will be included in the additional papers and, if appointed, any necessary training to enable these roles will be arranged.

Committee	Group	Current Substitutes	No of additional Subs	Nominees
Planning	Con	R Ashman J Bridges E Allman	3	(1) (2) (3)
	Lab	R Johnson S Sheahan	2	(1) (2)
	Lib Dem	M French	1	(1)
	Ind Gp	n/a	0	n/a
Community Scrutiny	Con	J Clarke R Morris	2	(1) (2)
	Lab	D Bigby C Sewell	2	(1) (2)
	Lib Dem	A Black	1	(1)
	Ind Gp	A C Saffell	1	(1)
Corporate Scrutiny	Con	K Merrie V Richichi S Gillard	3 – but 4 names required (see para 2.1.5)	(1) (2) (3) (4)
	Lab	D Everitt R Johnson	2	(1) (2)
	Lib Dem	M French	1	(1)
	Ind Gp	C Benfield	1	(1)
Licensing	Con	R Boam L Gillard D Harrison	3	(1) (2) (3)
	Lab	J Geary R Johnson	2	(1) (2)
	Lib Dem	A Black	2	N/A – all group members

		J Windram		have a position.
Employment JCC	Ind Gp	C Benfield	1	(1)
	Con	S Gillard L Gillard	2	(1) (2)
	Lab	R Johnson	1	(1)
	Lib Dem	n/a	0	n/a
	Ind Gp	C Benfield	1	(1)
Investigatory	Con	R Bayliss G Hoult	2	(1) (2)
	Lab	D Everitt	1	(1)
	Lib Dem	A Black	1	(1)
	Ind Gp	n/a	0	n/a
Appointments	Con	R Bayliss N Rushton	2	(1) (2)
	Lab	J Legrys	1	(1)
	Lib Dem	n/a	0	n/a
	Ind Gp	C Benfield	1	(1)
Electoral Review WG	Con	R Bayliss T Gillard	2	(1) (2)
	Lab	C Sewell	1	(1)
	Lib Dem	M French	1	(1)
	Ind Gp	n/a	0	n/a
Local Plan	Con	J Clarke G Hoult, B Harrison-Rushton	3	(1) (2) (3)
	Lab	J Geary R Johnson	2	(1) (2)
	Lib Dem	A Black	1	(1)
	Ind Gp	R Canny	1	(1)

Policies and other considerations, as appropriate	
Council Priorities:	Supporting Coalville to be a more vibrant, family friendly town Support for businesses and helping people into local jobs Developing a clean and green district Local people live in high quality, affordable homes Our communities are safe, healthy and connected
Policy Considerations:	The Local Government (Committees and Political Groups) Regulations 1990 and 1991 made under sections 15 and 16 of the Local Government and Housing Act 1989.
Safeguarding:	Not applicable
Equalities/Diversity:	All committees have a politically balanced make up
Customer Impact:	Not applicable
Economic and Social Impact:	Not applicable
Environment and Climate Change:	Not applicable
Consultation/Community Engagement:	Political Group Whips
Risks:	Failure to appoint to the relevant Committees would put the Council in breach of its duties and compromise the legality and integrity of any future decisions
Officer Contact	Elizabeth Warhurst Head of Legal and Commercial Services elizabeth.warhurst@nwleicestershire.gov.uk

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Likely to contain exempt information under paragraph(s) 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

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