

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 8 NOVEMBER 2016

Present: Councillor J Cotterill (Chairman)

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

Officers: Mr S Bambrick, Ms C E Fisher, Mr A Hunkin, Mr G Jones, Mrs M Meredith, Mr P Padaniya, Mrs M Phillips and Miss E Warhurst

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors J Houlton, R Johnson, G Jones and M Specht.

30. DECLARATION OF INTERESTS

Councillors A V Smith and N Smith declared a pecuniary interest in item 12 – Appointments to the Independent Remuneration Panel, as Margaret Dadley was a customer of Fabulous Fabric and a student at School of Sewing.

Councillor S Sheahan declared a non pecuniary interest in item 10 – Leicester and Leicestershire Combined Authority, as a member of Leicestershire County Council.

31. CHAIRMAN'S ANNOUNCEMENTS

With great sadness, the Chairman announced the recent passing of two former Councillors. A one minute's silence was held in remembrance of Councillor Phil Holland and Councillor Walter Quelch.

32. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader informed members of the ongoing work across the district to maintain high standards of design in new developments. He referred to the recent visits undertaken by the design ambassadors to a number of sites across the district, and commented that high quality schemes in terms of design were being approved as a matter of course, which would leave a legacy the people of the district could be proud of. He made reference to the DHL building and the Radisson Blu at East Midlands Airport, which was outstanding in design and a landmark building. He also referred to the new Amazon building, the investment for which had been secured due to the Council's can-do approach and business-like attitude, providing 500 permanent new jobs and up to 1,000 seasonal jobs in the district. He added that the support from the Council would help to maximise the local employment benefit, and along with the development at Bardon Grange, the future for Coalville was far brighter than it had been for many years.

The Leader report that the Council was looking to invest over £1 million in conjunction with Ashby Town Council to enhance the area around Hood Park. He advised that work would soon commence on a new car park for the town. He added that the area around Hood Park would be improved and become the cultural and leisure quarter for the town.

Councillor S Sheahan suggested that the Policy Development Group receives a report on the state of the district. He commented that it would be encouraging if the Leader would support this and felt that it would be a useful time to do this exercise.

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Councillor R Blunt responded that he felt scrutiny should play a role, however this was a matter for the Chairman of the Policy Development Group.

Councillor J G Coxon welcomed the news in respect of the cultural and leisure quarter for Ashby de la Zouch. He thanked the Leader and the Chief Executive for their time and effort on this initiative and commented that the additional parking spaces would be a godsend. He felt sure that the residents would appreciate the investment in the town.

Councillor N Smith commented on the improvements made in respect of the quality of new developments in the district during the time since he joined the Council. He felt that new builds were tremendous and a credit to all. He welcomed the announcement in respect of the cultural and leisure quarter and felt this would balance the town.

Councillor K Merrie outlined his experience liaising with Amazon, being the ward member for this large scale development. He urged people not to be fearful of development, but to work with people to get the best for the community.

Councillor A C Saffell commented that house design has improved however there were issues on Spitfire Road with roads being too narrow and insufficient parking, which caused neighbour disputes.

Councillor R Blunt thanked Councillor J G Coxon and Councillor N Smith for their positive comments. He praised Councillor K Merrie for his dealings with Amazon, adding that he was a real credit who had demonstrated what could be achieved by working with developers.

Councillor A V Smith announced that the Council had been awarded a gold footprint for the fifth time for the way in which stray dogs were handled. The award recognised the procedures which had been put in place. She added that North West Leicestershire was one of only fifteen Councils to maintain such a service for five years. She congratulated the officers who helped run this service.

Councillor S McKendrick added congratulations and thanks on behalf of the Labour Group to all those involved in achieving this award.

Councillor D J Stevenson commented that the Planning Committee should be proud and also should be shown some gratitude as they had had to face a lot of negativity.

Councillor N Smith and Councillor J Legrys echoed these comments.

Councillor T J Pendleton made reference to the report that was due to be considered at this meeting in respect of gypsies and travellers. He explained that this report had been delayed following the new definition of traveller recently introduced by the government. He referred to the needs assessment which was currently in progress across the county. Early indications showed that the need for new sites was much smaller than anticipated, and as such it had been decided not to publish a document which would almost immediately be out of date. He explained that the revised needs assessment would be received in the next few weeks. He stated that he intended to keep Council informed as this important document was progressed and he would ensure that the Local Plan inspector fully understood the reasons for pausing this document.

Councillor J Legrys stated that he fully understood and supported the reasons for withdrawing this report. He commented that changes were coming from the Government daily and he supported the Planning Policy Team.

33. QUESTION AND ANSWER SESSION

There were no questions received.

34. QUESTIONS FROM COUNCILLORS

As Councillor R Johnson was not present, his question was withdrawn and would be put to the next meeting of Council.

Councillor M B Wyatt put the following question to Councillor A V Smith:

“Can the Portfolio Holder for Environment supply information on the number of fly tipping incidents and the cost of any clean up since 2011”.

Councillor A V Smith gave the following response:

“Fly tipping in North West Leicestershire remains an on-going issue which the teams in Community Services continue to tackle. DEFRA publish national fly tipping statistics which include the number of fly tips reported and the estimated costs of clear up. As an authority we do not allocate costs for each fly tip we clear up but we use DEFRA cost guidelines based on the type of fly tip. For example, a single black bag according to DEFRA equates to £7.00 of costs. Multiple loads can be up to £350 although the authority can amend this if the fly tip costs in excess of this. For example, a tip of asbestos waste would cost more to clear than a pile of bricks. Our reported data since 2011/12 is as follows (data between 2011 and 2014 included some duplication, new system introduced in 2014/15);

Year	Fly tip incidents	Cost of dealing with fly tips
2011/12	1033	£50,044
2012/13	1156	£41,301
2013/14	1110	£42,220
2014/15	697	£31,664
2015/16	746*	£34,116

*The figures for 2015-16 are taken from NWLDC current data and have not yet been audited by DEFRA.

The size of the majority of fly tips in NWL is about the size of a car boot load or less. 60% of fly tips are household waste which are either single items or waste contained in a single black bag. The next highest numbers of fly tips are tyres (8%), construction (7%), green waste (5%), commercial waste (5%), white goods such as freezers and cookers (4%), and vehicle parts (4%). NWLDC are 115 out of all 234 districts for cost of clearing fly tips (excludes city council's and London boroughs).

We use a range of tools for combating fly tipping;

- Deploying mobile cameras at known hotspots
- Display signage (tigers eyes posters)
- School education visits
- Stop & search interventions with police
- Roadshows and stands at DIY stores-Buildbase/Wickes/Harlows
- Duty of care leaflets sent out in Building Control letters
- Information articles for housing tenants magazine “In Touch”
- Facebook/twitter/press articles
- Campaigns including the Keep Britain Tidy Award Winning Lorry Litter campaign

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These have been enhanced by the Government introducing on 9 May 2016 a fixed penalty notice option to deal with “low level” offences relating to the illegal disposal of controlled waste contrary to section 33 of the Environmental Protection Act 2016 1990 (fly tipping). There is no definition of what constitutes “low level”. The value of the penalty can be set between £150 and £400. Due to the seriousness of the offence NWLDC set the figure at £400. Since its introduction we have issued 3 FPN’s for this offence. Littering and dog fouling are set at £80.

Since 1 April 2016 the numbers of Fixed Penalty Notices issued by NWLDC are as follows:

- Littering – 30
- Flytipping – 3
- Dog Fouling – 3”

Councillor M B Wyatt declined to ask a supplementary question.

Councillor A C Saffell put the following question to Councillor T J Pendleton:

“Can I be told why only two of the “Minor Changes” requested by myself and the Castle Donington Parish Council have appeared in the list of changes. I went to see the Planning Policy Team Manager personally to explain why for example the requested addition of Donington Hall to the Country Homes list has been ignored when it was designed and built in the 18th Century by the architect and plasterer William Wilkins, who is recognised nationally for his work. Which I think makes it a more important building than either of the others mentioned. It is also now home to Norton Motorcycles which is a world famous brand. We also pointed out some factual inaccuracies such as the wording concerning the presumption against development that will cause harm to a designated heritage asset. There has been recent case law that has changed the wording in the NPPF which I forwarded on to the Planning Policy Team Manager so that he could see that the wording in the Local Plan needed to agree with the new advice. I spent quite a bit of time and checked all my facts.

I also discussed these items with Councillor Pendleton who said he would support what we were suggesting, so can he tell me why we appear to have been ignored”.

Councillor T J Pendleton gave the following response:

“All of the representations that people and organisations took the time and trouble to make, to the local plan, were carefully considered. Councillor Saffell rightly points out that not every change that was asked of us, is proposed to be made to the local plan, and with respect that is why we will be holding an Examination in Public. That Examination will largely be a series of informal Hearings, to which key people and organisations are invited to give evidence. That process is run by an independent Inspector, who has access to all of the representations that have been made, including those of Castle Donington Parish Council.

I now hope to address the specific issues that were raised by Castle Donington Parish Council, which principally concern heritage matters. I welcome the implicit support of the Parish Council, for the remainder of the plan, including the housing, jobs and infrastructure that will be delivered between now and 2031.

We take the view that explicit reference to Donington Hall would not usefully improve the local plan, given that an example was already given of a similar asset. It is felt that the addition of Donington Hall could lead to calls for other similar assets to also be added to the list of examples, which would not add useful value to the plan. Given that this

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concerns supporting text and not policy, it is questionable as to the value of the addition of one asset over any other. Notwithstanding this, the Parish Council has made its case, which has been sent to the Inspector, who will take it into consideration.

The assessment of 'harm' to the significance of a heritage asset is not absolute. It is an established principle that any harm that is identified should be weighed against the benefits of the proposed development. It would not, therefore, be appropriate to operate a blanket policy approach to always refuse permission if harm is identified.

We agreed with the Parish Council that Ashby and Castle Donington town centres have broadly similar characteristics, and suggest minor changes to the local plan to reflect that.

The Parish Council put it to us that we should always consider neighbouring buildings and the wider street scene. It would not always be appropriate to consider adjoining buildings or the wider street scene, for instance where the application site is a modern building and neighbouring buildings are of more mature vintage. It would be preferable, in those circumstances, for materials and design appropriate to the building itself to be used.

The Parish Council suggests that the area between the Spittal and Campion Hill be identified as subject to Policy S3: Countryside, as there is no replacement for Policy E1: Sensitive Areas in the new local plan. However, that land is surrounded by existing or planned development so is not countryside.

Similarly, the Parish Council requested that the area between Glover Road, Castle Donington, and Hemington registered as a formal green wedge/area of separation. Policy S3: Countryside affords sufficient protection from inappropriate development. Policy S3 recognises that issues relating to coalescence are relevant considerations in respect of proposals for development in areas identified as countryside.

Finally, the Parish Council asked for more detailed maps of the airport and Donington Park. These can be improved when the local plan is adopted".

Councillor A C Saffell commented that he was a little disappointed as a lot of work had gone into this. He added that he was pleased that a couple of minor changes had been accepted. He suggested that Councillor T J Pendleton and himself visit the Planning Policy Team to discuss. As a supplementary question, he asked why Donington Hall was not included in the list of heritage assets.

Councillor T J Pendleton referred Councillor A C Saffell to his original response which answered many of these points. He highlighted that a review of heritage sites was currently being undertaken. He added that the inspector had been provided with Councillor A C Saffell's comments and would make a determination.

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

"The 2016 Annual Report of Leicestershire's Director of Public Health states that in 2014 North West Leicestershire was 6th worst in the country for excess winter deaths.

How did this Council rank in 2015 and 2016? What action was taken to improve performance and what more needs to be done?"

Councillor A V Smith gave the following response:

"The District Council has contacted the County Council's Public Health team and the excess winter deaths ranking data for 2015 and 2016 will be provided to us within the next few weeks, this information will be relayed to Cllr Eynon on receipt. However, Public health have confirmed we are no longer in the bottom ten nationally.

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In terms of action to continually improve performance North West Leicestershire District Council administers and supports a multi-agency Staying Healthy Partnership with representatives from Public Health, County Council, Health providers, voluntary agencies and related service providers.

The partnership considers a wide range of issues from smoking cessation, obesity, physical activity, drug and alcohol use and home safety. Priorities are set based upon intelligence from annual Strategic Needs Assessments and Public Health Data.

Winter deaths is a multi agency issue and one that the partnership supports through awareness campaigns and promoting advice and guidance. This is the NHS Choices 'stay well this winter' guidance - <https://www.nhs.uk/staywell#SYoH51OFLouW0DIQ.97> which all partners are encouraged to share and promote.

Winter deaths concerning older people are usually as a result of complications in other long term illnesses brought about by low temperatures. Poor housing conditions are a significant factor in this brought about by being unable to heat the home due to cost or some other reason.

Apart from promoting NHS guidance the District Council is supporting the following;

- A collective Switching scheme (www.nwleics.gov.uk/switch) which makes it easy for people to switch energy supplier in order to access competitive tariffs for their gas and electricity. The scheme is specifically designed to support those who would not ordinarily compare the market. The scheme was launched in October 2015 and has seen average annual savings of £329 for those who have taken part.
- Promotion of First Contact Plus which is a single point of contact for anyone seeking information for themselves or on behalf of someone else. Information on a range of health and social care issues are accessed via the website or by telephoning 0116 305 4286 and speaking to one of the advisors or via the following link below <http://www.firstcontactplus.org.uk/home/>
- The Leicestershire Warm Homes Healthy Homes scheme which provides personalised advice and support for those struggling to afford to heat their home. The scheme includes an advice line (0300 333 6544), home visits and grant funding for energy efficiency improvements for those on a low income. We continue to promote to scheme through information sessions to community groups and organisations, parish councils and front line staff.
- Opportunities for the delivery of ECO funded programmes in the District. This funding is delivered via the larger energy companies and provides funding towards energy efficiency home improvements such as loft and cavity wall insulation. A new ECO funding regime will be launched in April 2017 and we are looking at how we access this in order to benefit both council owned and private properties in the District.
- In 2017 the Council will revise its Affordable Warmth Strategy in order to further develop actions to address fuel poverty in NWLDC.

The District Council is also supporting (in principle) the developing Lightbulb programme which is a partnership transformation Programme supported by the seven District Councils in Leicestershire and Leicestershire County Council. It aims to bring together a range of practical housing support into a single point of access or referral. A holistic housing needs assessment (the Housing MOT) will ensure that housing support needs

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are proactively identified and that the right solution is found. The overall ambition is to maximise the contribution that housing support can play in keeping vulnerable people independent in their homes; helping to avoid unnecessary hospital admissions or GP visits and facilitating timely hospital discharge. A report will be presented to Cabinet to outline how the District Council can support this programme further during Quarter 4”.

Councillor T Eynon thanked Councillor A V Smith for an excellent and well written response. She stated that she had attended the Adults and Communities scrutiny committee at Leicestershire County Council earlier that afternoon where this issue had been discussed. As a supplementary question, she requested that all members be briefed on this extremely important project and its implications for residents and asked if the Cabinet report would be made available to Policy Development Group prior to consideration by Cabinet.

Councillor A V Smith responded that this was a very important project and was something that the district council fully supported. She added that consideration of a report by Policy Development Group was a matter for the Chairman.

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

“Recently Leicestershire County Council made the decision beginning in 2018 to procure capacity for all Waste Collection Authorities (WCAs) dry recycling and direct the WCAs to use it. As the WCAs would no longer be retaining waste for recycling no recycling credits would be payable.

Can the Portfolio holder summarise the financial implications of this decision for this Council and how these implications compare with other WCAs throughout the County, taking into account the budgetary size of all concerned?”

Councillor A V Smith gave the following response:

“Leicestershire County Council’s Cabinet on 16 September 2016 considered and approved a report to issue directions to all Waste Collection Authorities (WCA’s) to tip off all household dry recycling at an appropriate facility by 1 April 2018. Under the Environmental Protection Act 1990, the waste disposal authority (WDA) has the powers to do this.

The impact of this decision on NWLDC is a loss in income ranging between £676,000 and £850,000 per annum. This consists of recycling credits, which is a fixed price per tonne; and sales income, which is variable dependant on market conditions. For 2016/17 our budgeted figures are as follows;

- Recycling credits £342,000
- Material sales income £334,000

It should be noted that due to material sales market conditions we are expected to exceed our income this year with an end of year forecast currently being £490,000. The financial implication in terms of recycling credits for each waste collection authority (WCA) is summarised in the LCC report (excerpt below).

Waste Collection Authority	Tonnes of Kerbside Collected Dry Recycling in 2015/16	Tonnes of Bring Site Collected Dry Recycling 2015/16	Recycling Credits Paid in 2015/16
Blaby DC	8588	474	£465,503
Charnwood BC	15515	384	£816,730
Harborough DC	8416	46	£434,699
Hinckley and Bosworth BC	8601	347	£459,671
Melton BC	5337	1	£274,222
North West Leics DC	6899	286	£369,105
Oadby and Wigston BC	3365	0	£172,844

Note: Tonnage figures are net of contamination

25. Depending on individual contractual arrangements, the WCAs may receive income for the sale of recyclable materials in addition to recycling credits received from the County Council.]

By directing WCA's the recyclable material becomes the property of the WDA, this means that WCA's will either no longer retain the sales income from selling the recyclable material or they will not have to pay a gate fee to dispose of the material. This impacts each authority differently depending on their local arrangements and collection methods.

For example, WCA's that currently collect material commingled have to pay a 'gate fee'. This is a payment made to a facility for disposing of the recycling collected. Current disposal fees from a local materials recycling facility is approximately £25 per tonne. As an example, an authority collecting commingled material paying a gate fee of £25 per tonne on 7,000 tonnes of material collected would currently pay $7,000 \times £25 = £175,000$. They currently receive £51.37 per tonne as a recycling credit totalling £359,590. The net value of their recycling is calculated by subtracting the gate fee from the recycling credit = £189,468.45. From 1 April 2018 LCC will be liable to pay the gate fee; so the net impact on the 'commingled' authority of being directed is only £184,590 and not the full value of the recycling credit of £359,590.

For WCA's such as NWLDC the material is collected separately, it is sold directly to reprocessors and the income is currently retained by the District Council. The value of the recycling credit based on 7,185 tonnes \times £51.37 is £369,093.45 plus we can receive between £334,000 and £490,000 in sales income (subject to market material prices). The net impact of direction for authorities who sell their material is a double impact and far more significant. For NWLDC the net impact is a budgeted loss of income totalling £676,000.

Officers have met with Leicestershire County Council following the Cabinet decision to understand the timelines and processes being planned and will be advising me of potential options to mitigate this loss in order that I can bring a report to Cabinet in 2017".

Councillor N Clarke commented that he was sure Councillor A V Smith would agree it was disappointing to note that this Council, which had been more innovative than most in generating income from recycling waste, would be hardest hit by these cuts. He made reference to the consultation which would take place to implement a new incentive scheme. As a supplementary question he asked whether Councillor A V Smith agreed that during this consultation it would be reasonable to demand that the incentive scheme fully reimbursed the Council for the loss of income.

Councillor A V Smith responded that she felt this was a little premature as negotiations were still ongoing. She assured Councillor N Clarke that she was doing everything possible to get some benefit from the current situation, however she could not comment

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on the outcome at this stage. She reminded members that North West Leicestershire collected its waste in a different way to the rest of Leicestershire.

35. MOTIONS

No motions were received.

36. PETITIONS

No petitions were received.

37. MINUTES

Consideration was given to the minutes of the meeting held on 28 June 2016.

Councillor S Sheahan requested that the word Brexit be added following his speech on page 69 of the agenda.

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

RESOLVED THAT:

Subject to the above amendment, the minutes of the meeting held on 28 June 2016 be approved and signed by the Chairman as a correct record.

38. LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY

The Chairman referred members to the nominations set out in the report. He advised that the nominations from the Labour Group had subsequently been withdrawn, however more nominations had been received than there were seats available on the Planning Committee and Transport Committee. The Chairman advised that a vote would be taken on the nominations individually.

Councillor R Blunt presented the report to members. He provided an update on the progress of the Combined Authority and sought Council's approval of the Constitution and operating agreement.

Councillor S McKendrick stated that she remained concerned about the lack of scrutiny in the structure of the Combined Authority. She felt that this was not robust and she could not support the proposals.

Councillor J Legrys stated that he was aware other authorities were not taking a decision on this matter until the content of the order had been made available. He added that he was sceptical about the lack of scrutiny. He doubted that many members had read the Constitution and operating agreement, and felt establishing a third organisation would add further duplication in North West Leicestershire. He commented that the proposal was a sham.

Councillor J Bridges sought clarity on the proposed composition of the scrutiny function, bearing in mind the comments made.

Councillor R Blunt referred members to paragraph 4.2 of the report and advised that the Constitution required the scrutiny function to be politically balanced across all authorities, and therefore this authority was required to appoint a Conservative member.

A vote was then taken on the appointments to committees.

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

RESOLVED THAT:

- a) The draft Constitution of the Leicester and Leicestershire Combined Authority be endorsed;
- b) The draft operating agreement of the Leicester and Leicestershire Combined Authority be endorsed;
- c) The Chief Executive be authorised, following consultation with the Leader, to make any final minor amendments to the Constitution and operating agreement prior to their approval and adoption by the Leicester and Leicestershire Combined Authority;
- d) The Chief Executive be authorised, following consultation with the Leader, to agree any minor changes to the operating agreement in future following adoption of the document by the Leicester and Leicestershire Combined Authority; and
- e) The following members be appointed to serve on the Leicester and Leicestershire Combined Authority and its committees:

Leicester and Leicestershire Combined Authority
Councillor R Blunt (as Leader of the Council)
Substitute: Councillor A V Smith

Overview and Scrutiny Committee
Councillor M Specht
Substitute: Councillor N Smith

Planning Committee
Councillor T J Pendleton
Substitute: Councillor J Clarke

Transport Committee
Councillor T J Pendleton
Substitute: Councillor J Clarke

39. SENIOR MANAGEMENT STRUCTURE

Councillor R Blunt presented the report to members, outlining the need for the expertise in this area and the appointment made by the Chief Executive on an interim basis. He highlighted the initiatives which had been introduced and the recruitment process as set out in the report.

Councillor J Legrys welcomed the proposals. He sought clarity on the forthcoming review process however he commented that he felt that this was a good use of public money.

Councillor S Sheahan commented that he would be interested to know what other cuts were likely.

It was moved by Councillor R Blunt, seconded by Councillor R Adams and

RESOLVED THAT:

- a) The creation of a permanent post of Head of Economic Development be approved
- b) The Monitoring Officer be authorised to make any consequential changes required to the Constitution arising out of this report

40. APPOINTMENTS TO THE INDEPENDENT REMUNERATION PANEL

Having declared a pecuniary interest, Councillors A V Smith and N Smith left the meeting during consideration of this item and took no part in the discussion or voting thereon.

Councillor N J Rushton presented the report to members.

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

RESOLVED THAT:

- a) Stephen Barkby and Trevor Moore be appointed as members of the Independent Remuneration Panel for a four year term commencing 12 November 2016.
- b) Elaine Oldham and Margaret Dadley be re-appointed as members of the Independent Remuneration Panel for a four year term commencing 12 November 2016.

Councillor M B Wyatt left the meeting at 7.24pm prior to consideration of the report entitled 'Senior Management Structure'.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.31 pm

Chairman's signature