

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

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, T Gillard, L Goacher, D Harrison, G Hault, J Hault, R Johnson, G Jones, 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, M Specht, 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

54. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor S Gillard.

55. DECLARATION OF INTERESTS

Councillors A V Smith and N Smith declared a conflict of interest relating to item 6, Questions from Councillors, as residents of the village and being acquainted with the owners.

Councillor M B Wyatt declared a non pecuniary interest in item 10, Council Delivery Plan 2017/20, as an owner of two local businesses in Coalville.

Councillor J Legrys declared a non pecuniary interest in item 10, Council Delivery Plan 2017/20, as a volunteer at Hermitage FM.

Councillor S Sheahan declared a non pecuniary interest in item 10, Council Delivery Plan 2017/20, as a member of Leicestershire County Council.

Councillor T Eynon declared a non pecuniary interest in item 10, Council Delivery Plan 2017/20, as a member of two heritage groups in Coalville, a volunteer at Hermitage FM and a member of Leicestershire County Council.

56. CHAIRMAN'S ANNOUNCEMENTS

The Chairman highlighted the numerous events he had attended since the last meeting of the Council, in particular the Celebration of Volunteers event on Sunday, 19 March at the Radisson Blu hotel.

57. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

Councillor R Blunt announced that the redevelopment of the former Pick and Shovel site in Coalville, known as Royal Oak Court, had been shortlisted for a major award. The site had been recognised in the residential and regeneration categories of the Royal Institute of Chartered Surveyors East Midlands awards. He reminded members that the council had worked closely with East Midlands Homes and the scheme would not have gone ahead without this support. He highlighted the major positive impact on Memorial Square and on the town centre, adding that the scheme had transformed a derelict site, created needed affordable housing in the town and set the highest possible benchmark for a quality new building on a very difficult site. He advised members that the awards ceremony would take place on 28 April and regardless of whether the site won an award, simply being shortlisted was a very useful reminder of the difference that was beginning to be made in Coalville.

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Councillor R Blunt referred to the announcement he had made at the last full Council meeting that Christine Fisher had decided to stand down from the post she had held since 2004. He advised members that tonight would be Christine's last full Council meeting before she left the council on 12 May. He felt it was fair to say that Christine would be a hard act to follow and that her leadership had turned the district council from what he considered to be one of the poorest performing district councils into the very best. He added that whenever there was a difficult issue, Christine was the 'go to' person, no more so than with the government planning agenda; she went from knowing nothing about planning to leading the agenda on behalf of all seven district councils in Leicestershire in a very short time. He said that during his ten years as Leader it had been a real pleasure to work with her, not least because of her enthusiasm and strong work ethic. He referred to the trust they had in each other, which had made the impossible achievable; nowhere was this more evident than with the Coalville project. He added that without her 100% commitment, the progress made so far would not have been possible.

Councillor R Blunt acknowledged that Christine would not have wanted a big fuss at tonight's Council meeting; however he could not allow the occasion to pass without marking it in some way. He stated that one of Christine's greatest legacies at the council was the work she had done to develop our staff. She had introduced the Best Employee Experience programme to help all employees reach their full potential. He added that she had encouraged all staff and many employees would remember her simply as the person who gave them a chance. He added that he knew Christine had always been proud to embrace the green agenda and was especially proud to support the Green Footprints awards and the National Forest. He announced that with that in mind, something special had been arranged which reflected her style and ethos; Christine would be planting an oak tree in the National Forest. He hoped that this would be a meaningful legacy for her time at the council. In addition, a local craftsman had created a beautiful handmade bench as a reminder of her time at North West Leicestershire District Council. The bench had been made from sustainable fallen oak from the National Forest and bore the inscription "from little acorns mighty oaks grow" as a tribute to her legacy. He hoped it would remind her of the contribution she had made to this council.

Councillor J Legrys stated that he never thought the day would come when members would be saying goodbye to Christine Fisher. He wished her well in her new careers beyond North West Leicestershire. He commented that Christine was a Labour appointment and he believed she was the first female Chief Executive of this council and perhaps in Leicestershire. He stated that as an individual within the Labour party he had been very strong on the message of providing all-women shortlists. He added that one of the things which always stuck in his mind about Christine was her mentoring of other women for promotion and encouraging women to achieve senior officer commitments. He congratulated her on this and commented that he also wanted to see her mentoring other women playing golf as he believed women in sport needed to be an example to other women. He commended her and thanked her for what she had done for this council.

Councillor N Smith commented that when he had first joined the council about 30 years ago, people had asked him what it was like at North West Leicestershire District Council. His reply had been that it was like trying to steer a vast ocean-going boat; when you turned the wheel, about 10 miles later it started to move. He commented that since Christine came, the council had become a bit more like the American yachts; it turned very quickly and responded almost immediately, and Christine coming to North West Leicestershire District Council was like the man in the street winning the lottery rollover. He thanked her.

Councillor M Specht referred to a fantastic experience he had had with Christine as a comparatively new Councillor. They greeted the Princess Royal at the Jubilee Wood and he had very soon found out what a brilliant sense of humour Christine had. He stated that

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it was an experience that no-one in the vehicle would ever forget. He commented that despite being somewhat out of sync with the timetable, Christine wasn't flustered and had retained her composure and sense of humour, which had made the day. He thanked Christine for the great support she had given him, which he would never forget.

Councillor J Geary stated that he had been a member of this council for a number of years when Christine was appointed, and he had to say the appointment was like a breath of fresh air, and had certainly given the council new enthusiasm and direction. He personally thanked Christine for all the help, support and guidance she had given him as a Councillor. He referred to the two or three occasions when they may have had a difference of opinion; he would be invited into her office, and 20 minutes later he would leave convinced he was wrong and that once again she was right.

Councillor A C Saffell reminded members that Christine had been our Chief Executive since October 2004 and had come from Dacorum Borough Council in Hertfordshire where she was the Strategic Director of Community Services and Assistant Chief Executive. He first remembered meeting Christine in September that year in a hotel along with the other shortlisted candidates. He added that the thing he remembered about Christine was that she was very direct and her answers were relevant to the job; which was very much as she is now. He relayed an early rumour he had heard that Christine was holding a meeting that was running over well into the lunch break, and people were fidgeting and looking at the clock. Christine stopped what she was saying and remarked that tea breaks and lunch breaks were for wimps, and glared at everyone. The meeting carried on until Christine declared it was over. He stated that he had also had the pleasure of taking Christine on a ward walk around Castle Donington, taking in some of the more notable attractions. He was pleased to say that she had always tried to be helpful ever since and he appreciated the work she had undertaken to help not just Castle Donington but the district as a whole. He hoped members would all join him in wishing her well in whatever she decided to do in the future.

The Chairman invited the Chief Executive to speak.

The Chief Executive commented that 12 years had passed quickly and it was a well-known fact that she had actually only intended to stay at North West Leicestershire District Council for three years before moving on to something different. What happened was that North West Leicestershire had caught her heart. She felt her tenure at the council could be considered as having three parts, the first of which was recovery, as in 2004, this council was on the verge of intervention by the government. She had worked with a recovery team to restore confidence that the council could become efficient and effective, and deliver what was promised. The next phase was the tough phase of austerity, making lots of savings. She reminded members that over a period of 4 to 5 years, the only tough decision they had to make was to close the Coalville toilets; which members had then reopened last month. All the savings were made in-house by staff reviews, service transformation, redundancies, removing and implementing systems, and becoming more and more efficient. The third phase was growth and the council had not grown in size, hence why members had the opportunity of giving money back to the community through community grants, twenty for 7, business grants, shop front improvement schemes amongst others. She highlighted the strengthening of the Community Focus Team, whose achievements she was so proud of, and the Business Focus Team. She stated that this was possible because of the tough decisions made in the second phase of her tenure.

The Chief Executive stated that clearly her main target had been that whenever she left, people would be able to be proud of having been part of North West Leicestershire. She remembered that when she arrived, members of staff would take off their name badges because they were so embarrassed to be associated with the council. She added that this did not happen now. She acknowledged that the council was not perfect and there

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were things that could be done better, however she felt that members should be very proud of what they and the staff had achieved over the past 12 years and she said that it had been an honour to have been part of that journey. She reminded members that the council was now recognised as a respected partner of choice amongst external partners and other local authorities, of which she was very proud. She stated that her learning and belief was to surf the setbacks, of which there had been plenty. She acknowledged that at times she had taken things too personally, because she was a value driven person and reflected that the one thing she truly regretted was not celebrating achievements enough. The council had not won as many national awards as it could have because of the focus on delivering results. She felt that she had tried to encourage officers to listen carefully and to understand differing points of view.

The Chief Executive said that she had never promised anything she couldn't deliver; she had forgotten a few things along the way and had made mistakes, but she had always tried to deliver what she had promised and had spent public money very wisely. She stated that she was so proud of the Best Employee Experience and her officers and it had been an honour to work with them. She concluded that she had always tried to be true to herself, although it hadn't always stood her in good stead, it had always been done with positive intent. She thanked members and wished them all the best and she knew she was leaving an organisation with a very bright future.

Councillor V Richichi proposed three cheers to the Chief Executive.

Councillor R D Bayliss referred to the Tenant Scrutiny Panel which had been established in 2012 as a result of the duty in the Localism Act to evolve a system of scrutiny of the housing service. The panel comprised of 8 self-selected tenants who did not operate under the influence of the council, its officers or members. The Panel had scrutinised the implementation of the decent homes improvement programme and had developed themselves, undertaking training and acquiring a range of skills in the process. He expressed his high regard for the members of the Panel who worked hard without remuneration. He announced that the work of the panel had just been recognised by winning a Tenant Participation Advisory Service Excellence in Scrutiny award at the Central region awards ceremony on 3 March. The Panel would now go forward to the national finals in July. He congratulated the Chair of the panel, Janet Higgins, and all the members.

58. QUESTION AND ANSWER SESSION

There were no questions received.

59. QUESTIONS FROM COUNCILLORS

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

"At the meeting of this Council held on 24 February 2015 I asked you a question regarding the strong smells and odours coming from these lagoons on land at Piper Lane, Ravenstone and pointed out the complaints received from residents in the Snibston, Hugglescote, Ravenstone/Packington and Valley wards. As an affected resident, I asked you what this council was doing to insist the land owner took steps to mitigate and eradicate the smell from these lagoons.

In your reply you said the council was aware of the problem and had received complaints of odour nuisance and had been in regular liaison with the Environment Agency. You went on to say "The district council cannot exercise its power in relation to statutory nuisance without the approval of the Secretary of State".

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Two years and one month on, with the problem not going away, but getting worse as already this year there have been 12 days when we have needed to keep both doors and windows closed, can you please inform the council just what has been done in the past two years to try and control this nuisance and why, to date the problem has not been addressed”.

Councillor T J Pendleton gave the following response on behalf of Councillor A V Smith:

“Further to the question raised on this matter on 24 February 2015 I can update members as follows.

During 2015 the spreading of the anaerobic digestate material was authorised under permission obtained from the Environment Agency and as such they were the primary authority for taking any formal action to prevent odour.

However, since 2016 the anaerobic digestate being brought to site for storage and then spreading was PAS110 certified which falls outside of the scope of permitting from the Environment Agency. As a consequence the responsibility for the investigation of odour complaints now lies with the district council to investigate under its powers of Statutory Nuisance. This also relates to farm slurry which on occasion has also been spread on the same land.

The Environmental Protection Team have received evidence to confirm the anaerobic digestate being used is PAS110 certified. Attainment of this standard requires the product to be independently tested and certified by accredited laboratories, officers have received the contractor's certification of the product and also samples of transfer station weighbridge tickets.

The Environmental Protection Team held a meeting in January 2016 with the farmer and contractor which resulted in the following points being noted/agreed for the spreading of digestate from the lagoons.

- The farmer plans for three phases of spreading per annum, phase one in March, phase two in April/May and phase three in late August (all subject to weather conditions).
- The farmer will create a 400m no spreading zone along the A447 from Hoo Ash Island to the junction of Church Lane, Ravenstone to reduce the odour impact for residents in this area and around Claremont Drive.
- To reduce tractor and tanker movements within the village when spreading near the A511 (northern end of site) by pumping the material through a network of pipes.
- That there will be no working/spreading on weekends or bank holidays.
- That only PAS110 material will be tankered into the lagoons and then only the amount required for each phase/spreading application will be stored until use.
- The lagoons will never be filled to the top and there will be at least 1m of free wall at the top so as to reduce odour through wind whip.
- If necessary, the lagoons will be covered with chopped straw to reduce any odour escape.
- To use a simple weather sock or flag to indicate the wind direction when deciding when to spread. This allows the operatives the opportunity to not spread if they feel that offensive odour is likely to be detected at the nearest residential property.
- The contractor would meet the parish council and deliver a presentation covering all aspects of the operation.
- Finally, to notify the district council before any operations take place and at what location any spreading will be undertaken.

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In early 2016, the Environmental Protection Team undertook a total of 37 visits to either the site or the vicinity in response to complaints received to determine the levels of odour being experienced. These visits were conducted between 10 February 2016 and 6 May 2016 and covered the first two phases of the annual spreading regime. No statutory nuisance was determined by officers through these visits.

The visits also confirmed that the operations were being carried out in accordance with best practice as defined in the DEFRA document "Protecting our Water, Soil and Air – A Code of Good Agricultural Practice for farmers, growers and land managers". It was confirmed by the Environmental Protection Team on 6 May 2016 that the lagoons were empty and that no further storage of digestate material would take place until late summer when the third and final phase of the annual spreading programme would take place.

Between May and August 2016 only one complaint of odour was received, during the third and final phase of spreading in August only three complaints were received. The number of complaints was reduced significantly due to information being shared in advance with the parish council, ward members and complainants regarding when and where the spreading was being undertaken and that the odour would be relatively short i.e. just throughout the duration of the activity.

Since late November 2016 the contractor has been filling the lagoons in preparation for the 2017 spreading operation (Phases 1 and 2 of the annual programme) which started on 13 March 2017. During this time observational visits have been undertaken by the Environmental Protection Team to ensure that the filling operation is carried out in an appropriate manner and that where necessary a straw covering is applied to reduce issues with any odour that may come from wind whip. The visits concluded that filling operations were carried out in an appropriate manner, however, a small number of complaints of odour were received. In investigating these complaints officers did detect odour but at low levels, carried on the prevailing wind. It was the officers' assessment that when taking into account weather conditions for the days in question the odour was deemed to be acceptable and at levels that could not be assessed as a statutory nuisance.

In assessing odour for statutory nuisance the councils Environmental Protection Team have to take into account factors such as frequency, nature and severity of the odour. The law of statutory nuisance has a defence built into it called "Best Practical Means". In this instance if the council considered a statutory nuisance to be in existence, the evidence gathered thus far would suggest that the contractor for the spreading operation would have a legitimate defence of best practical means as they are strictly following the DEFRA code of best practice.

On the 13 March 2017 the council received two complaints of offensive odour and an officer visited the vicinity of the complaints immediately which confirmed that the first phase of spreading operation had begun and odour from that was being dispersed in the area where the wind was blowing. It was also confirmed during this time that the operations were being carried out in accordance with the guidance referred to above, noting wind directions are changeable.

The Environmental Protection Team are continuing to liaise with the contractor so that information can be obtained and relayed to the parish council, ward members and residents as early as possible for the two future phases in 2017 (April/May and late August). The team will also continue to monitor the area proactively for odours especially when spreading activity is being undertaken and to ensure good practice is being followed".

Councillor J Geary thanked Councillor A V Smith for the comprehensive reply. He stated that he was not seeking to stop the operation, but to ensure proper control. He made

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reference to the farm slurry and stated that it now arose this was imported material. He also made reference to the covering of the lagoons with chopped straw to contain the escape of odour and commented that there should be a proper building to contain the smell. He added that the lagoons were emptied for the summer, however once it rained the lagoons would start to hold fluid and emit a smell. He advised that from 25 January to 13 March, the odour had been present on 11 days and to date, it had been present on 15 days in total. He questioned whether this was under control. He sought clarification in respect of the mechanism for assessing what constituted a statutory nuisance and he queried the number of complaints which had been reported as he was aware of more.

As a supplementary question, Councillor J Geary asked if the substance in the lagoons had ever been analysed by this authority and was the Portfolio Holder convinced that that the council was doing everything it could to control this nuisance.

Councillor T J Pendleton made reference to the controls exercised by the Environment Agency in respect of statutory nuisance from smells and responded that officers could advise him on the mechanism for assessment. He added that the question in respect of the adequacy of the measures to reduce the smell was a commercial matter. He summarised that he was satisfied that the council was doing everything it could to control the nuisance.

60. MOTIONS

No motions were received.

61. PETITIONS

No petitions were received.

62. MINUTES

Consideration was given to the minutes of the meeting held on 23 February 2017.

Councillor R Johnson requested that his statement on page 91 of the minutes be amended to read as follows:

“He referred to a white paper which revealed that local authorities will be able to increase fees from July this year if they commit to investing the additional fee income into their planning department”.

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 23 February 2017 be approved and signed by the Chairman as a correct record.

63. COUNCIL DELIVERY PLAN 2017/20

Councillor R Blunt presented the report to members, highlighting the change in format to a three year plan to align with the Medium Term Financial Strategy. He explained that the plan would be refreshed annually to recognise achievements and to incorporate any new actions which needed to be accommodated as a result of external influences or policy changes. He added that the design had also been updated to make the plan more engaging for readers.

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It was clarified that since the agenda had been prepared, some minor typographical errors had been identified and the updated version had been circulated.

Councillor M B Wyatt stated that he would be voting against the Council Delivery Plan as it failed to address the real issues for local residents and businesses.

Councillor J Legrys expressed his dissatisfaction in the manner in which the updates to the Council Delivery Plan had been dealt with as no explanation had been provided. He welcomed the proposal to increase repairs and maintenance work being undertaken in-house and he approved of the expenditure of £225,000 on brightening the town centre. He expressed incredulity at the reference to harnessing the district's excellent transport links and driving housing and infrastructure. He felt that the Policy Development Group should have the opportunity to scrutinise this document in 6 months' time and sought assurances that the administration would allow this.

Councillor M Specht highlighted an error in the recommendation. He commented that North West Leicestershire was very well placed in terms of major trunk roads and businesses in particular did not utilise bus services.

Councillor N Smith commended the report and stated that a capitalist approach was the only way to improve living standards.

Councillor T Eynon stated that in many ways this was an excellent document showing the excellent work being done in North West Leicestershire. She expressed concerns in respect of scrutiny of the document, in particular the drive to move all services online which had not been considered by the Disability Action Group. She questioned whether there was a problem with the lack of scrutiny of the document and the lack of cross party working.

Councillor D Everitt stated that recycling was very close to his heart and he felt that an opportunity had been missed to send a message that recycling saved money for residents.

Councillor T Gillard commended the report and good news in respect of investment in businesses and the enterprise scheme.

Councillor M Specht reassured members that as Chairman of the Policy Development Group he would be happy to scrutinise any major issues arising from the Council Delivery Plan.

Councillor A V Smith agreed that the report was excellent and commended the work in her portfolio in respect of recycling, the dogwatch campaign and the free trees scheme.

Councillor R Blunt accepted that members should have been notified of the changes to the document. He clarified the recommendation in the report.

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

RESOLVED THAT:

- a) The proposed Council Delivery Plan 2017/20 be approved.
- b) The Chief Executive, in consultation with the Leader of the Council, be authorised to make any final technical amendments to the plan prior to publication.

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64. PAY POLICY STATEMENT 2017/18

Councillor N J Rushton presented the report to members.

Councillor N Clarke commented that the pay multiples had increased slightly from the previous year despite the introduction of the living wage.

In response to a question from Councillor N Clarke, Councillor N J Rushton confirmed that it was usual practice to include overtime payments in the calculation of the pay multiples.

It was moved by Councillor N J Rushton, seconded by Councillor R Blunt and

RESOLVED THAT:

The Council's Pay Policy Statement 2017/18 be approved.

65. EXCLUSION OF PRESS AND PUBLIC

It was moved by Councillor J Cotterill, seconded by Councillor A V Smith and

RESOLVED THAT:

In pursuance of Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the business to be transacted involves the likely disclosure of exempt information as defined in Paragraph 2 1 and 2 of Part 1 of Schedule 12A to the Act and that the public interest in maintaining this exemption outweighs the public interest in disclosing the information.

66. APPOINTMENT OF CHIEF EXECUTIVE

Councillor R Blunt presented the report to members. He highlighted that it was the responsibility of the full Council to appoint a new Chief Executive and the report put forward the recommendation of the Appointments Committee to appoint Beverley Smith to be the next Chief Executive of the Council from 1 June 2017. He added that the recommendation was made following a rigorous assessment process involving professional support to the Appointments Committee from an external independent company and the internal Human Resources team. He stated that all candidates had been tested and assessed using a variety of discussions, presentations, psychological profiling, referencing and interviews, and the Appointments Committee sought and considered the views of a wider canvass of members, stakeholders and partners to arrive at their unanimous conclusion that Beverley Smith would be the best person for the role. He added that the Appointments Committee completely understood the critical importance of making the right appointment and were delighted to recommend the appointment to the full Council without reservation.

Councillor M B Wyatt stated that he would be voting against the recommendation to install a new Chief Executive as he believed the leadership had failed to show that this was the right candidate. He expressed disgust that members were expected to vote for a candidate whom they had not had the opportunity to meet. He urged members to vote against the recommendation.

Councillor J Legrys stated that he was privileged to have been part of the Appointments Committee. He thanked the Human Resources Manager and David Slatter from Penna for the help and assistance they had provided to the Committee. He was thoroughly assured that the right decision had been made.

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Councillor K Merrie stated that he had not been personally involved in the selection but had to give his confidence to the Appointments Committee as the process would be too onerous if all members were involved.

Councillor D J Stevenson stated that he would like to disassociate himself with the comments made by Councillor M B Wyatt. He added that since he had been a member of the Council he had been involved in the appointment of every Chief Executive and he commented that more people had been involved in this appointment than ever before.

Councillor M B Wyatt sought to raise a point of order and Councillor D J Stevenson withdrew his comment.

Councillor R Blunt referred to the comments made which seemed to imply that this decision had been made by the leadership or the administration. He clarified that the process was written in the Constitution. He added that the same process which had been undertaken for the previous appointment had been followed as closely as possible.

It was moved by Councillor R Blunt, seconded by Councillor J Legrys and

RESOLVED THAT:

- a) Council approves the recommendation of the Appointments Committee to appoint to the post of chief executive.
- b) Council confirms the designation of the post of Chief Executive as the Head of Paid Service, Returning Officer and Electoral Registration Officer.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.48 pm

Chairman's signature