

MINUTES of a meeting of the COUNCIL held in the Remote meeting using Microsoft Teams on TUESDAY, 17 NOVEMBER 2020

Present: Councillor V Richichi (Chairman)

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

Officers: Mr J Arnold, Mrs T Bingham, Mrs M Long, Miss E Warhurst, Mrs C Hammond and Mr T Delaney

35. APOLOGIES FOR ABSENCE

No apologies for absence were received.

36. DECLARATION OF INTERESTS

Councillor N Smith declared a non-pecuniary interest in agenda item 13 – Appointments to the Independent Remuneration Panel - for reasons of one of the Panel members being a customer at his wife's shop.

Councillor C Sewell declared a non-pecuniary interest in agenda item 10 – Council Delivery Plan - for reasons of her being a parish councillor on Kegworth Parish Council.

Councillor M Wyatt declared a non-pecuniary interest in agenda item 10 – Council Delivery Plan - for reasons of him having local businesses in Coalville Town Centre.

They all remained in the meeting for the decision and vote on these items.

37. CHAIRMAN'S ANNOUNCEMENTS

The Chairman delivered a very poignant address and reflected on his own personal experiences in relation to his past and his association with some of the veterans who had had an influence on his life.

38. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

Councillor R Ashman, Deputy Leader reported that he was standing in for the Leader who had tested positive for COVID-19 and although still unwell, was making a good recovery; and on behalf of the Council sent his best wishes. The Deputy Leader went on to recognise the efforts of all the volunteers, community workers and staff who were helping to support the local communities and those most in need. He reported that North West Leicestershire District Council was continuing to deliver its vital services and expressed, on behalf of the Council, his sincere apologies to those who had lost family members, friends and colleagues to this virus. He referred also to the sad death of Geoff Bushell who was known to many due to him being instrumental in the campaign on the opening of the Ivanhoe line. Thoughts and prayers were conveyed to his family.

Chairman's initials

The Deputy Leader recognised the impact that COVID-19 was also having on the business community in the run up to Christmas and advised that work was currently underway on assessing the impact of the business grants and how these can be utilised to help local businesses during this difficult time.

Members echoed the sentiments conveyed by the Deputy Leader.

39. QUESTION AND ANSWER SESSION

No questions were received.

40. QUESTIONS FROM COUNCILLORS

The Chairman advised that he had received three questions ahead of the meeting and that he would take them in the order they had been received.

- (1) The Chairman invited Councillor M Wyatt to ask his question addressed to Councillor A Woodman.

“Since early 2020 I have been supplying the Council’s planning enforcement team with information concerning unauthorised and illegal use of land off Baker Street in Coalville. The recorded incidents are for dumping of waste, a wheel wash, a lorry park as advertised on the A511, removal, burial and disposal of contaminated soil along with daily burning of plastic and other toxic items. I would also point out that it was reported and confirmed by officers who visited the site that there was someone living on the site in a caravan, which to date is continuing to do so.

It is now November, and still complaints are being received concerning this site. Can I ask for a full and detail explanation to why action as not yet been taken concerning a number of issues which I have set out. Also can I ask if you agree with your officers comments which were sent to me, that one of the reasons why action was not being taken to address the illegal activity at the site is because the council are awaiting a possible planning application for this site, which in my opinion, is absolutely ridiculous and should never be an excuse to why illegal action is not acted upon?”

The Chairman invited Councillor A Woodman to respond.

“The Planning Enforcement Team was first made aware of the potential breaches of planning legislation by Cllr Wyatt on 17th February 2020, and an enforcement case was duly opened. A site visit was conducted on 5th March 2020, the outcome of which was that the activities should either cease, or retrospective applications should be submitted for each use. On the 10th March 2020 Cllr Wyatt was informed that the other activities alleged to be taking place fell under the jurisdiction of the Environment Agency and were not a matter for the district council. The other matters raised concerned the importation of waste and the removal and disposal of contaminated soil on the site. These were reported on the same day to the Environment Agency.

A further site visit was conducted on 26th May 2020 to establish the current activities and officers were able to confirm that in addition to the earlier reported activities there was a fleet vehicle washing business operating from the site. The outcome was that the owner of the business was instructed by officers to submit retrospective planning applications for the additional business uses.

A reasonable period of time was given to allow the owner to submit a planning application. Since a reasonable time had elapsed and no application had been received, a further site

Chairman’s initials

visit was conducted on 5th November 2020. The visit confirmed that the lorry/wheel washing/fleet cleaning business and the lorry park business had both ceased and left site. The alleged unauthorised occupation of the caravan relates to a static caravan which investigations have concluded. Its purpose is to provide 24 hour security for the site. The individual that occupies the caravan is employed as a security guard for the site and therefore the siting of the caravan is considered ancillary to the established factory/warehouse use at the site and therefore no breach of planning control exists.

The planning enforcement case has now been closed since the site complies with that of storage/warehouse and no breach of planning control exists.

In relation to the point regarding action not being taken due to a proposed new application being submitted for the re-development of the area as a whole. I can confirm that this case has been investigated in line with the council's Planning Enforcement Policy and government guidance which provides for a graduated approach. Careful consideration needs to be given to each planning enforcement case and each case balanced on its own merits, consideration needs to be given with regards to expediency, public interest, negotiation, proportionality and that both the council and developer have acted reasonably.

In this case although an application was not received, when the compliance check was made all activities had ceased. If they had not ceased then more formal action would have been considered."

The Chairman invited Councillor M Wyatt to ask a supplementary question.

Councillor Wyatt expressed his disappointment that the issues he had raised had not been properly addressed. He asked Councillor Woodman to confirm that he had received additional photographic evidence that the site was still being used 3 days after the site visit and asked if this would be properly investigated. He also asked for an update on the action being undertaken by the Environment Agency to address the issues of dumping waste on the site.

Councillor Woodman confirmed that he had very recently received the photographic evidence and that he would investigate this thoroughly with officers and, if safe to do so would visit the site in person. He also confirmed that he would check with officers regarding the update from the Environment Agency.

- (2) The Chairman invited Councillor J Geary to ask his question addressed to Councillor R Ashman.

"Council announced during summer 2018 that work would start on the reconstruction of Marlborough Square in October 2018. Following tender returns, Council found that costs exceeded allocated Budget and paused all works. During 2019 Councillors were informed that negotiations with County Highways to agree legal and operational arrangements were "ongoing". It is now November 2020 and there is no indication when the paused Marlborough Square reconstruction works will be completed. What are the reasons for this extended delay and what are the current projected start and completion dates for these works?"

The Chairman invited Councillor R Ashman to respond.

"Discussions with LCC Highways at the end of 2019 / beginning of 2020 identified that the proposed redevelopment of Marlborough Square would require A Section 278 Agreement and a Change Of Use planning consent secured sequentially in that order. No works can commence legally until these two consents are in place.

Chairman's initials

A S278 Application was submitted to Leicestershire County Highways in April 2020. Substantial comments / queries and requests for further information started to be returned to us from the end of May with the final replies received in August. In total there are almost 100 queries that require us to either: refine our proposals, amend our drawings, provide more supporting evidence or engage in further discussion with the Highways Authority or other statutory bodies.

The comments received have been collated onto a "Tracker Document" and officers and consultants are now working to resolve and close out each issue.

The ability to close out some issues, particularly those requiring further traffic survey have been hampered by Covid restrictions (LCC Highways are not prepared to validate any traffic figures gained during lockdown as they argue that traffic levels are below the norm) and therefore progress has not been as swift as desired. At present we are targeting making a resubmission of the S278 by the end of the year however this may be delayed if vehicle swept path analysis requires any significant redesign.

Until all the details submitted as part of the S278 have been agreed by LCC Highways we are unable to provide a clear date upon which construction works will commence. Councillors will have the opportunity to review in detail the progress being made on this project at the Coalville Members Meeting scheduled for 30th November".

The Chairman invited Councillor J Geary to ask a supplementary question.

Councillor Geary asked that this matter be brought back before Scrutiny as soon as possible.

Councillor Ashman advised that this was not within his remit but within the gift of the Chairs of the Scrutiny Committees but he was sure that they would take these comments on board and include the item on their work plan as necessary.

- (3) The Chairman invited Councillor D Bigby to ask his question addressed to Councillor R Ashman.

"Ashby residents are increasingly concerned about the dereliction of one of their most important historic buildings, the Grade 2* listed Royal Hotel, which is approaching its 200th anniversary and was closed for business in March 2018. When did the Council last inspect the premises, what repair work was found to be required to protect the fabric of the building and what steps are the council taking to ensure that the necessary repairs are carried out and that further deterioration is prevented"?

The Chairman invited Councillor R Ashman to respond.

"Officers have been carrying out regular inspections of the Royal Hotel for the last two years, other than a period during the first national lockdown this year, and have secured a number of repair works where necessary and additional security measures including the provision of steel ventilated window guards on all windows and doors, the introduction of CCTV and improved boundary heras fencing. More recently, the Council last inspected the premises on 6th November 2020, as a follow up to inspections carried out on 3rd August and 30th September where the owner had agreed to carry out a number of repair works identified by the Council by the end of October.

At the inspection on 6th November, it was confirmed that the owner has undertaken some remedial measures as requested including the erection of scaffolding around a number of chimneys, repair work to chimneys, replacement of defective roof tiles and some guttering. However, a number of repairs that the owner agreed to have carried out by the end of October had not been completed. As such, the Council has now served an Urgent Works Notice which requires the owner to ensure removal of the 'tank room', repair the

Chairman's initials

defective chimney stack, eaves, gutters and fasciae within four weeks of the date of the notice. If the owner does not carry out the necessary works within the specified timescale then the Local Planning Authority can undertake the works and claim back the costs.

Some of the repair works identified by officers are not proposed to be included on the Urgent Works Notice at this stage until such time as further high level investigations are carried out, and in recognition that the updated Condition Survey that is currently being carried out by the owner of the Royal Hotel will provide further clarity on these outstanding matters. However, all other outstanding actions identified will continue to be monitored at regular on-site monthly meetings by officers and further Urgent Works Notices may be necessary in the future.

In terms of the current planning application, the updated Condition Survey currently being undertaken will help inform the applicants enabling development proposals. In addition, the applicants are currently working up amended drawings for the proposed new buildings either side of the hotel and officers have been advised that it is anticipated that a revised package of information including amended plans for the proposed new buildings will be submitted by mid-December and once received, will be sent out for re-consultation.

The latest “Royal Hotel Building Condition and Planning Position Update Report November” 2020 has been circulated to all the Ashby ward members, the Leader and Deputy Leader of the Council and the Chairman of Planning Committee.”

The Chairman invited Councillor D Bigby to ask a supplementary question.

Councillor Bigby asked that, given the failure of the owners to date to progress their plans to refurbish the Royal Hotel, and their apparent reluctance to carry out even the bare minimum of works needed to avoid an Urgent Works Notice, is it not time that the Council started a process of moving towards a CPO which would allow for the serving of a Repairs Notice which could be used to require regular repairs and routine maintenance?

Councillor Ashman advised that he would continue to put pressure on the owners and he would also speak with officers with a view to investigating the points made and provide a response later in the week.

41. MOTIONS

The Chairman advised that he had received two motions for consideration at the meeting and that he would take them in the order they had been received.

- (1) Councillor S Sheahan moved the following motion, the wording of which had changed from that which was published in the agenda and was circulated in the additional papers.

“This Council notes that Commonwealth and Nepalese veterans have a long and proud history of service in the British military. From conflicts of old, such as World War Two, to recent conflicts such as Iraq and Afghanistan, these veterans have served with distinction alongside British-born veterans.

However when their service is complete, many are left with charges to remain in the UK, which in some cases are extremely high. This Council also notes many such veterans state that the Army failed to inform them that they needed to make an immediate application to the Home Office for leave to remain in the UK when their service was complete. Many thought the process was automatic yet this is not the case.

Chairman's initials

This Council acknowledges the excellent campaign organised by the Royal British Legion to resolve such cases and agree a fairer system for the future, which has gathered all party support. Whilst welcoming the fact that the Ministry of Defence is in communication with the Home Office on this matter, this Council resolves to make their Armed Forces Champion and lead officers aware of the difficulties experienced by Commonwealth and Nepalese veterans and to ensure that those who are currently experiencing problems, whether financial or immigration difficulties, are not disadvantaged whilst their applications are ongoing.

This Council requests that the Leader of the Council write to the Prime Minister, the Parliamentary Under Secretary of State (Minister for Future Borders and Immigration,) Kevin Foster MP and the Parliamentary Under Secretary of State (Minister for Defence People and Veterans,) Johnny Mercer MP, outlining our support for all Commonwealth and Nepalese veterans who have served a minimum of 4 years to be granted the automatic and free of charge right to remain in the UK.

Furthermore, This Council calls upon the Leader of the Council to write to Andrew Bridgen MP for North West Leicestershire, on the behalf of this Council, to ask that he press the Government for a change in the legislation that affects those that have served diligently and honourably for this Country."

This motion was second by Councillor K Merrie

A full debate was held which received full support for the motion.

The Chairman invited Councillor Sheahan to respond to exercise his right to reply.

Councillor Sheahan thanked Members for their supportive comments and hoped that by accepting this motion it would make a real difference.

By affirmation of the meeting, the motion was carried.

(2) Councillor D Everitt moved the following motion

"That this Council -

- recognises that there is a housing crisis with too few genuinely affordable homes to rent and buy;
- further recognises that the number of new social rented homes built in recent years has been too low;
- notes that the Government has set a target to build 300,000 homes a year, which is unlikely to be achieved without building more social homes;
- further notes that Shelter's recent report, A Vision for Social Housing, concluded that 3.1 million new social rented homes need to be built over the next 20 years;

and calls on the Government to adopt a target of building 155,000 social rented homes, including at least 100,000 council homes, each year from 2022."

This motion was second by Councillor S Sheahan.

A full and lengthy debate was held which received mixed views both in favour and against the motion.

An amendment to the motion asking that the social housing be carbon neutral, both in terms of embodied energy and operation energy, was moved by Councillor C Benfield and seconded by Councillor D Bigby.

The Chairman put the amendment to the vote and subsequently declared it LOST with a vote of 24 against and 12 for.

The Chairman invited Councillor Everitt to respond to exercise his right to reply and he challenged some of the views made by members and echoed those which supported the motion.

The Chairman then put the original motion to the vote and subsequently declared it LOST with a vote of 24 against, 11 for and 1 abstention.

42. PETITIONS

No petitions were received.

43. MINUTES

Consideration was given to the minutes of the meeting held on 8 September 2020.

Councillor Nigel Smith referenced a comment he had made at that meeting which he believed had been misunderstood. The inference made by some members was not his intention and he reiterated that he did not believe that any whipping had taken place at a meeting of the Planning Committee.

It was moved by Councillor V Richichi, seconded by Councillor J Hoult and by affirmation of the meeting it was

RESOLVED THAT:

The minutes of the meeting held on 8 September 2020 be approved, subject to a minor amendment as set out in the additional papers.

44. COUNCIL DELIVERY PLAN 2020/21

Councillor N Rushton presented the report to Members.

A full and lengthy debate was held which received some support but some reservations were expressed over the detail and what some members felt were omissions.

It was moved by Councillor N Rushton, seconded by Councillor V Richichi and by a vote of 19 for, 4 against and 12 abstentions it was subsequently

RESOLVED THAT: The Council Delivery Plan 2020/21 be adopted.

45. ESTABLISHMENT OF COMPANY TO BE KNOWN AS 'EM DEVCO LIMITED'

Councillor R Ashman presented the report to Members.

A full and lengthy debate was held which received much support but some reservations were expressed, particularly over the costs, sourcing of funding for the Council's

Chairman's initials

contribution, and on deliverability of the proposals considering external factors such those relating to HS2. But in the main it was felt it was better to be 'in the tent' than 'outside of it' in order that the Council can have some influence on the outcomes.

It was moved by Councillor R Ashman, seconded by Councillor D Harrison and by a vote of 30 for and 4 against it was subsequently

RESOLVED THAT: Council

- (1) Notes the work that has been done to date on this project and the recommendations from Cabinet at its meeting on 10th November 2020 as detailed in the update report;
- (2) Approves making a financial contribution of £500,000 to support the Interim Vehicle over the next 3 years, with the additional funding required to be allocated through the reallocation of existing economic development earmarked reserves no longer required and subject to the agreed funding contributions from other affected local authorities and Government funding being secured;
- (3) Approves the Council to join the Interim Vehicle and participate in the incorporation of it;
- (4) Approves in principle to the Council entering into the Members' Agreement and participating in the incorporation of the Interim Vehicle CLG and delegates authority for agreeing the final form of the Members' Agreement and articles of association to the Strategic Director (Place) in consultation with the Planning and Infrastructure Portfolio Holder;
- (5) Notes the proposal to appoint the Portfolio holder for Planning and Infrastructure as Director of the Interim Vehicle by Cabinet at its meeting on 10 November 2020.

46. NOTIFICATION OF URGENT DECISIONS

Councillor R Ashman presented the report to Members.

It was moved by Councillor R Ashman, seconded by Councillor N Rushton and by affirmation of the meeting it was

RESOLVED THAT:

The report be noted.

47. APPOINTMENTS TO THE INDEPENDENT REMUNERATION PANEL

Councillor R Ashman presented the report to Members.

It was moved by Councillor R Ashman, seconded by Councillor T Gillard and by affirmation of the meeting it was

RESOLVED THAT:

The appointments of the members of the Independent Remuneration Panel be agreed for a term of office of 18 November 2020 to 17 November 2024.

Chairman's initials

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 9.22 pm