

MINUTES of a meeting of the COUNCIL held in the Forest Room, Stenson House, London Road, Coalville, LE67 3FN on TUESDAY, 7 MAY 2024

Present: Councillor R L Morris (Chair)

Councillors K Horn, M Ball, A Barker, C Beck, D Bigby, M Blair-Park, R Blunt, R Boam, M Burke, R Canny, D Cooper, D Everitt, T Eynon, M French, J Geary, T Gillard, R Johnson, S Lambeth, P Lees, J Legrys, K Merrie MBE, A Morley, P Moulton, E Parle, G Rogers, N J Rushton, R Sutton, A C Saffell, C A Sewell, S Sheahan, J G Simmons, N Smith, A Wilson, J Windram, L Windram, A C Woodman and M B Wyatt

Officers: Mr J Arnold, Mr A Barton, Mrs A Crouch, Mrs C Hammond, Mrs A Thomas, Mrs R Wallace and Miss E Warhurst

1. APOLOGIES FOR ABSENCE

There were no apologies for absence.

2. DECLARATION OF INTERESTS

There were no interests declared.

3. APPOINTMENT OF CHAIRMAN

Councillor R Morris said a few words regarding his year as Chairman. He thanked all officers, Members, and his consort for their support, particularly with raising money for his charity. He advised that the total raised was £12,000.

Nominations were sought for the Chairman for the ensuing municipal year.

It was moved by Councillor R Blunt that Councillor K Horn be appointed as Chairman of the Council for 2024/25. The motion was seconded by Councillor M Wyatt.

It was also moved by Councillor S Sheahan that Councillor D Everitt be appointed as Chairman of the Council for 2024/25. The motion was seconded by Councillor J Legrys.

As two nominations had been received, a vote was taken for each nominee in turn, the result of which was tied. Therefore, in accordance with the Council's Constitution, the Chairman exercised his casting vote. It was

RESOLVED THAT:

Councillor K Horn be appointed Chairman of the Council for 2024/25.

Councillor K Horn then took the Chair, received the Chairman's chains and signed the Acceptance of Office. He thanked Members for electing him as Chairman and presented Councillor R Morris with his Past Chairman's badge.

4. APPOINTMENT OF DEPUTY CHAIRMAN

Nominations were sought for the Deputy Chairman for the ensuing year.

It was moved by Councillor R Blunt that Councillor R Morris be appointed as Deputy Chairman of the Council for 2024/25. The motion was seconded by Councillor M Wyatt.

Chair's initials

It was also moved by Councillor E Parle that Councillor A Wilson be appointed as Deputy Chairman of the Council for the 2024/25. The motion was seconded by Councillor S Lambeth.

As two nominations had been received, a vote was taken for each nominee in turn, the result of which was tied. Therefore, in accordance with the Council's Constitution, the Chairman exercised his casting vote. It was

RESOLVED THAT:

Councillor R Morris be appointed as Deputy Chairman of the Council for 2024/25.

5. CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements:

This year marked the 50 years since the formation of North West Leicestershire District Council in February 1974 and the Chairman formally launched the 'year of celebrations' by highlighting the planned events taking place, and introducing the 50th anniversary logo to be used throughout the year. The Chairman concluded the announcement by cutting the anniversary celebration cake.

The Chairman presented to Councillor M Wyatt who had served as a member of the Council for 21 years, a scroll in recognition of his long service.

6. APPOINTMENT OF LEADER

Nominations were sought for the Leader of the Council for the ensuing year.

It was moved by Councillor T Gillard that Councillor R Blunt be appointed as Leader of the Council for 2024/25. The motion was seconded by Councillor N Rushton.

It was also moved by Councillor J Legrys that Councillor S Sheahan be appointed as Leader of the Council for 2024/25. The motion was seconded by Councillor A Morley.

Before a vote was taken, in agreement with the Chairman, Councillor R Sutton addressed the meeting in relation to his priorities for his constituents and the decision on leadership for Members to consider.

As two nominations had been received, a vote was taken for each nominee, the result of which was tied. Therefore, in accordance with the Council's Constitution, the Chairman exercised his second and casting vote. It was

RESOLVED THAT:

Councillor R Blunt be appointed as the Leader of the Council for 2024/25.

Councillor R Blunt thanked Members for his appointment and said a few words regarding his plans for the forthcoming year. He also took the opportunity to welcome the newly elected Councillor Catherine Beck to the Chamber.

7. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader of the Council, Councillor R Blunt announced that his appointments and delegations of executive functions for the forthcoming year as follows:

Leader – Councillor R Blunt

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Deputy Leader and Community and Climate Change Portfolio – Councillor M Wyatt
 Infrastructure Portfolio - Councillor K Merrie
 Planning Portfolio – Councillor T Saffell
 Corporate Portfolio – Councillor N Rushton
 Housing, Property and Customer Services Portfolio – Councillor A Woodman
 Business and Regeneration Portfolio – Councillor T Gillard

As in previous years, the executive responsibilities were to be delegated to the Cabinet to take decisions collectively.

Councillor S Sheahan, Leader of the Labour Group, announced the Shadow Portfolio Holders as follows:

Leader – Councillor S Sheahan
 Planning, Development Corporation and Freeport Portfolio – Councillor J Legrys
 Community Services Portfolio – Councillor P Moulton
 Environment, Net Zero and Waste Management Portfolio – Councillor D Bigby
 Finance and Corporate Portfolio – Councillor S Lambeth
 Housing and Customer Services Portfolio – Councillor A Morley
 Business and Regeneration Portfolio – Councillor G Rogers

8. QUESTION AND ANSWER SESSION

One question was asked which was circulated in the additional papers and is set out below with the response. The member of the public who asked the question was invited by the Chairman to ask one supplementary question which is also set out together with the response.

Question from Ms S Dillon

‘Whilst visiting flat at Coleorton Moor, which I believe are Council owned, I noticed that they had heat pumps installed. I also noticed a damp patch in the ceiling of the hallway. My understanding is that buildings should be brought up to a certain thermal insulation standard before installing heat pumps, otherwise they have to work too hard to bring the building to appropriate temperatures and, in these circumstances, are not cost efficient either financially or environmentally.

I presume a leaking building would not be at an appropriate standard, therefore rather than benefit the occupants and the environment, the heat pump installation is harmful.

Does NWLDC have a standard to which buildings should attain, and achieved, before installation of heat pumps?’

Response from Councillor A Woodman

‘With regards to a “leaky” building; and any damp and mould, we are not aware of any significant or harmful issues in the building we hold in the vicinity. I would encourage tenants to report anything of concern in the normal way and will be assessed. We are certainly not aware of anything ‘harmful’. Even if a leak has occurred this is likely to have occurred after installing the heat pumps in question.

NWLDC is obliged to abide by Standard Assessment Procedure (SAP) tests and current building regulations. Standards Part L1A (conservation of fuel and power) and Part F (ventilation) for existing dwellings. These standards were amended from 15 June 2023 and works that commenced prior to this date are not held to the improved standard, which is likely in this case.

Generally, heat calculations and a suitability survey are undertaken before any retrofit or heating upgrade is carried out by NWLDC.

This response is generic in its nature as we are not aware of the exact location of the property in question. If Ms Dillion would provide me this after the meeting I can supply a more tailored response if required.'

Supplementary question and response

Ms S Dillon commented that there were concerns that the installation of heat pumps could result in higher energy costs. She felt that more weight should be given to the views of residents when making material changes and therefore asked if any follow up surveys had been undertaken to establish if energy usage had decreased since the installation of heat pumps. Councillor A Woodman explained that a Cross Party Housing Improvement Board had recently been established and the issue of heat pumps will be placed on the next agenda, he would inform Ms S Dillon on the outcomes of the discussions.

9. QUESTIONS FROM COUNCILLORS

There were two questions asked which were circulated in the additional papers and are set out below with the responses. Each Member who asked a question was invited by the Chairman to ask one supplementary question which is also set out together with the response.

Question from Councillor J Legrys

'I asked for regular updates on the continued closure of a Right of Way between London Road and Stephenson Way Coalville at Full Council on the 20 June 2023 & 5 September 2023. Councillor Saffell responded that the case was complex, but he would keep me regularly updated on progress.'

I am disappointed that I need to raise the issue again as no updating on progress has been forthcoming since September 2023.

When will the above Right of Way be re-opened to pedestrians and cyclists?'

Response from Councillor A Saffell

'As previously advised, this is a matter that is being dealt with by Leicestershire County Council and our officers have continued to liaise with colleagues at the Environment and Transport team at the County Council.'

I am advised that there is still one wall that needs repairing at the northern end of the footpath and once this has been done, the heras fencing along this section of the footpath can be removed. I understand that the occupier of this property has engaged with a builder and it is anticipated the works will be carried out in the next four weeks.

Unfortunately, there are still properties on the southern section of the footpath between the children's play area and London Road who have not carried out repairs to their walls. The County Council will continue to try and engage with occupiers who have not yet responded to the contact so far. As such, the County Council are still assessing their options for removing the danger so that the right of way can be reopened.

While I am still unable to give a specific date when the footpath will be totally reopened, progress is being made. I have asked officers to continue to liaise with the County Council and to keep you updated at your monthly Shadow Portfolio Holder briefings.'

Supplementary question and response

Councillor J Legrys was disappointed that he was having to ask for information rather than receiving regular updates as promised. He asked for a guarantee that he would receive a monthly update to enable him to keep his constituents informed. Councillor A Saffell explained that it was a difficult situation as it was a Leicestershire County Council matter, however he would continue to ask officers to keep Councillor J Legrys updated.

Question from Councillor D Bigby

'At the last council budget meeting, the Conservative/Lib Dem Alliance removed the maintenance of Closed Churchyards from Special Expenses, spreading the cost across all Council Tax payers in the district, including the residents of my ward in Ashby. This has resulted in my ward residents being subject to double taxation - paying towards the upkeep of closed churchyards across the district plus the full cost of Ashby Town Council maintaining the closed churchyards in Ashby.

Since the budget meeting, Ashby's Town Clerk and Council Leader have approached the Council requesting that maintenance of Ashby's closed churchyards is also added to the General Fund. That request has been denied. I would like to request a list of the other parished areas in the District similarly subject to double taxation.

Can the Portfolio Holder justify this position and indicate what action, such as a Concurrent Grant Scheme, they propose to correct the inequitable treatment of many residents?'

Response from Councillor N Rushton

'Firstly, in responding to the point in respect of Ashby's Town Clerk approaching the Council requesting that closed churchyards is added to the General Fund – the Council responded stating when dealing with the maintenance of closed churchyards, the parochial church council may serve a request on a parish or town council to take over the maintenance of it, serving three months' notice. If the parish/town council resolves to do so, then during that three-month period it can serve written notice on the district council to maintain it rather than the parish/town council. With regards to the two closed churchyards in Ashby, it would appear that no notice was served on NWLDC during that three-month period. Consequently, the district council will not consider taking on the maintenance of them. As Blackfordby Churchyard is still active, then, again, the district council would not take on the maintenance of this.

By way of background:

- The Council is responsible for some closed churchyards in North West Leicestershire due to the operation of the legislation referred to in the Local Government Act 1972, these being:
 - Whitwick
 - Hugglecote
 - Coleorton
 - Snibston
 - Measham
 - Lockington and Hemington
 - Stretton
 - Appleby Magna
- This means it is responsible for the maintenance of the assets.
- The costs to maintain the asset have been considered through necessary surveys revealing boundary wall, fencing and tree works.
- These surveys identified that they required significant works to make/keep them safe and meet our legal obligations.
- The Council was not able to recover the costs of the works needed on specific churchyards needed through the special expenses precept as it would have resulted

in a substantial increase in the precept which is not allowed under the Council Tax Referendum Principles.

- For example, the planned and preventative maintenance costs for Stretton churchyard would have needed a £718.94 increase in the Council Tax Band D amount for its 19 residents.
- Transferring the costs to the general fund and thereby spreading the cost across the district results in an annual increase of 37 pence for a Band D property.
- The Council was unable to increase special expenses without a corresponding decrease in the North West Leicestershire District Council Tax level in line with the Council Tax Referendum Principles.

In summary, the consolidation of churchyard maintenance expenses into the general fund is a measure taken to mitigate financial risks, ensure compliance with maintenance obligations, and maintain fiscal stability across the affected areas.

If a principal authority, such as North West Leicestershire, moves special expenses to the general fund, it does lead to a form of double taxation. This is because the principal authority would still be collecting Council Tax for those special expenses, but the parish would also need to raise funds (likely through an increase in its precept, which is also funded by Council Tax) to cover those same expenses. There are further examples of this within the District such as Kegworth and Castle Donnington. The decision to transfer special expenses to the general fund is a strategic approach to financial management. The impact of double taxation was considered, as well as the principles of referendums. Balancing these factors with the legal obligations to maintain churchyards, the chosen method is sensible financial planning. This ensures that funds are allocated efficiently while upholding the Council's responsibilities.

In terms of a Concurrent Grant Scheme, the Local Government Act 1972, particularly Section 136, indeed provides a framework for principal authorities to support local councils, such as parish or town councils, financially, especially concerning concurrent functions. Concurrent functions are services provided in some parts of the district by the district or county council and in other areas by a parish council.

Such a scheme would support parish and town council net revenue expenditure on a range of agreed concurrent functions. Those local authorities who have implemented such schemes have tended to provide grant funding at an agreed percentage of the net revenue expenditure e.g. 25% of the concurrent function. The parish and town council are then required to submit a claim to the principal council each financial year.

The financial landscape for local governments has shifted significantly in recent years. The rescinding or reduction of these grant arrangements by some authorities, is prevalent in the local government sector, and can be attributed to the broader context of austerity measures and budgetary constraints faced by the local government sector. Should the Council decide to implement this program, it would necessitate the identification of a sustainable funding source, effectively introducing an additional strain on the Council's financial resources.

Considering the Council's goal to bridge its funding shortfall in the coming years, alongside the combined impact of service demands and inflation, and the rationale behind transferring special expenses into the general fund, it seems impractical to implement a grant scheme at this time.

Acknowledging the budgetary constraints, highlighted above, I will ask the Council's Section 151 Officer to meet with Ashby Town Council in the coming months to discuss the issues highlighted by the question.'

Supplementary question and response

Chair's initials

Councillor D Bigby asked if it could be confirmed that the concurrent grant scheme was not being used in this instance as the Council could not afford the cost even though it was covering the cost for the Coalville Special Expense area. Councillor N Rushton acknowledged the difficult issue and referred to the detailed response already provided. It was noted that the S151 Officer would be meeting with the parish clerks of the areas affected and would be looking into the matter further.

10. MOTIONS

No motions were received.

11. PETITIONS

No petitions were received.

12. MINUTES

Consideration was given to the minutes of the meeting held on 22 February 2024.

It was moved by Councillor Horn, seconded by Councillor Morris and

RESOLVED THAT:

The minutes of the meeting held on 22 February 2024 be approved and signed by the Chairman as a correct record.

Cllr Sewell left the meeting at the conclusion of the item.

13. APPOINTMENTS TO COMMITTEES AND GROUPS, ELECTION OF CHAIRS AND DEPUTY CHAIRS

Councillor T Gillard, the Business and Regeneration Portfolio Holder, presented the report and directed Members to the nominations as circulated in the additional papers. The recommendations were moved by Councillor T Gillard and seconded by Councillor K Merrie.

As there was more than one nomination for the Chair of the Local Plan Committee, a separate vote on this appointment was required.

The appointment of the Chair of the Local Plan Committee as circulated in the additional papers was put to the vote.

RESOLVED THAT:

Councillor J Simmons be appointed as Chair of the Local Plan Committee.

The appointments for the remaining Committees and Groups were then put to the vote.

RESOLVED THAT:

The appointments for the remaining Committees and Groups as circulated in the additional papers be agreed.

14. SCHEME OF DELEGATION

Councillor R Blunt, the Leader of the Council, presented the report to Members and moved the recommendations. It was seconded by Councillor N Rushton.

RESOLVED THAT:

The Scheme of Delegation in Part 2, Section G of the Council's Constitution be agreed.

15. APPOINTMENT OF REPRESENTATIVES ON OUTSIDE BODIES

Councillor T Gillard, the Business and Regeneration Portfolio Holder, presented the report and directed Members to the nominations as circulated in the additional papers. The recommendations were moved by Councillor T Gillard and seconded by Councillor K Merrie.

As there were three bodies that had received more nominations than seats available, a separate vote was required. However, before the vote was taken, Councillor S Sheahan withdrew the nominations of Councillor A Wilson from the Charnwood Forest Regional Park Steering Group and Councillor A Barker from the Whitwick Quarry Liaison Committee. Therefore, a separate vote was no longer required for those bodies.

As there was still more than one nomination for the Coalville Town Football Club, a separate vote on this appointment was required.

The appointment of the representative for Coalville Town Football Club as circulated in the additional papers was put to the vote.

RESOLVED THAT:

Councillor L Windram be appointed as the Council's representative on the Coalville Town Football Club.

The appointments for the remaining Outside Bodies as circulated in the additional papers were then put to the vote.

RESOLVED THAT:

The representatives be appointed to serve on the Outside Bodies as circulated in the additional papers.

16. SCHEDULE OF MEETINGS 2024 - 2025

Councillor T Gillard, the Business and Regeneration Portfolio Holder, presented the report to Members and moved the recommendations. It was seconded by Councillor R Blunt.

A request was made for an appropriate notice period for any cancellation of meetings to allow Councillors to better manage their time.

RESOLVED THAT:

The Schedule of Meetings for 2024 - 25 be agreed.

17. LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND - DRAFT WARDING ARRANGEMENTS

Councillor K Merrie, Infrastructure Portfolio Holder presented the report and moved the recommendations. It was seconded by Councillor A Woodman.

Discussion was had on the process taken to prepare the draft warding arrangements with several comments of disapproval shared in relation to wider Councillor consultation and the debate had at the Working Group. Some Members still felt the proposals were not the best solution with some communities being split. It was acknowledged by the Portfolio Holder that some elements of the process could have been approached differently but it was noted that suggestions made by all Members of the working group, no matter what political group they belonged to, were considered, and mostly incorporated into the proposals. It was also noted that the proposed changes to ward boundaries affected many Councillors from all sides of the Chamber.

The Chairman put the recommendations to the vote.

RESOLVED THAT:

- 1) The 'draft recommendations on the new electoral arrangements for the North West Leicestershire Council' as attached at Appendix B be approved and agreed as the Council's submission to the Local Government Boundary Commission for England's consultation on warding arrangements.
- 2) The submission of the 'draft recommendations on the new electoral arrangements for the North West Leicestershire Council' to the Local Government Boundary Commission for England be delegated to the Chief Executive.
- 3) It be noted that proposals on warding patterns may also be provided to the Local Government Boundary Commission for England by any member of the public, external body, group or organisation wishing to make recommendations by the close of the consultation on 27 May 2024.

18. CAPITAL UPDATE

Councillor R Rushton, Corporate Portfolio Holder, presented the report to Members and moved the recommendations. It was seconded by Councillor A Woodman.

The Chairman referred to an amendment to the motion, which had been circulated in the additional papers. Councillor D Bigby was invited to put forward his amendment.

Councillor D Bigby outlined the amendment as detailed in the additional papers and it was seconded by Councillor A Morley.

A full debate was held both in support and against the proposed amendment before the Chairman put it to the vote.

The amendment was declared LOST.

The Chairman referred Members to the original motion as set out in the agenda.

A further discussion was had on the use grant funding with some Members declaring their intention to abstain from voting as they were unhappy with the perceived lack of ambition to decarbonise the housing stock. The Portfolio Holder addressed the concerns and resolved to look at the timeframe for decarbonising stock with the newly established Cross Party Housing Improvement Board.

The Chairman put the original motion to the vote.

RESOLVED THAT:

- 1) The supplementary estimate of £267,000 in paragraph 3.2 of the report be approved in accordance with the Council's Constitution to ensure that there are sufficient resources to deliver the planned energy efficiency improvements to the Council's hosing stock.
- 2) The updated Housing Revenue Account Capital Programme as detailed at Appendix 1 be approved.

Councillor C Sewell left the meeting at 7.04pm

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.54 pm