

MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 11 NOVEMBER 2014

Present: Councillor G A Allman (Chairman)

Councillors R Adams, R D Bayliss, R Blunt, J Bridges, N Clarke, P Clayfield, J Cotterill, J G Coxon, D De Lacy, D Everitt, J Geary, T Gillard, R Holland, J Hault, D Howe, P Hyde, R Johnson, G Jones, C Large, J Legrys, C Meynell, T Neilson, T J Pendleton, V Richichi, J Ruff, N J Rushton, A C Saffell, S Sheahan, N Smith, A V Smith MBE, M Specht, L Spence, D J Stevenson and R Woodward

Officers: Mr S Bambrick, Mr R Bowmer, Ms C E Fisher, Mr D Gill, Mr G Jones, Mrs M Meredith and Mrs M Phillips

A two minute's silence was observed in remembrance of those who sacrificed their lives so that others may live in peace, and all those who gave their lives 100 years ago in World War I.

### **38. PRESENTATIONS**

Coalville Memorial Stones Presentation

Councillor A V Smith referred to the dedication of two memorial stones on Sunday 22 June 2014 in Memorial Square, Coalville, commemorating the men and women who had lost their lives whilst serving in the armed forces since 1945. She stated that inscribed on the stones at the time of the dedication were the names of four local men, some of whom had not been formally remembered locally since they passed away. She added that it had taken months of hard work, dedication, sensitivity and generosity to make this unique project a reality. The new memorial stones have made it possible for these Leicestershire men to be remembered in their local town, and have given the families and friends of these men a local memorial for their loved ones.

Councillor A V Smith stated that as Deputy Leader and Armed Forces Champion for the council, it gave her great pleasure to formally thank three members of the working group for their part in creating the new memorial stones in Coalville, and to present each of them with a commemorative photo album. She also paid tribute to the contributions made by the late Pete Baker, who was also a member of the working group.

Councillor A V Smith presented commemorative photo albums to local historian Michael Kendrick, who provided invaluable knowledge of the history of the area, and enthusiasm for the project; Des Starbuck, a member of the original working group that worked on the memorial tower, who had been a driving force for the project with his knowledge and enthusiasm; and Jim Rowlinson, Chairman of the North West Leicestershire group of the Royal British Legion, who worked for months to form links with the families of those men whose names appear on the stones, and to steer the project.

The members of the working group commended the support of the Chief Executive in respect of this project, and the support given by the Council to the Royal British Legion throughout the year.

The Chairman added that the work of the Royal British Legion with the Council had enabled the Remembrance Service to take place over the weekend, which had been attended by over 4,000 people. He commended the efforts of all those involved.

Chairman's initials

## Heritage Presentation

Councillor R Blunt stated that he had had the pleasure of attending an English Heritage conference on 9 October called 'revealing the appeal' which was held in Coalville. He added that the conference had opened a lot of eyes not only to the contribution of heritage in town centres, but also to Coalville and to the regeneration of town centres. He explained that the conference had received an excellent presentation from the Council's former Conservation Officer, Ramona Usher, on the history of Coalville, which really underlined the reason why a Conservation area had been designated in Coalville. He added that Coalville had pride of place in North West Leicestershire and has a very rich heritage and history that as the current custodians of the place we must make sure we make the best of.

Councillor R Blunt felt that nothing could deliver that message more powerfully than the presentation Ramona gave to the forum, which was then presented to all Members.

Councillor J Legrys stated that as Ward Member, he welcomed the effort being made for the town centre and he hoped that the aspirations of residents could be fulfilled. He commended the former Conservation Officer on the presentation and the work behind it and added that she would be sorely missed.

## Supporting Leicestershire Families Presentation

Councillor T J Pendleton stated that as Portfolio Holder for the Council's Stronger and Safer Communities team which included Supporting Families in North West Leicestershire, he had the great pleasure of attending the 1 year celebration event held at County Hall earlier this year. He stated that he was so impressed by the work undertaken to date and the progress being made that I wanted all Members to hear for themselves what has been delivered and the positive impact it is having on people's lives. He invited Jane Moore, Head of Supporting Leicestershire Families and Safer Communities at the County Council, to give a presentation outlining the work being undertaken to help our families. She gave an overview of service development and highlighted the outcomes of the 50 families within North West Leicestershire who had engaged with the service. She highlighted a particular case study which had demonstrated significant improvements for the family.

Councillor R Blunt referred to a presentation he had received at Melton regarding the scheme, and the improvements made by a family similar to that described in the case study. He commented that previously, the family felt that under the new scheme, everyone was working together to find a solution, rather than looking for a problem. He added that everyone deserved a second chance, and this scheme offered that. He hoped that the officers involved felt proud of the work they were doing which was so desperately important.

Councillor M Specht expressed congratulations to the entire team. He commented that cost savings could be achieved considering the bigger picture. He commended the scheme.

Councillor T Neilson thanked the Portfolio Holder and the officers for their hard work. He added that he would have welcomed a report to enable a debate. He commented that the child poverty rate in Measham was 20%, which was replicated in many areas around the country. He added that to deal with this issue family by family would take an age because of the problems being faced by the country at present. He stated that this was very valuable work which had been ongoing for some time. He commented that some of the government cuts were not helping.

The Chairman reminded Members that this item was a presentation only and was not for political debate.

Councillor R Holland commented that what had been achieved was fabulous. She referred to the case study and added that examples like this inspired people to get involved. She stated that this work was fundamental in changing the country in the long term. She added that she felt very passionately about this issue and urged officers to keep up the good work.

Councillor S Sheahan commended officers on their fantastic work. He commented however that this was only part of the picture and more work needed to be done. He stated that more affordable housing was needed, as was a benefits system that was fit for purpose and an education system that delivered for all. He added that poverty, low wages and underemployment needed to be combated and help provided for people to get out of debt. He stated that the child poverty figure was pertinent, and the underlying cause needed to be considered. He concluded that the administration should admit there was a problem and work together to do something about it.

Councillor T Pendleton stated that he could not let such comments go unchallenged. He commented that the Supporting Leicestershire Families movement and what it was achieving for the district was second to none. He added that the scheme had brought about a sea change in how families were dealing with their problems. He added that he did not necessarily agree with the child poverty level as the figure varied depending upon how it was defined. He reminded Members that the district only had a 2% unemployment level, which was almost full employment.

Councillor L Spence commented that when the programme had originally been introduced, it was called the troubled families agenda. He added that it was a testament to all involved that this had not been retained. He referred to a very similar presentation Members had received at Leicestershire County Council which had included a spider diagram showing the excellent improvement made by families. He commented that child poverty was an issue and would continue to be so. He called for all parties to ensure that funding remained in place after the general election to enable the work to continue.

### **39. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors A Bridges and L Massey.

### **40. DECLARATION OF INTERESTS**

Councillor N Clarke declared a non-pecuniary interest in item 10 – Review of Polling Districts and Polling Places, as Chairman of the Agar Nook Community Association Management Committee.

### **41. CHAIRMAN'S ANNOUNCEMENTS**

The Chairman invited Councillor D J Stevenson to speak.

Councillor D J Stevenson advised that unfortunately he was unable to attend the last Council meeting. He stated that at a previous Council meeting he had made a comment which some had found offensive. He added that this was definitely not his intention and he apologised.

The Chairman referred to the Remembrance service which had taken place over the weekend. He thanked the Royal British Legion and the officers involved for making the event very special.

The Chairman advised that 160 guests had attended his magic night on 18 September and £800 had been raised for his charities. He advised that the next event would take place on 4 December and he invited all Members to attend.

The Chairman stated that he and his deputy would be attending many engagements throughout the festive season.

## **42. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS**

Councillor A V Smith referred to the mini Tornado that hit Coalville on Sunday 2 November at around 7.30am. She stated that the freak weather system had caused some significant damage to the precinct in the town centre and houses and properties in the surrounding streets in a very short space of time. She added that staff were on the scene very quickly with street cleansing, the Forward Liaison Manager and Building Control. She reported that staff were liaising with the Police and County Highways and putting out communications via twitter and the website by mid morning. She expressed thanks to the staff who had been quick to respond when residents needed them and also to the local ward members who were also out reporting issues and helping residents with the aftermath and clean up.

Councillor A V Smith announced that she had the great pleasure of attending an Environmental Awards event yesterday on the back of an innovative Give and Gain event which our Community Focus team had organised earlier in the year. She stated that the event brought together local businesses with local community groups with the aim of joining up community needs with local businesses. She advised that the event had proved very to be successful with a number of businesses offering their support to a number of community groups and also developing relationships for the future. She reported that this Give and Gain initiative had been entered into the Environmental Awards called the Green Apple Awards. She added that the Council had previously won a Regional Silver in 2009 and a National Silver in 2010, and she announced that yesterday the Council had won National Gold. She thanked staff for their innovative ideas and bringing these to reality for the benefit of local communities.

Councillor J Legrys expressed his personal thanks to the staff who had attended the site of the tornado. He added that as a town centre resident, he had felt and heard the storm although his own home was not affected. He commented that the scene was devastating, although it was good to see neighbours helping one another. He added that Ward Members had attended and went into homes to assess the damage. He expressed thanks to the Highways staff who were on the scene very quickly and helping residents. He commented that there were some issues in respect of the resilience plan, particularly with regard to engaging with building control.

Councillor R Johnson stated that he concurred with Councillors J Legrys and A V Smith. He commented that he had been called out to visit residents as part of Gutteridge Street was in his Ward. He added that this was the second incident within his Ward and staff were on the ball. He added that one good thing about the tornado was that officers were still helping residents.

The Chairman asked Councillor R Johnson to conclude as the five minute time period for Members to speak in respect of announcements had almost elapsed and Councillor N Clarke had indicated that he wished to speak.

Councillor N Clarke expressed congratulations in respect of the Green Apple Award and thanked officers for their hard work.

Councillor T J Pendleton referred to the tour of development sites which had taken place on 10 October and stated that he was pleased that a number of Members had been able

to participate. He advised that a number of sites had been visited and Members had learned how much activity was taking place. He commented that good quality design was making a real difference and he felt that the Council could be proud of the places it was beginning to produce. He added that there were 4 schemes in the district that had received Built for Life awards. He stated that he hoped to ensure Members would have a further opportunity to take part in a similar initiative.

Councillor T J Pendleton announced that at the last Planning Committee, Members had voted unanimously in favour of a new retail scheme at the Ford Garage site that would transform this part of Coalville. He added that the scheme had been promoted by a local developer and was a good example of local people giving back to the community. He commended the Members of the Planning Committee for their positive attitude towards this development and he felt sure that the new scheme would help bring shoppers to Coalville.

Councillor M Specht commented that the tour of development sites had been a fruitful exercise and had been very well organised. He added that it provided an excellent opportunity for Members of the Planning Committee to see completed developments. He stated that he had expressed concerns in respect of where the occupiers of new developments were coming from, however he had been reassured that local needs housing was being provided for local residents. He commented that there were some brilliant schemes.

Councillor J Legrys commented that the tour of development sites had been positive, however he requested that for future events, some less successful sites should be visited to help Members learn from previous mistakes. He added that he was critical of the lack of affordable housing in the district and he wanted to see this rectified as soon as possible. He commented that the Ford Garage site was a win-win for the community, and this had to be supported along with other initiatives coming forward from the local community. He added that developers failing to deliver their promises created a cynical society. In respect of the built environment, he commented that some of the dwellings that were being built might be attractive, but they were very small inside. He added that the minimum size of homes needed to be considered as well as the size of garages.

#### **43. QUESTION AND ANSWER SESSION**

There were no questions received.

#### **44. QUESTIONS FROM COUNCILLORS**

Councillor D De Lacy put the following question to Councillor R Blunt:

“What are the implications to this Council of the judgement of the Employment Appeal Tribunal delivered on Tuesday 4th November which supported the inclusion of overtime pay into holiday pay calculations”?

Councillor R Blunt gave the following response:

“The Council is committed to ensuring that all aspects of employment law are fully and properly adopted.

We are currently undertaking a review of the implications of the Tribunals’ judgement for the Council’s workforce. This is complex because we will need to review the overtime working patterns of hundreds of employees particularly in the Services department. The review will be completed by the end of November and Councillor De Lacy will be briefed on the outcome as part of the shadow portfolio briefing scheduled for December 2014”.

Councillor D De Lacy commented that this was a concise and relevant answer. He welcomed the review of overtime patterns and appreciated that this took some time to complete. He added that it was good to see that the Council was dealing with this issue and not sticking its head in the sand. He stated that he wanted to ask what the Council was going to do in respect of the judgement; however he accepted that it would be premature to ask at this stage.

Councillor J Legrys put the following question to Councillor R D Bayliss:

“Why did the Housing Portfolio Holder remove regular internal and external inspections of this Council’s housing portfolio, and has the lack of inspection created any breaches of relevant safety Regulations”?

Councillor R D Bayliss gave the following response:

“Internal and external inspections of properties are, and have previously been, undertaken in many ways.

Scheduled estate inspections were previously undertaken by the patch based Housing Officers and provided an opportunity for residents and ward members to work with staff to resolve local issues. In response to a poor audit inspection back in 2006, they were a means of raising the profile of the housing service on the ground on our estates.

In later years, attendance at the inspections was not normally high, with often only housing staff present, or for new issues to be only rarely identified during the inspections as the Housing Officer had usually identified the issues during their normal duties. The inspections therefore ceased in 2012. Each Housing Officer now spends approximately 70% of their time on their patch, and can identify and action issues without the need for a scheduled estate inspection.

Tenancy audits were previously scheduled on a five year rolling programme and were used to confirm that the property was occupied by the correct tenant and the property was in a reasonable condition. The continuation of these inspections was reconsidered as part of the review of the Housing Management structure as there was no identifiable benefit in continuing with this approach which was extremely resource intensive. It was decided staff resources should be freed up to focus on other priorities, such as minimising the impact on tenants of welfare reform.

During the period of completing the tenancy audits they did not identify any new unlawful occupiers or any properties which required immediate intervention due to their condition. This assessment continues to be undertaken during normal interactions with our tenants or in response to any concerns raised by local residents, ward members or partner organisation.

In addition to estate inspections, regular inspections of blocks are undertaken, for example sheltered schemes in order to assess the quality of the cleaning being undertaken by the external contractor, Servest.

Following the recent introduction of mobile working within the housing service, we now have an effective route through which staff based in the district can report matters as soon as they are identified, for corrective action to be instigated.

In their role as a landlord, the Council has not breached any safety regulations since our change of approach.

We have also over the last 4 years completed a detailed stock condition survey at nearly all of the Councils properties. This work was completed in three phases by our property

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condition consultants Savills, and provides the basis for our stock condition database. This is updated as a consequence of any alterations carried out through the Decent Homes programme, other planned & cyclical works or upgrades that occur through voids or responsive repair work.

We are shortly going to be reviewing our Asset Management Strategy beyond the completion of the Decent Homes programme, which may look at joining up our housing investment programmes, stock condition information and housing management services with other local and Council services on a neighbourhood basis.

It is important to remember that whilst the Council has clear responsibilities as a landlord, tenants themselves have a duty of care relating to their actions. So, whilst the landlord has responsibilities in informing tenants of health and safety issues, individuals must also act in a responsible manner and take personal care of themselves whilst in our properties”.

Councillor J Legrys thanked the staff who had prepared the exceptionally long response, which was welcomed, as was the internal inspections which were to be undertaken. As a supplementary question, Councillor J Legrys commented that part of his question relating to breaches of health and safety legislation had not been properly answered. He referred to a case in particular where it had been maintained that illegal electrical work had been undertaken by a tenant. He asked if Councillor R D Bayliss had any evidence of this and what action would be taken in respect of the alleged electrical shock.

Councillor R D Bayliss stated that he wanted to avoid referring to specific instances. He added that there were many measures in place, and assured Councillor J Legrys that vulnerable tenants who could be at risk of endangering themselves were known to the Council, and were supported accordingly. He also referred to the last part of his response and reiterated the responsibility that tenants had to look after themselves. He added that there was no qualification for common sense, and no cure for stupidity.

#### **45. PETITIONS**

No petitions were received.

#### **46. MINUTES**

Consideration was given to the minutes of the meeting held on 16 September 2014.

It was moved by Councillor G A Allman, seconded by Councillor J Bridges and

RESOLVED THAT:

The minutes of the meeting held on 16 September 2014 be approved and signed by the Chairman as a correct record.

#### **47. REVIEW OF POLLING DISTRICTS AND POLLING PLACES**

Councillor N J Rushton presented the report to Members.

Councillor T Neilson thanked the staff involved in the preparation of the document. He commented that it had been a mammoth task.

Councillor A C Saffell referred to the polling station at the Orchard Primary School in Castle Donington. He stated that at the previous election, the caretaker's bungalow had been used and he sought clarification on why this was not being used again.

Councillor N Clarke commented that he was pleased that some of his comments had been taken on board. He welcomed the use of Greenacres, the community centre and school. He hoped the profile of the community centre would be raised.

Councillor D De Lacy welcomed the report. He commented that he had wanted to ask Councillor M B Wyatt why he felt that using Agar Nook Community Centre would affect turnout. He also asked whether he had given his apologies.

Councillor N J Rushton thanked Members for their comments. He reminded Councillor D De Lacy that even if Councillor M B Wyatt was present, he would not be required to answer his question. He added that Councillor M B Wyatt did not have to explain his attendance.

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

RESOLVED THAT:

- a) The consultation responses made in respect of the review of polling districts and polling places for North West Leicestershire be noted;
- b) The final proposals in respect of the review be approved, as set out in Appendix A to the report;
- c) Council requests that the Electoral Registration Officer makes the necessary amendments to polling districts to take effect from publication of the electoral register on 1 December 2014;
- d) Authority be delegated to the Returning Officer to make, where necessary, alterations to the designation of any polling place prior to the next full review in consultation with Ward Members and group leaders.

#### **48. UPDATE TO THE COUNCIL'S CONSTITUTION**

Councillor N J Rushton presented the report to Members.

Councillor J Geary referred to Procedure Rule 9 in respect of smoking at meetings. He commented that it was common sense that this be deleted as it was now covered by legislation. He added however that the use of e-cigarettes was not covered by any legislation and he sought clarification on the Council's position on this.

Councillor N J Rushton stated that this was a valid point, and added that a policy would be considered in due course.

Nominations were then sought for the appointment of a Chairman and substitutes to the Appointments Committee.

It was moved by Councillor N J Rushton, seconded by Councillor J Cotterill and

RESOLVED THAT:

- a) The comments of Policy Development Group on the proposals be noted;
- b) The proposed changes to the Constitution be agreed for implementation with immediate effect;
- c) The following Members be appointed to the Appointments Panel for the remainder of the municipal year:

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Chairman – Councillor R Blunt  
Deputy Chairman – Councillor A V Smith  
Substitutes – Councillors R D Bayliss, T Neilson, T J Pendleton, N J Rushton and S Sheahan

- d) The Head of Legal and Support Services be authorised to make the agreed amendments to the constitution and re-issue the document.

**49. MEMORANDUM OF UNDERSTANDING RELATING TO OBJECTIVELY ASSESSED NEED FOR HOUSING**

Councillor T J Pendleton presented the report to Members, drawing their attention to the legal advice at section 4.3 of the Cabinet report which outlined that the Memorandum of Understanding was an evidence based document rather than policy based. He referred to the table at section 3.4 of the Memorandum of Understanding which set out the assessed housing need figures for all the district councils in Leicestershire. He advised that most local authorities had already signed the Memorandum of Understanding and North West Leicestershire District Council would be the last to sign.

Councillor J Legrys expressed disappointment with the language used. He added that he had been minded to seek an amendment to the recommendation as he would have liked to have had the Memorandum of Understanding signed tonight to enable Charnwood to progress their Local Plan. He sought a cast iron guarantee that the Memorandum of Understanding would be signed tomorrow.

Councillor T J Pendleton stated that he would sign the Memorandum of Understanding as soon as possible, and strenuous efforts were being made to ensure this could be done tomorrow. He added that he would guarantee that it would be signed within 48 hours.

It was moved by Councillor T J Pendleton, seconded by Councillor R D Bayliss and

**RESOLVED THAT:**

The signing of the Leicester and Leicestershire Housing Market Area Memorandum of Understanding relating to the objectively assessed need for housing be delegated to the Chief Executive / Director of Services in consultation with the Portfolio Holder for Regeneration and Planning.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.54 pm

Chairman's signature