

MINUTES OF A MEETING OF THE COUNCIL HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 6 DECEMBER 2016 COMMENCING AT 7.00 PM

<u>IN ATTENDANCE:</u>		
Mayor - Councillor Robert F Eaton Vice-Chair - Councillor Lee A Bentley		
<u>COUNCILLORS (15):</u>		
G S Atwal G A Boulter J W Boyce D M Carter Miss M V Chamberlain	M H Charlesworth B Dave Mrs L Eaton R E Fahey D A Gamble J Kaufman	Dr T K Khong Mrs H E Loydall K J Loydall Mrs S B Morris
<u>OFFICERS IN ATTENDANCE (5):</u>		
S J Ball Mrs A E Court	M W L Hall A Thorpe	S Tucker

Min Ref.	Narrative	Officer Resp.
35.	<u>CALLING TO ORDER OF THE MEETING AND PRAYERS</u> The meeting of the Council was called to order to receive His Worship The Mayor.	
36.	<u>APOLOGIES FOR ABSENCE</u> An apology for absence was received from the Deputy Mayor, Councillor Mrs S Z Haq, due to Council business. An apology for absence was received from Councillors E R Barr, Miss A R Bond, F S Broadley, Mrs L M Broadley, Ms K M Chalk, M L Darr and R E R Morris. RESOLVED THAT: Councillor L A Bentley substitute for the Deputy Mayor as Vice Chair of the Council for the duration of the meeting.	
37.	<u>DECLARATIONS OF INTEREST</u> None.	
38.	<u>READING, CONFIRMATION AND SIGNING OF MINUTES</u> RESOLVED THAT: The minutes of the meeting of the Council held on Tuesday, 06 September 2016 be taken as read, confirmed and signed.	
39.	<u>MOTIONS ON NOTICE</u>	

39a. BUS SERVICES BILL - CLAUSE 21

The Council gave consideration to the Motion on Notice (at page 8) in respect of Clause 21 of the Bus Services Bill ("the Bill"). This should be read together with these minutes as a composite document.

The Motion was moved by the Deputy Leader of the Council, Councillor M H Charlesworth, subject to an amendment at 3 that:

'3. This Council resolves:

- (a) To write to Lord Ahmad and to call on the Department of Transport to not re-introduce Clause 21 at any later stage in the Bill's passage through Parliament; and*
- (b) To write to Edward Garnier MP to ask him to oppose any attempt to re-introduce Clause 21 at any later stage in the Bill's passage through Parliament.'*

The Deputy Leader commended the recent amendment to the Bill at its Third Reading in the House of Lords on 23 November 2016 to ensure that councils, including this Council, retained the power to form new municipal bus companies. It was said that it was important this clause was removed from the Bill as councils should continue to be allowed to form new companies if they were able to offer a better service and value-for-money for bus users, or be a provider of last resort. He said there was concern that Clause 21 of the Bill would have removed powers granted to councils under the Localism Act 2011 and associated General Power of Competence provisions. He noted that, if this Council was minded in the future to exercise this power, a bus service within the Borough would also serve to better connect the town centres of Oadby, Wigston and South Wigston.

The Motion (as amended) was seconded by Councillor J Kaufman.

The Member commended the Localism Act 2011 as an important enactment of legislation as was afforded under the Coalition Government. He noted that there had been a progressive decline in the use of bus services outside large metropolitan areas commensurate to the increasing cuts in bus travel subsidies. Councils' powers to form new municipal bus companies was said to be significant so that, amongst other things, any profits-accrued could be re-invested back into essential bus routes. He further welcomed the prospect of any Council-ran bus service within the Borough.

The Leader of the Opposition, Councillor B Dave, stated that the Motion was now redundant in view of the amendment to the Bill and that it should not be pursued.

RESOLVED THAT:

1. This Council notes:

- (a) That the Bus Services Bill currently passing through Parliament includes Clause 21 that will effectively "prohibit a local authority from forming a company for the purposes of providing a local bus service";
- (b) That the Localism Act (2011) provides general powers of competence to local authorities;
- (c) That municipal bus companies like Reading and Nottingham provide some of the best bus services in the country and have a successful

	<p>track record of increasing bus passenger numbers and providing high quality bus services; and</p> <p>(d) That polling found that a majority of the public (57%) oppose clause 21, whilst just 22% support it. The opposition to Clause 21 is consistent across voters from all political parties.</p> <p>2. This Council believes:</p> <p>(a) Clause 21 contradicts the general powers of competence and the spirit of the Localism Act 2011;</p> <p>(b) If there is a need and a demand from their public, then Councils should be able to provide their own bus services;</p> <p>(c) Should they wish, Councils should be legally able to follow the model developed by Reading and Nottingham; and</p> <p>(d) Consequently Clause 21 should be omitted from the Bus Services Bill.</p> <p>3. This Council resolves:</p> <p>(a) To write to Lord Ahmad and to call on the Department of Transport to not re-introduce Clause 21 at any later stage in the Bill's passage through Parliament; and</p> <p>(b) To write to Edward Garnier MP to ask him to oppose any attempt to re-introduce Clause 21 at any later stage in the Bill's passage through Parliament.</p> <p>Votes For 14 Votes Against 3 Abstentions 0</p>	SJB
40.	<u>PETITIONS, DEPUTATIONS AND QUESTIONS</u>	
40a.	<p><u>MODERNISE THE HILL FIELD PLAY-AREA IN OADBY GRANGE E-PETITION</u></p> <p>The e-Petition at agenda item 6a (at pages 9 - 12) was presented to the Council.</p> <p>The e-Petition stood referred to the subsequent meeting of the Service Delivery Committee to be held on Tuesday, 17 January 2017.</p>	
41.	<p><u>MAYOR'S ANNOUNCEMENTS</u></p> <p>The Mayor expressed his gratitude to all those who donated to the charitable tombola stall held at the Christmas Fair at Brocks Hill Country Park, Oadby on 19 November. He further noted the fun had at the Quiz Night held on 22 November in support of the Mayor's Charity and thanked all members of the Council's staff who attended.</p> <p>The Mayor further announced that the Council's Christmas Carol Service was to be held on 7 December in the Council Chamber at the Council Offices, Wigston.</p> <p>The Mayor wished all those in attendance, the Officers of the Council and the residents of the Borough a Merry Christmas and a Happy New Year.</p>	
41a.	<u>LIST OF OFFICIAL MAYORAL/DEPUTY MAYORAL ENGAGEMENTS</u>	

	<p>RESOLVED THAT:</p> <p>The list of Official Mayoral Engagements attended by The Mayor and, or, Deputy Mayor be noted by Members.</p>	
42.	<p><u>LEADER'S STATEMENT</u></p> <p>The Leader of the Council, Councillor J W Boyce, spoke about the Housing and Economic Development Needs Assessment (HEDNA). He stated that the HEDNA had been significantly delayed from its original timetable (that had its publication in autumn 2016) due to a requirement for further complex, evidence-based work. It was said that the final version of the HEDNA was to be published early in the New Year and would be considered by Members shortly thereafter.</p> <p>The Leader provided an update in respect of the Combined Authority for Leicester and Leicestershire (CA). He said that the Department for Communities and Local Government (DCLG) had since confirmed that the Order to establish the CA was not to come into effect until April 2017 at the earliest so that the Order could be considered as a whole due to a number of Parts still awaiting approval. It was anticipated that the CA's Constitution, Operating Agreement and Order would be considered at a meeting of the Council in the early spring. This Council's contribution to the CA was reported to be £7,000 per year.</p> <p>The Leader stated that a decision needed to be taken imminently by this Council in response to Leicestershire County Council's (LCC) decision to withdraw recycling credit incentive payments to the Borough from April 2018. It was announced that a Members' Briefing session was to be scheduled in January 2017 and a public consultation considering the available options was to be held in February 2017.</p> <p>The Leader spoke upon the subject-matter of standards and behaviour of Members. He reminded the Council that it was the responsibility of the respective political parties to take prompt and robust action against any of its own Members' (alleged) wrongdoing(s) that may bring the Council's reputation and its relationship with the Borough residents into disrepute and to make public the details of the action(s) taken. He further sought to clarify that with reference to comments having been made regarding his whereabouts, the same had no discernible impact upon his ability to effectively discharge his role as Leader, his availability to attend all meetings of the Council and its Committees (as may be expected) and to be easily contacted.</p> <p>The Leader wished all those in attendance, the Officers of the Council and the residents of the Borough a Merry Christmas and a Happy New Year.</p>	
43.	<p><u>STAFFING ISSUES COST UPDATE (GRIEVANCE AND INVESTIGATION)</u></p> <p>The Council gave consideration to the report (at pages 18 - 19) as delivered and summarised by the Chief Executive which should be read together with these minutes as a composite document.</p> <p>The Chief Executive stated that the recommended additional budget allocation was necessary to ensure the proper and satisfactory conclusion of the ongoing investigations so-referred. He reiterated that he was unable to disclose the details of the process due to the confidential matters that had</p>	

	<p>arisen from the investigations.</p> <p>The Leader of the Council moved the recommendation as set out at paragraph 2 of the report (at page 18).</p> <p>The Deputy Leader of the Council seconded the recommendation.</p> <p>The Leader of the Opposition expressed his disappointment that the Interim Chief Finance Officer (Section 151 Officer) was not in attendance to respond to Members' questions. He opined that the flexibility of the Council to borrow against its Reserves in future years would be restricted if the additional budget allocation was to be met from these funds. The Opposition Leader enquired as to whether: (a) the overspend of £71,000 had been duly authorised; and (b) if the overspend was in/exclusive of the recommended additional budget allocation. He also requested a further breakdown of the investigation costs as set out at paragraph 3.3 of the report (at page 18).</p> <p>The Leader of the Council stated that the total cost to date of £281,000 was inclusive of the overspend. He noted the importance of concluding the investigations in the proper fashion and the additional cost attached to achieve this. The recommended total approved budget of £325,000 was said to represent the monies spent on invoice on external professionals appointed to assist in the matters in question, and that only such external costs required authorisation from Members <i>vis-a-vis</i> delegation to Officers. The Leader assured that, at the end of the investigation process, a Members' Briefing Session would be held and the full details of the investigations would be made available in the public domain (to the extent permissible by law).</p> <p>The Deputy Leader of the Council noted the greater impact of such an investigation upon such a small local authority (LA) and that there was an expectation incumbent upon any responsible LA to conclude any investigation properly and satisfactorily.</p> <p>In accordance with Rule 16.5 of Part 4 of the Constitution, the names for and against the motion or abstaining from voting was demanded ("a Recorded Vote").</p> <p>RESOLVED THAT:</p> <p>A further £115,000 supplementary estimate to fund the remainder of the investigations as set out in the report be approved by Members.</p> <p>Votes For (13)</p> <p>L A Bentley G A Boutler J W Boyce D M Carter Miss M V Chamberlain M H Charlesworth Mrs L Eaton R F Eaton D A Gamble J Kaufman Mrs H E Loydall K J Loydall Mrs S B Morris</p>	
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	<p>Votes Against B Dave (3) R Fahey Dr T K Khong</p> <p>Abstentions G S Atwal (1)</p>	
44.	<p><u>AMENDMENTS TO POLLING DISTRICTS RESULTANT ON THE LEICESTERSHIRE COUNTY BOUNDARY REVIEW</u></p> <p>The Council gave consideration to the report and appendices (at pages 20 - 31) as delivered and summarised by the Electoral Services Manager which should be read together with these minutes as a composite document.</p> <p>Councillor D A Gamble commended the polling district arrangements for Oadby and noted the Local Government Boundary Commission for England's (LGBCE) acknowledgement of the Liberal Democrat representations made upon the same.</p> <p>Councillors Mrs H E Loydall commended the work of Officers. She cited a number of significant alterations to the new ward division arrangements at Annexe B (at pages 25 – 31) which were required to rectify the misplacing of certain streets into incorrect wards. The Member further noted the potential for confusion caused to electors as a result of different warding arrangements for different elections.</p> <p>The Electoral Services Manager acknowledged the alterations cited by the Member and that the Register of Electors would be re-published on 03 January 2017, accordingly. He advised that no elector would be asked to attend a different polling station than previously attended and that separate issuing tables in joint polling stations would be installed with the appropriate signposting.</p> <p>The Leader of the Council moved the recommendation as set out at paragraph 2 of the report (at page 20), subject to any alterations being communicated to the Electoral Services Manager by Members by 20 December and actioned, accordingly.</p> <p>Councillor Mrs S B Morris seconded the recommendation (as amended).</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The changes to the polling districts as set out at paragraph 5 of the report be accepted, subject to any alterations communicated to the Electoral Services Manager by 20 December 2016.</p>	
45.	<p><u>LAND CHARGES SHARED SERVICES</u></p> <p>The Council gave consideration to the report and appendices (at pages 32 - 34) as delivered and summarised by the Director of Services / Monitoring Officer which should be read together with these minutes as a composite document.</p> <p>The Director of Services / Monitoring Officer added that a shared Local Land Charges Service (LLCS) would accrue additional discount to the Council in respect of any proposed licensing/software system upgrades in the future and that, in view of the migration of LLCS's to the Land Registry within the</p>	

	<p>next five years, it would not be prudent for this Council to invest in an in-house service.</p> <p>Councillor J Kaufman moved the recommendation as set out at paragraph 2 of the report (at page 32).</p> <p>Councillor D M Carter seconded the recommendation.</p> <p>Councillor R E Fahey opined that the LLCS had been substandard for the approximate, preceding two years to the detriment of Borough residents. The Member further requested information as to the total number of Official Searches completed and their turnaround times since the introduction of the interim working arrangements between this Council and Blaby District Council (BDC).</p> <p>The Director of Services / Monitoring Officer advised that the turnaround time for most Official Searches was between 7 and 10-working days. She stated that the LLCS had not been detrimental to Borough residents for the entirety of a two-year period as intimated, not including the period in late 2015 and early 2016 as acknowledged in the report at paragraph 3.2 (at page 32). The information requested by the Member was to be provided outside the meeting in due course.</p> <p>Councillor Mrs H E Loydall requested that Councillor R E Fahey tender an apology to the Officer should the information requested rebut the Member's earlier intimation.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The delegation of the Oadby and Wigston Borough Council's Land Charges Service to Blaby District Council under S101 of the Local Government Act 1972 be approved.</p>	AC
46.	<p><u>41-43 CANAL STREET, SOUTH WIGSTON</u></p> <p>The Committee gave consideration to the report and appendices (at pages 39 - 49) as delivered and summarised by the Planning, Development and Regeneration Manager which should be read together with these minutes as a composite document.</p> <p>The Leader of the Council moved the recommendations as set out at paragraph 2.1 of the report (at page 39).</p> <p>Councillors Mrs L Eaton seconded the recommendations.</p> <p>The Leader of the Council enquired as to: (a) whether the option price on the property in question would subsequently become the market value if the property was to be sold at auction; and (b) if any profits accrued would be the sum paid into escrow.</p> <p>The Planning, Development and Regeneration Manager advised that the entirety of proceeds received at any auction for the property would be the sum paid in escrow.</p> <p>Councillor Mrs S B Morris enquired as to whether there could be any criticism in respect of the Council's handling of the Compulsory Purchase Order (CPO) process if the property in question was to either sell for a price</p>	

below the valuation undertaken by the Valuation Office Agency (VOA) or another sum otherwise involving a large differential. The Member's cited concerns as to this Council's obligation to secure the best price for any indentified beneficiaries.

The Planning, Development and Regeneration Manager advised that the valuation provided by the VOA was not realistic to bring back the building into some future use. It was said that each option available to the Council (viz. sealed bids, sale at auction etc.) would be reviewed in terms of their respective risks if Members were minded to make a CPO on the property.

The Director of Services / Monitoring Officer advised that if any sale at auction occurred imminently after the vesting of the property to the Council, no legal implications were to arise. The price determined at auction was said to be conclusive. She assured Members that the Council was, and would continue, to work in close partnership with the VOA to ensure legislative and regulatory compliance.

The Deputy Leader of the Council enquired as to whether: (a) the property's valuation would be revisited as part of the CPO process and reviewed at any auction; (b) what the CPO costs borne to the Council were to be; and (c) if the Council's costs could be re-claimed from the funds paid into escrow.

The Director of Services / Monitoring Officer advised that the detailed process of the valuation required further exploration. It was said that the funds paid into escrow could not be removed and, if no beneficiaries were indentified in a proceeding 12-year period, the funds could be re-allocated to the expenditure budget with interest.

UNANIMOUSLY RESOLVED THAT:

- (i) A Compulsory Purchase Order under section 17 and Part XVII of the Housing Act 1985, and the Acquisition of Land Act 1981, for the acquisition of 41-43 Canal Street, South Wigston be made;
- (ii) That the Director of Services, in conjunction with the Chair of Policy, Finance and Development Committee and the Chief Financial Officer be granted delegated authority do anything necessary to give effect to the above at (i) including, but not limited to, undertaking all procedural steps required to:
 - (a) make advertise and secure confirmation and implementation of the Compulsory Purchase Order;
 - (b) acquire the legal interest in the property the subject of the proposed Compulsory Purchase Order, whether by voluntary agreement or compulsorily using statutory powers set out in the preceding paragraph;
 - (c) take all necessary action to deal with all matters relating to the payment of compensation and statutory interest including approval of agreement with land owners (if they come forward) setting out the terms for withdrawal of objections to the Order and where necessary and/or appropriate the instituting or defending of related proceedings; and
 - (d) dispose of the property in accordance with the proposals set out in this report.

47.	<p><u>BLABY DISTRICT LOCAL PLAN - DELIVERY PLAN DPD (PREFERRED OPTIONS)</u></p> <p>The Council gave consideration to the report (at page 50) as delivered and summarised by the Planning, Development and Regeneration Manager which should be read together with these minutes as a composite document.</p> <p>The Leader moved the recommendation as set out at paragraph 2 of the report (at page 50).</p> <p>Councillor L A Bentley seconded the recommendation.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The comments set out in paragraph 3.3 of the report as Oadby and Wigston Borough Council's formal response to Blaby District Council's Delivery Plan DPD (preferred options) be approved.</p>	
48.	<p><u>MELTON LOCAL PLAN - PRE SUBMISSION DRAFT</u></p> <p>The Council gave consideration to the report (at page 51) as delivered and summarised by the Planning, Development and Regeneration Manager which should be read together with these minutes as a composite document.</p> <p>The Deputy Leader moved the recommendation as set out at paragraph 2 of the report (at page 51).</p> <p>Councillor D M Carter seconded the recommendation.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The comments set out in paragraph 3.3 of the report as Oadby and Wigston Borough Council's formal response to Melton Borough Council's Local Plan Pre Submission Draft document be approved.</p>	
49.	<p><u>RECEIVING OF MINUTES FOR INFORMATION</u></p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>The minutes as set out at agenda item numbers 15a -15p (pages 53 - 126) from the meetings of the below-mentioned Committees, Forums, Working Groups and Outside Bodies for the purposes of information be received by the Council.</p> <ul style="list-style-type: none"> a. Minutes of the Development Control Committee held on Thursday, 25 August 2016; b. Minutes of the Children and Young Peoples' Forum held on Thursday, 01 September 2016; c. Minutes of the South Wigston Residents' Forum held on Wednesday, 07 September 2016; d. Minutes of the Armed Forces Working Group held on Thursday, 08 September 2016; e. Minutes of the Wigston Residents' Forum held on Wednesday, 14 September 2016; f. Minutes of the Place Shaping Working Group held on Thursday, 15 	

	<p>September 2016;</p> <p>g. Minutes of the Policy, Finance and Development (Statutory Reports) Committee held on Tuesday, 20 September 2016;</p> <p>h. Minutes of the Greening the Borough Working Group held on Wednesday, 21 September 2016;</p> <p>i. Minutes of the Development Control Committee held on Thursday, 22 September 2016;</p> <p>j. Minutes of the Change Management Committee held on Monday, 26 September 2016;</p> <p>k. Minutes of the Supporting Leicestershire Families Group held on Tuesday, 27 September 2016;</p> <p>l. Minutes of the Community Engagement Forum held on Wednesday, 28 September 2016;</p> <p>m. Minutes of the Licensing and Regulatory Committee held on Thursday, 29 September 2016;</p> <p>n. Minutes of the Health and Wellbeing Board held on Tuesday, 11 October 2016;</p> <p>o. Minutes of the Service Delivery Committee held on Tuesday, 11 October 2016; and</p> <p>p. Minutes of the Policy, Finance and Development Committee held on Tuesday, 01 November 2016.</p>	
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THE MEETING CLOSED AT 8.18 PM



MAYOR

THURSDAY, 23 FEBRUARY 2017