

CABINET
13TH AUGUST 2020

PRESENT: The Leader (Councillor Morgan)
The Deputy Leader (Councillor Barkley)
Councillors Bailey, Bokor, Harper-Davies, Mercer,
Poland, Rattray, Rollings and Smidowicz

Councillor Hamilton (Item 5)
Councillor Baines (Item 6)
Councillor Seaton (Items 7 and 9)

Chief Executive
Strategic Director of Corporate Services
Head of Strategic Support
Head of Leisure and Culture
Leisure Centre and Contract Business Manager
Information Development Manager
Democratic Services Manager
Democratic Services Officer (LS)

APOLOGIES: None

The Leader stated that this meeting was being livestreamed as a public meeting and would also be recorded and the recording subsequently made available via the Council's website. He also advised that, under the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, other people may film, record, tweet or blog from this meeting, and the use of any such images or sound recordings was not under the Council's control.

21. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

Councillor Harper-Davies declared a personal interest in item 9 on the agenda (Leisure Centre Contract), she held a membership at Soar Valley Leisure Centre.

Councillor Barkley declared a personal interest in item 9 on the agenda (Leisure Centre Contract), he held a membership at South Charnwood Leisure Centre.

22. LEADER'S ANNOUNCEMENTS

No announcements were made.

23. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 9th July 2020 were confirmed as a correct record.

24. QUESTIONS UNDER CABINET PROCEDURE 10.7

Councillor Hamilton – Homes in Existing Office, Warehouse, Shop Buildings

“The Ministry of Housing, Communities and Local Government (MHCLG) has announced new laws for the further relaxation of rules to help revitalise town centres by allowing property developers to create homes in existing buildings, such as offices, shops and warehouses without detailed planning permission. This adds to the relaxation 5 years ago to such planning rules yet a report commissioned by the MHCLG concluded that such relaxation has already resulted in flats “that are no bigger than garden sheds” of which “some had no windows or very limited natural light because of contrived layouts”.

My question is regarding these relaxations in planning procedures in town centres. What safeguards are CBC putting in place to ensure that any such properties within Loughborough and elsewhere in Charnwood are “fit for purpose” in terms of size, facilities, natural light etc. and truly meet the needs of our communities?”

The following response had been published prior to the meeting:

Permitted development rights for change of use from various types of commercial buildings to residential use were introduced initially in 2013 for a temporary period. They were made permanent in April 2016. The purpose is to help stimulate the economy and significantly boost the delivery of housing.

The most recent changes in Summer 2020, have recognised the issues with regard to access to natural light and residential amenity and have put a new safeguard in place. This recent change to the legislation now requires all prior notification applications under Parts M, N, O, PA and Q of the General Permitted Development Order, to be submitted with floor plans, including the use of each room and the dimensions. This is to allow local planning authorities to consider access to natural light as part of the assessment as to whether prior approval is required, along with other specified issues, such as, transport and highway impact, contamination risk, flood risk and impacts of noise. If the local authority is not satisfied the development accords with the requirements set out within the General Permitted Development Order, including sufficient access to natural light, the local planning authority can require further details for approval. If the local planning authority is still not satisfied at this stage prior approval can be refused.*

Article 4 measures would be the only mechanism available to Charnwood to remove these permitted development rights to change use to residential, and it is not considered that there is sufficient local justification or evidence to suggest changes of use within Charnwood should be different to other areas in England.

** The Town and Country Planning (General Permitted Development) (England) Order 2015
Class M – retail or betting office or pay day loan shop to dwellinghouses
Class N – specified sui generis uses to dwellinghouses (amusement arcades & Casinos)
Class O – offices to dwellinghouses
Class PA – premises in light industrial use to dwellinghouses
Class Q – agricultural buildings to dwellinghouses.*

In making a statement/asking a supplementary question, Councillor Hamilton referred to his question having been driven by central Government relaxation of the planning rules, the reason for which was understood, the Government was considering what

could be done to facilitate the evolution of town centres that were clearly changing, one of the ways of doing so being to make it easier for developers. However, earlier relaxation of rules had led to some abuses, such as residential properties the size of garden sheds, some having no windows, etc. Councillor Hamilton thanked Cabinet for the response which indicated that the Government had taken this into account and had put some safeguarding in place, which had been the concern in Councillor Hamilton's question, to ensure quality required. As part of the evolving scene in planning where the Government was making it easier for developers, to encourage building, Councillor Hamilton wished to know what the Council's planning team was doing to take account of this evolution, in particular to develop a greater safeguarding role moving forward to ensure that developers deliver a quality of property that was wanted here in Charnwood?

In response, the Leader stated that the Council's planning team had undertaken initial review of the Government White Paper published the previous week, although more detailed consideration was needed to understand the proposed changes and implications. The current consultation provided the opportunity for this Council and others to put forward their views. The Council had also been in contact with the Planning Minister in respect of earlier requests, the five-year supply for instance. The Council's planning team would be making a presentation to councillors to explain the White Paper and its implications for Charnwood, at which there would be an opportunity for councillors to ask questions.

25. COMMERCIALISATION SCRUTINY PANEL

Considered, a report of the Head of Strategic Support to consider the recommendations of the Commercialisation Scrutiny Panel (item 6 on the agenda filed with these minutes).

Councillor Baines, Chair of the Commercialisation Scrutiny Panel, presented the recommendations of the Panel. In doing so, he stated that some recommendations were affected by the current pandemic and the responses of the Senior Leadership Team in the report took that into account.

The Strategic Director of Corporate Services assisted with consideration of the report.

The Commercialisation Scrutiny Panel was thanked for its detailed work in respect of the matter.

RESOLVED

1. that, in respect of Panel Recommendation 1, a review of all material assets be undertaken to inform the forthcoming budget setting exercise, and that this exercise be continued on an ongoing basis;
2. that, in respect of Panel Recommendation 2, this review be considered in future periods when resource constraints permit;

3. that, in respect of Panel Recommendation 3, Cabinet notes the criteria set out in the response of the Senior Leadership Team to the recommendation (agenda page 14);
4. that, in respect of Panel Recommendation 4, officers begin this review as soon as is reasonably possible, given current resource constraints;
5. that, in respect of Panel Recommendation 5, officers review fees and charges in line with budget preparation for financial year 2021/2022;
6. that, in respect of Panel Recommendation 6, Cabinet notes the intention to implement a programme of service reviews;
7. that, in respect of Panel Recommendation 7, Cabinet notes the response of the Senior Leadership Team to the recommendation (agenda pages 15-16);
8. that, in respect of Panel Recommendation 8, the Commercial Enterprise Strategy is presented for adoption as set out in the response of the Senior Leadership Team to the recommendation (agenda page 16);
9. that, in respect of Panel Recommendation 9, the Commercial Enterprise Strategy lays out the tenets of what is meant by commercial and the principles by which commercial activity must be delivered;
10. that, in respect of Panel Recommendation 10, for urgent commercial decisions, members be made aware of the process and how it will be executed;
11. that, in respect of Panel Recommendation 11, a revised capital programme is brought to Council once its review is complete;
12. that, in respect of Panel Recommendation 12, options concerning investment are reviewed once HM Treasury has updated rules and policy regarding access to the Public Works Loan Board;
13. that, in respect of Panel Recommendation 13, Cabinet notes the response of the Senior Leadership Team to the recommendation (agenda page 18);
14. that, in respect of Panel Recommendation 14, engagement with partners continues and any viable opportunities be brought to Cabinet and/or Council for approval when appropriate;
15. that, in respect of Panel Recommendation 15, the review of garage sites for prospective redevelopment continues in line with existing practice;
16. that, in respect of Panel Recommendation 16, officers review and target activities that deliver cost savings and/or income generation in the very short term as a priority.

Reason

1-16. To acknowledge the work undertaken by and the views of the Commercialisation Scrutiny Panel and to ensure implementation of scrutiny recommendations where agreed by the Cabinet.

26. OPTIONS FOR 2020 LOUGHBOROUGH EVENTS - REMEMBRANCE PARADE, FAIR, CHRISTMAS LIGHTS AND PANTOMIME

Considered, a report of the Head of Leisure and Culture to consider options for 2020 Loughborough events (Covid-19) (item 7 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented a report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Leisure and Culture assisted with consideration of the report. In response to a suggestion from Councillor Mercer, she agreed to look into whether the Loughborough Christmas Lights switch on might be filmed and made available online.

The Cabinet Lead Member for Loughborough wished to thank the Head of Leisure and Culture for her work in identifying, where possible, alternatives to the Loughborough events that could not take place in 2020 due to the pandemic.

RESOLVED

1. that the delivery of Loughborough Fair in its current format should not proceed for 2020;
2. that the 799th year of the Royal Charter Fair will be celebrated with a few children's rides and food stalls along with an opening ceremony, commissioned in a Covid-secure manner, to reflect the importance and history of the Royal Charter Fair;
3. that the Loughborough Remembrance Day event should go ahead without a parade and in a revised format with additional social media/virtual elements;
4. that the Loughborough Christmas Lights switch on event be cancelled but the usual Christmas lights display be erected alongside a Special Christmas Market;
5. that the Town Hall Pantomime be cancelled and rebooked for 2021;
6. that alternative uses for the Town Hall auditorium be considered for the 2020 pantomime season;
7. that the report of the Scrutiny Commission be noted.

Reasons

1. The safety, economics and management issues are too great to make Loughborough Fair viable or safe in its current format.

2. To uphold the Royal Charter Fair by staging an alternative and appropriate event to celebrate its rich history and heritage.
3. The management of large numbers of people attending a parade, many of whom will be from more vulnerable groups, means safety cannot be ensured. A small service, with social media support, will enable the event to go ahead in a different format.
4. To avoid a large number of people coming together at a specific time (lights switch on). A Christmas market, lit by the festive lights, will provide an alternative option with visitors and activity spread across several days.
5. It takes months rather than weeks to organise the Town Hall Pantomime, preparations made to date will contribute to the delivery of next year's pantomime. A decision to cancel the Pantomime in August will prevent any further expenditure being committed in the next few months.
6. With the seating retracted the space in the auditorium can support a range of financially viable shows and events that are in line with Government guidance.
7. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

Note: In all cases the Council was considering these options with regards to its ability to meet the Covid Secure Guidance relative to the event or activity under consideration.

27. EXEMPT INFORMATION

RESOLVED that members of the public be excluded from the meeting during the consideration of the following item on the grounds that it would involve the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

The Information Development Manager confirmed that the meeting was no longer being livestreamed.

28. LEISURE CENTRE CONTRACT UPDATE

Considered, an exempt report of the Head of Leisure and Culture to review the situation with the Leisure Centre Contract (following previous consideration of providing financial support to the Leisure Centre Contractor during Covid-19 pandemic to support ongoing hibernation, Cabinet 4th June 2020) (item 9 on the agenda filed with these minutes).

Councillor Seaton, Chair of the Scrutiny Commission, presented an exempt report setting out the Commission's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Scrutiny Commission was thanked for its useful pre-decision scrutiny work, both in respect of this item and item 7 considered earlier in the meeting.

The Head of Leisure and Culture and the Leisure Centre Contract and Business Manager assisted with consideration of the report.

The Cabinet Lead Member for Community Support and Equalities wished to thank officers for their work in respect of this matter.

RESOLVED

1. that decisions be made as detailed in the exempt minute (Cabinet Minute 28E 2020/21);
2. that the exempt report of the Scrutiny Commission be noted.

Reasons

1. As set out in the exempt minute (Cabinet Minute 28E 2020/21).
2. To acknowledge the work undertaken by and the views of the Scrutiny Commission.

NOTES:

1. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 21st August 2020 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
2. No reference may be made to these minutes at the next available Ordinary Council meeting unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 21st August 2020.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.