

**CABINET
14TH DECEMBER 2023**

PRESENT: The Leader (Councillor Miah)
The Deputy Leader (Councillor Hamilton)
Councillors Ashcroft, Blackshaw, A. Gray, Jones
and Tillotson

Councillor Baines
Councillor Rattray
Councillor D. Taylor

P. Dosanjh and A. Baker (Consultants) (Item 11)

Chief Executive
Director Finance, Governance and Contracts
Democratic Services Manager
Director Commercial and Economic Development
Acting Head of Finance
Head of Economic Development and
Regeneration
Economic Development and Regeneration
Manager
Democratic Services Officer (LS)

APOLOGIES: Councillor Jadeja, received following the meeting.

The Leader stated that this meeting would be recorded and the sound 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.

46. DISCLOSURES OF PECUNIARY INTERESTS, AND OTHER REGISTRABLE AND NON-REGISTRABLE INTERESTS

Councillor Miah declared an interest as a member of Leicestershire County Council in respect of item 7 on the agenda (Draft General Fund and HRA 2024-25 Budgets).

47. LEADER'S ANNOUNCEMENTS

No announcements were made.

48. MINUTES OF PREVIOUS MEETING

The minutes of the meeting held on 16th November 2023 were confirmed as a correct record and signed.

Councillor Jones arrived at the meeting at 6.05pm as she had been attending Plans Committee.

49. QUESTIONS UNDER CABINET PROCEDURE 10.7

Note: Questions A-C related to changes made to Council Constitution in respect of Plans Committee at Council on 6th November 2023/the FAQs sent out to all members in that respect.

A. Councillor D. Taylor - Changes in Length of Time for Speakers at Plans Committee

“At the July 26th 2023 briefing, it was largely felt by all Councillors present that the 5-minute slot should remain in the interests of democracy.

Would the Leader confirm, in the interests of democracy who decided to recommend the change to the constitution to 3 minutes without bringing this item back for further discussion at a later Councillor briefing?”

The following response had been published prior to the meeting:

The recommendations of POSe, including those for public speaking, were first presented to members on 26 June 2023. The change to the time limit for public speaking was discussed in the all-member technical briefing on 7 September 2023 and Group Leaders were also briefed on 21 August 2023. The proposal was considered by Scrutiny Committee on 9 October 2023 and they resolved to support the recommendations to Cabinet (minute 51 23/24 refers). Cabinet considered the proposals on 12 October 2023 and resolved to refer the changes to Council on 6 November 2023 where the changes were approved by members (minutes 37 and 66.1 23/24 refer).

Councillor D. Taylor asked the following supplementary question:

“The Leader has failed to address in his reply that the majority of councillors present at the briefing on 26th July wanted the 5-minute slot to remain.

There was obviously a change of view between the 26th July briefing and the following meetings held on 21st August and 7th September, before the change was presented to the Scrutiny Commission and the Cabinet.

So I will ask the question again and I hope for a clear answer. Who decided to recommend the change to the Constitution to 3 minutes without bringing this item back for further discussion at a later councillor briefing?”

In response, the Leader stated that councillors had had the opportunity to consider the 3 minutes proposal at Scrutiny Commission and at Full Council. Since the Full Council meeting, no other councillors had queried the matter further.

B. Councillor D. Taylor – Call In Process (Plans Committee)

“Would the Leader explain where in the Planning Officers’ Society Enterprises (POSe) representations it recommends changing the Constitution to **‘Ultimately the Chair (or Vice Chair in their absence) will decide if the item will be added to the committee agenda’**?”

It is stated in the FAQs the change responds to concerns raised **repeatedly** by members of the Plans committee that items are being brought to committee by Ward Councillors that should be dealt with under delegated authority.

Would the Leader list the dates and planning applications over the past year that have **repeatedly** been raised by members of the Plans committee?

If concerns are repeatedly raised by members of the Plans Committee. Would the Leader explain why the FAQs state ‘It is only going to affect such a small number of applications?’

It is stated in the FAQs the amendment is to deal with exceptional circumstances where the reason for the Councillor’s call-in has been overcome to the satisfaction of stakeholders. Would the Leader confirm how the stakeholders will be contacted and will their responses be registered in the public domain? Also, will this include Parish Councils and objectors as stakeholders?”

The following response had been published prior to the meeting:

The POSe report does not make any reference to the Chair making decisions on reports being added to the agenda. The matter was led by the concerns raised by members of the Plans Committee.

The Council receives around 2,500 planning applications of all types a year and 97% of them are dealt with using delegated powers. A very small number of applications are actually called in to Plans Committee and then progress to be heard at committee and of these, an even smaller number have had ward councillors’ concerns satisfactorily addressed but the call in request not withdrawn. In the circumstances where called in applications are heard at the committee yet all the planning concerns and issues have been satisfactorily been addressed, members have consistently expressed their frustration that committee time could be better spent on dealing with more controversial applications. In the member briefings, there was a strong view that there should be a mechanism to arbitrate when ward councillors have been invited to withdraw the request but are unwilling to do so when the planning issues they have raised have been satisfactorily addressed.

It was also considered necessary to have a mechanism available when elections had changed the councillor in a ward and there was an outstanding call in that the new ward councillor didn’t support. This was a particular issue in May of this year given the turnover of councillors.

Councillors wishing to call in planning applications must do so for legitimate planning reasons acting in the wider public interest. Guidance on what are legitimate planning reasons is provided in the formal planning application consultation letter.

The amendment is to deal with exceptional circumstances where the ward councillors' objection has been overcome to the satisfaction of a stakeholder. For example, if the ward councillor calls in the application on the grounds there is insufficient parking but the Highway Authority's formal response is that the provision is acceptable and they have no objections, there is unlikely to be cause for the Plans Committee to overrule the officer's recommendation to approve planning permission, as such a decision would not be tenable at appeal.

In this example the Highway Authority response would be published in the public domain along with the ward councillor's call in request. The Chair would be invited to consider the officer recommendation report and also the Ward Councillor's call in request to consider if they feel the report warrants consideration of the Plans Committee. The outcome of the Chair's deliberation will be communicated to the ward councillor who made the call in request and a note made on the planning file.

Councillor D. Taylor asked the following supplementary question:

"Thank you for confirming that the POSe does not make any reference to the Chair making decisions on reports being added to the agenda. On the evening of the Full Council it was stated many times that we must follow the advice of the consultants. So why then have you added this additional piece into the Constitution?"

You have also stated that 97% of the approximately 2,500 planning applications are dealt with using delegated powers. This leaves approximately 75 applications to be heard by the Plans Committee. It is stated that an even smaller number than that have had ward councillor concerns satisfactorily addressed but the call in request not withdrawn, but no number is given, so how many has that happened to?

I also asked for the list of dates and planning applications over the past year that have been repeatedly raised by members of the Plans Committee and this information has not been provided. So could that also be provided for me?

The amendment to the Constitution now agreed was to deal with exceptional circumstances where the ward councillor objection has been overcome to the satisfaction of the stakeholder, but that is not stated in the Constitution only in the FAQs. Why is that?

As you have stated in the FAQs, the amendment is to deal with exceptional circumstances where the reason for the councillor call-in has been overcome to the satisfaction of stakeholders. I asked you to confirm how the stakeholders will be contacted and will their responses be registered in the public domain? This will also include Parish Councils and objectors as stakeholders. Again this has not been answered."

In response, the Leader stated a written response would be provided to Councillor D. Taylor in respect of the above supplementary question.

C. Councillor D. Taylor - Single Member Wards (Plans Committee)

“Would the Leader confirm that the Mayor, Deputy Mayor, and Councillors who are ill must follow the requirements of the Members’ Code of Conduct and the Planning Code of Good Practice?”

The POSe review recommends the Council introduce new provisions in its planning procedures which allow members of the Plans committee to nominate another Councillor to exercise the call-in procedure and public speaking function on their behalf, going on to say particularly with the prospect of more single-member Wards. Would the Leader acknowledge that the administration has been selective when changes have been made to the Constitution, indeed, some amendments have been made that were not in the POSe’s recommendations and some that were suggested were left out. Therefore, would he agree, that this damaging risk to local democracy should be rectified at the earliest opportunity?”

The following response had been published prior to the meeting:

The Mayor, Deputy Mayor, and Councillors who are ill must follow the requirements of the Members’ Code of Conduct and the Planning Code of Good Practice.

The POSe report does not recommend that the Council introduce new provisions in its planning procedures for single member wards; rather, it states in para 6.17:

“The Review Team’s view is that this [the issue of single member wards] is a decision for the Council as the issue of democratic representation is a general matter outside the scope of this review, but they do feel that it should be explicitly clarified, particularly with the prospect of more single member wards.”

The administration has been selective in the changes made to the constitution. Not all recommendations were taken forward; for example, recommendations to move the TPO appeals from the Appeals and Review Committee to the Plans Committee and the suggestion to relocate the Plans Committee from the Preston Rooms were not taken forward following discussion with members and officers.

Councillor D. Taylor asked the following supplementary question:

“Could the Leader explain why he thinks it is ok for a councillor with an interest in an application not to be able to call in an application on behalf of their residents in a single member ward?”

Does he consider this to be democratic or does he consider this puts residents at a disadvantage in single member wards?

Will you agree to look into this issue again?”

In response, the Leader stated that he would agree to look at the matter again. It was important to make sure that the advice of the Monitoring Officer was followed and at the time that advice had been that if the interest was passed on it became a registrable interest. The Leader wished to consider if there were ways in which that responsibility might be appropriately passed on and he would get back to Councillor D. Taylor and the Council on the outcome of that.

D. Councillor Baines – Balancing Budget/Council Services

“Given the stated aim of the Labour / Green alliance is to balance the budget and not use reserves, could you please indicate what Council services you propose to stop offering and from when?”

The following response had been published prior to the meeting:

As clarification point it should be noted that the Lead Member set out the approach to budget setting in his paper to the Budget Scrutiny Panel of 24 October 2023. In this paper he set out the approach which is ‘to slow the use of reserves to enable a balanced budget to be achieved over the term of the council across a number of financial cycles, whilst protecting services and enabling investment in projects with significant future cost saving, income raising or service enhancement potential’.

There are no current plans for cessation of any service offering.

Detailed budget proposals are set out in the draft 2024/25 budget which has now been published as part of the suite of reports due to be presented at the Cabinet meeting of 14 December 2023.

Councillor Baines asked the following supplementary question:

“If we have the situation where we cannot easily generate extra income and we also are deciding to continue the use of reserves although to a lesser degree, that either means we generate extra income, maybe not as much as we originally intended, or we cut some costs, you can’t have it both ways. Your answer indicates that there is no plan for this, was he missing something?”

In response, the Leader stated that a budget had been presented for the year, for future budgets appropriate decisions would be made at the time.

50. ASSET MANAGEMENT STRATEGY (AMS) 2024 TO 2030

Considered, a report of the Director Commercial and Economic Development: Asset Management Strategy 2024 to 2030 (item 6 on the agenda filed with these minutes).

Councillor Rattray, 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 Commission was thanked for its scrutiny of the matter.

RESOLVED that the Asset Management Strategy be approved to:

1. generate income from the operational, commercial, and investment portfolio;
2. identify and support delivery of corporate and service-related fixed asset projects;
3. support the corporate objective for a Net Zero Council by 2030;

4. continue the transformation journey toward an agile workforce that is well equipped;
5. delegate authority to the Strategic Director/Head of Service to make minor amendments to the strategy in consultation with the Lead Member.

Reasons

1. Generating additional income and operational savings will reduce the tax burden on residents.
2. Delivery/support of corporate projects that are in the corporate or service plans will ensure the fixed assets remain for purpose and meet or exceed operational requirements and add value to the estate.
3. Delivery/support of projects that reduce carbon emissions to meet the Council's Net Zero commitment for 2030 will ensure fixed assets perform at the best possible levels of efficacy and deliver carbon and financial savings.
4. Rationalising the fixed assets to meet the new agile workforce occupancy needs will reduce operational costs and where underused assets become apparent, they may be repurposed and utilised for income generation or capital receipt as may be appropriate.
5. The Asset Management Strategy is very much an iterative document that needs to react in a timely fashion as a result of other policy or business model changes. Delegation to the Director/Service Head to make and record minor changes in consultation with the Lead Member will ensure actions are taken under delegation without undue delay or use of valuable committee time.

51. DRAFT GENERAL FUND AND HRA 2024-25 BUDGETS

Considered, a report of the Head of Finance: Draft General Fund and HRA 2024-25 Budgets (item 7 on the agenda filed with these minutes).

RESOLVED

1. that the draft General Fund and HRA Revenue Budgets for 2024/25 as set out in Tables 2A, 2B and 4 in Part B of the report be endorsed for consultation;
2. that the Loughborough Special Expense Budget and Levy for 2024/25 as set out at Appendix 2 to the report be endorsed for consultation.

Reason

- 1&2. To provide the opportunity for consultation on the General Fund and HRA budgets for the 2024/25 financial year.

52. DRAFT CAPITAL PLAN (2024-25 TO 2026-27)

Considered, a report of the Head of Finance: Draft Capital Plan (2024-25 to 2026-27) (item 8 on the agenda filed with these minutes).

RESOLVED that the Draft Capital Plan for 2024/25 to 2026/27 for the recommended General Fund and HRA schemes as set out at Appendix 1 to the report be endorsed for consultation.

Reason

To enable consultation on the Draft Capital Plan, so that it can become the basis for capital spending by the Council.

53. CAPITAL PLAN AMENDMENT REPORT

Considered, a report of the Head of Finance: Capital Plan Amendment Report (current 2023/24-2025/26 Capital Plan) (item 9 on the agenda filed with these minutes).

RESOLVED

1. that the current Capital Plan for 2023/24-2025/26, as amended by the changes shown in Appendix 1 to the report, in the budgeted sum of £52,742,400 be approved;
2. approve a virement of £15k from Town Hall additional seating to Loughborough Town Hall – new website commissioning in 2023/24, to enable the budget to be available for the new scheme;
3. increase the budget for Disabled Facilities Grants by £98.3k in 2023/24, due to additional funding received from the Department for Levelling Up, Housing and Communities;
4. add a new scheme – Carillon Tower – Re-imaging Loughborough’s Iconic Tower totalling £249.3k, for the redevelopment of the Carillon Tower War Memorial Museum – funded by UK Share Prosperity Fund;
5. reduce Carbon Monoxide Alarms by £149.8k and Electrical Upgrades by £405.3k in 2024/25, due to a review of budgets in the new three year Capital Plan 2024-2027;
6. that it **be recommended to Council** to increase the budget for Bedford Square Gateway by £700k in 2024/25, due to increasing costs of completion, funded by capital receipts;
7. that it **be recommended to Council** to re-profile £1.6m from 2023/24 to 2024/25 for the Redevelopment Sheltered Accommodation – St Michael’s Court, Thurmaston scheme, due to works expected to start early 2024;
8. note additional decisions taken by Officers, in relation to new S106 schemes added to the Capital Programme, also included in Appendix 1 to the report;

9. note amendments to the Capital Programme since 14th September 2023 minute 28.

Reasons

1. To enable the current Capital Plan to be the basis for capital spending by the Council and so that schemes may proceed.
2. To enable the Loughborough Town Hall – new website commissioning budget to be available in 2023/24.
3. To confirm that the Disabled Facilities Grants be increased by £98.3k in 2023/24, funded by grant.
4. To enable the Carillon Tower – Re-imaging Loughborough’s Iconic Tower budget to be available in 2023/24, funded by UK Share Prosperity Fund.
5. To confirm that the Carbon Monoxide Alarms and Electrical Upgrades schemes be reduced.
6. To confirm that the Bedford Square Gateway be increased by £700k so that the scheme may be completed.
7. To enable the Redevelopment Sheltered Accommodation – St Michael’s Court, Thurmaston budget to be available in 2024/25.
8. To ensure members are aware of additional decisions taken by Officers, in relation to new S106 schemes added to the Capital Programme, also included in Appendix 1.
9. To ensure members are aware of amendments to the Capital Programme since Cabinet 14th September 2023 minute 28.

54. 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 Democratic Services Officer stopped the sound recording of the meeting.

55. REGENERATION PROSPECTUS

Considered, an exempt report of the Head of Economic Development and Regeneration: Regeneration Prospectus (item 11 on the agenda filed with these minutes).

Councillor Rattray, 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 Commission was thanked for its scrutiny of the matter. The Cabinet agreed with the Commission's view that the document was currently Loughborough centric, but it provided a starting point and the intention was to grow it and look at the wider Borough.

The consultants were also thanked for their work on the matter.

RESOLVED

1. that the Regeneration Prospectus be approved;
2. that authority be delegated to the Head of Economic Development and Regeneration to make future updates to the Prospectus in consultation with the Lead Member for Economic Development, Regeneration and Town Centres.

Reasons

1. To ensure that regeneration is an integral part of this Council's work to continually improve Charnwood for its residents and businesses, giving a focus and direction for future action.
2. To enable the document to remain 'live' and relevant when being used to engage with potential regeneration partners.

NOTES:

1. The following officers listed as present attended this meeting virtually: Director Commercial and Economic Development, Head of Economic Development and Regeneration, Economic Development and Regeneration Manager. P. Dosanjh and A. Baker (Consultants) also attended virtually.
2. The Democratic Services Manager attended this meeting in her role as Deputy Monitoring Officer.
3. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 22nd December 2023 unless called in under Scrutiny Committee Procedure Rule 11.7. Decisions in the form of recommendations to Council are not subject to call in.
4. 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, 22nd December 2023.
5. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.