

**To Members of the Council**

Cllr. Nick Chapman (Chairman)  
Cllr. Janet Forey (Vice-Chairman)

Cllr. Shabbir Aslam  
Cllr. Royston Bayliss  
Cllr. Lee Breckon JP  
Cllr. Nick Brown  
Cllr. Adrian Clifford  
Cllr. Cheryl Cashmore  
Cllr. Stuart Coar  
Cllr. Luke Cousin  
Cllr. Tony Deakin  
Cllr. Roy Denney  
Cllr. Alex DeWinter  
Cllr. Susan Findlay

Cllr. Helen Gambardella  
Cllr. Hannah Gill  
Cllr. Nigel Grundy  
Cllr. Paul Hartshorn  
Cllr. Richard Holdridge  
Cllr. Mark Jackson  
Cllr. Becca Lunn  
Cllr. Antony Moseley  
Cllr. Les Phillimore  
Cllr. Terry Richardson  
Cllr. Ande Savage  
Cllr. Tracey Shepherd

Cllr. Dillan Shikotra  
Cllr. Mike Shirley  
Cllr. Roger Stead  
Cllr. Ben Taylor  
Cllr. Matt Tomeo  
Cllr. Bob Waterton  
Cllr. Bev Welsh  
Cllr. Jane Wolfe  
Cllr. Maggie Wright  
Cllr. Neil Wright

Dear Councillor,

A meeting of the **COUNCIL** will be held in the Council Chamber - Council Offices, Narborough on **TUESDAY, 16 JULY 2024** at **5.30 p.m.** for the transaction of the following business and your attendance is requested.

Yours faithfully



**Louisa Horton**  
**Monitoring Officer**



## **AGENDA**

### **SECTION 1 - INTRODUCTION**

To receive apologies for absence, disclosures of interest from Councillors, and Minutes of the previous Council meeting.

1. Apologies for absence
2. Disclosures of Interests from Members

To receive disclosures of interests from Members (i.e. the existence and the nature of those interests in respect of items on this agenda).

3. Minutes (Pages 5 - 16)

To approve and sign the minutes of the meetings held on 21 May 2024 (enclosed).

4. Cllr. Janet Forey - Declaration of Acceptance of Office

### **SECTION 2 - STANDARD COUNCIL BUSINESS**

To receive announcements from the Chairman and the statement of the Leader of the Council.

Any reports for consideration listed under this section will be moved in one block without discussion, unless any Member present requests otherwise.

5. Chairman's Announcements
6. Leader's Statement (To Follow)
7. Constitutional Amendments - Planning Code of Good Practice (Pages 17 - 32)

To consider the report of the Senior Democratic Services & Scrutiny Officer (enclosed).

### **SECTION 3 - PRESENTATIONS TO COUNCIL**

To consider any presentations from Council Officer's or an external body/partner agency.

8. Green Circle Presentation

Members will receive a presentation from Green Circle representatives.

### **SECTION 4 - QUESTIONS FROM THE PUBLIC & PRESENTATION OF PETITIONS**

To receive questions to Councillors submitted by members of the public and to receive any petitions submitted in accordance with the Council's petitions scheme.

9. Public Speaking Protocol

Requests received by the Protocol deadline to be reported by the Monitoring Officer with details of the Agenda Item to which they relate. (Such persons entitled to use the Protocol attend for the purpose of making representations, answering questions or giving evidence relating to the business of the meeting and the time allocated to each person is a maximum of three minutes unless extended at the discretion of the Chairman).

**SECTION 5 - MEMBERS' QUESTIONS**

To receive any questions submitted by Councillors.

10. Questions from Members

Any Members wishing to submit questions must do so to the Monitoring Officer no later than 5 working days before the meeting.

The Monitoring Officer will report if any questions have been submitted.

**SECTION 6 - REPORTS FOR DECISIONS**

To consider any reports submitted for consideration by Council.

11. Fosse Meadows Lease of Land (Pages 33 - 40)

To consider the report of the Executive Director (S.151 Officer) (enclosed).

12. Recommendations of the Cabinet Executive: Treasury Management Outturn 2023/24 (Pages 41 - 56)

To consider the report of the Cabinet Executive (enclosed).

13. Modern Slavery Statement 2024 (Pages 57 - 66)

To consider the report of the Customer Insight, Experience and Engagement Service Manager (enclosed).

**SECTION 7 - MOTIONS/ DEBATES/CONSULTATIONS & MEMBERS' FEEDBACK**

To consider Motions submitted by Councillors, take part in a debate or receive Member feedback from attendance at national briefings, key training initiatives or work on any Outside Bodies.

**SECTION 8 - EXEMPT REPORTS**

*There are no items of business for consideration under this section.*

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## **COUNCIL**

Minutes of a meeting held at the Council Offices, Narborough

**TUESDAY, 21 MAY 2024**

### **Present:-**

Cllr. Cheryl Cashmore (Chairman)  
Cllr. Nick Chapman (Vice-Chairman)

Cllr. Shabbir Aslam	Cllr. Hannah Gill	Cllr. Mike Shirley
Cllr. Royston Bayliss	Cllr. Nigel Grundy	Cllr. Roger Stead
Cllr. Lee Breckon JP	Cllr. Paul Hartshorn	Cllr. Ben Taylor
Cllr. Nick Brown	Cllr. Richard Holdridge	Cllr. Matt Tomeo
Cllr. Stuart Coar	Cllr. Mark Jackson	Cllr. Bob Waterton
Cllr. Luke Cousin	Cllr. Becca Lunn	Cllr. Bev Welsh
Cllr. Tony Deakin	Cllr. Antony Moseley	Cllr. Maggie Wright
Cllr. Roy Denney	Cllr. Les Phillimore	Cllr. Neil Wright
Cllr. Susan Findlay	Cllr. Terry Richardson	
Cllr. Helen Gambardella	Cllr. Tracey Shepherd	

### **Officers present:-**

Julia Smith	- Chief Executive
Louisa Horton	- Executive Director - Communities and Monitoring Officer
Sarah Pennelli	- Executive Director - S.151 Officer
Marc Greenwood	- Executive Director - Place
Jonathan Hodge	- Planning & Strategic Growth Group Manager
Martin Needham	- Senior Planning Policy Officer
Katie Brooman	- Elections and Governance Manager
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Isaac Thomas	- Democracy Support Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

### **Honorary Alderman in attendance:-**

Iain Hewson & Guy Jackson

### **Apologies:-**

Cllr. Adrian Clifford, Cllr. Alex DeWinter, Cllr. Janet Forey, Cllr. Ande Savage,  
Cllr. Dillan Shikotra and Cllr. Jane Wolfe

**1. DISCLOSURES OF INTERESTS FROM MEMBERS**

- Cllr. Bob Waterton** - Item 9 – A proposed public consultation for a potential new Conservation Area in Braunstone Village.
- Nature of Interest - Other Registerable Interest.
- Extent of Interest - Chairman of the Planning & Environment Committee at Braunstone Town Council.

**2. MINUTES**

The minutes of the meetings held on 27 February 2024, as circulated, were approved and signed as a correct record.

**3. QUESTIONS FROM MEMBERS**

No questions were received.

**4. PUBLIC SPEAKING PROTOCOL**

A request was received from Stuart Bacon - Huncote Parish Council, as he was not in attendance the Chairman moved on to the next agenda item.

**5. FUTURE MANAGEMENT AND USE OPTIONS FOR LAND TO THE REAR OF HUNCOTE LEISURE CENTRE**

*Cllr. Stuart Coar left and returned to the meeting during this item.*

Considered - Report of the Executive Director - Place, presented by Cllr. Terry Richardson – Leader of the Council.

Following Member debate the Chairman, Cllr, Cheryl Cashmore invited Stuart Bacon from Huncote Parish Council who had arrived at the start of the item to speak.

Public Speaking

Pursuant to Part 5, Section 9 of the Council's Constitution, in relation to the Public Speaking Protocol, the Chairman allowed Stuart Bacon from Huncote Parish Council to speak for 3 minutes.

Cllr. Luke Cousin proposed amendments to recommendations, seconded by Cllr. Hannah Gill, as follows:

- Replace 2.1 as follows: “That the Council defer decision on the use of the land to the rear of the Huncote Leisure Centre (currently, BMX track provision) until the ongoing legal challenge by Huncote Hornets BMX Club is concluded and the legal position confirmed, at which point this report is brought back to Council.”
- Remove 2.2
- Remove 2.3

#### Reasons for Decisions Recommended

- Replace 3.1 as follows: “To enable Council to make a fully informed decision on the future use of the land”
- Remove 3.2
- Remove 3.3

The Chairman took the vote by a show of hands, the Chairman declared that the amendments had been lost.

### DECISIONS

1. That the BMX track provision to the rear of Huncote Leisure Centre be ceased.
2. That the land is reopened to the public, when it is safe to do so and upon completion of the outstanding legal action, as open space, which will include the planting of trees and rewilding.
3. That £50,000 from the general reserve to implement the recommendation be approved.

#### Reasons:

1. To address the legal and environmental issues arising from the land's previous use as a Landfill Site.
2. To determine the most beneficial use of the site, maximising the site's potential long term value to the community and supporting achievement of the council's priorities.
3. To manage public safety and environmental risks, providing the Council with scope to assess the ongoing landfill site risks.

**6. CORPORATE ACTION PLAN 2023-24**

Considered - Report of the Business Systems & Information Manager, presented by Cllr. Terry Richardson - Leader of the Council.

**DECISION**

That progress made against the Corporate Action Plan 2023-2024 be noted.

Reason:

It is important that Elected Members, and staff are familiar with how the Council is delivering against its agreed actions and priorities.

**7. REVIEW OF DISCRETIONARY PENSIONS POLICIES**

Considered - Report of the Finance Group Manager, presented by Cllr. Maggie Wright, Deputy Leader and Finance, People & Performance Portfolio Holder.

**DECISION**

That the updated discretionary Pension Policy be approved.

Reason:

To ensure that the policy covering active and deferred LGPS members remain up to date and fit for purpose.

**8. A PROPOSED PUBLIC CONSULTATION FOR A POTENTIAL NEW CONSERVATION AREA IN BRAUNSTONE VILLAGE**

Considered- Report of the Planning & Strategic Growth Group Manager, presented by Cllr. Ben Taylor – Planning Delivery and Enforcement & Corporate Transformation Portfolio Holder.

**DECISION**

That the Council proceed to a public consultation on the potential designation of the Braunstone Village Conservation Area.

Reason:

To progress the motion made by Council in November 2021 to consider the merits of a Conservation Area in this location.

**THE MEETING CONCLUDED AT 6.16 P.M.**



## **COUNCIL**

Minutes of a meeting held at the Council Offices, Narborough

**TUESDAY, 21 MAY 2024**

### **Present:-**

Cllr. Cheryl Cashmore (Chairman)  
Cllr. Nick Chapman (Vice-Chairman)

Cllr. Shabbir Aslam	Cllr. Hannah Gill	Cllr. Mike Shirley
Cllr. Royston Bayliss	Cllr. Nigel Grundy	Cllr. Roger Stead
Cllr. Lee Breckon JP	Cllr. Paul Hartshorn	Cllr. Ben Taylor
Cllr. Nick Brown	Cllr. Richard Holdridge	Cllr. Matt Tomeo
Cllr. Stuart Coar	Cllr. Mark Jackson	Cllr. Bob Waterton
Cllr. Luke Cousin	Cllr. Becca Lunn	Cllr. Bev Welsh
Cllr. Tony Deakin	Cllr. Antony Moseley	Cllr. Maggie Wright
Cllr. Roy Denney	Cllr. Les Phillimore	Cllr. Neil Wright
Cllr. Susan Findlay	Cllr. Terry Richardson	
Cllr. Helen Gambardella	Cllr. Tracey Shepherd	

### **Officers present:-**

Julia Smith	- Chief Executive
Louisa Horton	- Executive Director - Communities and Monitoring Officer
Sarah Pennelli	- Executive Director - S.151 Officer
Marc Greenwood	- Executive Director - Place
Jonathan Hodge	- Planning & Strategic Growth Group Manager
Katie Brooman	- Elections and Governance Manager
Sandeep Tiensa	- Senior Democratic Services & Scrutiny Officer
Isaac Thomas	- Democracy Support Officer
Nicole Cramp	- Democratic & Scrutiny Services Officer

### **Honorary Alderman in attendance:-**

Iain Hewson & Guy Jackson

### **Apologies:-**

Cllr. Adrian Clifford, Cllr. Alex DeWinter, Cllr. Janet Forey, Cllr. Ande Savage,  
Cllr. Dillan Shikotra and Cllr. Jane Wolfe

**1. DISCLOSURES OF INTERESTS FROM MEMBERS**

No disclosures were received.

**2. OUTGOING CHAIRMAN'S ANNOUNCEMENTS**

The Chairman, Cllr. Cheryl Cashmore made announcements in respect of the following:

- Attended many Spring, Summer and Christmas events over the 12 months of being Chairman.
- The Chairman was pleased that her final event of the year was a litter pick with Council staff on 15 May 2024, where 21 bags of litter were collected by 17 people in just 75 minutes. The Chair spoke about volunteering as a regular litter picker with the South Leicestershire Litter Wombles.
- The Chairman thanked the Senior PA and colleagues for their support in managing the Chairman's events, and announced that £2,900 was raised on behalf of her nominated Charity, Leicester Animal Aid.
- The Chairman thanked the Democratic Services Team and Monitoring Officer as well as her friends and Husband for their support over the last 12 months.

The Leader, Cllr. Terry Richardson thanked the Chairman for going above and beyond in her role as Chairman of the Council.

**3(a) ELECTION OF CHAIRMAN**

The outgoing Chairman Cllr. Cheryl Cashmore invited nominations for the election of Chairman of Blaby District Council for the ensuing year.

**DECISION**

That Cllr. Nick Chapman be elected Chairman of Blaby District Council, until the Annual Meeting of the Council to be held in 2025.

**4. DECLARATION OF ACCEPTANCE OF OFFICE**

Cllr. Nick Chapman read out the Declaration of Acceptance of Office and thanked Members for the privilege and honour of being elected as Chairman.

Members congratulated Cllr. Nick Chapman on being elected Chairman of the Council.

**5. INVESTITURE OF CHAIRMAN WITH CHAIN OF OFFICE**

Cllr. Nick Chapman was invested with the Chain of Office for the Chairman of the Council.

**6. CHAIRMAN'S ANNOUNCEMENTS**

The new Chairman thanked all Members for electing him as Chairman, and expressed that it is an honour to represent Blaby District Council, he also announced his partner Beverley Greenwood as his Consort for the year ahead.

The Chairman announced that his nominated Charity is the Leicestershire and Rutland Air Ambulance. The Chairman explained the air ambulance relies on donations for its funding and costs £2,300 for every mission. The Chairman's aim is to raise enough funds to pay for one of those missions.

The Chairman expressed what an honour it has been to be the Vice-Chairman to Cllr. Cheryl Cashmore over the past year and to see the hard work she has put into promoting the Council.

**7. PRESENTATION OF PAST CHAIRMAN'S BADGE TO OUTGOING CHAIRMAN**

Cllr. Nick Chapman presented Cllr. Cheryl Cashmore with the past Chairman's Badge and on behalf of the Council thanked her for her successful year in Office.

**8. APPOINTMENT OF VICE-CHAIRMAN**

The Chairman of the Council invited nominations for the Vice-Chairman of the Council for the ensuing year.

Cllr. Janet Forey was duly nominated in her absence.

**DECISION**

That Cllr. Janet Forey be appointed as Vice- Chairman of the Council for the 2024 – 2025 Municipal Year.

**9. DECLARATION OF ACCEPTANCE OF OFFICE**

As Cllr. Janet Forey was unable to attend the meeting, the declaration would be signed at a later date.

**10. MINUTES**

There were no minutes to consider.

**11. LEADERS ANNUAL STATEMENT 2023-2024**

*Cllr. Stuart Coar left and returned to the meeting during this item.*

Cllr. Terry Richardson, Leader of the Council, presented his Statement and highlighted that he was proud of this year's achievements, in particular:

- Providing affordable housing for the vulnerable, and removing residents from temporary accommodation.
- Saying goodbye to old friends, including Geoff Welsh who resigned as an elected Member in 2023.

Cllr. Ben Taylor expressed that he is proud of the Council's achievement in hosting the Armed Forces Coffee Mornings. Supported by the Armed Forces Champion, Cllr. Mark Jackson, the Coffee Mornings have grown in 2 years from 15 attendees to 40, and the Council has determined to show its support to armed forces veterans.

**12. SCRUTINY STATEMENT TO ANNUAL COUNCIL 2023-2024**

The Scrutiny Commission Chairman, Cllr Nick Brown presented the Scrutiny Statement.

The Scrutiny Commission Chairman thanked Cllr. Roy Denney for his support in his role as Vice-Chairman.

The Scrutiny Commission Vice-Chairman, Cllr. Roy Denney thanked Cllr. Nick Brown for his support over the last 12 months.

**13. AUDIT & CORPORATE GOVERNANCE COMMITTEE ANNUAL REPORT 2023/24**

The Audit & Corporate Governance Committee Chairman, Cllr. Mark Jackson presented the Annual Report.

**14. CHANGE IN ORDER OF AGENDA ITEM**

Under Part 4, Section 1, Paragraph 13 of the Council's Constitution, the Chairman, Cllr. Nick Chapman, moved that Agenda Item 14, Appointments of Chairman and Vice – Chairman be considered before Item 12.

**15. APPOINTMENTS OF CHAIRMAN AND VICE-CHAIR TO COMMITTEES 2024-25**

Considered – Report of the Senior Democratic Services & Scrutiny Officer.

As 2 nominations had been received for the role of Chairman of Scrutiny Commission, the Chairman took the vote by a show of hands.

Cllr. Nick Brown was duly elected.

As 3 nominations had been received for the role of Vice-Chairman of Scrutiny Commission, the Chairman took the vote by a show of hands.

Cllr. Neil Wright was duly elected.

**DECISIONS**

1. That Council appoint the Chair and Vice-Chair of Committees for the municipal year 2024/2025 as detailed at Appendix A of the report.
2. That Cllr. Nick Brown be elected as Chairman of Scrutiny Commission for the municipal year 2024/25.
3. That Cllr. Neil Wright be elected as Vice-Chairman of Scrutiny Commission for the municipal year 2024/25.

Reason:

It is appropriate to give effect to the wishes of the political groups.

**16. DELEGATION SCHEME OF THE CABINET EXECUTIVE AND CABINET EXECUTIVE APPOINTMENTS**

Considered – Report of the Senior Democratic Services & Scrutiny Officer.

**DECISIONS**

1. That the report of the Leader of the Council be accepted.
2. That the Constitution be amended accordingly with the updated roles and responsibilities of Cabinet Executive Members and Senior Leadership Team.

Reason:

It is appropriate to receive the report of the Leader of the Council and the

appointment of Members to the Cabinet Executive.

**17. APPOINTMENTS TO COMMITTEES 2024/25**

Considered – Report of the Senior Democratic Services & Scrutiny Officer.

**DECISIONS**

1. That effect be given to the wishes of the political groups as to the allocation of seats as detailed at Appendix 1 of the report.
2. That the distribution of seats as set out at Appendix 2 of the report be endorsed with immediate effect for all Committees.

Reason:

It is appropriate to give effect to the wishes of the political groups and ensure compliance with the Local Government & Housing Act 1989, Section 15 – 17 inclusive.

**18. APPOINTMENT OF MEMBERS TO SERVE ON OUTSIDE BODIES 2024/2025**

Considered – Report of the Senior Democratic Services & Scrutiny Officer.

**DECISIONS**

1. That the preferences and changes to appointments to Outside Bodies as proposed in Appendix 1 of the report be approved.
2. That unless otherwise stated all appointments continue until the Annual Council Meeting in 2025.
3. That all appointments be endorsed as approved duties for the payment of expenses.
4. That the Constitution be updated accordingly.

Reason:

It is appropriate to give effect to the wishes of the political groups.

**19. SCHEDULE OF MEETINGS 2024/25**

Considered – Report of the Senior Democratic Services & Scrutiny Officer.

**DECISION**

That the Schedule of Meetings for 2024-2025 at Appendix A of the report be approved.

Reason:

It is a Constitutional requirement for Council to approve the Schedule of Meetings.

**20. PUBLIC SPEAKING PROTOCOL**

No requests were received.

**21. QUESTIONS FROM MEMBERS**

No questions were received.

**THE MEETING CONCLUDED AT 6.52 P.M.**

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## Blaby District Council Council

<b>Date of Meeting</b>	16 July 2024
<b>Title of Report</b>	<b>Constitutional Amendments – Planning Code of Good Practice.</b>  This is not a Key Decision and is not on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Terry Richardson - Leader of the Council</b>
<b>Report Author</b>	Senior Democratic Services & Scrutiny Officer
<b>Strategic Themes</b>	All Themes: Enabling communities and supporting vulnerable residents; Enhancing and maintaining our natural and built environment; Growing and supporting our economy; Keeping you safe and healthy; Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 To seek approval for the proposed amendments to the Constitution to bring it in line with current practice.

### 2. Recommendation(s) to Council

- 2.1 That the Planning Code of Good Practice at Part 5, Section 2 of the Constitution be adopted.

### 3. Reason for Decisions Recommended

- 3.1 The Council must ensure that it has an up-to-date and current Constitution that accurately reflects the way that the Council operates.

### 4. Matters to consider

- 4.1 To ensure the Constitution accurately reflects the way the Council operates, some sections need to be reviewed and amended.

The Council's current "Planning Code of Good Practice and Guidance on Lobbying" is based on the Model Member's Planning Code produced by Lawyers in Local Government (LLG).

The LLG Planning Code of Good Practice was first published in 2003 in response to a series of successful court challenges concerning local planning authorities and their Members' Conduct of Conduct and/or conflicts of interests. It replaced several individual and sometimes unsystematic approaches that existed in individual councils at that time. It was reviewed in 2007 and updated in 2014. In 2017 the UK Supreme Court endorsed its use.

The Model Planning Code of Good Practice has now become a central piece of guidance used by local authorities to give their members and others advice to ensure fairness and legality.

This refreshed version will help in having clarified some of the points concerning consistency and reasoning in decision making and underscores the potential impact of social media interactions upon proceedings.

Some minor localised changes were made to this version to ensure that it complements the Council's current Code of Conduct and Planning Committee.

#### 4.2 Proposal(s)

That the Members Planning Code of Good Practice be adopted.

#### 4.3 Relevant Consultations

- Executive Director - Communities & Monitoring Officer
- Planning & Strategic Growth Group Manager
- Development Services Manager
- Development Services Team Leader

#### 4.4 Significant Issues

As this is an amendment to the Constitution 2/3 of those attending the Council meeting must vote for the amendment for this decision to be approved and the changes made.

### **5. What will it cost and are there opportunities for savings?**

5.1 There are no cost implications as a result of this report.

### **6. What are the risks and how can they be reduced?**

6.1 None

### **7. Other options considered**

7.1 No other options are considered.

**8. Environmental impact**

8.1 None

**9. Other significant issues**

9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9.2 Significant issues relating to Governance have been addressed at paragraph 4.4.

**10. Appendix**

10.1 Appendix A - Part 5, Section 2 - Planning Code of Good Practice.

**11. Background paper(s)**

11.1 None

**12. Report author's contact details**

Sandeep Tiensa                                      Senior Democratic Services Officer  
Sandeep.tiensa@blaby.gov.uk      0116 272 7640

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Appendix A

**PLANNING CODE OF GOOD PRACTICE**

**INTRODUCTION**

- 1 Relationship to the Members' Code of Conduct
- 2 Development Proposals and Interests under the Members' Code of Conduct
- 3 Fettering Discretion in the Planning Process
- 4 Contact with Applicants, Developers and Objectors
- 5 Lobbying of Councillors
- 6 Lobbying by Councillors
- 7 Site Visits
- 8 Public Speaking at Meetings
- 9 Officers
- 10 Decision Making
- 11 Training

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## MEMBERS' PLANNING CODE OF GOOD PRACTICE

The Members Planning Code of Good Practice must be read in conjunction with the Council's Code of Conduct and the Procedures set out in Part 4 of the Constitution.

### Introduction

**The aim of this code of good practice:** to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

**One of the key purposes of Planning:** is to regulate the development and use of land in the public interest.

**Your role as a Member of the Planning Authority:** is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons. You are also a democratically accountable decision-taker who had been elected to provide and pursue policies. You are entitled to be predisposed to make planning decisions in accordance with your political views and policies provided that you have considered all material considerations and have given fair consideration to relevant points raised.

**When the Code of Good Practice applies:** this code applies to Members at all times when involving themselves in the planning process. (This includes, where applicable, when part of decision making meetings of the Council in exercising the functions of the Planning Authority or when involved on less formal occasions, such as meetings with Officers or the public and consultative meetings). It applies as equally to planning enforcement matters or site specific policy issues as it does to planning applications.

**If you have any doubts about the application of this Code to your own circumstances you should seek advice early, from the Monitoring Officer or one of their staff, and preferably well before any meeting takes place.**

## 1 RELATIONSHIP TO THE MEMBERS' CODE OF CONDUCT

- **Do** apply the rules in the Members' Code of Conduct first, which must always be complied with. This is both the rules on disclosable pecuniary interests (and other interests if included in your authority's code) and the general rules giving effect to the seven principles of public life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

- **Do** then apply the rules in this Planning Code of Good Practice, which seek to explain and supplement the Members' Code of Conduct for the purposes of planning and development control. If you do not abide by this Code of Good Practice, you may put
  - the Council at risk of proceedings on the legality or maladministration of the related decision; and
  - yourself at risk of being in breach of the Members' Code of Conduct, being named in a report made to the Standards Committee or Council or, if the failure is also likely to be a breach of the Localism Act 2011, a complaint being made to the police to consider criminal proceedings.
- Do be aware that, like the Authority's Code of Conduct, this Planning Code is a reflection and summary of the law on decision making and not a direct replication of it. If in doubt, seek the advice of your Monitoring Officer or their staff advising at the meeting.

## 2 DEVELOPMENT PROPOSALS AND INTERESTS UNDER THE MEMBERS' CODE

- **Do** disclose the existence and nature of your interest as required by the Code of Conduct. Preferably, disclose your interest at the beginning of the meeting and not just at the commencement of discussion on that particular matter. (Use the disclosure form provided for disclosing interests.)
- **Do take into account when approaching a decision that** the Principle of integrity is defined, by the Committee on Standards in Public Life in 2013, in terms *that "Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. **They must declare and resolve any interests and relationships**".* It is therefore advisable that you:
  - **Don't** seek or accept any preferential treatment, or place yourself in a position that could lead the public to think you are receiving preferential treatment, because of your position as a councillor. This would include, where you have a disclosable or other personal conflict of interest in a proposal, using your position to discuss that proposal with officers or Members when other members of the public would not have the same opportunity to do so.
  - **Do** note that you are not prevented from seeking to explain and justify a proposal in which you may have a conflict of interest to an appropriate

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officer, in person or in writing, but that the Members' Code of Conduct may place additional limitations on you in representing that proposal.

- **Do** notify the Monitoring Officer in writing where it is clear to you that you have a disclosable pecuniary interest or other personal conflict of interest and note that:
  - you should send the notification no later than submission of that application where you can.
  - the proposal will always be reported to the Committee as a main item and not dealt with by officers under delegated powers;
  - you must not get involved in the processing of the application; and
  - it is advisable that you employ an agent to act on your behalf in respect of the proposal when dealing with officers and in public speaking at Committee.

### 3 FETTERING DISCRETION IN THE PLANNING PROCESS

(natural justice, predisposition and predetermination)

- **Don't** fetter your discretion and therefore your ability to participate in planning decision making at this Council by approaching the decision with a closed mind. Fettering your discretion in this way and taking part in the decision will put the Council at risk of a finding of maladministration and of legal proceedings on the grounds of bias, pre-determination or a failure to take into account all of the factors enabling the proposal to be considered on its merits.
- **Do** be aware that in your role as an elected Member you are entitled, and are often expected, to have expressed views on planning issues and that these comments have an added measure of protection under the law. Your prior observations, apparent favouring or objections in respect of a particular outcome will not on their own normally suffice to make a decision unlawful and have it quashed, but you must never come to make a decision with a closed mind.
- **Do** keep at the front of your mind that, when you come to make the decision, you
  - must keep an open mind and hear all of the evidence before you, both the officers' presentation of the facts and their advice and the arguments from all sides;
  - are not required to cast aside views on planning policy you held when seeking election or when otherwise acting as a Member, in giving fair consideration to points raised;



- 
- are only entitled to take account a material consideration and must disregard considerations irrelevant to the question and legal context at hand; and
    - are to come to a decision after giving what you feel is the right weight to those material considerations.
  - **Do** be aware that you can be biased where the Council is the landowner, developer or applicant and you have acted as, or could be perceived as being, a chief advocate for the proposal. (This is more than a matter of membership of both the proposing and planning determination committees, but that through your significant personal involvement in preparing or advocating the proposal you will be, or perceived by the public as being, no longer able to act impartially or to determine the proposal purely on its planning merits.)
  - **Do** consider yourself able to take part in the debate on a proposal when acting as part of a consultee body (where you are also a member of the parish council, for example, or both a district/borough and county councillor), provided:
    - the proposal does not substantially effect the well being or financial standing of the consultee body;
    - you make it clear to the consultee body that:
      - your views are expressed on the limited information before you only;
      - you must reserve judgement and the independence to make up your own mind on each separate proposal, based on your overriding duty to the whole community and not just to the people in that area, ward or parish, as and when it comes before the Committee and you hear all of the relevant information; and
      - you will not in any way commit yourself as to how you or others may vote when the proposal comes before the Committee.
  - **Do** explain that you do not intend to speak and vote as a member of the Committee because you will be perceived as having judged (or you reserve the right to judge) the matter elsewhere, so that this may be recorded in the minutes. (*Use the disclosure form provided for disclosing interests.*)
  - **Do** take the opportunity to exercise your separate speaking rights as a Ward/Local Member (where this is granted by the authority's standing orders or by the consent from the Chair and Committee) where you have

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represented your views or those of local electors and fettered your discretion, but do not have a disclosable or other personal conflict of interest.

Where you do:

- advise the Proper Officer or Chair that you wish to speak in this capacity before commencement of the item;
- remove yourself from the seating area for members of the Committee for the duration of that item; and
- ensure that your actions are recorded in accordance with the Authority's committee procedures.

#### **4 CONTACT WITH APPLICANTS, DEVELOPERS AND OBJECTORS**

- **Do** refer those who approach you for planning, procedural or technical advice to Officers.
- **Don't** agree to any formal meeting with applicants, developers or groups of objectors where you can avoid it. Where you feel that a formal meeting would be useful in clarifying the issues, you should never seek to arrange that meeting yourself but should request the Development Services Manager to organise it. The Officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action, that the meeting is properly recorded on the application file and the record of the meeting is disclosed when the application is considered by the Committee.
- **Do** otherwise:
  - follow the rules on lobbying;
  - consider whether or not it would be prudent in the circumstances to make notes when contacted; and
  - report to the Development Services Manager any significant contact with the applicant and other parties, explaining the nature and purpose of the contacts and your involvement in them, and ensure that this is recorded on the planning file.

**In addition in respect of presentations by applicants/developers:**

- **Don't** attend a planning presentation unless an Officer is present and/or it has been organised by Officers.

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- **Do** ask relevant questions for the purposes of clarifying your understanding of the proposals.
  - **Do** remember that the presentation is not part of the formal process of debate and determination of any subsequent application, this will be carried out by the appropriate Committee of the planning authority.
  - **Do** be aware that a presentation is a form of lobbying and, whilst you may express any view on the merits or otherwise of the proposal presented, you should never state how you or other Members would intend to vote at a committee.

## 5 LOBBYING OF COUNCILLORS

- **Do** explain to those lobbying or attempting to lobby you that, whilst you can listen to what is said, it may subsequently prejudice your impartiality and therefore your ability to participate in the Committee's decision making to express an intention to vote one way or another or such a firm point of view that it amounts to the same thing.
- **Do** remember that your overriding duty is to the whole community not just to the people in your [ward/local area] and, taking account of the need to make decisions impartially, that you should not improperly favour, or appear to improperly favour, any person, company, group or locality.
- **Don't** accept gifts or hospitality from any person involved in or affected by a planning proposal. If a degree of hospitality is entirely unavoidable, ensure it is of a minimum, its acceptance is declared as soon as possible [in accordance with the authority's rules on gifts and hospitality], including its addition to your register of interests where relevant.
- **Do** copy or pass on any lobbying correspondence you receive to the Development Services Manager at the earliest opportunity.
- **Do** promptly refer to the Development Services Manager any offers made to you of planning gain or constraint of development, through a proposed s.106 Planning Obligation or otherwise.
- **Do** inform the Monitoring Officer where you feel you have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers to follow the matter up.
- **Do** comply with the Council's protocol on lobbying, presentations or discussions.

- **Do** note that, unless you have a disclosable or overriding other personal conflict of interest, you will not have fettered your discretion or breached this Planning Code of Good Practice through:
  - listening or receiving viewpoints from residents or other interested parties;
  - making comments to residents, interested parties, other Members or appropriate Officers, (making clear that you must keep an open mind);
  - seeking information through appropriate channels; or
  - being a vehicle for the expression of opinion of others in your role as a [Ward/Local] Member.

## 6 LOBBYING BY COUNCILLORS

- **Don't** become a member of, lead or represent an organisation whose primary purpose is to lobby to promote or oppose planning proposals. If you do, you will be seen to have fettered your discretion on the grounds of bias.
- **Do** join general interest groups which reflect your areas of interest and which concentrate on issues beyond particular planning proposals, such as the Victorian Society, CPRE, Ramblers Association or a local civic society, but you should normally disclose that interest on the grounds of transparency where the organisation has made representations on a particular proposal and make it clear to that organisation and the Committee that you have reserved judgement and the independence to make up your own mind on each separate proposal.
- **Don't** excessively lobby fellow Councillors regarding your concerns or views nor attempt to persuade them that they should decide how to vote in advance of the meeting at which any planning decision is to be taken.
- **Do** be aware of the power of social media posts or re-posting and be careful to not to give the impression that you will definitively vote in a certain way or act with a closed mind if you intend to participate in the decision making on behalf of the authority.
- **Don't** decide or discuss how to vote on any application at any sort of political group meeting or lobby any other Member to do so. Political Group Meetings should never dictate how Members should vote on a planning issue.

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## 7 SITE VISITS

- Before every meeting of the Planning Committee, where appropriate, a site visit will be made. It is mandatory for any Members of the Committee wishing to vote on the applications, to attend the site visits.
- **Do** ensure that any information which you gained from the site visit is reported back to the Committee, so that all Members have the same information.
- **Do** ensure that you treat the site visit only as an opportunity to seek information and to observe the site.
- **Do** ask the Officers at the site visit questions or seek clarification from them on matters which are relevant to the site inspection.
- **Don't** hear representations from any other party, [with the exception of the Ward/Local Member(s) whose address must focus only on site factors and site issues]. Where you are approached by the applicant or a third party, advise them that they should make representations in writing to the authority and direct them to or inform the Officer present.
- **Don't** express opinions or views.
- **Don't** enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless:
  - you feel it is essential for you to visit the site other than through attending the official site visit,
  - you have first spoken to the Development Services Manager about your intention to do so and why (which will be recorded on the file) and
  - you can ensure you will comply with these good practice rules on site visits.

## 8 PUBLIC SPEAKING AT MEETINGS

- **Don't** allow members of the public to communicate with you during the Committee's proceedings (orally or in writing) other than through the scheme for public speaking, as this may give the appearance of bias.
- **Don't** participate in social media or exchanges by texting as a member of the committee during the committee's proceedings as this may give the

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impression of undue external influence and may give the appearance of bias.

- **Do** ensure that you comply with the Council's procedures in respect of public speaking.

## 9 OFFICERS

- **Don't** put pressure on Officers to put forward a particular recommendation. (This does not prevent you from asking questions or submitting views to the Development Services Manager, which may be incorporated into any Committee report).
- **Do** recognise that Officers are part of a management structure and only discuss a proposal, outside of any arranged meeting, with a Group Manager or those Officers who are authorised by their Group Manager to deal with the proposal at a Member level.
- **Do** recognise and respect that Officers involved in the processing and determination of planning matters must act in accordance with the Council's Code of Conduct for Officers and their professional codes of conduct, primarily the Royal Town Planning Institute's Code of Professional Conduct. As a result, Planning Officers' views, opinions and recommendations will be presented on the basis of their overriding obligation of professional independence, which may on occasion be at odds with the views, opinions or decisions of the Committee or its Members.

## 10 DECISION MAKING

- **Do** ensure that, if you request a proposal to go before the Committee rather than be determined through Officer delegation, that your reasons are summarised in the report to the Committee.
- **Do** come to meetings with an open mind and demonstrate that you are open-minded.
- **Do** comply with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and make decisions in accordance with the Development Plan unless material considerations indicate otherwise.
- **Do** come to your decision only after due consideration of all of the information reasonably required upon which to base a decision. If you feel there is insufficient time to digest new information or that there is simply

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insufficient information before you, request that further information. If necessary, defer or refuse.

- **Don't** vote or take part in the meeting's discussion on a proposal unless you have been present to hear the entire debate, including the Officers' introduction to the matter.
- **Do** have recorded the reasons for Committee's decision to defer any proposal [and that this is in accordance with the Council's protocol on deferrals].
- **Do** make sure that if you are proposing, seconding or supporting a decision contrary to Officer recommendations or the Development Plan that you clearly identify and understand the planning reasons leading to this conclusion/decision. These reasons must be given prior to the vote and be recorded. (It will help to take advice from officers when and where necessary to do this and, if there are no indications allowing you to do this in advance of the meeting, it may be helpful to request a short adjournment for these purposes). Be aware that you may have to justify the resulting decision by giving evidence in the event of any challenge.

## 11 TRAINING

- **Don't** participate in decision making at meetings dealing with planning matters if you have not attended the mandatory planning training prescribed by the Council.
- **Do** endeavour to attend any other specialised training sessions provided, since these will be designed to extend your knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.
- **Do** participate in the annual review of a sample of planning decisions to ensure that Members' judgements have been based on proper planning considerations.

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## Blaby District Council Council

<b>Date of Meeting</b>	16 July 2024
<b>Title of Report</b>	<b>Fosse Meadows Lease of Land</b> This is not a Key Decision and is not on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Nigel Grundy - Neighbourhood Services &amp; Assets</b>
<b>Report Author</b>	Executive Director (Section 151 Officer)
<b>Strategic Themes</b>	Enhancing and maintaining our natural and built environment

### 1. What is this report about?

- 1.1 This report seeks approval to lease Fosse Meadows Strategic Park to Green Circle Community Interest Company (CIC) in order to facilitate investment and further improvements to the site.

### 2. Recommendation(s) to Council

- 2.1 That approval is given to the principal of entering into a long term lease of the land at Fosse Meadows Strategic Park to Green Circle CIC.
- 2.2 That delegated authority be given to the Executive Director (S151 Officer) in consultation with the Neighbourhood Services and Assets Portfolio Holder to agree terms and conclude the legal arrangements.

### 3. Reason for Decisions Recommended

- 3.1 The leasing of Fosse Meadows Strategic Park will enable Green Circle CIC to make improvements to the site; enable grant applications to be made and resources to be available to restore and conserve the site for biodiversity whilst also providing an accessible site for people to connect with nature. The Council will also benefit from revenue savings and this initiative supports the site becoming financially sustainable.
- 3.2 The agreement of terms and legal arrangements will allow the Council to benefit from the lease arrangements whilst protecting its interest in the park.

### 4. Matters to consider

- 4.1 Background

The Council's Parks and Open Space Strategy 2024-2034 which was adopted in January of this year includes the vision to ensure Blaby District Council

owned parks and open spaces are sustainable, high quality, accessible and continue to provide value to people, place, and nature.

Fosse Meadows is identified within the document as one of the strategic sites and the strategy specifically details engaging with third sector organisations to undertake specialist maintenance, land management and community educational events and activities in addition to looking at ways in making the site financially sustainable.

The Council has been working with Green Circle Nature Regeneration at Fosse Meadows on an informal basis for over 18 months. During this time Green Circle have provided advice to the open spaces team on site and utilised Community Payback hours to deliver benefits to the site at no extra cost to the Council.

Green Circle Nature Regeneration is a Community Interest Company (CIC). This is a special type of limited company which exists to benefit the community rather than private shareholders. Its board members include a Professor at the University of Leicester, a finance professional, an educator by profession and an operational practitioner. Together they bring experience securing external funding, connections with the University and passion to create a genuine synergy between their work to improve the environment, and their social goals that engender in people a true understanding and appreciation of the value of nature.

Green Circle Nature Regeneration CIC exists to restore and conserve sites for biodiversity, and through engagement with people from across the social spectrum, to reconnect them with nature through experience and education.

As a result of Green Circle's involvement, resource has been provided (E.g. some 600 hours per month in April) which has increased the capacity for non-intrusive management of the site contributing to the increased biodiversity across a range of habitats on site. Such capacity is not, within the Council's open space workforce due to funding constraints.

#### 4.2 Proposal(s)

Through their work at Fosse Meadows Green Circle have built up considerable knowledge of the site and have identified potential improvements that could be made benefiting the community at the same time as further improving the biodiversity. Green Circle have identified funding streams to facilitate the improvements, however these funding streams are not open to the Council to apply for. Green Circle have approached the Council to take custodianship of Fosse Meadows to enable them to continue the work they have been doing on site and apply for grant funding for the benefit of the site and the community. In effect this would be a lease to Green Circle for a suggested period of 20 years which would enable them to apply for the grants.

Leasing the site to Green Circle would deliver on a number of points within the Parks and Open Space Strategy in that:

- Their plans for Fosse Meadows seek funding opportunities to deliver an education zone, including a discovery centre.
- They have specific plans for areas of the park to increase biodiversity, reduce formal maintenance but encourage footfall in a well-managed manner.
- They have investigated opportunities to obtain funding to provide for capital projects that the Council may otherwise be required to fund.

Should Council be supportive of the proposal to lease the site to Green Circle it is proposed to protect the Council's interest in the Strategic Site through the formation of a joint board ensuring the vision and themes within the Parks and Open Spaces Strategy are followed.

#### 4.3 Relevant Consultations

Members of the Senior Leadership Team and Cabinet Members have been consulted regarding these proposals.

#### 4.4 Significant Issues

Officers have engaged with the Welland Procurement Unit who have confirmed that this arrangement does not constitute a procurement and falls outside of procurement regulations.

### 5. What will it cost and are there opportunities for savings?

- 5.1 Green Circle have demonstrated their ability to deliver park improvements through funds raised through the use of the Community Payback scheme which has been ploughed back into the initiatives they have carried out on site to date. Their ability to access funds which are not open to Blaby DC provides opportunity for the site to undergo improvement which might otherwise not be affordable for the Council.

It is estimated that approx. £25k of revenue spend will be saved from the transfer of the park and an estimated 200 hours of the parks and open spaces operative hours being freed up to utilise elsewhere within the open spaces within the district.

### 6. What are the risks and how can they be reduced?

#### 6.1

Current Risk	Actions to reduce the risks
That the Council has insufficient financial resources to deliver	Leasing the park to Green Circle will provide the opportunity to deliver both physical resources and

improvements at Fosse Meadows Strategic Site.	financial investment through grant funding to carry out improvements to the park.
That Green Circle are unable to maintain the park for public use.	<p>Green Circle have been working with the Council on site for approx. 18 months. This has enabled them to understand the nature of the costs of the site and their ability to resource the maintenance of the site.</p> <p>Should Green Circle not be able to meet the obligations within the lease agreement the Council would be able to terminate the lease.</p>
That Council lose influence regarding the use and improvements of Fosse Meadows Strategic Park.	Green Circle core aims align with the themes that run through the Parks and Open Space Strategy. Through the setting up of a board structure Blaby District Council will continue to influence the use of the site.
That Fosse Meadows site will be used for financial gain by Green Circle CIC.	As a CIC Green Circle has an 'asset lock' - a legal promise stating that the company's assets will only be used for its social objectives. Thus, as a CIC Green Circle cannot by law financialise any aspect of Fosse Meadows Country Park.

## **7. Other options considered**

- 7.1 An approach was made to an alternative provider to understand if there may be other routes to achieve the same outcome as that proposed by Green Circle. The alternative provider worked on a basis of a long-term lease with the authority providing an upfront endowment from which interest was earned that then funded the works on site. With Fosse Meadows being a site of 39ha it was suggested that an upfront endowment of up to £3m may be necessary for the alternative provider to consider taking on the custodianship of the site. Given the extent of the investment required this option was dismissed.

The option to do nothing was also dismissed given the potential benefits the lease of Fosse Meadows Strategic Park to Green Circle brings.

## **8. Environmental impact**

- 8.1 The work that Green Circle has carried out on site has already contributed to the increased biodiversity across a range of habitats on site. Their plan for the site is to sustain and increase biodiversity through utilisation of their expertise and non-intrusive management of the site.

## **9. Other significant issues**

- 9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9.2 Significant issues relating to procurement regulations have been addressed at paragraph 4.4.

**10. Appendix**

10.1 Appendix A – Plan of Fosse Meadows Site

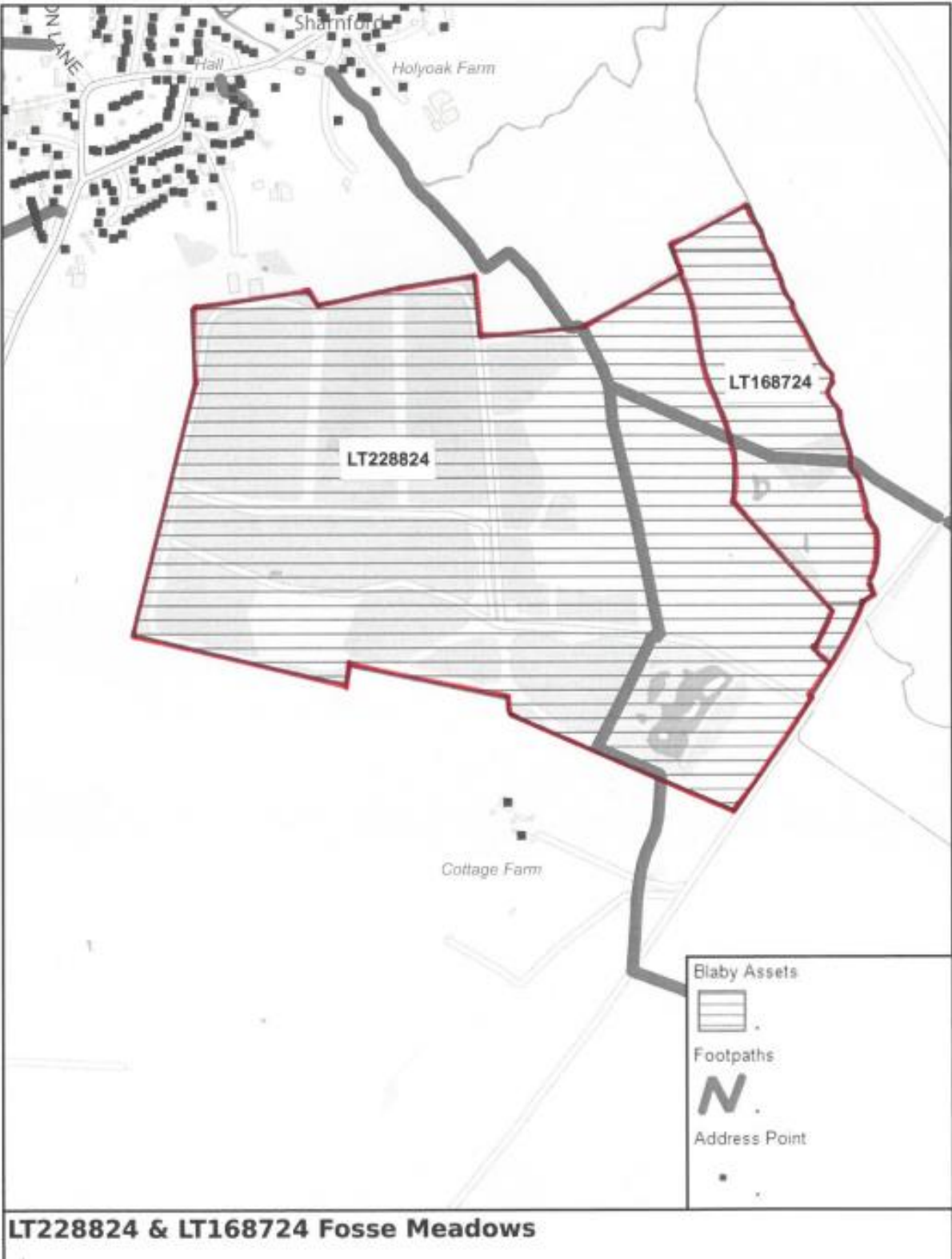
**11. Background paper(s)**

11.1 None

**12. Report author's contact details**

Sarah Pennelli Executive Director (S151 Officer)  
Sarah.pennelli@blaby.gov.uk 0116 272 7650

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## Blaby District Council Council

<b>Date of Meeting</b>	16 July 2024
<b>Title of Report</b>	<b>Recommendations of the Cabinet Executive: Treasury Management Outturn 2023/24</b>
	This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Maggie Wright - Finance, People &amp; Performance (Deputy Leader)</b>
<b>Report Author</b>	Finance Group Manager
<b>Strategic Themes</b>	Ambitious and well managed Council, valuing our people

### 1. What is this report about?

- 1.1 The report reviews the Council's treasury management activities undertaken during the 2023/24 financial year and gives details of the prudential and treasury indicators for the same period.
- 1.2 It also provides an update regarding the position regarding the Lothbury Property Trust, and actions taken following the termination of the fund.

### 2. Recommendation(s) to Council

- 2.1 That the treasury management activities for 2023/24 are approved.
- 2.2 That the prudential and treasury indicators for 2023/24 are approved.
- 2.3 That the delegated decision taken to transfer proceeds from asset sales in the Lothbury Property Trust into the UBS Triton fund is noted.

### 3. Reason for Decisions Recommended

- 3.1 The regulatory framework governing treasury management activities includes a requirement that the Council should produce an annual review of treasury activities undertaken in the preceding financial year. It must also report the performance against the approved prudential indicators for the year.
- 3.2 This report fulfils the requirement above and incorporates the needs of the Prudential Code to ensure adequate monitoring of capital expenditure plans and the Council's prudential indicators. The treasury strategy and prudential indicators for 2022/23 were contained in the report approved by Council on 22<sup>nd</sup> February 2023.

- 3.3 Following termination of the Lothbury Property Trust on 30<sup>th</sup> May 2024, it is considered that there is a greater chance of recouping the Council's initial property fund investment by re-investing the proceeds in a new property fund.

## **4. Matters to consider**

### **4.1 Background**

The Council is required to produce an annual treasury management review of activities and the actual prudential and treasury indicators for 2023/24 by regulations issued under the Local Government Act 2003. This report meets the requirements of both the Chartered Institute of Public Finance Accountants' (CIPFA) Code of Practice on Treasury Management (the Code) and the CIPFA Prudential Code for Capital Finance in Local Authorities (the Prudential Code).

During 2023/24 the minimum reporting requirements were that the full Council should receive the following reports:

- an annual treasury strategy in advance of the year (Cabinet Executive 20<sup>th</sup> February 2023, Council 22<sup>nd</sup> February 2023)
- a mid-year treasury update report (Cabinet Executive 6<sup>th</sup> November 2023, Council 28<sup>th</sup> November 2023)
- an annual review following the end of the year describing the activity compared to the strategy (this report)

The regulations place responsibility on Members for the review and scrutiny of treasury management policy and activities. This report is important, in that respect, as it provides details of the outturn position for treasury activities and highlights compliance with the Council's policies previously approved by Members.

The Council has complied with the requirement under the Code to give prior scrutiny to all the above treasury management reports by the Cabinet Executive and/or Scrutiny Commission before they were reported to the full Council. Member training on treasury management issues is undertaken on an ad hoc basis as required. It is proposed to arrange for refresher training during 2024/25.

### **4.2 Capital Expenditure and Financing**

The Council undertakes capital expenditure on long-term assets which may either be:

- Financed immediately through the application of capital or revenue resources (e.g., capital receipts, grants, revenue contributions), which has no resultant impact on the Council's borrowing need; or
- Financed through borrowing if insufficient resources are available, or a decision is taken not to apply resources.

The actual capital expenditure forms one of the main prudential indicators. The following table summarises the capital expenditure and financing for the year. A more detailed analysis is provided at Appendix A.

	<b>2022/23 Actual £</b>	<b>2023/24 Budget £</b>	<b>2023/24 Actual £</b>
Capital Expenditure	2,331,693	11,857,490	6,996,593
Financed in year	(1,421,427)	(5,653,595)	(4,137,886)
<b>Unfinanced Capital Expenditure</b>	<b>910,266</b>	<b>6,205,895</b>	<b>2,858,707</b>

#### 4.3 The Council's Overall Borrowing Need

The Council's underlying need to borrow for capital expenditure is termed the Capital Financing Requirement (CFR). This figure is a gauge of the Council's indebtedness. The CFR results from the capital activity of the Council and resources used to pay for the capital spend. It represents the 2023/24 unfinanced capital expenditure (see above table), and prior years' net or unfinanced capital expenditure which has not yet been paid for by revenue or other resources.

Part of the Council's treasury activities is to address the funding requirements for this borrowing need. Depending on the capital expenditure programme, the treasury service organises the Council's cash position to ensure that sufficient cash is available to meet the capital plans and cash flow requirements. This may be sourced through borrowing from external bodies, (such as the Government, through the Public Works Loan Board [PWLb], or the money markets), or utilising temporary cash resources within the Council.

The Council's underlying borrowing need (CFR) is not allowed to rise indefinitely. Statutory controls are in place to ensure that capital assets are broadly charged to revenue over the life of the asset. The Council is required to make an annual revenue charge, called the Minimum Revenue Provision (MRP) to reduce the CFR. This is effectively a repayment of the borrowing need. This differs from the treasury management arrangements which ensure that cash is available to meet capital commitments. External debt can also be borrowed or repaid at any time, but this does not change the CFR.

The total CFR can also be reduced by:

- the application of additional capital financing resources, (such as unapplied capital receipts); or
- charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).

The Council's 2023/24 MRP Policy, (as required by DLUHC Guidance), was approved as part of the Treasury Management Strategy Report for 2023/24

on 22<sup>nd</sup> February 2023. The charge to revenue is based on a weighted average annuity-based calculation rather than on a straight-line basis.

Once again, the Council undertook no new borrowing during 2023/24. Although there was a borrowing need to fund the capital programme, there are still sufficient reserves and balances available to enable the Council to effectively borrow internally. Since borrowing rates continued to be exceed investment rates during 2023/24 borrowing was deferred until such time as they reach, what may be considered to be, the bottom of the yield curve. Inevitably, this situation has given rise to revenue savings.

The table below highlights the gross borrowing position against the CFR. The CFR represents a key prudential indicator. It includes finance leases that appear on the balance sheet, and which increase the Council's borrowing need. However, no borrowing is required to cover finance leases as there is a borrowing facility included in the contract.

	<b>31<sup>st</sup> March 2023 Actual £</b>	<b>31<sup>st</sup> March 2024 Budget £</b>	<b>31<sup>st</sup> March 2024 Actual £</b>
Opening Balance	13,965,132	14,486,025	14,486,025
Add Unfinanced Capital Expenditure	910,266	6,205,895	2,858,707
Less MRP & VRP	(389,373)	(784,445)	(784,445)
<b>Closing Balance</b>	<b>14,486,025</b>	<b>19,907,475</b>	<b>16,560,287</b>

Borrowing activity is constrained by prudential indicators for gross borrowing and the CFR, and by the authorised limit.

It is important to ensure that borrowing is prudent over the medium term and that it is only undertaken for capital purposes. Therefore, the Council needs to make sure that, except in the short term, its gross external borrowing does not exceed the total of the CFR in the preceding year (2023/24) plus the estimates of any additional CFR for the current year (2024/25) and next two financial years. Effectively this means that the Council is not borrowing to support revenue expenditure. This indicator also allows the Council some flexibility to borrow in advance of its immediate need where it is appropriate to do so. The table below highlights the Council's gross borrowing position against the CFR. The Council has complied with this prudential indicator.

	<b>31<sup>st</sup> March 2023 Actual £</b>	<b>31<sup>st</sup> March 2024 Budget £</b>	<b>31<sup>st</sup> March 2024 Actual £</b>
CFR	14,486,025	19,907,475	16,560,287
Gross Borrowing	6,385,096	9,468,330	6,168,330
<b>(Under)/Over Funding of CFR</b>	<b>(8,100,929)</b>	<b>(10,439,145)</b>	<b>(10,391,957)</b>

**The Authorised Limit** – this is the affordable borrowing limit required by Section 3 of the Local Government Act 2003. Once it has been set, the Council does not have the power to borrow above this level. The table below

demonstrates that the Council has maintained gross borrowing within the authorised limit during 2022/23.

**The Operational Boundary** – this is the expected borrowing position for the year. Periods where the actual position is either above or below the boundary are acceptable subject to the authorised limit not being breached.

**Actual financing costs** as a proportion of net revenue stream – this indicator identifies the trend in the cost of capital (i.e., borrowing, and other long term obligation costs net of investment income), against the net revenue stream.

	<b>2023/24</b>
Authorised limit	£23,000,000
Maximum gross borrowing position during the year	£6,385,096
Operational boundary	£20,700,000
Average gross borrowing position	£6,302,497
Financing costs as a proportion of net revenue stream	8.14%

#### 4.4 Treasury Position on 31<sup>st</sup> March 2024

The Council's treasury management debt and investment position is organised by the treasury management service to ensure adequate liquidity for revenue and capital activities, security for investments and to manage risks within all treasury management activities. Procedures and controls to achieve these objectives are well established both through Member reporting detailed in the summary, and through officer activity detailed in the Council's Treasury Management Practices. At the end of 2023/24 the Council's treasury position was as follows:

	<b>Principal at 31<sup>st</sup> March 2023</b>	<b>Rate/ Return</b>	<b>Average Life</b>	<b>Principal at 31<sup>st</sup> March 2024</b>	<b>Rate/ Return</b>	<b>Average Life</b>
PWLB Debt	£5,929,939	2.24%	16.1 years	£5,713,439	2.25%	18.8 years
Market Debt	0	n/a	n/a	0	n/a	n/a
<b>Total debt</b>	<b>£5,929,939</b>	<b>2.24%</b>	<b>16.1 years</b>	<b>£5,713,439</b>	<b>2.25%</b>	<b>18.8 years</b>
Capital Financing Requirement	£14,486,025			£16,560,287		
<b>Over/(under) borrowing</b>	<b>(£8,556,086)</b>			<b>(£10,846,848)</b>		
Short Term investments	(£25,456,000)	3.98%		(£22,089,000)	5.34%	
Long Term Investments	(£844,874)	4.84%		(£742,726)	5.27%	
Net debt	(£34,856,960)			(£22,831,726)		

Other long-term liabilities, such as finance leases, are excluded from the table above.

The interest rates in the table above are based on the loans and investments outstanding at the year end and are not necessarily the same as the average rate payable during the financial year.

The maturity structure of the debt portfolio was as follows:

	<b>31<sup>st</sup> March 2023</b> <b>£</b>	<b>31<sup>st</sup> March 2024</b> <b>£</b>
Less than one year	216,500	855,837
Between one and two years	855,837	857,602
Between two and five years	857,602	0
Between five and ten years	0	0
Over ten years	4,000,000	4,000,000
	<b>5,929,939</b>	<b>5,713,439</b>

<b>Investment Portfolio</b>	<b>31<sup>st</sup> March 2023</b> <b>£</b>	<b>31<sup>st</sup> March 2023</b> <b>%</b>	<b>31<sup>st</sup> March 2024</b> <b>£</b>	<b>31<sup>st</sup> March 2024</b> <b>%</b>
Banks	17,373,000	3.95%	18,129,000	5.27%
Local Authorities	2,000,000	2.90%	1,000,000	6.90%
Money Market Funds	8,083,000	4.03%	2,960,000	5.26%
Property Fund	844,874	4.84%	742,726	5.27%

The return on the Lothbury Property Fund comprises both rental income and interest income gross of fees.

#### 4.5 The Strategy for 2023/24

##### Investments

Investment returns picked up throughout the course of 2023/24 as central banks, including the Bank of England, realised that inflationary pressures were not transitory, and that tighter monetary policy was called for.

Starting in April 2023 at 4.25%, Bank Rate moved up in stepped increases of either 0.25% or 0.5%, reaching 5.25% by August. By the end of the financial year, no further increases were anticipated, and the market was pricing in a first rate cut for either June or August 2024.

The upward sloping yield curve that prevailed throughout 2023/24 meant that local authorities continued to be faced with the challenge of proactive investment of surplus cash, and this emphasised the need for a detailed working knowledge of cashflow projections so that the appropriate balance between maintaining cash for liquidity purposes, and “laddering” deposits on a rolling basis to lock in the increase in investment rates as duration was extended, became an on-going feature of the investment landscape.

With bond markets selling off, UK equity market valuations struggled to make progress, as did property funds, although there have been some spirited, if temporary, market rallies from time to time – including in November and

December 2023. However, the more traditional investment options, such as specified investments (simple to understand, and less than a year in duration), have continued to be at the forefront of most local authority investment strategies, particularly given Money Market Funds have also provided decent returns near Bank Rate for liquidity purposes. In the latter part of 2023/24, the local authority to local authority market lacked any meaningful measure of depth, forcing short-term investment rates to between 6% and 7% in the last week of March.

While the Council has taken a prudent approach to investing surplus monies, it is also fully appreciative of changes to regulatory requirements for financial institutions in terms of additional capital and liquidity that came about in the aftermath of the Global Financial Crisis of 2008/09. These requirements have provided a far stronger basis for financial institutions, with annual stress tests by regulators evidencing how institutions are now far more able to cope with extreme stressed market and economic conditions.

### Borrowing

During 2023/24, the Council maintained an under-borrowed position. This meant that the capital borrowing need, (the Capital Financing Requirement), was not fully funded with loan debt as cash supporting the Council's reserves, balances and cash flow was used as an interim measure. This strategy was prudent as although near-term investment rates were equal to, and sometimes higher than, long-term borrowing costs, the latter are expected to fall back through 2024 and 2025 as inflation concerns are dampened. The Council has sought to minimise taking on of long-term borrowing at elevated levels (greater than 4%) and has focused on a policy of internal borrowing. Cash flows have been at a sufficient level to mean that even temporary, short-dated borrowing has been unnecessary.

Against this background and the risks within the economic forecast, caution was adopted with the treasury operations. The Executive Director (Section 151) therefore monitored interest rates in financial markets and adopted a pragmatic strategy based upon the following principles to manage interest rate risks:

- if it had been felt that there was a significant risk of a sharp **fall** in long and short-term rates, (e.g., due to a marked increase of risks around relapse into recession or of risks of deflation), then long term borrowings would have been postponed, and potential rescheduling from fixed rate funding into short term borrowing would have been considered.
- if it had been felt that there was a significant risk of a much sharper **rise** in long and short-term rates than initially expected, perhaps arising from the stickiness of inflation in the major developed economies, then the portfolio position would have been re-appraised. Most likely, fixed rate funding would have been drawn whilst interest rates were lower than they were projected to be in the next few years.

Interest rate forecasts initially suggested further gradual rises in short, medium, and longer-term fixed borrowing rates during 2023/24. Bank Rate had initially been forecast to peak at 4.5% but it is now expected to have peaked at 5.25%.

By January it had become clear that inflation was moving down significantly from its 40-year double-digit highs, and the Bank of England signalled in March 2024 that the next move in Bank Rate would be down, so long as upcoming inflation and employment data underpinned that view. Currently the CPI measure of inflation stands at 3.4% but is expected to fall materially below 2% over the summer months and to stay there in 2025 and 2026. Nonetheless, there remain significant risks to that central forecast, mainly in the form of a very tight labour market putting upward pressure on wages and continuing geo-political inflationary risks emanating from the prevailing Middle East crisis and the Russian invasion of Ukraine.

#### 4.6 Borrowing Outturn

Due to continuing high interest rates, no borrowing was undertaken during the year. As a result, gross borrowing has fallen from £5,929,939 to £5,713,439 on 31<sup>st</sup> March 2024. The movement is summarised in the following table:

	£
<b>Balance at 1<sup>st</sup> April 2023</b>	<b>5,929,939</b>
New borrowing in year	0
Loans repaid in year	(216,500)
<b>Balance at 31<sup>st</sup> March 2024</b>	<b>5,713,439</b>

The total loan interest payable in 2023/24, excluding finance leases, was £131,268 (£167,745 in 2022/23), and the average interest rate payable was 2.25% (2.14% in 2022/23). The slight increase in the interest rate payable is reflective of a PWLB loan with a rate of 2.68% being repaid in February 2024.

#### **Borrowing in advance of need:**

The Council has not borrowed more than, or in advance of its needs, purely to profit from the investment of the extra sums borrowed.

#### **Rescheduling:**

No rescheduling was done during the year as the approximate 1% differential between PWLB new borrowing rates and premature repayment rates made rescheduling unviable.



#### 4.7 Investment Outturn

The Council's investment policy is governed by guidance issued by the Department for Levelling Up, Housing and Communities (DLUHC), which has been implemented in the annual investment strategy approved by the Council on 22<sup>nd</sup> February 2023. This policy sets out the approach for choosing investment counterparties and is based on credit ratings provided by the three main credit rating agencies, supplemented by additional market data (such as rating outlooks, credit default swaps, bank share prices etc.).

The investment activity during the year conformed to the approved strategy, and the Council experienced no liquidity difficulties during the financial year.

Interest on in house investments amounted to £1,699,508 (£778,213 in 2022/23), above the revised budget by around £0.4m, due to the Monetary Policy Committee maintaining the bank rate at 5.25%, and cash flow balances remaining high. The average rate of return for 2023/24 was 5.34% compared with the average of 3.98% achieved in 2022/23.

In addition to this the Council achieved a return of £39,112 interest and rental income on its property fund investment during 2023/24, equivalent to 5.27% for the year (4.84% in 2022/23). There is a statutory override in place until 31st March 2025, which prevents fluctuations in the fund value from having to be charged to the General Fund. The Council has also set up an earmarked reserve as a mitigation against losses in the fund value.

As Members will be aware, the Lothbury Property Trust has suffered an ongoing reduction in its fund value during the last 18 months, and the fund managers had given notice to terminate the fund on 31<sup>st</sup> March 2024. At the time of setting the 2024/25 budget, in February, Council was informed that the fund managers were in negotiations with another well-established fund, UBS Triton, to transfer a proportion of their assets to the new fund.

Following an extraordinary general meeting held in March 2024, the deadline for terminating the fund was extended to the end of May 2024. Unfortunately, due to a difference in opinion over the valuation of certain assets that were to be transferred from Lothbury to UBS, the merger option did not proceed, and the fund was wound up on 30<sup>th</sup> May.

Lothbury have already sold off approximately 40% of the fund assets, and in early June began the process of distributing the proceeds arising from those assets to all investors in proportion to their initial investment. Further distributions will be made over the next 12 months or until all sales are complete. However, although the merger has fallen through, officers have maintained communication with UBS Triton fund managers and there is still an opportunity to transfer the Council's share of proceeds from Lothbury to UBS Triton, as and when funds are distributed, at a preferential management fee rate. The Executive Director (Section 151), in consultation with the Portfolio Holder for Finance, Performance, and People, has

determined under delegated authority that the transfer of funds from Lothbury to UBS Triton remains the Council's best opportunity to recover its investment loss, and the process for investing with UBS is underway.

## **5. What will it cost and are there opportunities for savings?**

5.1 Not applicable.

## **6. What are the risks and how can they be reduced?**

6.1

Current Risk	Actions to reduce the risks
That external borrowing might not be undertaken at the most advantageous rate	Treasury officers maintain regular contact with the Council's advisors, Link Treasury Services, who monitor movements in interest rates on our behalf. The aim is always to drawdown loans when interest rates are at their lowest point.
Credit risk – the risk that other parties might fail to pay amounts due, e.g., deposits with banks etc	The Annual Investment Strategy sets the criteria through which the Council decides with whom it may invest. The lending list is updated regularly to reflect changes in credit ratings.
Liquidity risk – the Council might not have sufficient funds to meet its commitments	Daily monitoring of cash flow balances. Access to the money markets to cover any short-term cash shortfall.
Refinancing and maturity risk – the risk that the Council might need to renew a loan or investment at disadvantageous interest rates	Monitoring of the maturity profile of debt to make sure that loans do not all mature in the same period. Monitoring the maturity profile of investments to ensure there is sufficient liquidity to meet day to day cashflow needs.
That the investment in UBS Triton will not achieve full recovery of the Council's current investment loss as expected.	UBS Triton is an established property fund with one of the highest rates of return in the market over the last 7 years. An earmarked reserve is in place to mitigate any potential fluctuations in the fund value, although it does not cover the full value of the initial investment.

## **7. Other options considered**

7.1 None. It is a legislative requirement that the Council receives an annual report covering its treasury activities for the financial year.

**8. Environmental impact**

8.1 No environmental impact directly arising from this report.

**9. Other significant issues**

9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

**10. Appendix**

10.1 Appendix A – Prudential and Treasury Indicators 2023/24

**11. Background paper(s)**

11.1 None.

**12. Report author's contact details**

Nick Brown	Finance Group Manager
Nick.Brown@blaby.gov.uk	0116 272 7625

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## **PRUDENTIAL AND TREASURY INDICATORS**

### **1. Capital Expenditure and Financing**

This indicator shows the capital expenditure plans for the year and demonstrates how those plans are financed.

	<b>2022/23 Actual £</b>	<b>2023/24 Budget £</b>	<b>2023/24 Actual £</b>
<b>Capital Expenditure</b>			
S106-backed schemes	79,292	619,621	534,928
Other schemes	2,259,401	11,237,869	6,461,665
<b>Total Capital Programme</b>	<b>2,331,693</b>	<b>11,857,490</b>	<b>6,996,593</b>
<b>Financed by:</b>			
Capital receipts	(135,837)	(1,675,424)	(1,536,582)
Capital grants and contributions	(1,018,071)	(3,756,360)	(2,596,933)
Capital reserves	(224,514)	(107,000)	(371)
Revenue contributions	(43,005)	(112,811)	(4,000)
<b>Total Financing</b>	<b>(1,421,427)</b>	<b>(5,651,595)</b>	<b>(4,137,886)</b>
<b>Borrowing Requirement</b>	<b>910,266</b>	<b>6,205,895</b>	<b>2,858,707</b>

### **2. Capital Financing Requirement**

The Capital Financing Requirement (CFR) is a measure of the Council's underlying need to borrow for capital purposes. It will increase as the Council incurs capital expenditure which cannot be met from other resources, but this will be partially offset by revenue repayments for the year (the Minimum Revenue Provision).

	<b>2022/23 Actual £</b>	<b>2023/24 Budget £</b>	<b>2023/24 Actual £</b>
CFR as at 1 <sup>st</sup> April	13,965,132	14,486,025	14,486,025
Capital Expenditure in Year	2,331,693	11,760,992	6,996,593
Financing in Year	(1,421,427)	(5,555,097)	(4,137,886)
Minimum Revenue Provision	(389,373)	(484,445)	(484,445)
Voluntary Revenue Provision	0	(300,000)	(300,000)
<b>CFR as at 31<sup>st</sup> March</b>	<b>14,486,025</b>	<b>19,907,475</b>	<b>16,560,287</b>

### **3. Ratio of Financing Costs to Net Revenue Stream**

This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs, net of investment income) against the net revenue stream.

	<b>2022/23 Actual</b>	<b>2023/24 Budget</b>	<b>2023/24 Actual</b>
Ratio	6.78%	8.73%	8.14%

#### 4. The Portfolio Position

The table below compares the Council's actual external debt, including other long-term liabilities such as finance leases, with the CFR. This indicator also acts as a limit to borrowing activity. Gross external debt should not, except in the short term, exceed the total of CFR in the preceding year plus the estimated additional CFR for 2023/24 and the next two financial years. This allows some limited flexibility for borrowing in advance of need. No difficulties are envisaged in complying with this indicator for the current or future financial years.

	2022/23 Actual £	2023/24 Budget £	2023/24 Actual £
<b>External Debt</b>			
Debt at 1 <sup>st</sup> April	8,141,780	5,929,939	5,929,939
Finance Leases at 1 <sup>st</sup> April	455,399	455,157	455,157
Borrowing	0	3,300,000	0
Repayments	(2,212,083)	(216,766)	(216,766)
<b>Debt at 31<sup>st</sup> March</b>	<b>6,385,096</b>	<b>9,468,330</b>	<b>6,168,330</b>
<b>CFR (as above)</b>	<b>14,486,025</b>	<b>19,907,475</b>	<b>16,560,287</b>
<b>Under/(Over) Borrowing</b>	<b>(8,100,929)</b>	<b>(10,439,145)</b>	<b>(10,391,957)</b>

#### 5. Operational Boundary for External Debt

This is the limit which external debt is not normally expected to exceed. In most cases this would be a similar figure to the CFR but may be lower or higher depending on the levels of actual debt.

	2022/23 Actual £	2023/24 Budget £	2023/24 Actual £
Borrowing	5,929,939	18,200,000	5,713,439
Other Long-Term Liabilities	455,157	2,500,000	454,891
<b>Total</b>	<b>6,385,096</b>	<b>20,700,000</b>	<b>6,168,330</b>

#### 6. Authorised Limit for External Debt

A further key prudential indicator represents a control on the maximum level of borrowing. This is the limit beyond which external debt is prohibited. It reflects the level of external debt which, while not desired, could be afforded in the short term, but is not sustainable in the longer term.

	2022/23 Actual £	2023/24 Budget £	2023/24 Actual £
Borrowing	5,929,939	20,222,200	5,713,439
Other Long-Term Liabilities	455,157	2,777,800	454,891
<b>Total</b>	<b>6,385,096</b>	<b>23,000,000</b>	<b>6,183,330</b>

## 7. Treasury Management Limits on Activity

There are three debt related treasury activity limits. The purpose of these is to manage risk and reduce the impact of any adverse movement in interest rates. However, if these are too restrictive, they will impair the opportunities to reduce costs and/or improve performance. The indicators are:

- Upper limits on variable interest rate exposure. This identifies a maximum limit for variable interest rates based upon the debt position net of investments.
- Upper limits on fixed interest rate exposure. This is similar to the previous indicator and covers a maximum limit on fixed interest rates.
- Maturity structure of borrowing. These gross limits are set to reduce the Council's exposure to large, fixed rate sums falling due for refinancing, and are required for upper and lower limits.

	<b>2022/23 Actual</b>	<b>2023/24 Budget</b>	<b>2023/24 Actual</b>
Maturity structure of fixed interest rate borrowing:			
Under 12 months	3.65%	100.00%	14.99%
12 months to 2 years	14.43%	100.00%	15.01%
2 years to 5 years	14.46%	100.00%	0.00%
5 years to 10 years	0.00%	100.00%	0.00%
10 years and above	67.46%	100.00%	70.00%

## 8. Investments Greater Than 365 Days

This limit is set with regard to the Council's liquidity requirements and to reduce the need for early sale of an investment and is based on the availability of investments after each year-end.

	<b>2022/23 Actual £</b>	<b>2023/24 Budget £</b>	<b>2023/24 Actual £</b>
Principal sums invested > 365 days	844,874	6,000,000	742,726

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## Blaby District Council Council

<b>Date of Meeting</b>	16 July 2024
<b>Title of Report</b>	<b>Modern Slavery Statement 2024</b> This is not a Key Decision and is on the Forward Plan
<b>Lead Member</b>	<b>Cllr. Terry Richardson - Leader of the Council</b>
<b>Report Author</b>	Customer Insight, Experience and Engagement Service Manager
<b>Strategic Themes</b>	Enabling our communities and supporting our vulnerable residents

### 1. What is this report about?

- 1.1 There are several duties under the Modern Slavery Act 2015. This report set out requirements and recommended good practice for local authorities under the Act.
- 1.2 This report presents a Modern Slavery statement for Blaby District Council for the year 2024/25.

### 2. Recommendation(s) to Council

- 2.1 That the Modern Slavery Statement at Appendix A be adopted.

### 3. Reason for Decisions Recommended

- 3.1 It is a requirement of the Modern Slavery Act 2015 that organisations with a turnover of £36m or more publish a statement on their approach to ensuring that there is no modern slavery in their own business and their supply chains. Although Blaby District Council is under no legal obligation to publish a statement, the Local Government Association is encouraging all local authorities to produce an annual statement ensuring transparency in their approach to modern slavery and human trafficking.
- 3.2 The Modern Slavery Act also includes a number of provisions for local authorities. Section 52 of the Act places a duty to identify and report potential victims through the National Referral Mechanism (NRM). Depending on the age and needs of victims of modern slavery, councils may also have statutory responsibilities to provide support to them.
- 3.3 Relevant policies should reflect the councils agreed approach to tackling modern slavery and human trafficking to ensure that this statement is successfully delivered.

## **4. Matters to consider**

### **4.1 Background**

Modern slavery is a crime resulting in an abuse of human rights. It is constituted in the Modern Slavery Act 2015 by the offences of 'slavery, servitude and forced or compulsory labour' and 'human trafficking'.

Victims of modern slavery and human trafficking can be men, women and children of all ages, ethnicities and nationalities. However, exploitation is normally more prevalent among the most vulnerable or within minority or socially excluded groups. Poverty, lack of education, unstable social and political conditions, economic imbalances and war are key issues that contribute to someone's vulnerability in becoming a victim of modern slavery. In addition, victims can often face more than one type of abuse and slavery, for example being sold on to another trafficker and then forced into another form of exploitation.

The National Referral Mechanism reports there has been an 870% rise in referrals of potential victims of modern slavery in the past ten years. The Anti-Slavery International and The Royal United Services Institute estimate that 130,000 people are currently subjected to slavery in the UK.

In recent years Unseen, the anti-slavery charity, has seen a worrying rise in calls about care sector workers being abused. It follows changes in the rules to make it easier for overseas social care staff to work in the UK, with the aim of filling thousands of job vacancies.

Most exploited care workers are women from overseas, working long and gruelling hours – often 20 hours each day. In some cases, they earn as little as £2 per hour. Those most at risk appear to be care workers from India, Zimbabwe and Nigeria. Some have paid huge sums of money to unscrupulous employers or recruitment agencies to come to the UK on special visas designed to fill vacancies in the care sector. Often the workers do not understand their rights in the UK, which leaves them vulnerable to further abuse.

The Government has introduced a provision (Section 54) in the Modern Slavery Act 2015 which requires organisations (with a turnover of £36m or over) to produce a statement setting out the steps they have taken to ensure there is no modern slavery in their own business and their supply chains. If an organisation has taken no steps to do this, their statement should say so creating a level playing field between those businesses, which act responsibly and those that need to change their policies and practices. However, the Government wants to encourage organisations to do more, not just because they are legally obliged to, but also because they recognise it is the right thing to do.

One key purpose of this measure is to prevent modern slavery in organisations and their supply chains. A means to achieve this is to increase transparency by ensuring the public, partners, and employees know what steps an organisation is taking to tackle modern slavery. Organisations will need to build on what they are doing year on year.

Through their regulatory role interacting with local businesses and landlords, council officers are well placed to identify cases of modern slavery and work with law enforcement partners to use regulatory tools to intervene and disrupt it. Additionally, through their individual and collective buying power, councils have significant leverage to seek to eradicate modern slavery from their extensive supply chains.

The Modern Slavery Act also includes several provisions for local authorities. Section 52 of the Act places a duty to identify and report potential victims through the National Referral Mechanism (NRM). Depending on the age and needs of victims of modern slavery, councils may also have statutory responsibilities to provide support to them.

The Government encourages all businesses to develop an appropriate and effective response to modern slavery. The Local Government Association (LGA) is also encouraging local authorities to produce individual statements. The LGA states that local councils “are uniquely placed to be at the forefront of the fight against modern slavery”. Several councils have already voluntarily compiled their statement and the LGA is encouraging others to follow suit.

In November 2018 Blaby District Council adopted a Modern Slavery Statement. The Council reviews this Statement regularly as required by the legislation. The Statement at Appendix A outlines the policies and activity that the Council will use to ensure that we are transparent in our activities and are working to ensure that there is no slavery and human trafficking within its business or supply chains. The Act requires a slavery and human trafficking statement to be approved and signed by an appropriate senior person in the business. The Blaby District Council Modern Slavery statement will therefore be signed by the Leader of the Council and the Chief Executive.

#### 4.2 Proposal(s)

For Blaby District Council to adopt the Modern Slavery Statement as set out in Appendix A.

#### 4.3 Relevant Consultations

- Finance Group Manager
- Community Services Manager
- Transformation Group Manager

#### 4.4 Significant Issues

Due regard should be given to data protection legislation (GDPR). Councils' statutory powers support joint investigations by allowing for the sharing of information in support of the prevention or detection of crime and in support of legal proceedings. The LGA has a memorandum of understanding on data sharing with HMRC which all councils can sign up to in order to share and receive data from HMRC.

Human Resources – In order to identify and support victims of slavery and human trafficking within the workplace, in the supply-chain or when delivering services, staff will require appropriate training.

#### 5. What will it cost and are there opportunities for savings?

5.1 There are no cost implications.

#### 6. What are the risks and how can they be reduced?

6.1

Current Risk	Actions to reduce the risks
Slavery may be used in the supply of goods or services to the Council	Procurement Toolkit updated to ensure that modern slavery and human trafficking does not form part of the supply chain
Officers are not able to identify possible cases of slavery	Training on awareness and recognising the signs of modern slavery and human trafficking whether that be through the supply chain, customers when delivering services or during recruitment and/or employment.

#### 7. Other options considered

7.1 Not to adopt and publish a Modern Slavery Statement. Although there is no requirement for the Council to produce a statement it is considered best practice and encouraged by the Local Government Association.

#### 8. Environmental impact

8.1 Not applicable.

#### 9. Other significant issues

9.1 In preparing this report, the author has considered issues related to Human Rights, Legal Matters, Human Resources, Equalities, Public Health Inequalities, and Climate Local and there are no areas of concern.

9.2 Significant issues relating to Modern Slavery have been addressed at paragraph 4.4.

## **10. Appendix**

10.1 Appendix A – Blaby District Council Modern Slavery Statement

## **11. Background paper(s)**

11.1 Tackling modern slavery: A council guide – Local Government Association Unseen, 2023 Annual Report

## **12. Report author's contact details**

Sally Dorans	Customer Insight, Experience and Engagement Service Manager
Sally.dorans@blaby.gov.uk	0116 250 3027

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## **Modern Slavery Statement 2024**

### **Introduction**

The UK Modern Slavery Act (MSA) 2015 received Royal Assent on Thursday 26 March 2015. It was the first in Europe, and one of the first in the world, to specifically address slavery and trafficking in the 21st century. Provision 54 of the Act requires organisations, in any sector, which do business in the UK to disclose the steps they are taking to address modern slavery in their business and supply chain in an annual statement. This provision requires organisations to be transparent about how they conduct their business.

This statement sets out Blaby District Council's measures to understand all potential modern slavery risks related to its business and to put in place steps aimed at ensuring there is no slavery or human trafficking in its own business and its supply chains.

As part of the public sector, Blaby District Council recognises that it has a responsibility to take a robust approach to slavery and human trafficking. The Council is committed to improving its practices to combat and prevent slavery and human trafficking in its activities, and to ensure that its supply chains are free from slavery and human trafficking. We collaborate with other authorities, the police, health professionals and other relevant local groups to ensure effective communication and best practice is shared.

### **Organisational structure and supply chains**

Blaby District Council provides a range of services for its 102,926 residents from council tax collection, waste collection, planning management and environmental health. Other services, such as schools, social care and roads/transport links are provided by Leicestershire County Council. Goods and services can be delivered both directly by the Council and through external contractors.

### **Countries of operation and supply**

The Council operates in the United Kingdom. We consider the risk of slavery and human trafficking to be low due to the type of activity that we undertake. However, we will remain vigilant and potential risks will be considered when delivering our services or undertaking procurement exercises.

## Responsibility

Our core values commit the Council to:

- Put the customer at the heart of everything that we do
- Be innovative, adaptable, and resourceful
- Understand the needs of our communities and treat everyone fairly
- Be open, honest, and clearly communicate

With these principles in mind, we have a range of policies and processes which reflect our commitment to acting ethically and with integrity.

**Policies:** Council policies are developed by officers employed by the authority and are then agreed on by our senior officers, councillors, and partner organisations where relevant.

**Risk assessments:** These are undertaken by officers within the relevant service area and corporately. Support and advice are provided by those charged with safeguarding, equality and human rights, procurement, human resources, and risk management responsibilities.

**Investigations/due diligence:** Under Section 52 of the Act, the 'duty to report', we will refer any suspected or known incidents of slavery or trafficking to the relevant authority via nominated safeguarding officers.

Any investigations in relation to suspected or confirmed modern slavery will be conducted through partners such as the NCA Modern Slavery and Human Trafficking Unit.

## Specific policies which apply

**Children and Young People Safeguarding Policy and Adults in Need of Safeguarding Policy:** The Council has two safeguarding policies which are declarations of the Council's commitment to safeguarding people, irrespective of age. Whilst it is not our job to establish whether abuse is taking place, it is our responsibility to report any concerns we have over the welfare of an adult and to co-operate in any multi-agency investigations as appropriate. These policies include procedures for delivery of a safe environment by officers and for effective operation with its partners, to report safeguarding issues. As such the 'duty to notify' provision as set out in Section 52 of the Modern Slavery Act 2015, which applies to public authorities, including districts councils, will be supported by this policy. Safeguarding training is provided through e-learning and face to face sessions for both staff and councillors.

**Whistleblowing Policy:** The Council encourages all its workers, customers, and other business partners to report any concerns related to the activities of the Council



or its contractors. The Council's [Whistleblowing Policy](#) is designed to make it easy for workers, customers, partners etc. to make disclosures, without fear of retaliation. We encourage employees who have serious concerns to raise these via nominated the persons specified in the Policy. We want to know if customers have any issues and concerns; these can be reported through the [Standards, Feedback and Complaints process](#). These concerns, if appropriate, will be followed up via the Council's safeguarding policies and procedures.

**Employee Code of Conduct:** The organisation's code makes clear to employees the actions and behaviour expected of them when representing the organisation. The Council strives to maintain the highest standards of employee conduct and ethical behaviour, as set out in 'the Nolan Principles' including when managing its supply chain. ([Constitution: PART 5](#))

**Member Code of Conduct:** The organisation's code makes clear to members the actions and behaviour expected of them when representing the organisation. The Council members must maintain the highest standards of courtesy and respect and follow the 10 general principles specified by the Secretary of State after the Nolan Report. ([Constitution: PART 5](#))

**Procurement:** The Council has a Procurement Toolkit, and the Contract Regulations are laid out in [Part 11 of the Constitution](#). The toolkit and regulations support the role procurement plays in minimising the risk of modern slavery and human trafficking suppliers by laying out the requirements to comply with legislation and equality principles.

Where a procurement is valued at £50,000 or above, the Council will seek to ensure that potential suppliers are compliant with the Modern Slavery Act 2015, by inclusion of distinct evaluation award criteria. Further evidence will be sought if the procurement is considered high risk in terms of modern slavery, for example, transport and waste related procurements.

Blaby District Council expects all suppliers of goods or services to the Council who meet the requirements of the Modern Slavery Act 2015 (that is, their turnover is above £36m) to have their own policy relating to working practices or modern slavery, or for equivalent and sufficient evidence to be available to ensure their standards are in accordance with the Council's expectations. Compliance will be monitored as part of the contract management procedures following award.

**Equality and Human Rights Policy:** This policy recognises that the Council has a responsibility to challenge discrimination, harassment, and victimisation in delivering services and as an employer. We aim to meet both our legal and moral duty to ensure that the principles of fairness, equality, and respect are upheld. The Equality Act 2010 and the Human Rights Act 1998 focus on the right of people not to be discriminated against and safeguard the fundamental freedoms of everyone.

**Data Protection:** Due regard should be given to data protection legislation, Data Protection Act (2018). Councils' statutory powers support joint investigations by

allowing for sharing information to prevent or detect crime and support legal proceedings. The LGA has a memorandum of understanding on data sharing with HMRC which all councils can sign up to to share and receive data from HMRC.

## Planned actions to tackle slavery and human trafficking

1. **Training and awareness-raising:** The Council will continue to raise awareness among staff and councillors. The Council recognises that certain colleagues within the organisation may require more specific or in-depth training, depending on their job role, to raise awareness further and ensure compliance with the Modern Slavery Act 2015.

This will include considering awareness of the following:

- The basic principles of the Modern Slavery Act 2015
- How employers can identify and prevent slavery and human trafficking
- What employees can do to flag up potential slavery or human trafficking issues to the relevant parties within the organisation
- What external help is available, for example through the Modern Slavery Helpline

We will also make available information for all staff outlining our duties, potential warning signs and what to do if they have any concerns.

2. **Policy updates:** Relevant policies, procedures and processes will be reviewed and adapted to include the aim of ensuring there is no slavery or human trafficking in the Council's own business and its supply chains.
3. **Employment:** Victims of modern slavery and human trafficking within the Council will be tackled through our human resources policies and procedures. This will apply to those already in employment, during recruitment and temporary and /or agency staff. We will ensure a safe environment within the Council for concerns to be raised and reported.

This statement is made pursuant to section 54(1) of the Modern Slavery Act 2015 and constitutes Blaby District Council's modern slavery and human trafficking statement for the year 2024/25

### Signed:

Cllr Terry Richardson, Leader  
Date

Julia Smith, Chief Executive  
Date