



Neil O'Brien MP
Letter send by E Mail
7 July 2021

Please ask for:
Email:
Customer Services:
Our Ref:

Cllr. John Boyce
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Dear Neil

I write further to your letter dated 30 June 2021 the contents of which I have noted. I will respond to your queries in the order in which you have raised them but would like firstly to address the preamble to your letter as follows:

- 1) Legal Fees – I provided you with a detailed explanation of the reasons as to why these fees were incurred in my open letter dated 11 June, which unfortunately you still have not published on your social media despite your request for transparency in this debate. The fact that the tribunals only concluded recently and have dragged on for a number of years is not the fault of this Council but more an indictment of the delays in the legal system. In any event the Council's approach to defending legal proceedings accords with the latest guidance issued by the Government in respect of severance payments which says- *'It also suggested councils should not be put off defending a legal claim even if it might cost them more than a settlement, adding: 'They [those approving a payment] should bear in mind that even if the cost of defeating an apparently frivolous or vexatious claim will exceed the likely cost of that settlement to the employers it may still be desirable to take the case to formal proceedings.'* 'This is because winning such cases will discourage future frivolous or vexatious claims and demonstrate that the council does not reward such claims.'
- 2) Staff Pay-outs - It is more than a little disingenuous of you to use the phrase 'pay-off' when my letter explained that at least 92.5% of those payments were contractual redundancy payments directly arising from restructures and the cessation of services arising directly from the governments prolonged austerity agenda.
- 3) Agency Costs – Again in my letter I explained to you the business rationale for utilising agency staff to ensure that the Council was able to deliver its statutory services to the public and noted that it is not an uncommon business practice and many councils operate in a similar manner. For example, on 2 September 2019 Harborough District Council's Cabinet approved a report to procure a contract with an employment agency for the recruitment of temporary staff recognising that *'Harborough District Council regularly requires the services of staff on a temporary basis across the many teams within the organisation. This may be due to staff sickness, the requirements of special projects or fluctuations in workload'* and likewise in 2014 Blaby District Council sought tenders for Waste Management Agency Staff only for a contract worth between £1.85 and £2.4 million over 5 years.

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I also think that it would be useful before I address the specific points that you have raised to give some clarity to the reference you have made to a 'public meeting' that was held on 29 June. This was not a 'public meeting' but a scheduled meeting, which was 'open to the public' like all meetings held by the Council. The difference between the two is that 'public meeting' infers a 'question and answer' type approach where elected members and members of the public engage in open dialogue, whereas as in accordance with the Local Government Act 1972 (the Act) and associated regulations 'a meeting open to the public' allows members of the public to be present and observe the meeting but does not allow them to participate.

As regards your further comments:

Response to question 1

On 26 April 2021, the Council published its agenda for the Annual General Meeting to be held on 4 May 2021. Amongst the other business listed was the proposed schedule of meetings for the municipal year 2021/22.

The meeting of the Policy Finance and Development Committee (PFD) held on 29 June was listed in that schedule. The agenda for the PFD meeting was published on 21 June 2021 in accordance with the requirements of the Act and included an agenda item for the receipt of the petition. This was in advance of any indication that England would be playing a football game on that night.

That meeting of PFD was regularly advertised on the Council's social medium platforms and in addition the main petition organiser had already been advised on the 11 June (in advance of the publication of the agenda) of the date of the meeting and provided with a copy of the council's petition scheme setting out how the petition would be received.

The Council was fully aware of the interest in this matter and because it is no longer able to conduct its business via digital platforms sourced a larger venue (the Wigston Academy) with a capacity of up to 175 to accommodate those interested. Unfortunately, because of the decision not to ease the lockdown restrictions until 19 July the capacity had to be reduced to 70 to provide a Covid secure environment.

The Meeting received a copy of the petition in accordance with the petition scheme and heard from the main petition organiser and a council officer. Members were able to ask questions of both the petition organiser and the council officer and make comment on what they had heard.

Response to your question 2

The Council received a scanned copy of the electronic petition scheme on Friday 18 June. Whilst this did include the email addresses of the signatories no direct contact was made with them because in order to do so the council would have required specific consent from each individual to receive emails from the Council otherwise it would have been in breach of the GDPR.

It was entirely within the purview of the petition organiser to update the petition page and they could have updated the social media postings to inform the signatories to the petition of the time and date of the meeting. I am aware that there was considerable activity on social media sharing the invitation and reminder to the meeting and I know that a number of 'flyers' containing details of the meeting were distributed across the Borough.

Response to your question 3

See 1 above.

Response to your question 4

The review and analysis of the consultation responses will be concluded when officers are satisfied that they have undertaken a thorough review and considered all of the proposals and any potential impacts on the draft scheme. Once completed the responses and any amendments to the draft strategy will be published on the Council's website and social media as set out on our consultation page.

Response to your question 5

For the avoidance of doubt the Council has already adopted the principle of charging for its car parks and has done for a number of years, albeit currently only for long stay. The Council meeting on 30 March agreed to extend that principle to short stay parking as well. Council delegated the final form of the scheme to the Head of Law and Democracy in consultation with the Leader of the Council having had regard to the consultation responses.

Response to your question 6

See above. This will not be a public meeting.

Response to your question 7

The Council is genuinely open to hearing the views of its residents to inform and influence the car parking strategy and will take whatever steps it can to mitigate the impact on residents and business, regrettably however it has no option other than to introduce the charges given that government has reneged on its initial promises to fully fund the financial impact of the Covid19 pandemic.

Finally, I find it hard to understand your attitude to this proposal as, it is in line with your Governments broad policy of assuming councils will look to achieve a return on its assets, which I assume you support, plus your criticism of the Borough whilst your deafening silence regarding Harborough's rise in car parking fees.

Regards



Councillor John Boyce
Leader of Oadby and Wigston Borough Council