

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

10 NOVEMBER 2015 AT 6.30 PM

PRESENT: MRS J RICHARDS - MAYOR
MR RG ALLEN – DEPUTY MAYOR

Mr DC Bill MBE, Mr SL Bray, Mrs R Camamile, Mr MB Cartwright,
Mrs MA Cook, Mr DS Cope, Mrs GAW Cope, Mr WJ Crooks,
Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mrs J Kirby, Mr C Ladkin,
Mr MR Lay, Mr KWP Lynch, Mr K Morrell, Mr K Nichols,
Mr M Nickerson, Mr RB Roberts, Mr SL Rooney, Mrs H Smith,
Mrs MJ Surtees, Mr BE Sutton, Miss DM Taylor, Mr P Wallace,
Mr R Ward, Ms BM Witherford and Ms AV Wright

Officers in attendance: Steve Atkinson, Mark Brymer, Bill Cullen, Julie Kenny, Sanjiv Kohli and Rebecca Owen

239 PRAYER

Reverend Martin Castle led a minute's silence and prayers.

240 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bessant, Boothby, O'Shea and Williams.

241 MINUTES OF THE PREVIOUS MEETING

It was moved by Councillor Nichols, seconded by Councillor Camamile and

RESOLVED – the minutes of the meeting held on 12 October be confirmed and signed by the Mayor.

242 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor announced that there were two urgent items – a supplementary budget for interim Planning Manager and a request for a supplementary budget for alterations to the ground floor of C Block units C3 and C4 of the Crescent Development. It was also noted that the 'petitions' heading had been omitted from the agenda and that a petition would be presented after the 'Questions' item.

243 DECLARATIONS OF INTEREST

No interests were declared at this stage.

244 MAYOR'S COMMUNICATIONS

The Mayor reported on the success of businesses in the borough in the Tourism Awards, the Local Democracy week event with school children from across the borough and the Masked Ball which had raised over £3,500 for her charities. The Mayor reminded members about her Carol Service which would take place on 13 December in Earl Shilton.

245 QUESTIONS

In accordance with Council Procedure Rule 11.1, the following question was submitted by Councillor Crooks:

“Can I ask how are the Council going to protect its assets when it sells Council Houses situated on large plots under the Right To Buy scheme? A prime example is where we sold a Council House in Desford, and the purchaser then built three new houses on the garden site! I am aware that most wards have similarly situated Council Homes on corner or large plots which could, if sold, have new homes built on the garden sites. The Council should not be missing out on this possible source of revenue!”

Response from the Leader of the Council

“I understand the concerns raised by Councillor Crooks and this issue has been considered by officers.

Case law has shown that where an owner of a former council property seeks planning permission to build on their garden, that should the council ask for a contribution from the increase in value, this would be challengeable. The Court of Appeal in considering this matter held that the policy of Right To Buy is to enable residents exercising their right to buy to enjoy the fruits or advantages of home ownership including a rise in the value of their property, whether that is because of the benefits of a later acquired planning permission or otherwise. Further, when dealing with right to buy applications, there is conflicting case law as to whether the council can apply for “hope” value, reflecting the potential future development value of a large garden, at the time of valuation for Right to Buy.

In order to try and reduce the number of properties with large gardens which may be lost to the Right To buy, the council identifies when properties become void where there are large gardens and if there is development opportunity and a housing need, the size of the garden is reduced to the incoming tenant.”

246 PETITION

Councillor Bray presented a petition with 51 signatures on behalf of residents of his ward which called for action to be taken in relation to an empty factory at the end of Trinity Vicarage Road. The petition was accepted and passed onto officers for consideration.

247 LEADER OF THE COUNCIL'S POSITION STATEMENT

In presenting his position statement, the Leader referred to the hard work of the Bosworth In Bloom team, the making of the Market Bosworth Neighbourhood Plan, the Local Democracy Week event, the forthcoming Rural Conference and the Christmas Lights in Hinckley. He also made reference to the Policing consultation ‘Blueprint 2020’.

In response, amongst other general comments, it was requested that a representative of the Police be invited to a meeting of the Scrutiny Commission to present the consultation. The Chairman of the Scrutiny Commission and the Leader were supportive of this.

248 STATEMENT OF LICENSING POLICY

Council received the Statement of Licensing Policy which had been deferred at the last meeting for consideration of the Late Night Levy by the Licensing Committee. The Licensing Committee had duly considered the matter and recommended the Statement of Licensing Policy to Council for approval. It was moved by Councillor Hall, seconded by Councillor Surtees and

RESOLVED – the Licensing Policy be approved and adopted.

249 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

The Gambling Policy (Statement of Principles) was presented to Council following a recently consultation exercise. It was noted that this was a refreshed policy and was a legal requirement. It was moved by Councillor Hall, seconded by Councillor Kirby and

RESOLVED – the Gambling Policy (Statement of Principles) be adopted.

250 TAXI FEE INCREASE

Members received a report which informed them of the need to raise the fee for hackney carriage and private hire driver licences following legislative changes. A member noted that the report stated that no consultation was required, and in response it was confirmed that the taxi trade representative had been consulted and regular contact was maintained with her. It was moved by Councillor Hall, seconded by Councillor Wright and

RESOLVED – the proposed fee increase be approved.

251 COMBINED AUTHORITY

Council received a report which provided information in relation to the establishment of a Combined Authority for Leicester and Leicestershire and associated Scheme and Governance Review for submission to the Department for Communities and Local Government.

It was moved by Councillor Hall and seconded by Councillor Camamile that the decision made at the meeting on 12 October in relation to the Coventry & Warwickshire Local Enterprise Partnership and Leicester & Leicestershire Combined Authority and Business Rates pool (minute 205 parts (iii), (iv) and (v) refers) be rescinded and revisited. Upon being put to the vote, the motion was CARRIED.

It was moved by Councillor Hall and seconded by Councillor Camamile that the Scheme for the Combined Authority, and the Governance be approved, and the publication of the Scheme and its submission to the Department for Communities and Local Government be authorised. Upon being put to the vote, the motion was CARRIED.

It was moved by Councillor Hall and seconded by Councillor Camamile that the Chief Executive, in consultation with the Executive, be authorised to:

- (a) make any final amendments to the Scheme and Governance Review prior to their submission to the Department for Communities and Local Government in December 2015 or January 2016;
- (b) enter into discussions with the Department for Communities and Local Government and any such other Government departments and other persons as considered necessary to agree the terms of the Order establishing the Combined Authority and to approve the final form of the Order on behalf of the Council;
- (c) negotiate, agree and execute all ancillary documents in support of the operation of the Combined Authority, including (without limitation) the constitution of the Combined Authority;
- (d) take all decisions and actions necessary to enable the establishment of the Combined Authority.

Councillor Lay suggested an amendment in that the Leader of the Opposition and the Chairman of the Scrutiny Commission should be consulted on any significant changes. The Leader and seconder of the original motion supported this AMENDMENT and the motion, as amended, was CARRIED.

It was moved by Councillor Hall, seconded by Councillor Camamile and

RESOLVED –

- (i) the Scheme for the Combined Authority be approved;
- (ii) the Governance Review be approved;
- (iii) the publication of the Scheme and its submission to the Department for Communities and Local Government be authorised;
- (iv) The Chief Executive, in consultation with the Executive, be authorised to make any final amendments to the Scheme and Governance Review prior to their submission to the Department for Communities and Local Government in December 2015 or January 2016;
- (v) The Chief Executive, following consultation with the Executive, be authorised to enter into discussions with the Department for Communities and Local Government and such other Government departments and other persons as considered necessary by the Chief Executive to agree the terms of the Order establishing the Combined Authority and to approve the final form of the Order on behalf of the Council;
- (vi) The Chief Executive, following consultation with the Executive, be authorised to:
 - a. Negotiate, agree and execute all ancillary documents in support of the operation of the Combined Authority, including (without limitation) the constitution of the Combined Authority; and
 - b. Take all decisions and actions necessary to enable the establishment of the Combined Authority;
- (vii) The Leader of the Opposition and Chairman of the Scrutiny Commission be consulted on any significant changes arising during these further negotiations.

252 SUPPLEMENTARY BUDGET FOR INTERIM PLANNING MANAGER

Council received a report requesting a supplementary budget for an interim Planning Manager for the Development Management service. It was reported that many authorities, including those in Leicestershire and Warwickshire, were currently experiencing staff shortages in the area of planning, with some operating a service of mostly agency staff. It was explained that the supplementary budget would provide for an experienced manager to cover the role for three to four months whilst a permanent post holder was recruited.

A member suggested that the remuneration of planning officers should be enhanced, particularly as local authorities were losing experienced staff to the private sector where

salaries were higher and incentives were provided. Concern was also expressed that the staffing shortages would put pressure on the remaining officers, particularly as there was increasing pressure from Government. This risk was acknowledged and officers assured members that it was being managed and that, whilst performance was still high, matters may take longer than they had previously.

On the motion of Councillor Hall, seconded by Councillor Ward, it was

RESOLVED – the supplementary budget of £37,000 for the appointment of an interim Planning Manager for the Development Management service be approved.

253 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor Surtees, seconded by Councillor Hall, it was

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 3 and 10 of Part I of Schedule 12A of that Act.

254 REQUEST FOR SUPPLEMENTARY BUDGET FOR ALTERATIONS TO THE GROUND FLOOR OF C BLOCK UNITS C3 AND C4 AND BUDGET REQUIREMENTS FOR SERVICE CHARGES

Members received a report which was taken in private session, due to commercial sensitivity, in relation to a supplementary budget for alterations to the ground floor of block C of the Crescent development. During discussion, reference was made to the incentives proposed for tenants of block C in order to attract major national businesses and the commercial agreement which served as protection for the Council. It was moved by Councillor Surtees, seconded by Councillor Hall and

RESOLVED –

- (i) A capital budget of £100,000 to fund the alterations to units C3 and C4, financed from the Masterplan Reserve, be approved;
- (ii) A revenue expenditure budget of £28,000 to fund the gross cost of the service charge due for block C for the remainder of the financial year be approved;

- (iii) A revenue income budget of £11,000 to represent the element of service charge which will be recovered from tenants in year be approved;
- (iv) The balance net additional expenditure of £17,000 to be funded from the Masterplan Reserve be approved.

(The Meeting closed at 7.50 pm)

MAYOR