

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

22 FEBRUARY 2018 AT 6.30 PM

PRESENT: MR LJP O'SHEA - MAYOR  
MRS J KIRBY – DEPUTY MAYOR

Mr RG Allen, Mr PS Bessant, Mr DC Bill MBE, Mr CW Boothby,  
Mr SL Bray, Mrs R Camamile, Mr MB Cartwright, Mr WJ Crooks,  
Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr C Ladkin, Mr MR Lay,  
Mr KWP Lynch, Mr DW MacDonald, Mr K Morrell, Mr K Nichols,  
Mr M Nickerson, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees,  
Mr BE Sutton, Miss DM Taylor, Mr P Wallace, Mr R Ward,  
Mr HG Williams and Ms BM Witherford

Officers in attendance: Bill Cullen, Julie Kenny, Rebecca Owen, Rob Parkinson, Caroline Roffey, Sharon Stacey and Ashley Wilson

351 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Cook, D Cope, G Cope, Richards and Wright.

352 MINUTES OF THE PREVIOUS MEETING

It was moved by Councillor Allen, seconded by Councillor Sutton and

RESOLVED – the minutes of the meeting held on 7 December 2017 be confirmed and signed by the Mayor.

353 DECLARATIONS OF INTEREST

Councillor Boothby declared a personal interest which might lead to bias in item 10 on the agenda as the subject member.

354 MAYOR'S COMMUNICATIONS

The Mayor referred to his recent engagements including meeting HRH Prince William at Triumph Motorcycles and the opening of Cut Price Suites in Hinckley.

Councillor Cartwright mentioned that the Leicester Children's Holiday Centre charity in Mablethorpe was being forced to close due to lack of funding and asked the Mayor to write to the charity to express sadness and thank those involved for their hard work.

The Mayor agreed to write to Denise Larrad to congratulate her on her success in the Sports Personality of the Year awards.

355 QUESTIONS

The following questions were asked and responses provided in accordance with council procedure rule 14.

- (a) Question from Councillor Crooks to the Executive member for Neighbourhood Services

“Given the fact that China has now banned the importing of plastic etc from outside their country (500,000 tonnes) which apparently is some 50/60% of our waste, how will this affect our recycling efforts and what steps is our council taking to try to counter this effect?”

Response from Councillor Nickerson:

“The Council started tackling contamination in dry recycling collections nearly four years ago and because of this proactive approach we now have very low levels of contamination. This means the recycling we collect is high quality and therefore has the best chance of being recycled. China is rejecting lower quality material and there is still a demand for high quality recycling.

We will continue to work with the contractors who dispose of our dry recycling to ensure that it is recycled. The contractor we change to on 1 April has advised they are not dependent on China and the majority of the plastics HBBC collects will be reprocessed in the UK and Europe. Similarly, we will continue in our efforts to ensure that residents only recycle the correct materials in their blue lidded bin.

From 1 April, Leicestershire County Council will be responsible for the disposal of this material and we will work with them to ensure we continue to maximise residents’ recycling. Global recycling markets have been volatile for a few years and are likely to remain so – maintaining high quality recycling is the best way to maximise our recycling during these uncertain times.

(b) Question from Councillor Crooks to the Executive member for Regeneration

“As the county councillor for Mallory Division which includes Barwell, I ask who is involved in the ‘Barwell Town Team’ and why have I not been invited as the county councillor and member of the Planning Committee to participate? Also, I have not heard it being discussed at Barwell Parish Council!”

Response from Councillor Surtees:

“I thank Councillor Crooks for his question.

The Barwell Town Team includes parish and borough councillors plus officers from the borough council along with the parish clerk. The team would be happy for the county councillor to attend and contribute to the team’s discussions whilst any resource support that you can secure from LCC would be welcome. Reporting back at the parish council meetings is a matter for the parish council.”

### 356 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader of the Council referred to many items he had been involved in recently including securing support from local MPs for a debate in Parliament on the need for A5 improvements, anti social behaviour, planning enforcement, the local plan review, unsung heroes, the special expenses area arrangements and a recent event at the Mayflower Club in Markfield.

### 357 MINUTES OF THE SCRUTINY COMMISSION

It was noted that a point of accuracy would be raised on the minutes of the meeting of the Scrutiny Commission held on 1 February at the following meeting of that body.

### 358 RECOMMENDATIONS OF THE ETHICAL GOVERNANCE & PERSONNEL COMMITTEE

Having declared a personal interest which might lead to bias in this item, Councillor Boothby left the meeting at this juncture.

In presenting the report of the Ethical Governance & Personnel Committee to Council, the Monitoring Officer emphasised that the only matter for consideration was the recommendation to remove Councillor Boothby from his positions on council bodies and outside bodies as this was only within the remit of Council. It was also reported that the decisions of the Ethical Governance and Personnel Committee and the Appeals Panel (which did not uphold Councillor Boothby's appeal against the decision) had been unanimous. It was noted that Councillor Boothby had subsequently resigned from the Ethical Governance & Personnel Committee.

Some members felt that, whilst not wishing to condone Councillor Boothby's behaviour, to remove him from his positions on committees would be detrimental to residents within his ward. Members were reminded that Councillor Boothby would not be precluded from attending and speaking as ward councillor.

Councillor Williams wished it to be recorded that he felt the length of time for which the sanction would be imposed was excessive.

It was requested that a report on the standards process be produced to allow members to consider whether they wished to continue delegating decisions on complaints to the Ethical Governance & Personnel Committee.

It was moved by Councillor Hall and seconded by Councillor Camamile that the recommendation within the report to remove Councillor Boothby from his positions on council bodies and outside bodies be approved and that he be not permitted to sit as substitute on any council body or outside body for the remainder of this term of office (to May 2019).

Councillor Bray, along with five other councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Allen, Bessant, Camamile, Hall, Kirby, Ladkin, Lay, MacDonald, Morrell, Nickerson, Smith, Surtees, Sutton, Wallace and Ward voted FOR the motion (15);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (10);

Councillors O'Shea, Roberts and Williams abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – Councillor Boothby be removed from his positions on council bodies and outside bodies and be not permitted to sit as substitute on any council body or outside body for the remainder of this term of office (to May 2019).

Councillor Boothby returned to the meeting at 7.20pm.

### 359 SYRIAN VULNERABLE PERSONS RESETTLEMENT SCHEME

Council received a report which informed them of the progress of the Syrian Vulnerable Persons Resettlement Scheme, outlined issues with sourcing homes in the private

rented sector and suggested options for accommodating future families coming into the borough. It was moved by Councillor Wallace, seconded by Councillor Surtees and

RESOLVED – The use of two social/affordable properties per year for the next four years be approved to meet the commitment to the Syrian Vulnerable Persons Resettlement Scheme where accommodation in the private sector is not available.

### 360 BUDGET REPORTS

It was noted that the budget reports would be presented and debated together but votes would be taken on each report separately.

In presenting the budget, the Leader highlighted the following key points:

- The MTFs targets to maintain an end of year balance average of 15% over the lifetime of the plan
- The inclusion of £4m investment in refuse collection, groundcare and environmental enforcement services in the budget
- £150,000 per year for the Parish & Community Initiative Fund
- Creation of a reserve of £350,000 for a Hinckley Community Development Fund
- The council tax level would remain amongst the lowest of all district councils.

The lead finance member for the opposition responded to the Leader's presentation. During discussion, reference was made to:

- The success of bringing services in house
- The benefit of increasing the Parish & Community Initiative Fund
- The continuation of the New Homes Bonus to 2022/23
- Decreasing income from markets
- The loss of approximately £40k in property value and £4k in rental income on right to buy properties
- The need to increase council housing stock, but also to lower debt
- The need to highlight in future years where figures in the report have altered in the intervening period between the Scrutiny Commission and Council's budget meetings.

### 361 MEDIUM TERM FINANCIAL STRATEGY

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen that the recommendations within the Medium Term Financial Strategy report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and the vote was taken as follows:

Councillors Allen, Bessant, Boothby, Camamile, Hall, Kirby, Ladkin, MacDonald, Morrell, Nickerson, Roberts, Smith, Surtees, Sutton, Wallace, Ward and Williams voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (10);

Councillors Lay and O'Shea abstained from voting.

The motion was declared CARRIED and it was

RESOLVED – the updated Medium Term Financial Strategy for 2018/19 to 2022/23 be approved.

362 GENERAL FUND BUDGET 2018-2019

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen that the recommendations within the 2018/19 general fund budget report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and the vote was taken as follows:

Councillors Allen, Bessant, Boothby, Camamile, Hall, Kirby, Ladkin, MacDonald, Morrell, Nickerson, Roberts, Smith, Surtees, Sutton, Wallace, Ward and Williams voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (10);

Councillors Lay and O'Shea abstained from voting.

The motion was declared CARRIED and it was

RESOLVED –

- (i) The general fund budget for 2017/18 and 2018/19 be approved;
- (ii) The special expenses area budget for 2017/18 and 2018/19 be approved;
- (iii) The proposed movement in general fund reserves and balances for 2017/18 and 2018/19 be approved.

363 COUNCIL TAX SETTING 2018/19

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen that the recommendations within the calculation of council tax for 2018/19 report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and the vote was taken as follows:

Councillors Allen, Bessant, Boothby, Camamile, Hall, Kirby, Ladkin, MacDonald, Morrell, Nickerson, Roberts, Smith, Surtees, Sutton, Wallace, Ward and Williams voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (10);

Councillors Lay and O'Shea abstained from voting.

The motion was declared CARRIED and it was

RESOLVED – in accordance with the Local Government Finance Act 1992, the following be approved for 2018/19:

- (i) A council budget requirement excluding special expenses and parish councils of £10,620,514;

- (ii) A council budget requirement including special expenses of £11,316,549;
- (iii) A total net budget requirement including special expenses and parish councils of £13,318,506;
- (iv) A contribution from revenue support grant (including the element indicated for local council tax support) and non-domestic rates (indicated by the NNDR baseline) of £2,937,288;
- (v) A forecast transfer of £71,551 council tax surplus from the collection fund to the general fund;
- (vi) A band D council tax for borough wide services, excluding special expenses and parish council precepts, of £108.83;
- (vii) A band D council tax for borough wide services and an average of special expenses services of £127.09;
- (viii) An average band D council tax relating to borough wide services and an average of special expenses and parish council services of £179.61;
- (ix) The total council tax, including amounts for the Leicestershire County Council, the Office of the Police and Crime Commissioner for Leicestershire, and Leicester, Leicestershire & Rutland Combined Fire Authority and for each area and valuation band detailed in appendix A to the report.

#### 364 HOUSING REVENUE ACCOUNT (HRA) BUDGET

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen and

##### RESOLVED –

- (i) The rent policy for 2018/19 be approved;
- (ii) The revised housing revenue and housing repairs accounts budgets for 2017/18 be approved;
- (iii) The housing revenue and housing repairs account budgets for 2018/19 be approved;
- (iv) The proposed movement in reserves shown in appendix 3 the report be approved.

#### 365 CAPITAL PROGRAMME 2017-2018 AND 2020-2021

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen that the recommendations within the capital programme 2017/18 to 2020/21 report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and the vote was taken as follows:

Councillors Allen, Bessant, Bill, Boothby, Bray, Camamile, Cartwright, Crooks, Hall, Hodgkins, Hollick, Kirby, Ladkin, Lynch, MacDonald, Morrell, Nichols, Nickerson,

Roberts, Smith, Surtees, Sutton, Taylor, Wallace, Ward, Williams and Witherford voted FOR the motion (27);

Councillors Lay and O'Shea abstained from voting.

The motion was declared CARRIED and it was

RESOLVED –

- (i) The proposed capital programme for the years 2017/18 to 2020/21 be approved;
- (ii) The growth bids detailed in the report be approved.

366 FEES AND CHARGES 2018-2019

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen that the recommendations within the fees and charges 2018/19 report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and the vote was taken as follows:

Councillors Allen, Bessant, Boothby, Camamile, Hall, Ladkin, MacDonald, Morrell, Nickerson, Roberts, Smith, Surtees, Sutton, Wallace, Ward and Williams voted FOR the motion (16);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Kirby, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (11);

Councillors Lay and O'Shea abstained from voting.

The motion was declared CARRIED and it was

RESOLVED – the fees and charges book for 2018/19 be approved.

367 TREASURY MANAGEMENT & PRUDENTIAL INDICATORS

Further to the discussion on the budget reports, it was moved by Councillor Hall and seconded by Councillor Allen and

RESOLVED –

- (i) The prudential indicators and limits for 2017/18 to 2020/21, including the authorised limit prudential indicator, be approved;
- (ii) The minimum revenue provision statement be approved;
- (iii) The Treasury Management Strategy 2017/18 to 2020/21 and the treasury prudential indicators be approved;
- (iv) The Investment Strategy be approved.

368 OFF STREET PARKING PLACES ORDER

Council received a report which sought to vary the Off Street Parking Places Order.

Some members felt that this report was premature and should have been presented along with the car parks action plan which was scheduled for the next meeting. It was highlighted that parking was an emotive issue, particularly within Hinckley town centre. Concern was expressed that Leicestershire County Council would introduce on street parking charges in the future, which would further exacerbate the problems.

The introduction of card (including contactless) payments was welcomed.

It was moved by Councillor Ladkin and seconded by Councillor Hall that the recommendations within the report be approved.

Councillor Bray, along with seven other councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Allen, Bessant, Boothby, Camamile, Hall, Ladkin, MacDonald, Morrell, Nickerson, Roberts, Smith, Surtees, Sutton, Wallace, Ward and Williams voted FOR the motion (16);

Councillors Bill, Bray, Cartwright, Crooks, Hodgkins, Hollick, Kirby, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (11);

Councillors Lay and O'Shea abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The proposed variation to the Off Street Parking Places (Hinckley and Bosworth) Order 2014 be approved;
- (ii) Authority be delegated to the Head of Street Scene Services to publish a notice of proposals in relation to the Off Street Parking Places (Hinckley and Bosworth) Order 2014;
- (iii) Subject to there being no objections received within the relevant statutory period, authority be delegated to the Head of Street Scene Services to make the Order and publish the notice of making;
- (iv) Where objections are received, a written report be produced by the Head of Street Scene Services detailing the objections and that authority be delegated to the Director (Environment & Planning) and the Executive member with responsibility for car parks, in conjunction with the Legal Services Manager, to consider such objections and make a decision on the making of the Order.

369 PAY POLICY STATEMENT

Members received the HBBC Pay Policy Statement for 2018/19. It was moved by Councillor Hall, seconded by Councillor Ladkin and

RESOLVED – the HBBC Pay Policy Statement for 2018/19 be approved.



370 THE TOWN AND COUNTRY PLANNING (FEES FOR APPLICATIONS, DEEMED APPLICATIONS, REQUESTS AND SITE VISITS) (ENGLAND) (AMENDMENT) REGULATIONS 2017

In accordance with paragraph 4 of part 3e of the council's constitution, Council was informed of an urgent decision taken under delegated powers in relation to planning fee increases imposed by Government.

RESOLVED – the decision be noted.

371 MEMBERSHIP OF COUNCIL AND OUTSIDE BODIES

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

RESOLVED – the following appointments to council bodies be approved:

- (i) Councillor Smith to replace Councillor Wallace as chairman of the Appeals Panel with effect from 1 March 2018;
- (ii) Councillor Bessant to fill vacancy on Finance & Performance Scrutiny;
- (iii) Councillor Morrell to fill vacancy on Ethical Governance & Personnel Committee;
- (iv) Councillor Hall to replace Councillor Boothby on Planning Committee.

372 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 17

- (a) Councillor O'Shea, seconded by Councillor Hall, proposed the following motion which was printed in the agenda:

“Motor Neurone Disease (MND) is a fatal, rapidly progressing disease that affects people from all communities and has no cure. The MND Charter (details attached) is a “statement of respect, care and support that people living with MND and their carers deserve and should expect”. The five points of the Charter are:

1. The right to an early diagnosis and information
2. The right to access quality care and treatments
3. The right to be treated as individuals and with dignity and respect
4. The right to maximise their quality of life
5. Carers of people with MND have the right to be valued, respected, listened to and well-supported.

This Council expresses its support for the Motor Neurone Disease Association and those people living with MND and their families. Council resolves to adopt the MND Charter and the council and individual councillors will promote the MND Charter as widely as possible.”

The motion was CARRIED and it was unanimously

RESOLVED - the MND Charter be adopted and the council and individual councillors be encouraged to promote the MND Charter as widely as possible.

- (b) Councillor Cartwright, seconded by Councillor Hollick, proposed the following motion which was printed in the agenda:

“Following concerns from numerous residents and issues with the delivery of the development set against the council’s aspirations at the outset for the site at Martinshaw Lane, Groby, it is agreed that there is a full investigation into the procurement, administration, delivery and checks and balances in order to avoid embarrassment to the borough council.”

Councillor Hall, seconded by Councillor Surtees, proposed the following amendment:

“This year will see the completion of two ambitious local authority housing schemes – Southfield Road in Hinckley and Martinshaw Lane in Groby. In view of the fact these are the first schemes of scale to be delivered in many years to provide new council homes in this borough, Council requests that a review of outcomes achieved and lessons learnt be reported to Scrutiny Commission”.

At this juncture, it have reached 9.30pm, it was moved by Councillor Bray, seconded by Councillor Taylor and

RESOLVED – the meeting be permitted to continue in accordance with council procedure rule 8.

Returning to discussion on the motion proposed, concern was expressed that the Scrutiny Commission should consider the report at its next meeting rather than at the conclusion of the project. It was also requested that the Martinshaw Lane project be considered on its own rather than with the Southfield Road project.

Some members expressed concern about calling for an “investigation” when no evidence of a need for this had been presented and processes were in place to deal with any issues arising on projects – for example project boards and the corporate complaints process. The risk of setting a precedent was highlighted.

Following further discussion, Councillors Cartwright and Hollick agreed to withdraw the motion and Councillors Hall and Surtees agreed to withdraw the amendment.

It was subsequently moved by Councillor Lay and seconded by Councillor Taylor that the Scrutiny Commission be asked to review the Martinshaw Lane project as soon as possible. Upon being put to the vote, the motion was CARRIED and it was

RESOLVED – The matter be referred to the Scrutiny Commission.

### 373 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Councillor O’Shea 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.

374 PARTNERSHIP SUPPORT

Council gave consideration to a report which proposed negotiations on a contract. It was suggested that the terms proposed be accepted as a gesture of goodwill, to retain the relationship and protect the reputation of both organisations. It was moved by Councillor Hall, seconded by Councillor Surtees and

RESOLVED – the partnership support arrangements be approved.

(The Meeting closed at 10.02 pm)

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MAYOR