

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
14TH SEPTEMBER 2004 AT 6.30 P.M.

PRESENT: MR. B.H. EDWARDS - MAYOR
MR. J.C. BOWN - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. P.T. Andrews, Mr. M.O. Bevins, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. D.R. Bown, Mrs. R. Camamile, Mrs. C.M. Claridge, Mr. J.F. Collins, Mrs. M.A. Cook, Mr. D.S. Cope, Mrs. M.J. Crooks, Mr. W.J. Crooks, Mr. N.B.L. Davis, Mrs. D. Finney, Mrs. S. Francks, Mr. R.J. Furniss, Mr. D.E. Hinton, Mr. C.G. Joyce, Mr. M.R. Lay, Ms. J.E. Price, Mrs. M.L. Sherwin, Mrs. E.A. Spencer, Mr. J.E. Stanley, Mr. D.W. Thorpe, Mr. K. Vessey, Mr. R. Ward and Mrs. R.W. Wright.

Officers in attendance: Mr. K.G. Bray, Mr .B. Cullen, Mr. G.B. Gethin, Mr. S. Kohli, Mr. T.M. Prowse, Mr. R.A. Sargent, Ms. B. Thomas and Mr. R.M. Tobin.

173 SILENT TRIBUTE AND PRAYER

A period of silence was observed for the people of Beslan in Russia following the tragic outcome of a siege of the local school. The Reverend Doctor R. Stephen then offered prayer.

174 APOLOGIES

Apologies for absence were submitted on behalf of Mr. R.D. Ellis, Mr. M.A. Hall, Mr. K.A.J. Hunnybun and Mr. K.W.P. Lynch.

175 MINUTES (C30)

On the motion of Mr. Bevins, seconded by Mr. Stanley, it was

RESOLVED - the minutes of the meeting held on 3rd August 2004 be confirmed and signed by the Mayor subject to resolution (iv) in minute No. 122 being amended by the substitution of "50%" for "£50,000".

176 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor announced that he would take as an additional item of business a report relating to the improvement fund budget. In view of the importance of the intended motion relating to refuse and recycling, the Mayor also stated that he had agreed that once it had been tabled the Director of Community Services would be invited to give a presentation explaining the background to the service.

177 DECLARATIONS OF INTEREST

Mrs. Aldridge declared a personal interest in report C35 relating to the appointment of the Section 151 Officer.

178 PETITIONS

The following petitions relating to refuse and recycling were referred to the Head of Environmental Services on the motions of the Members indicated:-

- (a) From 1,359 signatories claiming the new service to be impractical and calling for the immediate resumption of a weekly collection of non-recyclable waste (moved by Mr. Bill and seconded by Mrs. Francks);

- (b) From 500 signatories calling for the weekly collection to be re-introduced (moved by Mrs. Francks and seconded by Mrs. Crooks);
- (c) from 74 signatories calling for the weekly collection to be re-introduced (moved by Mrs. Crooks and seconded by Mrs. Finney); and
- (d) from 900 signatories calling for refuse and recyclable items to be collected weekly on the same day in the interests of health and to avoid confusion (moved by Mr. J.C. Bown and seconded by Mr. Vessey).

179 QUESTION

The following question and reply were submitted in accordance with Council Procedure Rule 10:-

Question raised by Mrs. Francks and addressed to Mrs. Claridge

"It has come to my attention that this Council has been operating for a number of months with a worrying number of office staff positions vacant. We are currently attempting to operate without:

Chief Executive
 Head of Law & Administration
 Head of Finance (Treasurer)
 Head of Leisure Services

In addition several key Senior Planners appear to be missing. I myself have been finding it increasingly difficult to obtain written answers or even acknowledgements of letters that I have sent to various departments.

Could the Leader please explain how this Council can be expected to operate efficiently and legally with so many key posts left vacant for extended periods, when the present administration intend to fill them and will they also accept responsibility for the loss of so many key employees?"

Reply given by Mrs. Claridge

"In respect of your concerns I would clarify that the position is as follows:

Chief Executive: Bill Cullen was appointed in May as Acting Head of Paid Service with the support of David Cook, serving Chief Executive at Kettering, on a part-time basis. Mr Cook has now formally ceased work with this authority having completed the work that he was commissioned to do. There is an agreed timetable now for the appointment of the permanent Chief Executive. The advertisements have been placed and interviews will be held in November. Bill Cullen will continue in his role pending the appointment of a permanent Chief Executive.

Head of Law and Administration: The Director of Resources has taken measures to address interim arrangements pending any permanent restructuring which will take place following the appointment of the new Chief Executive.

Head of Finance: This matter is being reported to this Council meeting, again on the basis of interim arrangements pending any permanent restructuring that will take place.

Leisure Services Manager: An appointment was made recently, the anticipated start date being 11th October 2004.

Planning: All Development Control vacancies have now been filled. One vacancy exists in the Policy Team which is currently being advertised. We were unsuccessful in securing a replacement for the Team Leader (Economic Development and Regeneration) and that vacancy will be readvertised shortly.

With regard to the penultimate paragraph of the question, if Councillor Mrs Francks could advise me of specific cases, I will ask Mr Cullen to ensure the letters are addressed."

In reply to a supplementary question, Mrs. Claridge stated that if Mrs. Francks were to amplify the points raised she would respond to her in writing.

180 MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NO. 12

It was moved by Mrs. Francks and seconded by Mr. Stanley that this Council believes that the move to a fortnightly collection of refuse was ill-considered and resolves to revert to a weekly collection.

As previously indicated, the Director of Community Services then gave a presentation on the background to the changes in the refuse and recycling services.

Mr. Collins then moved, and Mrs. Claridge seconded, that the Council re-affirm that the move to a fortnightly collection of refuse coupled with dry recycling and green waste which was the result of an all-party group decision was correct and that it remain in force because of legal contracts and present and future government legislation. However, these collections will be improved by a series of measures to alleviate capacity and storage which some of the conscientious residents of the Borough are experiencing. Upon being put to a vote, recorded as follows, the amendment was declared CARRIED.

FOR: Mrs. Aldridge, Mr. Andrews, Mr. Bevins, Mr. Boothby, Mrs. Camamile, Mrs. Claridge, Mr. Collins, Mrs. Cook, Mr. Davis, Mr. Furniss, Mr. Hinton, Ms. Price, Mrs. Sherwin, Mrs. Spencer, Mr. Thorpe, Mr. Ward and Mrs. Wright (17)

AGAINST: Mr. Bill, Mr. D.R. Bown, Mr. J.C. Bown, Mr. Cope, Mrs. Crooks, Mr. Crooks, Mrs. Finney, Mrs. Francks, Mr. Joyce, Mr. Lay, Mr. Stanley and Mr. Vessey (12).

ABSTENTION: Mr. Edwards (1)

A further amendment was proposed by Mr. Lay and seconded by Mr. D.R. Bown to the effect that:

1. the Council undertakes a full review of its refuse and recycling policies;
2. it does this through the Scrutiny Commission;
3. expert witnesses are invited to attend to present and evaluate the Council's policy; and
4. key objectors are also invited to present their arguments.

This further amendment was put to a vote and declared LOST. Whereupon a vote was taken on the substantive motion, recorded as follows and declared CARRIED.

FOR: Mrs. Aldridge, Mr. Andrews, Mr. Bevins, Mr. Boothby, Mrs. Camamile, Mrs. Claridge, Mr. Collins, Mrs. Cook, Mr. Davis, Mr. Furniss, Mr. Hinton, Ms. Price, Mrs. Sherwin, Mrs. Spencer, Mr. Thorpe, Mr. Ward and Mrs. Wright (17)

AGAINST: Mr. Bill, Mr. J.C. Bown, Mr. Cope, Mrs. Crooks, Mr. Crooks, Mrs. Finney, Mrs. Francks, Mr. Joyce and Mr. Stanley (9).

ABSTENTIONS: Mr. D.R. Bown, Mr. Edwards, Mr. Lay and Mr. Vessey (4).

181 BARWELL BY-ELECTION (C31)

Members were informed that voting at the poll held on 12th August was as follows:

Sandra Francks (Liberal Democrat) 739 (elected)
Allan Keddy (Conservative) 448
Michael Patrick Shore (British National Party) 187
Andre Wheeler (Labour) 448

On the motion of Mr. Bevins, seconded by Mrs. Claridge, it was

RESOLVED - the report be noted.

Mr. Furniss left the meeting at 8.07 p.m., returning at 8.10 p.m.

182 COMMITTEE MEMBERSHIP ETC. (C32)

Arising out of a review of the Council's Constitution and in the wake of the Barwell by-election it was

RESOLVED

- (i) membership of the Scrutiny Commission be increased to 15 and the extra seats be allocated to the following:

(on the motion of Mrs. Claridge, seconded by Mr. Bevins) - Mr. Boothby, Ms. Price, Mrs. Spencer and Mr. Ward

(on the motion of Mr. Lay, seconded by Mr. D.R. Bown) - Mr. Ellis and Mr. Vessey.

(on the motion of Mr. Bill, seconded by Mr. Crooks) - Mrs. Crooks and Mrs. Francks;

- (ii) membership of the Council Services Select Committee be reduced to 7 seats with (on the motion of Mr. Lay, seconded by Mr. D.R. Bown) Mr. Lay vacating his seat;

- (iii) membership of the Licensing Committee be changed by

(on the motion of Mrs. Claridge, seconded by Mr. Bevins) - Mrs. Camamile vacating her seat; and

(on the motion of Mr. Bill, seconded by Mr. Crooks) - Mrs. Francks being appointed to fill the resulting vacancy; and

- (iv) (on the motion of Mr. Bevins, seconded by Mr. Collins) - the Constitution be amended to reflect the previous decision of Council to increase membership of the Personnel Committee to nine.

183 APPOINTMENT OF SCHOOL GOVERNORS (C33)

Notification having been received of vacancies which had arisen, it was

RESOLVED

- (i) on the motion of Mrs. Claridge, seconded by Mr. Bevins - Mr. B. Wright of 12 Bradgate Road, Hinckley, be nominated as a governor of Hinckley Mount Grace High School and
- (ii) on the motion of Mr. Bevins, seconded by Mrs. Aldridge - Mr. M.W. Preston of 20 Main Street, Newbold Verdon be nominated as a governor of Market Bosworth High School.

184 MEMBERSHIP AND CHAIRMEN OF LICENSING PANELS (C34)

Arising out of recommendations of the Licensing Committee, it was moved by Mr. Bevins, seconded by Mr. Lay, and

RESOLVED -

- (i) each Licensing Panel consist of three Licensing Committee Members selected by the delegated officer, on each occasion having regard to availability and suitability and, wherever possible, political balance; and
- (ii) Mr. Hunnybun and Mr. Stanley be appointed as Licensing Panel Chairmen in addition to Mr. Davis, Mr. Hall and Mr. Thorpe.

185 APPOINTMENT OF SECTION 151 OFFICER (C35)

Mrs. Aldridge declared a personal interest in this item and withdrew from the meeting at 8.15 p.m. whilst it received consideration.

The Director of Resources reported on the resource implications and statutory obligations arising out of the departure of the Head of Finance as well as proposals for dealing with other staffing issues within his directorate.

On the motion of Mr. Bevins, seconded by Mrs. Claridge, it was

RESOLVED - the Accountancy Manager (Mr. S. Kohli) be appointed as Acting Section 151 Officer and Head of Finance with effect from 28th September 2004 and the Director of Resources in liaison with the Cabinet Portfolio Holder and Head of Paid Service be authorised to agree the appropriate remuneration.

186 IMPROVEMENT FUND BUDGET

Further to minute No.122(iv) as amended, the Director of Resources explained that the effect of that decision would be to allocate 50% of underspends of £180,000 rather than 50% of the additional resources of approximately £500,000 intended towards, and needed for, the Improvement Fund budget. To rectify the situation, it was moved by Mr. Lay, seconded by Mr. Bevins, and

RESOLVED - the decision of Cabinet on 30th June 2004 to allocate 50% of any additional resources which become available as a result of the Council's 2003/04 year end position to the Improvement Fund budget be reaffirmed. The actual amount to be no less than £250,000.

187 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

On the motion of Mr. Furniss, seconded by Mr. Lay, it was

RESOLVED - in accordance with Section 100A(4) of the Local Government Act 1972, the public be excluded from the remaining item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraph 1 of Part I of Schedule 12A of that Act.

Mr. Cullen left the meeting at 8.18 p.m.

188 ACTING HEAD OF PAID SERVICE (C36)

Consideration was given to a recommendation of the Cabinet regarding the remuneration package for the Acting Head of Paid Service. It was moved by Mr. Bevins and seconded by Mr. Collins that the remuneration package for the Acting Head of Paid Service be as set out in revised Cabinet report No. CA20 and that Mr. Cullen be appointed Acting Chief Executive until such time as a permanent Chief Executive is appointed.

Mrs. Crooks then moved and Mr. Crooks seconded, that consideration of this report be deferred until the next meeting. Upon being put to a vote, the amended was declared LOST. The original motion then being put to the vote was declared CARRIED and it was

RESOLVED - the remuneration package for the Acting Head of Paid Service be as set out in revised Cabinet report No. CA20 and that Mr. Cullen be appointed Acting Chief Executive until such time as a permanent Chief Executive is appointed.

(The meeting closed at 8.41 p.m.)