

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

12th APRIL 2005 AT 6.30 P.M.

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

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

Officers in attendance: Mr S. Atkinson, Mr. B. Cullen, Mr. S. Kohli, Mrs. P.I. Pitt, Mr. D. Tilley and Mr. R.M. Tobin.

453 PRAYER

Canon F.D. Jennings, Mayor's Chaplain offered prayer.

454 APOLOGIES

Apologies for absence were submitted on behalf of Mr. P.T. Andrews, Mr. C.W. Boothby, Mrs. M.A. Cook, Mrs. D. Finney, Mr. M.A. Hall, Mr. K.A.J. Hunnybun and Mr. J.E. Stanley.

455 MINUTES (C66)

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

RESOLVED - the minutes of the meeting held on 8th March 2005 be confirmed and signed by the Mayor.

456 DECLARATIONS OF INTEREST

No interests were declared at this stage.

457 QUESTIONS

The following questions and replies were received in accordance with Council Procedure Rule 11.2.

(a) Question raised by Mr. Collins and addressed to Mrs. Claridge

"Did the former Lib-Dem leader of the Council use his influence to push for a more pro-active pursuit of developer contributions?"

(b) Question raised by Mr. Thorpe and addressed to Mrs. Claridge

"It has been said that the previous administration were not pro-active in securing developer contributions. Was this because there was no mechanism that allowed local authorities to secure 106 Agreement contributions? Did the local plan not allow this during the previous administration?"

(c) Question raised by Mrs. Wright and addressed to Mrs. Claridge

"It has been shown that under the previous administration no effort was made to secure developer contributions under 106 Agreements. How much money has been secured under the present Conservative administration?"

Composite reply to all three questions given by Mrs. Claridge

"SECTION 106 AGREEMENT AND DEVELOPER CONTRIBUTIONS

Background and Policy

Where a development creates a need for particular infrastructure, works or facilities, Section 106 of the Town & Country Planning Act 1990 enables a Planning Authority to enter into a legal agreement with the developer to address those requirements.

Similar powers existed in earlier Planning Acts. Government guidance is provided by Circular No.1 of 1997, which requires any agreement to satisfy a number of tests. The whole procedure for planning agreements is under review and is likely to change in the future.

Policy IMP1 of the Hinckley & Bosworth Local Plan, which was adopted in February 2001, seeks developer contributions towards the provision of infrastructure, works or facilities which are relevant to and reasonably related to a development and which are required to enable a development to proceed. This can include the provision of off-site public open space.

Policy REC2 of the Local Plan seeks to ensure that formal open space is provided for residential development of 20 dwellings and over. This policy accepts that it may not be practicable to locate the open space within the development itself, and provides for negotiation of a financial contribution to facilities elsewhere in the vicinity.

In December 2003 the Council adopted a Section 106 Strategy for developer contributions. This provides a system for monitoring the receipt and expenditure of 106 monies.

Developer Contributions

The Council's Section 106 monitoring system indicates that up to April 2003 developers had agreed to make payments totalling approximately £1,270,000. Since that date payments totalling approximately £1,570,000 have been agreed. A total of £2,840,000. These monies are paid by developers at specified trigger points during the development, such as commencement of development or the completion of a specified number of dwellings. The monies are then paid to the relevant organisation such as the Education Authority or a Parish Council. Some monies relating to public open space are retained by this Authority.

These figures relate principally to contributions relating to the provision of education, public open space and highway works. In some instances it has not been possible to calculate the sums involved because the permissions relate to outline planning permission, where the precise number of dwellings has yet to be agreed.

It should be noted that the amounts referred to above are those which have been agreed, they have not all been received because either the relevant trigger points have not been reached or detailed schemes have yet to be submitted. The full details are set out in the monitoring reports which are presented regularly to Planning & Regulatory Committee and are always available for either Members or Parish Councils.

Other Contributions

In October 2002 the Council adopted a Play and Open Space guide. This enabled the Planning Authority to receive payment for off-site public open space, without the need for the applicant to have to enter into a Section 106 Agreement. Developers have generally chosen this method of contribution where a small number of dwellings are proposed and the cost of producing a legal agreement could be prohibitive.

From October 2002 to April 2003 contributions totalling £8,920 were received. Since May 2003, £177,160 has been received."

Following a supplementary question to Mrs. Claridge from each of the three Members named above, and her subsequent response, the Chief Executive undertook to arrange for more specific details regarding developer contributions to be circulated to the Leader of the Liberal Democrat Group.

458 PRUDENTIAL INDICATOR AND TREASURY MANAGEMENT STRATEGY REPORT 2005/06 (C67)

Following consideration of information governing the operation of the Council's prudential indicators, its treasury function and its likely activities for the forthcoming year, it was moved by Mr. Bevins, seconded by Mr. Davis and

RESOLVED - approval be given to:-

- (a) the adoption of the prudential indicators and limits for 2005/06 to 2007/08 as contained in the report;
- (b) the Treasury Management Strategy 2005/06 and the Treasury Prudential indicators; and
- (c) the investment strategy 2005/06 contained in the Treasury Management Strategy and the detailed criteria included in the Background to this report, particularly those relating to specified and non-specified investments.

459 OVERVIEW AND SCRUTINY ANNUAL REPORT AND WORK PROGRAMME (C68)

Presented to the Council was the first Overview and Scrutiny Annual Report (2004/05), together with a suggested Scrutiny Commission work programme for 2005/06.

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

RESOLVED -

- (i) the Overview and Scrutiny Annual Report for 2004/05 be approved; and

- (ii) approval be also given for the items identified in the report to be included in the Scrutiny Commission work programme for 2005/06.

Mr. Collins left the meeting at 7.04 p.m., returning at 7.07 p.m.

460 SCHEDULE OF MEETINGS (C69)

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

RESOLVED -

- (i) in order to meet operational demands in the Accounts Section the meeting of the Council arranged for 21st June be rescheduled for 28th June 2005;
- (ii) a special meeting of the Council be held on Monday, 16th May 2005 for the purpose of considering reports on Corporate Management Restructure and the Medium Term Financial Strategy; and
- (iii) it be noted that there not be a formal meeting of the Cabinet on 4th May 2005;

(The meeting closed at 7.21 p.m.)