

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

31st OCTOBER 2006 AT 6.30 P.M.

PRESENT: MRS. M.L. SHERWIN - MAYOR
MR. K.W.P. LYNCH - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. P.R. Batty, Mr. M.O. Bevins, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. D.R. Bown, Mr. J.C. Bown, Mrs. R. Camamile, Mrs. C.M. Claridge, Mr. J.F. Collins, Mrs. M.A. Cook, Mrs. M.J. Crooks, Mr. W.J. Crooks, Mr. N.B.L. Davis, Mr. B.H. Edwards, Mr. R.D. Ellis, Mrs. D. Finney, Mrs. S. Francks, Mr. R.J. Furniss, Mr. M.A. Hall, Mr. D.E. Hinton, Mr. K.A.J. Hunnybun, Mr. M.R. Lay, Ms. J.E. Price, Mr. J.E. Stanley, Mr. D.W. Thorpe, Mr. R. Ward and Mrs. R.W. Wright.

Also in attendance: Mr. R. Birch, Chairman of the Standards Committee.

Officers in attendance: Mr. S. Atkinson, Mr. P.F. Cash, Mr. B. Cullen, Mr. A. Ghafoor, Miss L. Horton, Mr. S. Kohli, Mr. R. Parkinson, Mrs. P.I. Pitt and Mrs. J. Puffett.

309 PRAYER

The Reverend Canon F.D. Jennings offered prayer.

310 APOLOGIES

Apoloiges for absence were submitted on behalf of Mr. D.S. Cope, Mr. C.G. Joyce, Mrs. E.A. Spencer and Mr. K. Vessey.

311 MINUTES (C21)

Prior to confirmation of the minutes the Chief Executive indicated, for clarification, that the revised Concessionary Fares Scheme would now commence on 13th November 2006.

It was then moved by Mr. Collins, seconded by Mr. Bevins, and

RESOLVED – the minutes of the meeting held on 19th September 2006 be confirmed and signed by the Mayor.

312 DECLARATIONS OF INTEREST

Interests were declared as follows:-

Mrs. Aldridge – a personal and prejudicial interest in reports C26 and C29.

Messrs. Collins and Thorpe – personal, non-prejudicial interests in report C27.

Mr. Davis – on behalf of all Cabinet Members present (Messrs. Bevins, Boothby, Hall and Thorpe and Mrs. Wright) and himself, report C25. Additionally, Mr. Davis declared a personal non-prejudicial interest in report C28.

313 MAYOR'S COMMUNICATIONS

The Mayor indicated that, in response to a request from Mr. Sam Meakin to seek endorsement of his document produced to commemorate the Battle of Britain by Her Majesty the Queen, she had received a letter from Buckingham Palace indicating that whilst the Queen did not endorse individual documents she sent her good wishes and compliments on the publication.

The Mayor then reported that a delegation from Le Grand Quevilly would be visiting from 17th to 20th November 2006 and that the party of 5 would include a student.

314 QUESTIONS

The following questions and replies were received in accordance with Council Procedure Rules 11.1:-

(a) Question raised by Mr. W.J. Crooks and addressed to Mr. R.J. Furniss

“Are the Council aware that on some new developments, builders are using non Gas Board companies to connect up to new properties. Some residents are being surcharged every year for the life of the properties, by British Gas!

An example of this is the new development at St Giles Close, Barlestone where the affordable housing occupants are having to pay £40 on top of their bills.

Are we able to legislate against this through the planning process as these people are struggling enough to start with?”

Reply given by Mr. R.J. Furniss

“Matters appertaining to gas utility charges are controlled by the Office of Gas Supply, commonly known as Ofgas. The Planning service has no statutory powers or responsibilities in such matters.”

In response to a supplementary question from Mr. Crooks, the Chief Executive indicated that officers would communicate with Ofgas on the question of possible advice on connection charges to new occupants.

(b) Question raised by Mr. W.J. Crooks and addressed to Mr. C.W. Boothby

“May I ask why recent meetings with Parish Councillors ‘Parish Forum’ are no longer open to Members? These meetings used to be open to all Members but this is no longer the case and no invitations are being sent out to Borough Councillors from the rural areas. It is important that the Rural Members support the Parish Councillors in the areas they represent.”

Reply given by Mr. C.W. Boothby

“As Councillor Crooks will be aware from written advice received from Officers of the Council, the current practice with regard to invitations for the quarterly Parish Forum meetings is as follows:-

Invitations are made to all Cabinet Members, to opposition Group Leaders and to the Chair and Vice-Chair of the Scrutiny Commission and Planning Committee. Agendas will also be circulated to all Councillors and any Councillor wishing to attend a specific meeting where an agenda item relates to a Parish and their Ward may do so.

You are politely asked to notify Duncan Bell of your proposal to attend.

These arrangements are in place purely to help with logistics of the meetings as they are well attended by Parish Representatives and we tend to have a reasonably full house at every Parish Forum meeting.”

(c) Question raised by Mr. P.R. Batty and addressed to Mrs. Wright

“At the Scrutiny Commission meeting held on Thursday 19th October 2006, both the Leader and the acting Chair of the Community Safety Partnership voiced concerns with the effectiveness of the Partnership and were unable to assure Members that value for money was being delivered to the Tax Payer.

One particular concern that came to light was that the monitoring of the CCTV system was not of an acceptable standard as forcibly pointed out by the acting Chair of the CSP.

Another major concern that was highlighted was that the CSP appeared disproportionately focused on Hinckley Town Centre.

As an elected Member representing a rural parish I can only comment that the CSP does little in my Ward to promote itself in any meaningful way nor does it pursue any proactive role in my Ward. In fact, the CSP has failed miserably to follow up or monitor progress in respect of a very serious issue in which the Borough Council, the Local Policing Unit and the CSP was actually involved in my Ward in early 2003, with the effect that the problem is now worse than ever yet there has been no attempt by the CSP to monitor progress or even follow this up with Ward members or the Parish Council in over 3 years.

Therefore, can I ask for assurances that urgent steps will be taken to ensure that all necessary measures are implemented to ensure that the CSP starts to deliver a positive benefit to the community as a whole that at least goes some way towards justifying the not insignificant budget that it now receives and finally can I ask the portfolio holder why when this Council employs staff to work with the CSP that elected members and senior officers are not kept fully apprised as to the performance and effectiveness of the CSP.

Thank you in anticipation of your response.”

Reply given by Mrs. R.W. Wright

“I will respond to Councillor Batty’s question in two parts.

Firstly, the Hinckley and Bosworth Community Safety Partnership is a body formed under Section 17 of the Crime and Disorder Act 1998. The Act places a statutory requirement on the Council and the Police to work in partnership with other agencies and groups to reduce crime and disorder in the Borough. It is a matter for the Partnership to determine who chairs its meetings. The position of Chair is currently vacant, as Cllr Batty is aware, and will be filled at the next meeting of the Partnership, which will take place in November. That will be the appropriate time and opportunity for me to address this issue and I intend to do so. As regards accountability, the Partnership is accountable to all participating bodies, as defined under the Act, not just a single partner, whatever their financial contribution.

Secondly, performance and effectiveness of the Partnership is already reported back to elected members, including the Portfolio Holder, and senior officers of the Council using data provided to the Partnership by the Police, Government East Midlands and the Leicestershire County Council Research Team. As Portfolio Holder, I regularly challenge the information I receive, both as to accuracy and utility. Improvements in presentation and effectiveness are beginning to result from those challenges. Through the Partnership information sharing arrangements the Community Safety Team provides the Council with progress and performance data in relation to crime and disorder Best Value Performance Indicators (BVPI's) in relation to domestic burglary, vehicle crime, violent crime, domestic violence and the reporting of racial incidents. These are submitted to the Members via the Scrutiny Commission and via Cabinet.

I would be happy to provide details of specific performance of this local partnership to Members on a regular basis, by means of reports through the Scrutiny process.

As Councillor Batty is fully aware, the Community Safety Partnership is currently the subject of a detailed examination by the Scrutiny Commission of which he is a member. I am pleased that Cllr Batty is clearly in agreement with the verbal statement of evidence from the Leader and my written statement at the last meeting of the Commission, attended by Cllr Batty. I understand that the Commission intends to report on its findings and recommendations in January 2007, with the aim of improving the contribution of this partnership to the safety of the community as a whole, both rural and urban areas. I await this report with interest and would seek to implement its findings in a positive way to achieve the objective of a safer community for all the people in the Borough.”

In response to a supplementary question from Mr. Batty, Mrs. Wright gave an assurance that all Members would be kept fully informed on the findings of the Scrutiny Commission.

(d) Question raised by Mr. P.R. Batty and addressed to Mr. R. Ward

“At the Council meeting held on the 19th September 2006, it was announced to all those present that an agreement had finally been reached with the County Council that would allow the Borough Council to finally deliver an even benefit across the Borough for there to be a County Wide Concessionary Travel Scheme that would allow free bus travel after 9.30am, for those who qualify and that this would commence on 1st November 2006

It was also announced that the free travel concession would extend beyond the County boundary to provide free travel after 9.30am to residents of the Borough needing to travel to the Hospitals such as the George Elliot and Walsgrave.

Details of the announcement were included in publications throughout the Borough and broadcast on local radio and the start date of 1st November 2006 for the new improved scheme was also confirmed in the September Briefing Notes from the Chief Executive.

Therefore, elected Members in all good faith advised residents in their Wards and their local Parish Councils of what had been officially announced.

Indeed the newly agreed provision was also confirmed at the recent Finance and Audit Select Committee when clarification of the start date was sought, this date was also confirmed in a report brought before the Scrutiny Commission on 19th October 2006.

Can the Portfolio holder please explain why County Councillors have announced in the media, to Parish Councils and to residents that the scheme will not in fact start until mid November, two dates have been quoted; the 13th and 17th November 2006 and can he also please clarify the situation with regard to travel to the hospitals across the County boundaries when it had previously been announced that residents would benefit from free bus travel to hospitals such as the George Elliot and the Walsgrave, when I am now led to believe that is not the case and if that is so what can be done to resolve that unfortunate situation. Finally, on the same question, can the Portfolio holder re-assure Members that the reference in the report to re-assess the new improved scheme after 6 months when take up/usage figures become available is not a thinly veiled threat to withdraw the scheme if there is not a high take up. Whilst we must accept that it is common sense to not want to pay our partners in the scheme more than the actual usage warrants, it would not be desirable to be seen to knowingly discriminate against even one resident of the Borough by denying them equal benefit of a scheme enjoyed by the majority.

Thank you in anticipation of your response”

Reply given by Mr. R. Ward

“The delivery of a Concessionary Travel Scheme that allows for free off peak bus travel on a countywide basis is the result of a long period of protracted negotiations between the County and District Councils. When the agreement in principle to extend the scheme was reached it was intended that the new scheme would be effective from 1 November 2006. Unfortunately, delays in finalising the details of the agreement, along with the need to undertake necessary work to inform the concession holders of the change and to agree the implementation of the revised scheme with operators, has meant that this date has slipped to 13 November 2006. I understand that the County Officers, who administer the scheme, are confident that the start date of 13 November will be achieved.

With regard to your second point regarding the availability of the concession for travel to hospitals in Nuneaton and Coventry, I can tell you that the new concession is available in the same area as covered by the existing scheme, in that it allows for travel within the County of Leicestershire, the City of Leicester and specified destinations outside the County area. These destinations include Nuneaton and Coventry. Regrettably, during the process of developing the new scheme, the bus operator has withdrawn the service to the George Elliot Hospital so that, whilst the concession still exists, there is no service on which to use it. This situation is outside the control of the Council. However, our officers have approached the bus operator requesting that the service be restored; at which point the concession can be utilised.

As regards your final point, I can confirm that the reference in the report to a review of the scheme after 6 months is not “a thinly veiled threat to withdraw the scheme” if take up is not high. It is a mechanism to ensure that we get the best possible value from this Council’s considerable additional investment in this new scheme and to provide concrete justification to the taxpayer for the expenditure which is being incurred.”

In response to a supplementary question from Mr. Batty, Mr. Ward undertook to write to Mr. Batty on the implementation costs of the scheme not now being introduced until 13th November 2006.

(e) Question raised by Mrs. C.M. Claridge and addressed to Mr. R. Ward

“Could Councillor R. Ward confirm that the Council is in receipt of all the income from the closed churchyards it maintains?”

Reply given by Mr. R. Ward

“Thank you Councillor Claridge for your question.

The Borough Council has a statutory duty to maintain closed churchyards and burial grounds. The cost of all work carried out is borne by the Borough Council and no charge can be made to the Church authorities or Parish Councils involved.

There are no other sources of income from this service.”

In response to a supplementary question from Mrs. Claridge, Mr. Ward undertook to examine the position with regard to car parking in the closed churchyards at St. Mary’s Church, Hinckley and Barwell and Markfield.

Mr. Bill left the meeting at 7.02 p.m.

315 MINUTES OF SCRUTINY COMMISSION MEETINGS – 31st AUGUST AND 5TH OCTOBER 2006 (C22 AND C23)

In presenting these the Chairman of the Scrutiny Commission highlighted ongoing discussions relating to the review of the Community Safety Partnership, delivery options with regard to the bus station site, progress regarding the Rural Areas Review, Revised Planning Committee procedures and the Waste Development Framework insofar as the Nailstone Colliery site was concerned.

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

RESOLVED – the minutes of the Scrutiny Commission meetings held on 31st August and 5th October 2006 be received.

Mr. Bill returned to the meeting at 7.06 p.m.

316 CLEAN NEIGHBOURHOODS AND ENVIRONMENT ACT 2005 – DOG CONTROL ORDERS (C24)

Consideration was given to the provisions of the above and the decision of Cabinet relating to the approach to enforcement measures relating to dog fouling. Council approval now being sought to the purchase, within the Capital Programme, of a mobile CCTV system it was moved by Mr. Hall, seconded by Mr. Bevins it was

RESOLVED –

- (i) the inclusion of £12,000 in the Capital Programme for the purchase of a CCTV camera to be funded by a virement of £12,000 from the “car parking re-surfacing” budget be agreed; and
- (ii) the decisions of Cabinet following review by the Scrutiny Commission relating to the application of dog control orders within Part 9 of the above legislation, and as set out in the report of the Head of Health & Environment, be noted.

Mr. Furniss left the meeting at 7.35 p.m.

317 MEDIUM TERM FINANCIAL STRATEGY 2006/07 TO 2009/10 (C25)

Circulated to Members at the meeting were revised copies of pages 29 and 39 of this document and officers provided responses with regard to the amount of current investments, the costs of single status/job evaluation, benefits from the ICT Services and the total cost of composting/recycling.

This document having previously been considered by Cabinet and been subject to the scrutiny process it was moved by Mr. Ward, seconded by Mr. Bevins and

RESOLVED – taking into account the revised information contained in pages 29 and 39 of the report of the Head Finance and ICT the draft Medium Term Financial Strategy 2006/07 to 2009/10 be approved.

Mr. Furniss returned to the meeting at 7.38 p.m. and Mr. Ellis left the meeting at 7.40 p.m.

Mrs. Aldridge, having declared an interest in the following item, left the meeting at 7.41 p.m. whilst this was considered.

318 GYPSIES AND TRAVELLERS – STRATEGIC APPROACH TO TACKLING SITE PROVISION AND ENFORCEMENT (C26)

The Council was presented with details of this, which highlighted the importance now being placed by the Government on Councils to adopt a robust approach in addressing traveller issues and needs and to deliver effective enforcement action in respect of unauthorised encampments.

Mr. Furniss left the meeting at 7.45 p.m., since at that juncture he declared a personal and prejudicial interest in this item as a landowner.

Mr. Ward left the meeting at 7.55 p.m., returning at 7.58 p.m. and Mr. J.C. Bown left at 8.02 p.m., returning at 8.05 p.m.

It was emphasised that any proposals would be for one site only and, as yet, no suitable location had been identified.

It was moved by Mr. Thorpe, seconded by Mr. Hall and

RESOLVED - a robust approach be adopted to address this issue and

- (i) the new national guidance and system for dealing with gypsy and traveller site provision be noted;
- (ii) the adoption of a strategic approach to identify potential new site provision when dealing with unauthorised encampments as set out in the strategy attached as Appendix 'A' to the report of the Deputy Chief Executive be agreed;
- (iii) a Cabinet Champion be identified for overseeing the delivery of the strategy for gypsy and traveller site provision and enforcement at both local and county levels;
- (iv) the strategic and operational structure for addressing gypsy and traveller matters in the Borough be agreed;
- (v) the action plan attached as Appendix 'C' to the strategy be endorsed;

- (vi) an expression of interest be submitted to the Department of Communities and Local Government regarding funding of a new gypsy and traveller transit site on the basis of a full bid being worked up and submitted in 2007/08; and
- (vii) the establishment of an enhanced corporate emergency planning fund to assist in dealing with unauthorised traveller incursions and encampments be agreed.

Mrs. Aldridge and Mr. Furniss returned to the meeting at 8.07 p.m.

319 SUPPORTING PEOPLE FUNDING (C27)

Presented to Members were the outcomes of a funding review of the County Council's Supporting People Programme. The Members were unanimous in their support for this scheme and acknowledged the efforts of the Deputy Chief Executive in achieving an improved funding outcome from that originally proposed. On the motion of Mr. Thorpe, seconded by Mr. Bevins, it was

RESOLVED –

- (i) the outcome of the review of the Supporting People Programme summarised in the report of the Deputy Chief Executive be noted;
- (ii) the recommendations and funding arrangements set out in the report as option 1, which minimises the financial impact on Hinckley & Bosworth Borough Council, be endorsed;
- (iii) the County Council be advised that the Borough Council would wish to see the phasing of payment to meet the savings identified in option 1 spread over 3 years; and
- (iv) the Council express its general concern over the reduction in funding to the Supporting People Programme and impact that this may have on residents of the Borough.

Additionally, on the motion of Mr. Thorpe, seconded by Mr. Davis, it was

RESOLVED – the Deputy Chief Executive write to Leicestershire County Council expressing deep concern over the reduction in funding and pledging full support for the County Council's campaign.

320 REVIEW OF CAPITAL PROGRAMME TO INCLUDE A PROJECT TO FACILITATE THE RELOCATION OF NORTH WARWICKSHIRE AND HINCKLEY COLLEGE AND THE DEVELOPMENT OF THE FORMER ATKINS SITE AS AN INNOVATION CENTRE FOR CREATIVE AND CULTURAL INDUSTRY (CA28)

The Council's agreement was sought to revising the existing Capital Programme to include a project aimed at facilitating the relocation of North Warwickshire and Hinckley College and the development of an innovation centre within the Goddard's building on the former Atkins site. Whilst supportive of the concept of bringing this building back into use reservations were expressed as to the impact of these proposals in the light of the interest by Morris Homes who had an option on this site. The Cabinet portfolio holder for Strategic Planning and Housing indicated that this company had been very supportive in working on this concept with officers.

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

RESOLVED –

- (i) agreement be given to the inclusion of the Atkins site project within the Capital Programme;
- (ii) the inclusion of £100,000 capital provision to cover the initial feasibility and site survey work be agreed; and
- (iii) an application to the East Midlands Development Agency and the Leicester Shire Economic Partnership for additional funding support to facilitate the college relocation and the development of the Innovation Centre on the Atkins site be supported.

321 MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 12

It was moved by Mr. Lay, and seconded by Mr. Ellis, that “Hinckley & Bosworth Borough Council, in partnership with its chosen development partner for the bus station site, provides a subsidised bus service and that this bus service should on a weekly basis aim to reach the majority of the Borough Council’s population centres that currently do not have a direct service into Hinckley”.

There then followed an AMENDMENT by Mr. Bevins, seconded by Mr. Thorpe, that “Hinckley & Bosworth Borough Council, in partnership with its chosen development partners, and taking into account the results of the Borough’s transport assessment undertaken by White, Young, Green investigate the provision of a subsidized bus service and agree in principle that such service be on a weekly basis aimed to reach the majority of the Borough Council’s population centres that currently do not have a direct service into Hinckley”.

At this juncture Mr. Lay agreed to withdraw his motion and the amendment was declared CARRIED.

322 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

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

RESOLVED – in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining items of business on the grounds that they involve the disclosure of exempt information as defined in those paragraphs of Part 1 of Schedule 12A of that Act indicated alongside each item.

Mrs. Aldridge, having declared a personal and prejudicial interest in the following item left the meeting at 8.50 p.m., when consideration of this commenced.

323 PLANNING ENFORCEMENT FOR COSTALOT GYPSY AND TRAVELLER SITE, BARLESTONE ROAD, BAGWORTH (C29) (PARAGRAPHS 2 AND 10)

Prior to being provided with a progress report relating to the above Members were represented at the meeting with a revised recommendation. It was then moved by Mrs. Wright, seconded by Mr. Bevins, and

RESOLVED – the contents of the report of the Head of Culture & Development be endorsed and option ‘C’ be approved in connection with the proposed enforcement approach at the Costalot gypsy and traveller site.

Mrs. Camamile and Mr. Furniss left the meeting at 9.00 p.m. and 9.06 p.m., respectively. Mrs. Aldridge returned at 9.06 p.m.

- 324 (i) CORPORATE TRAINING BUDGET;
(ii) CORPORATE ADMINISTRATIVE SUPPORT (C30)(PARAGRAPHS 3 & 10)

The Council was advised by the Chief Executive of the current position with regard to the former and in respect of the latter requested to agree the creation of additional administrative posts to support front line staff as a matter of urgency.

Mr. Davis left the meeting at 9.17 p.m.

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

RESOLVED –

- (i) the situation with regard to the Corporate Training Budget be noted and the related actions being taken be endorsed;
- (ii) the use of £80,000 (for the year) of the additional funding from the Local Authority Business Growth Incentive Scheme to support additional administrative posts to the establishment as a matter of priority be approved; and
- (iii) further reports be provided to Members, on these issues, as necessary.

(The meeting closed at 9.24 p.m.)