

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

27<sup>th</sup> FEBRUARY 2007 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. J.C. 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, Mr. B.H. Edwards, Mr. R.D. Ellis, Mrs. D. Finney, Mrs. S. Francks, Mr. R.J. Furniss, Mr. M.A. Hall, Mr. M.R. Lay, Mr. D.W. Thorpe, Mr. R. Ward and Mrs. R.W. Wright.

Also in attendance: Mr. M.D. Clarricoats, independent member of the Standards Committee.

Officers in attendance: Mr. S. Atkinson, Mr. D. Bunker, Mr. P.F. Cash, Mr. B. Cullen, Ms. L. Horton, Mr. S. Kohli, Mr. S. Merry, Mr. R. Parkinson, Mrs. P.I. Pitt, Mr. T.M. Prowse, Mrs. J. Puffett and Mrs. S. Stacey.

Prior to commencement of the meeting a minute's silence was observed in memory of Mr. J.E. Stanley, who had been a serving member of this Authority and was a former Mayor.

515 PRAYER

The Reverend Dr. Robert Stephen of St. Catherine's Church, Burbage offered prayer.

516 APOLOGIES

Apologies for absence were submitted on behalf of Mr. D.R. Bown, Mr. D.E. Hinton, Mr. K.A.J. Hunnybun, Ms. J.E. Price, Mrs. E.A. Spencer and Mr. K. Vessey.

517 MINUTES (C45)

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

RESOLVED – the minutes of the meeting held on 30<sup>th</sup> January 2007 be confirmed and signed by the Mayor.

518 DECLARATIONS OF INTEREST

On behalf of all members of the Conservative Group present, namely Mrs. Aldridge, Mr. Batty, Mr. Bevins, Mr. Boothby, Mrs. Camamile, Mr. Collins, Mrs. Cook, Mr. Edwards, Mr. Furniss, Mr. Hall, Mrs. Sherwin, Mr. Thorpe, Mr. Ward, Mrs. Wright and himself Councillor Davis declared personal – non-prejudicial interests in reports nod. C48 – C52 (inclusive).

As a tenant of this Authority Councillor Boothby declared a personal and prejudicial interest in reports nod. C52, C58 and C59.

519 MAYOR'S COMMUNICATIONS

The Mayor outlined arrangements for the Freedom of the Borough Parade through Hinckley town centre on 15<sup>th</sup> March 2007. Reference was also made to a visit to John Cleveland College on 12<sup>th</sup> March 2007 by students from Herford attending a fashion weekend event at North Warwickshire and Hinckley College. Additionally, the Mayor announced that a contribution of £1,000 towards her charities had been received from the Heart of England Co-op.

520 QUESTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 11.2

In the absence of Mr. D.R. Bown the following questions and replies were noted.

Question raised by Mr. D.R. Bown and addressed to Mr. M.O. Bevins

“After the Council gave Planning Permission for the Beechrome (Cotton Gardens) site in Earl Shilton, Councillor Bill was reported in the press calling on both the County Council and Hinckley & Bosworth Borough Council to intervene. Can the Leader confirm that to intervene would mean the overturning of the Planning Permission by a REVOCATION order?”

Reply given by Mr. M.O. Bevins

“Under Section 97 of the Town & Country Planning Act 1990, the Local Planning Authority (which by definition can be either the District Council or the County Council) can revoke or modify a planning permission. However, there are then two alternative procedures, the first in Section 98 of the Act which is for opposed cases, the second in Section 99 of the Act for unopposed cases.

For an opposed case the aggrieved person who is affected by the planning permission can insist on a public hearing before the application is determined. Obviously for an unopposed matter, then the procedure is much easier. However, under Section 107 of the Act, when planning permission is revoked or modified, compensation is payable.”

Question raised by Mr. D.R. Bown and addressed to Mr. M.O. Bevins

“The County Council were only Consultees and therefore had no powers to intervene. The Borough Council had the sole responsibility to determine this application. Did Councillor Bill make any overtures to the Borough Council to have application placed as an item on the Agenda of the next Planning meeting calling for a REVOCATION order on this site?”

Reply given by Mr. M.O. Bevins

“It is true that the County Council had no power to intervene when the matter was being determined before the Borough Council’s Planning Committee. Once permission has been granted then, only the Borough Council can revoke the permission.

Councillor Bill requested that the matter was brought back to Planning Committee. The Head of Culture & Development could see no compelling reason for this to happen and considered that Planning Committee had made a decision based on the full information. Any delays would have also meant that a “major” planning application would have gone out of time with potential financial consequences for this Council.”

Question raised by Mr. D.R. Bown and addressed to Mr. M.O. Bevins

“If he did, was he informed of the likely compensation costs this Council would have to pay to the applicant to reverse the decision and implement a REVOCATION order, and, would he like to put a figure on this site with Planning permission with 47 properties with a price range of £170,000 to £200,000?”

Reply given by Mr. M.O. Bevins

“The compensation payable could, of course, be quite costly but under Section 107, compensation is:

- a) that which has been incurred in carrying out work which is rendered abortive by the revocation or modification; or
- b) it has otherwise been sustained as loss or damage, being directly attributable to the revocation or modification.

I note the calculation of 47 properties having permission for the price range up to £200,000, so obviously any compensation payable would be huge. In general the revocation of a planning permission is a serious step and if opposed as is almost inevitable, there are usually real problems of sustaining the revocation, but if we did sustain it the financial consequences are likely to be large.”

521 MINUTES OF SCRUTINY COMMISSION MEETINGS 4<sup>TH</sup> JANUARY 2007 (C46) AND 8<sup>TH</sup> FEBRUARY 2007 (C47)

The Scrutiny Commission Chairman highlighted the report and recommendations of the Community Safety Review and again emphasised the intention that, with Cabinet, the Commission would receive regular reports on the workings of the Community Safety Partnership. It was moved by Mr. Lay, seconded by Mr. Ellis and

RESOLVED - the minutes of the Scrutiny Commission meetings held on 4<sup>th</sup> January and 8<sup>th</sup> February 2007 be received.

522 GENERAL FUND REVENUE BUDGET 2007/08 (C48)

Consideration was given to the above and to the revised budget for 2006/07 introduced by Councillor Ward (the Portfolio Holder for Finance and ICT) with his General Fund Budget speech.

At the conclusion of his speech Councillor Ward moved, Mr. Bevins seconded, and it was

RESOLVED – the following be approved

- (i) General Fund Service Expenditure (Table 1 of report of the Head of Finance and ICT);
- (ii) Special Expenses Area expenditure (Table 2);
- (iii) Total Parish Expenditure (Table 3);
- (iv) Total General Fund Service Expenditure for the Council (Table 4);
- (v) The proposed movement of General Fund Reserves (Table 5); and
- (vi) The proposed increase in the Borough Council element of Council Tax by 3.25% for 2007/08.

523 CALCULATION OF COUNCIL TAX FOR 2007/08 (C50)

Following endorsement in the previous item of the 2007/08 General Fund Revenue Budget Council was now asked to formally approve the council tax for the same period.

The debate on this was preceded by a speech by the Portfolio Holder for Finance and ICT, following which it was moved by Mr. Ward, seconded by Mr. Bevins and

RESOLVED – approval be given to:-

- (i) The Council's budget requirement, as set out in the General Fund Revenue Budget 2007/08, excluding Special Expenses and Parish Councils be £9,928,680;
- (ii) The Council's budget requirement as set out in the General Fund Revenue Budget 2007/08, including Special Expenses, be £10,493,680;
- (iii) The Council's total net budget requirement including Special Expenses and Parish Councils be £11,818,313;
- (iv) The contribution from Revenue Support Grant and Non Domestic Rates be £6,789,00;.
- (v) In accordance with Council Policy, the Collection Fund Surplus estimated at £37,052, be transferred to the Pension Reserve;
- (vi) The Council Tax for Borough wide services, excluding Special Expenses and Parish Council precepts, for Band D be £86.71;
- (vii) The Council Tax for Borough wide services and an average of Special Expenses Services for Band D be £102.32;
- (viii) The basic amount of Council Tax, being the tax relating to Borough wide services and an average of Special Expenses and Parish Council services for Band D, be £138.89;
- (ix) The council tax for borough-wide services, together with the relevant Special Expenses or Parish Council Services for each area and valuation band, as follows:-

The Council Tax for Borough wide services together with the relevant Special Expenses or Parish Council services for each area and valuation band

VALUATION BAND	A	B	C	D	E	F	G	H
HINCKLEY	95.94	111.93	127.92	143.90	175.89	207.88	239.85	287.83
BARWELL	95.79	111.76	127.72	143.68	175.62	207.56	239.48	287.39
BAGWORTH	100.30	117.02	133.73	150.44	183.88	217.32	250.75	300.91
BARLESTONE	99.82	116.47	133.10	149.73	183.01	216.30	249.56	299.49
BURBAGE	92.51	107.93	123.35	138.76	169.61	200.45	231.28	277.55

CADEBY	72.04	84.05	96.05	108.05	132.07	156.09	180.10	216.13
CARLTON	82.17	95.87	109.56	123.25	150.65	178.05	205.43	246.53
DESFORD	84.41	98.48	112.55	126.61	154.76	182.90	211.03	253.25
EARL SHILTON	87.46	102.04	116.61	131.18	160.34	189.50	218.65	262.39
GROBY	102.78	119.91	137.04	154.16	188.43	222.70	256.95	308.35
HIGHAM	80.59	94.03	107.45	120.88	147.75	174.63	201.48	241.79
MARKET BOSWORTH	90.30	105.35	120.40	135.44	165.55	195.66	225.75	270.91
MARKFIELD	88.36	103.09	117.81	132.53	161.99	191.45	220.90	265.09
NAILSTONE	80.69	94.14	107.59	121.03	147.94	174.84	201.73	242.09
NEWBOLD VERDON	90.11	105.13	120.15	135.16	165.21	195.25	225.28	270.35
OSBASTON	76.78	89.59	102.38	115.17	140.77	166.38	191.96	230.37
PECKLETON	85.00	99.18	113.34	127.50	155.84	184.19	212.51	255.03
RATBY	100.09	116.78	133.45	150.13	183.50	216.88	250.23	300.29
SHACKERSTONE	86.88	101.37	115.84	130.32	159.29	188.26	217.21	260.67
SHEEPY	84.96	99.13	113.28	127.44	155.77	184.10	212.41	254.91
STANTON-U-BARDON	89.35	104.25	119.13	134.02	163.81	193.61	223.38	268.07
STOKE GOLDING	78.44	91.51	104.58	117.65	143.81	169.96	196.10	235.33
SUTTON CHENEY	80.72	94.17	107.62	121.07	147.99	174.90	201.80	242.17
TWYCROSS	77.64	90.58	103.52	116.45	142.34	168.23	194.10	232.93
WITHERLEY	69.58	81.19	92.78	104.37	127.57	150.78	173.96	208.77

(x) The total council tax, including amounts for the County Council, police and fire authority and for each area and valuation band, as follows:-

The total Council Tax including amounts for the County Council, Police Authority  
Fire Authority and for each area and valuation band

BAND	A	B	C	D	E	F	G	H
HINCKLEY	866.90	1,011.38	1,155.87	1,300.35	1,589.32	1,878.28	2,167.25	2,600.70
BARWELL	866.75	1,011.21	1,155.67	1,300.13	1,589.05	1,877.97	2,166.88	2,600.26
BAGWORTH	871.26	1,016.47	1,161.68	1,306.89	1,597.31	1,887.73	2,178.15	2,613.78

BARLESTONE	870.79	1,015.92	1,161.05	1,306.18	1,596.44	1,886.70	2,176.97	2,612.36
BURBAGE	863.47	1,007.39	1,151.30	1,295.21	1,583.03	1,870.86	2,158.68	2,590.42
CADEBY	843.00	983.50	1,124.00	1,264.50	1,545.50	1,826.50	2,107.50	2,529.00
CARLTON	853.13	995.32	1,137.51	1,279.70	1,564.08	1,848.46	2,132.83	2,559.40
DESFORD	855.37	997.94	1,140.50	1,283.06	1,568.18	1,853.31	2,138.43	2,566.12
EARL SHILTON	858.42	1,001.49	1,144.56	1,287.63	1,573.77	1,859.91	2,146.05	2,575.26
GROBY	873.74	1,019.36	1,164.99	1,310.61	1,601.86	1,893.10	2,184.35	2,621.22
HIGHAM MARKET	851.55	993.48	1,135.40	1,277.33	1,561.18	1,845.03	2,128.88	2,554.66
BOSWORTH	861.26	1,004.80	1,148.35	1,291.89	1,578.98	1,866.06	2,153.15	2,583.78
MARKFIELD	859.32	1,002.54	1,145.76	1,288.98	1,575.42	1,861.86	2,148.30	2,577.96
NAILSTONE NEWBOLD	851.65	993.60	1,135.54	1,277.48	1,561.36	1,845.25	2,129.13	2,554.96
VERDON	861.07	1,004.59	1,148.10	1,291.61	1,578.63	1,865.66	2,152.68	2,583.22
OSBASTON	847.75	989.04	1,130.33	1,271.62	1,554.20	1,836.78	2,119.37	2,543.24
PECKLETON	855.97	998.63	1,141.29	1,283.95	1,569.27	1,854.59	2,139.92	2,567.90
RATBY	871.05	1,016.23	1,161.40	1,306.58	1,596.93	1,887.28	2,177.63	2,613.16
SHACKERSTONE	857.85	1,000.82	1,143.80	1,286.77	1,572.72	1,858.67	2,144.62	2,573.54
SHEEPY STANTON-U- BARDON	855.93	998.58	1,141.24	1,283.89	1,569.20	1,854.51	2,139.82	2,567.78
	860.31	1,003.70	1,147.08	1,290.47	1,577.24	1,864.01	2,150.78	2,580.94
STOKE GOLDING SUTTON	849.40	990.97	1,132.53	1,274.10	1,557.23	1,840.37	2,123.50	2,548.20
CHENEY	851.68	993.63	1,135.57	1,277.52	1,561.41	1,845.31	2,129.20	2,555.04
TWYCROSS	848.60	990.03	1,131.47	1,272.90	1,555.77	1,838.63	2,121.50	2,545.80
WITHERLEY	840.55	980.64	1,120.73	1,260.82	1,541.00	1,821.18	2,101.37	2,521.64

- (xi) The calculation of the estimated surplus on the Collection Fund be delegated to the Head of Finance and ICT. (The surplus will be transferred to the Pension Reserve in accordance with Council Policy).

524 REVIEW OF FEES AND CHARGES 2007/08 (C49)

Council having been requested to approve a revised schedule of fees and charges for 2007/08 it was moved by Mr. Ward, seconded by Mr. Bevins and

RESOLVED – the fees and charges as set out in appendix B to the report of the Head of Finance and ICT be agreed.

525 CAPITAL PROGRAMME 2006/07 TO 2009/10 (C51)

Consideration of this item was also preceded by a speech by the Portfolio Holder for Finance and ICT, following which it was moved by Mr. Ward, seconded by Mr. Bevins and

RESOLVED – the Capital Programme for 2006/07 to 2009/10 be approved and all Capital Programme projects be managed in accordance with the Council's corporate approach to project management.

Mr. Boothby left the meeting at 7.40 p.m.

526 HOUSING REVENUE ACCOUNT ESTIMATES 2007/08 (C52)

Presented to Council was the revised budget for 2006/07 and proposed budget for 2007/08 in respect of the housing revenue account, together with suggested increases in the level of rent increases to apply in 2007/08.

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

RESOLVED –

- (i) dwelling rent increases for 2007/08 be set in accordance with the process prescribed by the Government for rent restructuring, averaging 5% and the budgets presented in Appendices 'A', 'B' and 'C' be approved; and
- (ii) an increase of 3% be applied to all private sector charges for 'Lifeline Rental' 'Central Control Connection' and 'Solo Rental'.

Mr. Thorpe left the meeting at 7.42 p.m. returning at 7.44 p.m.

527 INTRODUCTION OF CIVIL PARKING ENFORCEMENT (C53)

Council approval was sought to the introduction of this and although fully supportive of this initiative Members were of the view that the new arrangements should be reviewed after six months of operation. On the motion of Mr. Hall, seconded by Mr. Bevins, it was

RESOLVED –

- (i) Proposals for civil parking enforcement as outlined be approved;
- (ii) Leicestershire County Council be informed that this Council supports an application to the Government for the necessary Orders;
- (iii) The Head of Health and Environment, in consultation with the Portfolio Holder for Health and Environment, be delegated authority to resolve the remaining outstanding issues of the scheme, including any necessary service level agreements with Leicestershire County Council and Harborough District Council in order to bring the scheme into action as soon as is practical; and
- (iv) Arrangements be reviewed after 6 months, including by the Scrutiny Commission and Finance and Audit Services Select Committee.

528 HIGH LEVEL TARGETS FOR FLOOD DEFENCE (C54)

Having been updated on changes to the high level targets for flood and coastal defence and progress with regard to flood defence works and emergency response it was moved by Mr. Hall, seconded by Mr. Bevins and

RESOLVED –

- (i) The Policy Statement on Flood Defence (Appendix A to report of the Head of Health and Environment) be approved;
- (ii) The Council continues to support physical solutions to flooding problems through the revenue and capital budgets where no legal liability lies or in very complex cases to provide a resolution to the problem;
- (iii) The proposed approach to be taken outlined in Section 4 of the report to protect properties during instances of flooding be endorsed; and
- (iv) A Briefing Note be circulated to Members clarifying legal obligations with regard to flooding.

Mr. Edwards left the meeting at 8.12 p.m.

529 GREEN TRAVEL PLAN (C55)

In consequence of the Council becoming a signatory last year to the Nottingham Declaration 2 requiring the Authority to prepare a climate change mitigation plan consideration was given to the production of a Travel Action Plan. It was moved by Mr. Hall, seconded by Mr. Bevins, and

RESOLVED –

- (i) a Hinckley & Bosworth Borough Council Travel Action Plan be produced and agreed by staff and Members; and
- (ii) the targets set out in appendix 2 to the report of the Head of Health and Environment be approved.

530 HEALTH, SAFETY AND WELFARE POLICY (C56)

The above being presented to Council for approval it was moved by Mr. Thorpe, seconded by Mr. Bevins and

RESOLVED – the Health, Safety and Welfare Policy be adopted as this Council's new Health and Safety Management System.

531 HOUSING ALLOCATION POLICY (C58)

Following the consultation process and consideration by the Housing Task Group the above Policy was presented to Council for approval. It was moved by Mr. Thorpe, seconded by Mr. Ellis and

RESOLVED – the Housing Allocation Policy be approved and adopted.

Mr. Edwards returned to the meeting at 8.25 p.m.



532 IMPROVED ACCESS TO LAND EAST OF THE A47 LEICESTER ROAD/CARRS HILL (C57)

Information was received as to the development of the proposed Earl Shilton bypass and how this might impact on the preferred site for the proposed Leisure Centre.

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

RESOLVED –

- (i) A provision of £8,000 be made in the Capital Programme for 2006/07 in respect of a detailed Traffic Impact Assessment with regard to a new access to the preferred site for the proposed Leisure Centre development / potential Depot Development; and
- (ii) £100,000 be included in the Capital programme for 2007/08 for a scheme for the construction of a new access road to the land east of the A47 Leicester Road / Carrs Hill.

533 LAND AND PROPERTY ACQUISITION POLICIES (C59)

In view of the need to identify formal Acquisition and Disposal Policies to complement the Asset Management Plan it was moved by Mrs. Wright, seconded by Mr. Bevins and

RESOLVED – the policies now submitted be adopted and form the basis of criteria to be followed on all future acquisitions and disposals.

534 MEMBERSHIP OF COMMITTEES

In consequence of the untimely death of Mr. Stanley it was moved by Mr. Bill, seconded by Mr. Lynch and

RESOLVED – the following appointments be made for the remainder of the municipal year

Appeals Panel - Mrs S Francks  
Finance & Audit Services Select Committee, Personnel Committee and Scrutiny Commission - Mr D S Cope  
Licensing & Regulatory Committees - Mr K W P Lynch  
Planning Committee - Mr D C Bill

(The meeting closed at 8.35 p.m.)