

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
15 DECEMBER 2008 AT 6.30 P.M.

PRESENT: MR. J.G. BANNISTER - MAYOR
MR. K. NICHOLS - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. J.C. Bown, Mr. S.L. Bray, Mrs. R. Camamile, Mr. M.B. Cartwright, Mr. D.S. Cope, Mr. W.J. Crooks, Mrs. S. Francks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P.A.S. Hall, Mr. D.W. Inman, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. M. R. Lay, Mr. K.W.P. Lynch, Mr. R. Mayne, Dr. J.L. Moore, Ms. W.A. Moore, Mr. K. Morrell, Mr. L.J.P. O'Shea, Mr. A. J. Smith, Mrs. S. Sprason, Mr. B.E. Sutton, Mr. R. Ward and Mr. D.O. Wright.

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

Officers in attendance: Mr. S.J. Atkinson, Mr. Michael Brymer, Mr. B. Cullen, Miss L. Horton, Mrs. B. Imison, Mr. S. Jones, Mr. S. Kohli, Mr. R. Parkinson, Mrs. P.I. Pitt, Mr. T.M. Prowse and Mrs S. Stacey.

308 **PRAYER**

In the absence of a chaplain the Chief Executive offered prayer.

309 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr. P.R. Batty, Mr. P.S. Bessant, Mrs. J. Richards and Ms. B.M. Witherford.

310 **MINUTES (C47)**

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

RESOLVED - the minutes of the meeting held on 20 November 2008 be confirmed and signed by the Mayor.

311 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

312 **MAYOR'S COMMUNICATIONS**

The Mayor stated that to date he had attended some 200 events, 50 of which had taken place in December. The Mayor referred to the carol concert on 14 December when the collection had raised £600. Following a request from two local swimmers for financial assistance towards participating in next year's Special Olympics in Leicester the Mayor had approached Asda, which had kindly agreed to sponsor the two swimmers. The Mayor then invited Geoff Wells, of Hinckley Club for Young People, to address the Council. Mr Wells paid tribute to the Council

Officers involved with partners in securing "My Place Funding" to develop a new facility within Richmond Park for young people. Mr Wells concluded by thanking the Council for its continued support for this project.

313 PETITIONS

On behalf of residents of the Tilton area of Burbage Mr Bray presented a petition containing some 260 signatures objecting to the proposal to erect a phone mast at Boyslade Road, Burbage. It was understood that a planning application relating to this proposal was due to be considered by the Planning Committee on 16 December 2008.

314 QUESTIONS

The following questions and replies were received in accordance with Council Procedure Rule 11.1.

(a) Question raised by Mr. D.W. Inman and addressed to Mr. D.C. Bill

"In view of the concern recently expressed in the local media about access by disabled people to shops in Hinckley and Earl Shilton, will the Leader of the Council please inform Members of any action that is being taken to improve access to public buildings and business premises within the Borough, bearing in mind that it is now 13 years since Parliament passed the Disability Discrimination Act.

He and other Members will know that I am permanently disabled, and have great difficulty in gaining access to certain business premises and other buildings, and feel that not enough is being done to enforce the Act, for example in premises which are given licences by this Council. I would also draw his attention to an article in the Local Government Association's magazine 'First' (page 14 of issue 399) which explains the work of an organisation called DisabledGo which produces an online guide for disabled facilities and mentions that 57 local authorities have provided information about premises in their areas. Unfortunately this Council is not one of the 57. Will he urge the officers to remedy this omission?"

Response from Mr. Bill

" I would like to thank Councillor Inman for his question on this very important matter for a significant number of people living in and visiting our Borough.

Part M of the Building Regulations requires all new shops, offices and factories plus certain extensions and alterations to make reasonable provision for disabled access. Under the Disability Discrimination Act 2005 shops , offices & service providers have a legal duty to make 'reasonable adjustments' to ensure that people are not prevented from accessing or using their services because they have a disability.

In both scenarios the requirement revolves around whether the provision of an adjustment is reasonable. Owners & service providers can consider issues such as whether level or ramped access are restricted by existing

ground and floor levels, and ownership of land, e.g. it may not be practical to install a ramp on land owned by the highway authority, the cost of the adjustment, the practicality of making it, health and safety factors, the size of the organisation, and whether it will achieve the desired effect.

It is the responsibility of Hinckley & Bosworth Borough Council to enforce breaches of the Building Regulations in newly built properties only, whether the LA or private sector is appointed to oversee their construction. Third parties can also use the regulations to enforce compliance.

In terms of existing buildings enforcement of the Disability Discrimination Act 2005 rests with the Equality & Human Rights Commission, however due to available resources this organisation will only take enforcement action on high profile precedent setting cases. Thus the normal route for an individual to seek redress is by taking civil action through the County Courts.

The various licence systems the Council administers are not designed to promote disabled access but control a particular type of trade or activity & therefore there are no licensing conditions or enforcement measures that the Council is able to take in issuing these licenses.

Shopmobility did carry out a survey of shops in Hinckley Town Centre some 8 years or more ago and it therefore requires updating. Shopmobility are willing to review this survey free of charge and I would very much welcome discussing this further.

I would like to thank Councillor Inman for drawing my attention to the partnership work between the disability organisation, Disabled Go, and local authorities, enabling disabled people to get out and do what they want. The organisation has produced an online guide tailored to each area so that people can check whether certain premises are suitable for those with disabilities.

Officers within the Council will examine both these proposals in order that suitable information can be made available for the benefit of disabled people".

In response to a supplementary question from Mr. Inman Mr. Bill reiterated that he would ensure that the provision of suitable information for the benefit of disabled people was investigated, with a view to details being provided on the Council's website and in paper form.

(b) Question raised by Mrs. S. Sprason and addressed to Mr. S.L. Bray

"Hinckley and Bosworth Borough Council is proposing to allocate a minimum of 450 extra houses, at least 350 on green fields, in the rural villages by extending settlement boundaries but without any new infrastructure funding, so would the Leader please explain:

1. What is the maximum number of houses that will be built on the allocated sites?
2. What guarantees will this Authority provide that the necessary

infrastructure and increased capacity of local services will be in hand before any new sites are built, learning from the mistakes this Council made in Bagworth?

3. Why he is not announcing to local residents the preferred locations, which have been selected by his administration, for new housing development and traveller sites within Hinckley and Bosworth?
4. Why this Authority is ignoring Government guidance on the sustainability of housing development by failing to avoid:
 - (a) Increased congestion on rural roads that will cause extra greenhouse gas emissions?
 - (b) Unsustainable extensions of rural settlement boundaries?
5. Why this Authority is ignoring the land availability report produced by consultants in 2004 which identifies enough sustainable brown field sites in Hinckley that would allow this Council to meet its housing needs?"

Response from Mr. S.L. Bray

"In response to the statement that the Borough Council is proposing to allocate a minimum of 450 extra houses it is not clear how this figure has been produced. The core strategy submission document paragraph 4.8 (p21) makes clear the Authority's stance in respect of meeting future housing provision up to 2026. The additional housing provision has been strongly supported by the Government Office.

We have repeatedly challenged the figures on traveller pitches as we believe that Hinckley & Bosworth is not receiving a fair deal from the Regional Assembly. We will continue to press for a reduction in these numbers.

In relation to the specific questions raised I respond as follows:-

1. The anticipated number of homes constructed on allocated sites outside the urban core (ie Hinckley/Burbage, Earl Shilton and Barwell) is estimated at around 885 units, this is based on 30 dwellings per hectare. Clearly, this could be revised slightly depending on final design, site densities and layout plans for individual sites.
2. The Authority has engaged with statutory services and infrastructure providers in producing future policy proposals contained in the Core Strategy to ensure that proposed development plans are understood and fully supported. In respect of the sustainable urban extensions bids have been submitted through the Government's New Growth Point Initiative for complementary infrastructure, working in partnership with providers such as the PCT.
3. As Councillor Sprason and all Members should be aware, no

decisions have been taken in respect of the precise locations for future development. The Local Development Scheme provides clear information for the public in respect of key milestones associated with the site allocations. The Site Allocations Document is currently being drafted and is programmed for consideration by Council in January. Should the document be endorsed at the January meeting of Council it will then be subjected to a 6 week public consultation exercise as required by the Development Plan regulations.

- 4 The Authority commissioned White Young Green to produce an assessment of the sustainability and transport implications of developing small residential extensions within each of the key rural centres.

This assessment was undertaken to inform the core strategy preferred options. The methodology employed by the Consultants is provided in the supporting evidence document (Hinckley Core Strategy Village Transportation Review (Assessment of Highways and Transportation Implications of Small Residential Village extensions). The document is publicly available as background evidence to the core strategy.

Elsewhere, the core strategy itself (submission document PP34-53) provides a clear description of the Authority's stance in respect of the proposed strategy approach for the rural areas.

- 5 The Authority has taken into account the implications of the 2004 land availability report, which has been updated through the recent Strategic Housing Land Availability Assessment."

Mr Bray, in response to a supplementary question from Mrs. Sprason, reminded the Council that a series of cross-party workshops on housing allocations had provided Members with the opportunity to put their views forward. The Council would continue to press for reductions in housing numbers.

Mr. Bown left the meeting at 6.56 pm.

315 POSITION STATEMENT BY THE LEADER OF THE COUNCIL

In his presentation the Leader highlighted

- The success achieved by the Hinckley Town Centre Partnership in securing a very positive vote from local businesses in favour of the Hinckley Business Improvement District (BID).
- The success of Hinckley Club for Young People in securing, with the support of the Council, £4.5 million from the "My Place" fund to provide a new state-of-the-art facility for young people.
- The shortlisting, with local partners, for an "after dark" beacon award.
- Progress on town centre regeneration, particularly on the bus station site and with North Warwickshire and Hinckley College .

- Completion of the Council's new "touch down" centre at Markfield Community Centre.
- The success of the Parish and Community Initiative Fund to the extent that 2008 was the first year when the Fund was over-subscribed.

316 ELECTION RESULT, MARKFIELD/STANTON UNDER BARDON/FIELD HEAD BY-ELECTION

The number of votes cast in the by-election held on 13 November 2008 were noted, with the successful candidate being Mrs. Sue Sprason.

317 APPOINTMENTS ON COMMITTEES/OUTSIDE BODIES

Consequent upon the resignation of Mr. J. Cort it was moved by Mr. Ward, seconded by Mr. Sutton and

RESOLVED –

- (i) Mrs. S. Sprason be appointed to serve on the Licensing, Licensing (Regulatory) Committee, Scrutiny Commission and Cliffe Hill Quarry Liaison Committee; and
- (ii) Mr. R. Ward be appointed to serve on the Planning Committee.

318 VACANCY ON STEPPING STONES COUNTRYSIDE MANAGEMENT PROJECT MEMBERS' STEERING GROUP

In consequence of Mrs. Camamile now serving on this Steering Group in her capacity as a County Councillor it was moved by Mr. Ward, seconded by Mr. Sutton and

RESOLVED – Mr. M.B. Cartwright be appointed to this Body to serve alongside Mr. O'Shea.

319 APPOINTMENT OF ADDITIONAL PARISH REPRESENTATIVE ONTO THE STANDARDS COMMITTEE

The Council was advised of the appointment to this position of Mr. T. Gallagher, a Parish Councillor for Newbold Verdon.

320 MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

It was moved by Mr. Ward, seconded by Mr. Morrell that

"this Council notes the proposal for an Open Window Composting facility on a site at Fenn Lane, Fenny Drayton to be considered by the Planning Committee of the County Council.

In respect of consultation, it would have been beneficial for Hinckley and Bosworth Borough Council's Planning Department, as a statutory consultee, to place this application before members of the Planning Committee in order that the views of Councillors form part of the authority's response.

As such the Monitoring Officer, in conjunction with the Standards Committee, be asked to review the scheme of delegation within the Constitution, to consider any amendments and report to the Council meeting in May 2009”.

Following a brief response from the Executive member for Leisure, Culture and Regeneration it was agreed unanimously that this motion be supported.

321 COMPREHENSIVE PERFORMANCE ASSESSMENT (CPA) FINAL REPORT (C48)

Mr. Ladkin entered the meeting at 6.57 p.m.

The Council was advised of the judgement made in the final report of the Audit Commission in relation to the Council’s request for re-categorisation. This report would be used as the basis for improvement plans by the Council.

The Leader of the Council in welcoming the CPA judgement of ‘Excellent’ paid tribute to everyone involved in bringing about this outstanding achievement. The Chief Executive thanked Members for their support and acknowledged the efforts of the Corporate Operations Board, senior managers, Mr. Peter Cash and the Council’s various partners. Of importance now was for the Council to maintain progress by responding positively and effectively to the recommendations of the report, whilst remaining focused on those areas in which there had already been improvement.

Following further tributes by Members to Scrutiny’s positive contribution towards improving services and to the significant role of the Chief Executive in securing this very positive outcome it was moved by Mr. Bill and seconded by Mr. Bray and:

RESOLVED – this Council

- (i) welcomes the very positive content in the report of the Audit Commission and, in particular, the CPA judgement of 'Excellent' now secured;
- (ii) acknowledges the contribution of Members, employees at all levels and our partners in securing this outcome for the Borough as a whole;
- (iii) endorses the proposal that an 'Excellence in Partnership' event be arranged as early as possible in 2009 to celebrate this achievement as another stage in the continuing improvement of public, private and voluntary services across the Borough and to learn and plan for future achievements as part of the Comprehensive Area Assessment (CAA) process.

(the meeting closed at 7:35 pm)