

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
20 JANUARY 2009 AT 6.30 P.M.

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

Mrs. M. Aldridge, Mr. P.R. Batty, Mr. P.S. Bessant, 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. R. Mayne, Dr. J.R. Moore, Ms. W.A. Moore, Mr. K. Morrell, Mr. J. Richards, 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. B. Cullen, Mrs. T. Darke, Miss L. Horton, Mr. S. Kohli, Mr. R. Palmer, Mrs. P.I. Pitt, Mr. T.M. Prowse and Mrs S. Stacey.

372 PRAYER

The Reverend Canon B. Davis offered prayer.

373 APOLOGIES

Apologies for absence were submitted on behalf of Mr. K.W.P. Lynch, Mr. L.J.P. O'Shea and Ms. B.M. Witherford.

At this juncture, in view of the large number of people present, the Mayor drew everyone's attention to the evacuation procedure in the event of an emergency.

374 MINUTES (C49)

On the motion of Mr. Bray, seconded by Mrs. Aldridge it was

RESOLVED - the minutes of the meeting held on 15 December 2008 be confirmed and signed by the Mayor.

375 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor indicated, and as outlined to Members on tonight's supplementary agenda, he had agreed to take as a matter of urgency an item relating to the proposed increases in Home Care Charges.

376 DECLARATIONS OF INTEREST/DISCLOSURES

The Monitoring Officer briefly reminded Members of their responsibilities under the Code of Conduct relating to personal and prejudicial interests. In

response to a Member's query, the Monitoring Officer gave advice on pre-determination and bias and predisposition, which as common law duties to assist bias in decision making, were outside of the Code of Conduct.

As Members of Leicestershire County Council, Mr. Bill, Mrs. Camamile and Mr. Wright each declared a personal interest in the late item (Increase in Home Care Charges).

377 MAYOR'S COMMUNICATIONS

Following his recent visit to Herford in Germany, the Mayor passed on to Members the good wishes of the Mayor of Herford to this Council and the people of Hinckley and Bosworth. It was hoped that the close links formed between the two Boroughs could be maintained.

378 PETITIONS

On behalf of residents in his ward, Mr. Bray presented a petition calling on the County Council to provide additional winter gritting. It was hoped that this issue would be included on the agenda for a future Highways Forum Meeting.

379 QUESTIONS

The following questions and replies were received in accordance with Council Procedural Rule 11.1:-

(a) Questions raised by Mrs. S. Sprason and addressed to Mr. S. L. Bray

"The Executive at Hinckley and Bosworth Borough Council has allocated in its Core Strategy 12,355 houses - 885 of these by increasing the settlement boundaries in rural areas. This is significantly in excess of the 11,700 identified in the East Midlands Regional Plan. Therefore, will the lead member explain:

- (i) Why the Executive is proposing in its Core Strategy 655 more houses than needed when the Administration must surely acknowledge that there will be a significant number of 'windfall' development dwellings in addition to the 11,700 (or indeed 12,355) figure?
- (ii) Why Members have been misled on the numbers in the site allocation discussion document? The Lead Member for Housing told us on the 15th December 2008 that the site density would be 30 units per hectare. Using this figure it would actually mean a minimum of 1450 units in rural areas and not as he stated the 885 units.
- (iii) Why is the Core Strategy not consistent with the Hinckley and Bosworth Community Plan's priorities 7, 12 and 13 as the Lead Member reported it would be on the 30 September 2008 to this Council?"

Responses from Mr. S. L. Bray

- (i) "The overprovision of some 642 dwellings is supported by the Government office. It will ensure flexibility in meeting the requirement of future housing provision within the Borough which is likely to rise in

the period up to 2026 and is in line with PPS12. The allocation will allow the opportunity to maximise regeneration benefits. However, in line with the motion which will be debated later tonight, this Administration will be prepared to work with all other Members in a constructive and positive way to review, and ultimately reduce, the housing numbers before the Core Strategy is subjected to public examination."

- (ii) "I am sure that the point Councillor Mrs. Sprason raises will be covered in the forthcoming debate and I wish to make no further comment at this point."
- (iii) "The Core Strategy is considered to be consistent with priorities 7, 12 and 13 of the Community Plan. The Core Strategy was developed alongside the Community Plan and joint consultation has taken place to inform the objectives of both documents. The question raised does not indicate why the author feels the Core Strategy to be inconsistent. There are clear spatial objectives embedded in the Core Strategy (pages 18-19) that relate to the priorities raised in the Community Plan."

(b) Question raised by Mr. R. Ward and addressed to Mr. S. L. Bray

"Does the administration acknowledge that this Council has made a huge error of judgement in endorsing the proposal to develop an Open Window composting facility in an inappropriate location close to residential properties near the village of Fenny Drayton?"

Response from Mr. S. L. Bray

"No. It is Leicestershire County Council who must endorse or otherwise this particular application as the decision making authority. Hinckley and Bosworth Borough Council is a consultee and has submitted its comments for the County to consider alongside all other comments that it may have received in respect of this application."

In response to a supplementary question from Mr. Ward Mr. Bray indicated that he would ask Officers to look into the issue of the European policy on bio-mass and respond to Mr. Ward.

(c) Question raised by Mrs. R. Camamile and addressed to Mr. D. C. Bill

"The East Midlands Regional Assembly, which as the Leader of the Council as a member of the Assembly should be aware is actually a partnership body that brings together representatives from the public, private, voluntary and community sectors rather than an overtly political entity, is considering all the implications of the economic and migration downturn.

In view of such considerations the Assembly's Conservative Group is seeking an urgent review by the Government of the housing allocation numbers.

Will Hinckley and Bosworth Borough Council support this approach by actively and constructively engaging in this process?"

Response from Mr. D. C. Bill

"As a founder member of the Regional Assembly, I need no lectures on its functions. My only regret is that it has become increasingly dominated by one party and that this Authority will soon cease to have much of a say.

During my time on the Assembly, I have always spoken up for this Authority. Back in November, I was increasingly concerned about the over-allocation of houses in this area and put the attached question to the Assembly. I reproduce the information supplied as this should be of interest to all of us. Appended - marked item 2.1.1.

As far as constructively engaging is concerned, I believe we have made our commitment clear in this process. If this commitment is not clear, please listen to Councillor Bray in his presentation."

(d) Question raised by Mr. R. Ward and addressed to Mr. D. C. Bill

"Following this Authority's discussions with the CAB and other organisations concerning the impact of the economic downturn in the Borough and its direct effects upon local residents, will the Leader of the Council make a commitment to build on this initiative and work to provide as much real help as possible for local people at this very difficult time?"

Response from Mr. D. C. Bill

"It is clear that we share the same concerns which we all recognise. I hope the information that I intend to present in the report to follow will address this situation."

(e) Question raised by Mrs. J. Richards and addressed to Mr. D. C. Bill

"There is concern amongst councillors across the chamber in respect of the growing trend in this Authority for Senior Officers to dictate to elected members what issues of Council policy they should and should not discuss with the residents of this Borough.

Whilst members understand the need for confidentiality in cases of commercial sensitivity and individual personnel matters the same cannot be said in relation to issues that directly affect the wellbeing and quality of life of the people of Hinckley and Bosworth.

In these important matters the Council has an obligation to ensure residents are thoroughly informed about the relevant issues and Councillors have a duty to ensure that the public's views are fully represented and their interests safeguarded.

Therefore, with the principles of openness and democratic accountability as primary considerations, will the Leader of the Council undertake a review of these issues of the utmost significance?"

Response from Mr. D. C. Bill

"As Councillor Richards is relatively new to the work of a local Council, she is perhaps unaware of the relationships which must exist between Members

and Senior Officers in an effective Council. Senior Officers are required to provide advice and guidance to the Executive and to the council as a whole on the basis of legislation, statutory guidance, known good practice and professional experience. That they do that in this Council, and to the highest level, is beyond doubt and has been endorsed recently by the Audit Commission CPA report, which commented extensively on the "excellent" and effective performance of the Council in its dealings with the public. I am sure that Councillor Richards is fully acquainted with the content of that report.

The current situation is no exception, as Councillor Richards is well aware, in that the views of the public will be sought by consultation, once they have been properly debated by Members in this Chamber; thus fully meeting our obligations to openness and democratic accountability. Indeed, reference has been made very recently to the need for Members to be informed and allowed to debate issues before or at least at the same time as they are considered by the public. It has always been the intention, supported by Officers, on the LDF to consult the public at the appropriate time and to consult them all simultaneously, to meet our obligation of fairness. That is what will happen after the debate this evening.

I accept issues of openness and accountability are of the utmost importance, but I am satisfied that an appropriate and robust relationship exists, which ensures that these principles and obligations are consistently met. In consequence, I do not accept any need for these arrangements to be reviewed.

In response to a supplementary question from Mrs. Richards Mr. Bill agreed that more openness was necessary, thereby ensuring that correct information was circulated which would alleviate residents' concerns.

380 POSITION STATEMENT BY THE LEADER OF THE COUNCIL

In his presentation of this, the Leader referred to:-

- The need for Members to consider preferred options in relation to Site Allocations and Generic Development Control Policies.
- The current financial situation and the maintaining of Council services.
- Consultation in connection with the review of local NHS services.
- The acceptance by the Executive of funding from the PCT for physical activities and from 'Sports Unlimited'.
- The Government's requirement to increase housing rents and the Government's 'negative subsidy' arrangement.

Additionally, the Leader referred to intended representations at the forthcoming Regional Assembly Meeting regarding housing allocation numbers and on joint on-going representations to secure the best value for money so far as concessionary fares were concerned.

381 SCRUTINY COMMISSION MEETINGS - 16 OCTOBER AND 27 NOVEMBER 2008 (C50 AND C51)

In presenting the minutes of the October meeting Mr. Lay referred to:-

- The Commission's investigation into the Housing Repairs and Maintenance Capital and Revenue Budgets.
- Review of out of hours health care.

Then, in his presentation of the minutes of the 27 November meeting, Mr. Lay highlighted:-

- Continuing discussions on implementing flexible working initiatives.
- Further consideration of on-going work on the anti-poverty strategy.

382 MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

It was moved by Mr. Bray, seconded by Mr. Bill that

"This Council believes it is being asked to provide an unreasonable amount of both housing and travellers' sites by the Government and by the regional planning bodies.

It is very disappointed that previous representations made by this Council's Executive have been ignored by the Government and Regional Assembly.

It resolves that whilst it is having to comply with legislation, it instructs its officers to continue to make strong representations to secure an overall reduction of both housing and traveller allocations in this Borough".

Although generally supportive of this motion, concerns were raised as to the degree of representation made by this Council to the Regional Assembly and that discussions and consultations on housing and traveller allocations could have commenced earlier. Following an assurance from Mr. Bray that strong representation would be submitted by the Council at the Regional Spatial Strategy Examination in public stage, it was agreed that the motion be supported and that Officers continue to make strong representations to secure an overall reduction in both housing and traveller allocations in this Borough.

Mr. Joyce left the meeting at 7.17 p.m., returning at 7.20 p.m.

383 CALENDAR OF MEETINGS MAY 2009 - MAY 2010 (C52)

Members were reminded that the wrong schedule of meetings had been included with the Agenda and that a revised version had been later circulated.

Mr. Gould left the meeting at 7.25 p.m., returning at 7.28 p.m.

It was then moved by Mr. Bill, seconded by Mr. Nichols and

RESOLVED - the schedule of meetings for May 2009 to May 2010 attached to the Report of the Head of Corporate and Scrutiny Services be approved.

384 LOCAL DEVELOPMENT FRAMEWORK (LDF): SITE ALLOCATIONS AND GENERIC DEVELOPMENT CONTROL POLICIES DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTIONS CONSULTATION (C53)

Circulated at the meeting was supplementary information containing new options suggested for consultation on Gypsies and Travellers sites within the overall Site Allocations document.

Prior to presentation of the report by the Executive Member for Leisure, Culture and Regeneration, the Chief Executive briefly clarified the position for those present, namely that although an important strand of the LDF, this was not the final stage. A decision was sought tonight on a set of provisional options for consultation with the public and the proposed eight week consultation period was in excess of the statutory minimum requirement. There would be a further opportunity for the Council to consider this document following representations arising from the consultation process and the final submission to the Secretary of State in late 2009 would be fully informed by this process.

Messrs Bown and Smith left the meeting at 7.27 p.m.

The positive elements of the document, e.g. the planned housing growth, identification of land for employment and open space was emphasised and Officers were commended on the production of this document, based on statutory guidance and put together for Members' consideration. Suggestions from Members for alternative sites were welcome but these needed to meet the sustainability test and meet local circumstances.

Messrs Bown and Smith returned to the meeting at 7.30 p.m.

In his presentation of the report the Executive Member for Leisure, Culture and Regeneration moved two amendments as set out below. These were seconded by Mr. Cartwright

- (i) the period of consultation be for a period of 8 weeks from 9 February to 6 April 2009 (inclusive) and
- (ii) the list of options for consultation on preferred sites for Gypsies and Travellers be those set out in the supplementary information now presented to Members.

For clarification, the Chief Executive stated there would need to be a vote on the above amendments, following which separate votes would be taken on gypsy/traveller sites and housing allocations. Consultation would be on the new set of options, if now agreed, and would be with all interested parties. Public engagement would be particularly and positively encouraged.

Mrs. Hall left the meeting at 7.55 p.m., returning at 7.59 p.m.

An amendment was moved by Mr. Boothby and seconded by Mrs. Aldridge that Thornton be removed from the list of preferred options for gypsy and traveller sites. Advice followed from the Chief Executive that if a site was removed from the list of options, an alternative would need to be put forward.

A brief discussion followed with regard to housing allocations. Although generally supportive of proposals, concerns were raised as to the use of Section 106 Developer Contributions in Villages. The Open Space Strategy specified that monies needed to be spent on developments within 400 metres of developments to which Section 106 contributions relate. Members expressed the view that monies on open space provision should be on schemes within a village boundary and that villagers should not be disadvantaged. The Community Chest existed to provide financial assistance to Parish Councils towards village improvement and the Green Space Team was available to give advice and to work with Parish Councils.

Reference was made to the number of new dwellings proposed for Burbage and whether the 295 figure was a minimum number, i.e. in accordance with the density proposed for a site. The Development Services and Policy Manager referred to the provisions of Planning Policy Statement 3 and the evolving Supplementary Planning Guidance agreed last year.

For clarification, the Chief Executive reminded Members that they would be called upon to support the amendment proposed by Mr. Bray and seconded by Mr. Cartwright that the consultation period be extended from 6 weeks (i.e. from 9 February to 6 April 2009). Then Members would be asked to vote on the amendment proposed by Mr. Boothby and seconded by Mrs. Aldridge that the site at Thornton be removed from the preferred options. In accordance with Members' wishes, there would be separate votes on the general options (i.e. housing and employment sites) and on the gypsy/traveller sites.

Members were fully supportive of the extension of the consultation period and by a show of hands, 18 Members voted in favour of the general options (i.e. excluding gypsy and travellers) and 12 voted against.

Mr. Batty and Mrs. Richards left the room at 9.28 p.m.

Voting then took place on the amendment calling for Thornton to be removed from the list of options. This failed to receive Member support.

Finally voting, again by a show of hands, took place on the preferred options for consultation on gypsies and travellers sites, with 19 Members voting for the options detailed in the supplementary information circulated tonight, 6 voting against and with 2 Members abstaining.

The time now being 9.30 p.m. and, as governed by Article 9 of the Constitution, it was moved by Mrs. Hall, seconded by Mr. Lay, that this meeting be extended.

On the motion of Mr. Bray, seconded by Mr. Cartwright, the following was agreed:-

- (i) the supplementary information presented by the Executive Member for Leisure, Culture and Regeneration relating to preferred gypsy and traveller sites be incorporated within the revised consultation document.
- (ii) the undertaking of an 8 week period of consultation from 9 February to 6 April (inclusive); on the Site Allocations and Generic Development Control Policies DPD; preferred options and sustainability appraisal.
- (iii) that the results of the consultation be reported to a future Council meeting, together with any amendments proposed to the Site Allocations and Generic Development Control Policies DPD for approval prior to a future period of consultation in advance of submission to the Secretary of State, and
- (iv) that the Director of Community and Planning Services write to the appropriate Government Department expressing this Council's strongly and long-held concern over the number of sites that it is required to allocate for gypsies and travellers and the guidance issued by Central Government regarding their location.

385 PROPOSED INCREASES IN HOME CARE CHARGES

The Mayor, having agreed to take this as a matter of urgency at this meeting, details were included in tonight's supplementary agenda.

Mrs. Camamile left the meeting at 9.35 p.m.

Members generally being of the view that increases in such charges could not be justified in the present climate, it was moved by Mr. Wright, seconded by Mr. Bray and

RESOLVED - the Chief Executive be instructed to write to Leicestershire County Council protesting strongly against the proposals to increase home care charges, urging them to scrap such significant increases and seeking an explanation from the Cabinet Lead for Adult Social Care as to his reasons for such proposals, which were causing such anxiety to older and more vulnerable residents.

(the meeting closed at 9.35 p.m.)