

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
30 MARCH 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. J.C. Bown, Mr. S.L. Bray, 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.R. Moore, Ms. W.A. Moore, Mr. K. Morrell, Mr. L.J.P. O'Shea, Mrs. J. Richards, Mr. A. J. Smith, Mrs. S. Sprason, Mr. B.E. Sutton, Mr. R. Ward, Ms. B.M. Witherford and Mr. D.O. Wright.

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

478 PRAYER

The Reverend Canon B. Davis offered prayer.

479 APOLOGIES

Apologies for absence were submitted on behalf of Mr. C.W. Boothby and Mrs. R. Camamile.

480 DECLARATIONS OF INTEREST

No declarations were made at this stage.

481 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

It was moved by Mr. Lay and seconded by Mr. Ward that the following item be debated in public. An amendment was proposed by Mr. Bill, seconded by Mr. Bray that the matter remain in private. Upon having been put to a vote 17 Members voted for the amendment and 12 against. The amendment was therefore CARRIED and

RESOLVED – in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 10 of Part 1 of Schedule 12A of that Act.

482 PROPOSED SALE OF BRODICK PARK OPEN SPACE (C62)

Circulated to Members immediately before the meeting were copies of supplementary information from the Council's Section 151 and Monitoring Officers relating to this item. In the light of this it was agreed that there be a brief adjournment to afford Members the opportunity to read the additional details.

For clarification the Chief Executive indicated that the information now provided to Members was supplementary to that originally circulated with the agenda for tonight's meeting and that the supplementary report contained a firm recommendation by officers as to a suggested course of action. The Chief Executive then stated that it was his statutory duty to advise on the need for the Council to be mindful, in its deliberations, of the well-being of the whole community, the proper use of funding and Value for Money in the current economic circumstances.

Mr. Bown entered the meeting at 6.40 p.m.

An adjournment followed at 6.42 p.m. (when all Members of the Labour and Liberal Democrat Groups left the Chamber and Members of the Conservative Group present remained in the Chamber). The meeting reconvened at 6.55 p.m.

The Executive Member for Finance indicated that this report was before Members in two forms and that he wished to move an amendment to the recommendations contained in the original report, namely that

'This Council has decided that as the option agreement with Morris Homes has expired the Council will retain Brodick Park within the asset register'. This amendment was seconded by Mr. Bill.

Advice from officers followed as to the significant financial impact upon the Council's Capital Programme and General Fund Revenue Budget, details of the option agreement with Morris Homes and the legal implications should this scheme not proceed. The Section 151 Officer stressed that a decision not to go ahead with the sale of the land would, when added to the financial pressures included in the 2009/10 budget and the additional financial costs since setting the budget on 26 February 2009, have a detrimental impact on the Council's finances in the short to medium term.

A lengthy debate ensued with concerns being raised by some Members as to the impact on the Capital Programme, the General Fund Revenue Budget, possible legal claims against the Council and employment issues.

Mrs. Richards left the meeting at 7.39 p.m. and Messrs. Smith and Sutton at 7.40 p.m., all returning at 7.42 p.m.

In conclusion the Executive Member for Finance indicated that revisions to the Capital Programme were being examined and referred to the commitment of the Liberal Democrat Group to campaign for the retention of green space. In referring to the democratic process of government the Deputy Leader of the Council expressed the view that it was elected Members who are charged with making the ultimate decision.

In accordance with Council Procedure Rule 18.4 the requisite number of Members present called for a recorded vote on the amendment proposed by Mr. Lynch earlier in the meeting, as follows: 'This Council has decided that as the option agreement with Morris Homes has expired the Council will retain Brodick Park within the asset register'. A vote was then taken, recorded as follows:

For the amendment: Mr. Nichols, Mr. Bill, Mr. Bray, Mr. Cope, Mr. Crooks, Mrs. Francks, Mr. Gould, Mrs. Hall, Mr. Hall, Mr. Inman, Mr. Joyce, Mr. Lynch, Mr. Mayne, Dr. Moore, Ms. Moore, Mr. Smith, Ms. Witherford and Mr. Wright (18 votes)

Against the amendment: Mrs. Aldridge, Mr. Batty, Mr. Bessant, Mr. Bown, Mr. Cartwright, Mr. Ladkin, Mr. Lay, Mr. Morrell, Mr. O'Shea, Mrs. Richards, Mrs. Sprason, Mr. Sutton and Mr. Ward (13 votes).

(The Mayor did not participate in the voting process).

The amendment was declared CARRIED and, on the motion of Mr. Lynch, seconded by Mr. Bill it was thereupon

RESOLVED - 'This Council has decided that as the option agreement with Morris Homes has expired the Council will retain Brodick Park within the asset register'.

It was agreed that the decision made tonight be published as soon as possible and that officers inform all interested parties simultaneously.

(The meeting closed at 8.28 p.m.)