

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
28 APRIL 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. 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. Michael Brymer, Mr. D. Bunker, Mr. B. Cullen, Mrs. T. Darke, Miss L. Horton, Mr. S. Kohli, Mr. R. Parkinson, Mrs. P.I. Pitt and Mr. T.M. Prowse.

526 **PRAYER**

The Reverend Canon B. Davis offered prayer.

527 **APOLOGIES**

An apology for absence was submitted on behalf of Mr. D.S. Cope.

528 **MINUTES (C63 AND C64)**

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

RESOLVED - subject to the name of Mrs. J. Richards being included in the list of attendees (as against Mr. S.J. Richards) the minutes of the meeting held on 26 February 2009 be confirmed and signed by the Mayor.

Prior to confirmation of the minutes of the meeting held on 30 March 2009 and with the permission of the Mayor, Mr. Wright addressed the meeting as follows:-

"With your permission, Mr. Mayor,

At the last Council meeting on 30 March we had a very intense debate on the issue of the sale or retention of Brodick Park. When I spoke during that debate I failed to express accurately enough what I wanted to say and today I should like, firstly, to correct what I said and, secondly, to offer an apology.

The Liberal Democrat Group's view of what should happen with regard to Brodick Park differed from the advice given by officers, principally that given by the Director of Finance, and the Head of Corporate and Scrutiny Services. It is sometimes the case that Members and officers see things differently and occasionally we have to agree to disagree. However, in trying to develop my argument I unintentionally caused offence to the two officers concerned and I want to put that right.

I do accept that the report they prepared was done in good faith and objectively. I also regret that I used the word 'inadequate' to describe the report, since 'inadequate' implies that they were either incompetent or negligent and, of course, neither is remotely the case.

Accordingly, Mr. Mayor, I should like to offer an apology to the two officers concerned for any offence caused to them. I think they know, actually, that I hold them both in high regard. I shall endeavour in future to choose my words more carefully and appropriately!"

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

RESOLVED - the minutes of the meeting held on 30 March 2009 be confirmed and signed by the Mayor.

529 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor indicated that he had agreed to take as a matter of urgency, and as now circulated to Members, a Report (C76) on a Revision to the Constitution, the reason for the urgency being referred to under "Purpose of Report".

530 DECLARATIONS OF INTEREST

For clarification the Monitoring Officer advised Mr. Boothby that he could remain in the Chamber for discussions on Report C69.

531 MAYOR'S COMMUNICATIONS

The Mayor reported the success of the Hinckley Opera Festival, which, it was hoped, would become a bi-annual event and referred to his recent visit to Twycross Zoo.

532 PETITIONS

Petitions were presented as follows:-

By Mrs. Francks

On behalf of traders within Hinckley Town Centre requesting that consideration be given to free parking within the Town Centre on Saturdays.

By Mr. Crooks

On behalf of residents of Market Bosworth and surrounding villages calling for Market Bosworth Police Station to be re-opened for public access. It was agreed that this petition be forwarded to the Police Authority.

533 QUESTIONS

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

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

“Will the leader or his nominee following the Secretary of State agreeing and signing off the East Midlands Regional Plan and the attached response (**copy attached at end of this supplementary agenda**) from the County Council now agree to reduce the number of rural houses in the Administration’s plan by 600 and reduce the G & T pitches to 33?”

Response from Mr. S. L. Bray

“The adopted East Midlands Regional Plan has altered the base date for housing provision from 2001 to 2006. Although this would appear as though the housing figures have been reduced, in reality, the changes in the adopted Regional Plan have no impact on the housing figures during the period covered by this Council’s Core Strategy. I am amazed that Councillor Sprason is not aware of this reality. Any views of the Council on this issue will be put forward at the Examination in Public, as this is the appropriate time to do so.

The adopted East Midlands Regional Plan identifies a need for 26 residential gypsy and traveller pitches; five transit pitches; and two plots for travelling showpeople up to the year 2012.

As the current Leicester, Leicestershire and Rutland Gypsy and Traveller Accommodation Needs Assessment (GTAA) (which was commissioned by all Districts in Leicestershire, Leicestershire County Council, Leicester City Council and Rutland County Council) covers the period up to the year 2016, altering the Core Strategy and Site Allocations documents to reflect the lower Regional Plan figures would mean that a full review of the GTAA would need to be completed in 2012. Following the completion of the updated GTAA, a partial review of the Site Allocations document would need to take place in order to reflect the updated level of need.

Pursuing this avenue would by no means guarantee that the level of need to provide for gypsies and travellers in the Borough would be reduced. We must follow guidance and due process within the legislation, if we are to respond effectively and appropriately to further potential incidents such as that to which Councillor O’Shea has referred already.

I am committed to the delivery of housing and Gypsy & Traveller pitches at a level which is both reasonable and deliverable, taking full account of the revised (such as it is) Regional Plan and the significant and valuable responses to the recent public consultations on this Council’s Local Development Framework documents.”

In response to a supplementary question from Mrs. Sprason Mr. Bray indicated that he considered that the procedures had been well known and gave an assurance that representation would continue to be made for reduction in the number of pitches.

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

“Would the leader or his nominee inform this council why sustainability appraisals and highway assessments were, as required by government legislation, not carried out on the preferred G & T sites put forward by his administration at the Council meeting on the 20th January 2009?”

Response from Mr. S. L. Bray

“Before answering Councillor Sprason’s specific question, I need to remind her that the preferred sites which were agreed by Council on 20th January 2009 were formulated by representatives from all groups. Furthermore, when I challenged Members of other groups and the local MP to put forward an alternative list of sites they were unwilling or unable to do so.

Paragraph 65 of ODPM Circular 01/06 (Planning for Gypsy and Traveller Caravan Sites) does indeed state that “all sites considered as options for a site allocations DPD must have their social, environmental and economic impacts assessed in accordance with the requirements of sustainability appraisal”.

A Sustainability Appraisal has been completed by external consultants to complement all stages of the Site Allocations document. The options put forward at the Council meeting on 20th January have been subject to it and the results of the appraisal will be fully taken into account during the preparation of the Site Allocations and Generic Development Control Policies Submission Draft Document. To have undertaken such appraisals before any decision by the Council would have been presumptuous and have incurred potentially unnecessary expense to the Council Taxpayers of this Borough; hardly value for money!

In terms of highways, paragraph 66 of ODPM Circular 01/06 states, “sites, whether public or private, should be identified having regard to highways considerations”. During the recent consultation process, the Highways Agency and Leicestershire County Council (as the Local Highways Authority) have been consulted and have submitted comments on the options at this time. These comments will be fully taken into account during the preparation of the Site Allocations and Generic Development Control Policies Submission Draft Document.”

In response to a supplementary question from Mrs. Sprason Mr. Bray expressed the view that he had every confidence in the internal/external advice received and that the Council had been commended by GOEM for its Local Development Framework arrangements.

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

“Will the leader or his nominee list the Parish Council’s who have notified this authority in writing to have extra houses on Greenfield land through the extension of their settlement boundaries?”

Response from Mr. S.L. Bray

“During the recent consultation process, several thousand representations were received by the Borough Council. Officers are currently going through the representations and will produce a summary of responses in due course. I am therefore unfortunately unable to provide you with the list which you request at the present time. You will be able to see the representations made by any Parish Councils when the details of all representations are published in due course.”

(d) Question raised by Mr. L.J.P. O'Shea and addressed to Mr. S.L. Bray

"Will the leader or his nominee please give assurances to Council and to the residents of Barlestone and Bagworth that all legal steps will be pursued by this authority at what ever cost and that the full weight of the law will be brought down to ensure that the illegal travellers site which was formed next to Costalot over the Easter weekend will be removed and the 11 acres of green open space will be put back to it natural state.

Would the leader also please pass on my personal thanks to the four senior officers for the work they did on Good Friday and over the Easter weekend in preparing for and serving a stop notice at this site they did everything they could do under the circumstances, although the Travellers took no notice of the order."

Response from Mr. S.L. Bray

"I would like to thank Councillor O'Shea for his question and am sure that all Members will share his consternation at the events which have unfolded at Bagworth Road, Barlestone. I can assure this Council and the residents of Barlestone and Bagworth that all legal steps that can be taken will be taken, within the resources available to this authority, to ensure that the unauthorised encampment is removed and the land returned to its former condition

I will certainly pass on Councillor O'Shea's thanks to those Officers of this Council who worked over the Easter period to ensure that the appropriate legal steps were taken and I am sure that all other Members would wish to endorse that sentiment."

(e) Question raised by Mr. L.J.P. O'Shea and addressed to Mr. S.L. Bray

"Will the leader or his nominee explain to this Council why the Thornton Reservoir permanent traveller site which was not a preferred 4 pitch site having had a negative sustainability assessment, suddenly in the matter of six days elevated to a 10 pitch preferred site without having a sustainability assessment, now leaving this authority open to a legal challenge?"

Response from Mr. S.L. Bray

"Officers made recommendations to elected members as part of the Draft Site Allocations and Development Control Policies Document that was considered at the meeting of Council on 20th January 2009. You are correct in saying that the officer recommendation was that an option off Reservoir Road in Thornton should not be preferred; however, the reason for this recommendation was not due to the site having received a 'negative sustainability assessment'. At the time of the officer recommendation, the Sustainability Appraisal process had not been fully completed. The wording that was used within the draft document was:

"An option was considered for the location of a potential gypsy and traveller site (THO10). This land lies north of Reservoir Road to the east of Thornton. This site was not considered a preferred option due to the site's proximity to the Costalot gypsy and traveller site, along with potential issues relating to highways access."

Although officers had made recommendations to members within the draft Site Allocations document, an alternative option was put forward by elected members to be discussed at the meeting of Council. This included a potential ten pitch site off Reservoir Road in Thornton, offered up by the site owner, to be part of the preferred option. Following the discussion of that list, seconded by a member of the Conservative Group, it was agreed by Council for consultation. All options for gypsy and traveller sites have now been appraised as part of the Sustainability Appraisal process and the results from this appraisal will be used to inform the preparation of the Site Allocations and Generic Development Control Policies Development Plan Document Submission Draft.

In respect of legal challenge, I would be interested to know from Councillor O'Shea what the substance of any such challenge would be."

Following a supplementary question from Mr. O'Shea Mr. Bray responded that so far as a sustainability appraisal was concerned the process had been fully explained earlier this evening.

Mr. Smith left the meeting at 7.15 pm.

(f) Question raised by Mr. L.J.P. O'Shea and addressed to Mr. S.L. Bray

"Could the Leader or his nominee please confirm that this Council now has a call out procedure in place for senior officers and planners during holiday periods. I would like to request that a proper rota is kept in hand for this purpose in cases of emergency like we had over the Easter weekend."

Response from Mr. S.L. Bray

"Councillor O'Shea has already congratulated the senior officers of this Council for their actions over the Easter weekend, which is evidence of their commitment and that a system was in place. This has now been strengthened to enable the Council to meet such contingencies even more effectively, should they arise in future.

I should add that, whilst we are now at a more heightened state of preparation for such events, in normal circumstances there would be no reason for a planning officer to be available over the weekend or Bank Holiday, as there are no other circumstances where such advice or support would be necessary at short notice."

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

"Would the Leader of the Council agree that withdrawing the expected capital receipt from the proposed sale of the Brodick Road play space, as negotiated by the current administration in September 2008, from the Capital Programme against the advice of the Authority's most senior officers sends the wrong message to all of our hard-working council officers who really should get the lion's share of the credit for making Hinckley and Bosworth an excellent council and are already struggling with the issues of voluntary redundancy and possibly reduced hours?"

Does the Portfolio Holder for Finance agree that withdrawing from the sale of Brodick Road play space at the midnight hour after this administration had worked so closely with the developers to negotiate an extended option

period and the Liberal Democrat dominated planning committee granted permission for 49 dwellings on the site sends the wrong signals to other would-be developers and partners and damages the Council's integrity and reputation for straight dealing?"

Response from Mr. D.C. Bill

"Can I start by agreeing fully with Councillor Ward in giving great credit to our officers for their work in making Hinckley and Bosworth Borough Council an "Excellent" Authority and in recognising their success in avoiding compulsory redundancies in difficult times, unlike many of our District and County colleagues across the country.

However, I have to disagree most strongly with his assertion that the decision on 30 March sends the wrong message to our staff and to potential developers.

Councillor Ward will recall that the decision to sell Brodick Park was made by his Administration and was one which Liberal Democrats vigorously opposed. We continued that opposition after May 2007. Our decision last month, whilst much later than we would have wished, was entirely consistent and maintained the integrity of our group and of the Council. Furthermore, we have confirmed to the developer that we will honour and fulfil our obligations under the pre-emption agreement we have with them; thus further confirming the Council's integrity and reputation for straight-dealing."

In response to a supplementary question from Mr. Ward, Mr. Bill indicated that he did not consider that the withdrawal of the sale of Brodick Road play area had damaged the Council's "Excellent" rating.

Mr. Smith returned to the meeting at 7.17 pm.

(h) Question raised by Mr. B.E. Sutton and addressed to Mrs. S. Francks

"Would the Portfolio Holder agree that Hinckley and Bosworth Borough Council has an important role in promoting energy conservation in homes and local businesses? and

Will the Portfolio Holder detail any work the Borough Council undertakes to help local residents and businesses conserve energy and reduce their utility bills?"

Response from Mrs. S. Francks

"I would like to thank Councillor Sutton for asking this important question. It is recognised by Government that Local authorities have a very significant role in promoting energy efficiency and has for several years required it as a statutory duty to promote energy efficiency. In more recent times this Council has embarked on other initiatives to promote this essential change in public behaviour.

Examples include:

Big Switch Off – 12th to 16th October 2009

HBBC will be promoting, and is on the Steering Group of, the 'Big Switch Off' 2009. This is a countywide campaign, supported by both Leicester City and Leicestershire County Councils, all Leicestershire District and Borough Councils and Groundwork Leicester and Leicestershire to reduce wasted energy by encouraging businesses, households and individuals to switch off unnecessary electrical equipment and lighting to save energy and cut CO₂ emissions. The Council is represented by the Environmental Coordinator on the Business group and is approaching large businesses to participate.

Reducing the Carbon Footprint of Your Business

A Business Breakfast based on "Reducing the Carbon Footprint of your Business" is proposed to be held in the autumn and fulfills an action from the 2009/10 Climate Change Action Plan (CCAP).

Top Ten Tips for Energy Reduction

An energy reduction tips sheet is available on the Council website.

Warm Front Top Up Payments

Private Sector Housing have made funds available to help vulnerable people (on a qualifying benefit) to pay any excess payment incurred when the Warm Front grant is not sufficient (£2700 gas £4000 oil) to meet the cost of repairs/renewal of defective heating systems.

Decent Home Scheme

Private Sector Housing is currently running a decent homes insulation scheme. Priority areas identified by the council have been targeted for the installation of insulation to the loft and cavity walls. Funding will be provided by the council or if the householder is on a qualifying benefit or over 70 years of age by Carbon Emissions Reduction Target (CERT) funding.

Major/ Minor Works Assistance (grants)

Private Sector Housing has funding available for repairs to private homes in the borough subject to the homeowner receiving a qualifying benefit. Works are assessed using the Housing Health and Safety Rating System (HHSRS). Insulation levels in qualifying properties will be upgraded if required as part of the works, or referred to the CERT scheme for external funding. All inspections will include the current heating system and could include extending the existing system up to renewing or installing an alternative system.

External stand/exhibitions

We have attended the Britannia Centre three times since Christmas with a stand promoting energy awareness, giving advice on energy efficiency, council grants and distributing free low energy light bulbs, power down plugs and new TV powerdown plugs. There are more events planned this year and will include Age Concern, All Saints Church and some of the larger country shows around the borough.

Articles in the Borough Bulletin

Private Sector Housing will be placing articles (dependant on space available) in the Bulletin to promote energy awareness and information regarding schemes currently available and contact details of scheme organisers and council services.

Energy Vision Loan Scheme

There is an interest free loan scheme available to homeowners who are not on a qualifying benefit. Typical uses for the loan scheme include cavity and loft insulation, upgrading central heating controls and the installation of high efficiency boilers.

Targets

The Council aims to decrease the % of home owners receiving qualifying benefits with a poor SAP rating (Standard Assessment of Performance) and increase the percentage of those with good insulation by 1% and 1.5% respectively by March 2010. (NI187)

The Council is also committed through the Local Area Agreement target to reducing its CO₂ emissions from its own activities by 4% each year for the next two years. (NI 185) This includes both from our own buildings as well as the fuel used in delivering our services including officer's car mileage. This will benefit both the environment and also our energy bills."

Following a supplementary question from Mr. Sutton, Mrs. Francks stated that she would ask officers to respond in writing to Mr. Sutton regarding energy efficiency in Listed Buildings.

(i) Question raised by Mrs. J. Richards and addressed to Mr. K.W.P. Lynch

"Would the portfolio holder please detail how the capital receipt in respect of the Montgomery Road (Earl Shilton) and has been used by the council?"

Response from Mr. K.W.P. Lynch

"The total capital receipt from the disposal of the land at Montgomery Road (Earl Shilton) was £8.786m. Of this sum, £3,384,451 has been spent to the end of £2008/09. The remainder £5,401,549 has been budgeted to be spent by the end of 2011/12. A summary of the actual and budgeted expenditure is provided below. Further detailed information can be provided to Councillor Richards if required."

Capital Receipt £8.786m

Spent to date	yr 5/6	yr 6/7	yr 7/8	yr 8/9	TOTAL
Renovation grants	33,185	112,489	161,056	292,543	599,273
Parish and Community Initiatives	85,559	106,124	47,363	111,140	350,186
Environmental and Historic Building Improvements	236,504		60,216	69,732	366,452
Parks and Open Spaces	119,103	286,959	290,365	517,792	1,214,219
Atkins Development		14,750	150,000		164,750
Depot (Middlefield Lane) Enhancements	10,592	60,364	62,969	1,991	135,916
Other	214,876	182,554	21,786	134,439	553,655
TOTAL	699,819	763,240	793,755	1,127,637	3,384,451

	yr 9/10	yr 10/11	yr 11/12	TOTAL
BUDGETED	2,412,581	1,913,269	945,600	5,271,450
08/09 C/FWD	130,099			130,099
	<u>2,542,680</u>	<u>1,913,269</u>	<u>945,600</u>	<u>5,401,549</u>
TOTAL				<u>8,786,000</u>

In response to a supplementary question from Mrs. Richards, Mr. Lynch stated that Members would be provided with detailed information as to actual and budgeted expenditure shortly.

(j) Question raised by Mrs. J. Richards and addressed to Mr. K.W.P. Lynch

“Would the portfolio holder please detail how the Section 106 money relating to the development of the Montgomery Road land has been used?”

Response from Mr. K.W.P. Lynch

“The total amount of s106 monies received from the sale of the land at Montgomery Road (Earl Shilton) was £341,310. The receipt is applied as follows:

Amounts that belong to external organisations

	Amount	Paid	Still to Pay
PCT	47,986		0 47,986
Earl Shilton PC (Community Funding)	200,402	50,402	150,000

Amounts allocated to HBBC Play and Open Spaces

	Amount	Used	Balance
	92,922		0 92,922
total	<u>341,310</u>	<u>50,402</u>	<u>290,908</u>

Following a supplementary question from Mrs. Richards, Mr. Lynch responded that he would arrange for Mrs. Richards to be sent details of the breakdown in expenditure.

(k) Question raised by Mrs. J. Richards and addressed to Mr. K.W.P. Lynch

“Would the portfolio holder detail how much the Borough Council spent on the provision of buffets and other refreshments for councillors and staff during the past year?”

Response from Mr. K.W.P. Lynch

“The total amount spent on buffets and refreshments for councillors and staff for 2008/09 was £ 4,165 as follows:

Councillors	£1,351
Staff	£2,814

At this juncture, having omitted to mention it earlier, the Mayor referred to the recent achievement of the Lady Jane Primary School in Groby in being recognised as "outstanding" and on its recent excellent SATs results.

534 POSITION STATEMENT BY THE LEADER OF THE COUNCIL

In his presentation the Leader highlighted:-

- Direction for the future with the production of the Medium Term Financial Strategy.
- The acquisition of the grounds of the former Leicestershire County Cricket Club in Leicester Road, Hinckley.
- The success of the recent Hinckley Opera Festival.
- The award of Beacon status for the Council's work, with partners, on the night-time economy within Hinckley Town Centre.
- The acceptance of an offer from the office of Communities and Local Government of additional subsidy to support our housing services, in consequence of the Council being prepared to reduce rent increases.
- The need to make further representation to the Government on the issue of right of abode for Ghurkhas and their families.

In conclusion the Leader paid tribute to Mr. Bannister for the way in which he had upheld the Office of Mayor for the last 12 months, both within the Council Chamber and the wider community.

535 MINUTES OF THE SCRUTINY COMMISSION MEETINGS 12 FEBRUARY (C68) AND 2 APRIL (C66) 2009

In presenting these, Mr. Lay referred to discussions at the February meeting on the Housing Repairs and Maintenance Capital and Revenue Budgets and on the review of Community Health Services. At the April meeting the issue had been considered as to whether the Council's decision to sell the land at Brodick Road had exposed the Council to added risk. Also discussed at the latter meeting were the findings of the Citizens Panel Survey undertaken in December 2008 and the success of the Hinckley and Bosworth Community Safety Partnership.

Mr. Gould entered the meeting at 7.38 pm.

536 CAPITAL EXPENDITURE - SETTING OF PRUDENTIAL INDICATORS, TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2009/10 (C67)

This report, which fulfilled the following 4 key legislative requirements outlined the Council's prudential indicators for 2009/10 to 2011/12 and set out the expected treasury operations for that period:-

- Reporting of prudential indicators.
- The Council's Minimum Revenue Provision Policy.
- The Treasury Management Strategy Statement.
- The Investment Strategy.

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

RESOLVED - the recommendations contained in the report of the Director of Finance be approved.

537 MEDIUM TERM FINANCIAL STRATEGY (MTFS) 2009/10 TO 2011/12 (C68)

Members were requested to consider and approve the above, which would be subject to scrutiny by the Finance and Audit Services Select Committee on 29 April 2009. It was acknowledged by the Executive Member for Finance that there had been some slippage in the Council's investment portfolio, in consequence of the current financial climate. Concerns were expressed regarding economic forecasting/worst case scenarios and the corresponding levels of risk assessment. An assurance was given that a risk assessment had been carried out and forecasts made of the position for the next 3 years.

On the motion of Mr. Lynch, and seconded by Mr. Bray and following a show of hands with 16 Members voting for the motion and 12 against it was

RESOLVED - the MTFS for the 3 year period 2009/10 to 2011/12 be approved, subject to scrutiny by the Finance and Audit Services Select Committee on 29 April 2009.

538 VIREMENT - HOUSING REVENUE ACCOUNT (C69)

Messrs Crooks and Inman left the meeting at 8.10 pm.

In consequence of the review of the repairs contract it was moved by Mr. Lynch, seconded by Mr. Bray, and, following a show hands with 17 Members voting for the motion and 12 against

RESOLVED - the virement within the Housing Revenue Account to meet the cost of the use of consultants be approved.

539 POORS PLATT CHARITY, BARWELL, NOMINATIVE TRUSTEES (C70)

Mr. Boothby left the meeting at 8.15 pm. and Mr. Inman returned at 8.17 pm.

Following an approach from Leicester Charity Link, (on behalf of the trustees of the Poors Platt Charity) the Council was requested to consider relinquishing its current power of appointment of two nominative trustees.

Members were in general agreement that this Council should retain its nominative rights, since the current arrangements appeared to be working well. However, the suggestion was made that the charity be requested to consider that, when the term of office of the current nominative trustees expires in 2011, appointments thereafter might be made on an annual basis.

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

RESOLVED - Leicester Charity Link be advised that the Council wishes to retain its current nominative powers.

Messrs. Bray and Smith left the meeting at 8.22 pm. and Mr. Boothby returned 8.24 pm.

540 COMMUNITY PLAN 2009/14, CORPORATE PLAN 2009/14 AND BUSINESS DELIVERY PLANS 2009/12 (C71)

In presenting these the Executive Member for Corporate and Scrutiny Services indicated that the Community and Corporate Plans had been developed following extensive consultation and reflected national, regional and local priorities. The 4 Business Delivery Plans set out in the shorter term what key actions would be taken to deliver priorities.

Mr. Smith returned at 8.25 pm. and Mr. Bray at 8.26 pm.

Brief discussion ensued on the responsibility for delivery of the strategic priorities and on assistance to identified Priority Neighbourhoods by way of improved and increased levels of service which responded to these communities' needs, following which it was moved by Mr. Wright, seconded by Mr. Bill and

RESOLVED - the following be agreed:-

- (i) the Community Plan 2009/14;
- (ii) the Corporate Plan 2009/14 together with the underlying Business Delivery Plans 2009/12; and
- (iii) the delegation of any final amendments to the Community Plan, Corporate Plan and Business Delivery Plans to the Chief Executive in consultation with the Leader of the Council.

541 DRAFT CLIMATE CHANGE MITIGATION AND ADAPTATION STRATEGY 2008/11 (C72)

Mr. O'Shea left the meeting at 8.43 pm.

This document, which demonstrated the Council's approach in addressing the mitigation and adaptation of the possible effect of climate change, was presented to Council for approval. The previously-agreed Action Plan implemented the objectives of such Strategy.

Mr. Boothby and Dr. Moore left the meeting at 8.47 pm. and 8.48 pm. respectively.

Dr. Moore returned at 8.50 pm.

Members were fully supportive of the objectives of the Strategy which, with the Action Plan, would be reviewed at least annually. Discussion ensued as to the situation locally, such as the future of the Argents Mead building and the status of the Goddard building. Reference was also made to low carbon housing and to minimising CO₂ emissions and the Director of Community and Planning Services undertook to arrange a repeat visit to view low carbon dwellings.

On the motion of Mrs. Francks, seconded by Mr. Hall it was

RESOLVED – the Climate Change Strategy 2008/11 be agreed.

542 TAXI AND PRIVATE HIRE LICENSING POLICY (C73)

Following endorsement by the Licensing (Regulatory) Committee Council was requested to adopt the revised policy, which had been amended in the light of representations received.

In paying tribute to the officers involved in the production of this Policy it was moved by Mrs. Francks, seconded by Mr. Lay and

RESOLVED - the revised Taxi and Private Hire Licensing Policy be adopted.

Mr. Joyce left the meeting at 8.56 pm.

543 HINCKLEY TOWN CENTRE STRATEGIC TRANSPORT DEVELOPMENT CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (C74)

Following consideration by the Scrutiny Commission the Council was called upon to agree amendments proposed to this and to adopt the revised document so that it could be taken into account when determining relevant planning applications. It was emphasised that the purpose of this document would impact on key developments in Hinckley town centre.

Mr. Bown left the meeting at 8.57 pm., returning at 9 pm. Mr. Joyce returned at 9.01 pm.

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

RESOLVED - the following be agreed:-

- (i) the proposed responses to the consultation representations and the necessary amendments incorporated into the document; and
- (ii) the Supplementary Planning Document be subsequently adopted.

544 ALLOCATION OF HOUSING AND PLANNING DELIVERY GRANT (C75)

Circulated to Members at the meeting was an appendix detailing expenditure for new projects, which required approval for the year 2009/10. The Executive at its meeting on 8 April 2009 had endorsed the report.

Discussion followed as to the allocation of grant monies, which were given specifically to ensure housing delivery whilst maintaining planning performance. It was agreed that the Scrutiny Commission should review the process at its next meeting, whilst not wishing to slow down the allocations now proposed.

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

RESOLVED -

- (i) the proposed allocations of the Housing and Planning Delivery Grant outlined in paragraphs 4.1 to 4.11 of the report of the Director of Community and Planning Services, amounting to £325,810 be approved; and
- (ii) the 2008/09 underspend of £40,999 be transferred to the General Fund balances.

545 REVISIONS TO CONSTITUTION (C76)

The formal approval of Council was sought to a single revision of the Constitution which had been identified following a strategic meeting between the

Council and Leicestershire Constabulary on 28 April 2009. It was then moved by Mr. Wright, seconded by Mr. Bray and

RESOLVED - approval be given to the following delegation and the change made to the Constitution, with immediate effect.

'Authorising the service of Requisitions for Information, Planning Contravention Notices, Breach of Condition Notices or Stop Notices under Section 171, 187(a), 183(1) of the Town and Country Planning Act 1990 be delegated to

- Chief Executive/Deputy Chief Executive
- Director of Community and Planning Services
- Development Services and Policy Manager
- Head of Corporate and Scrutiny Services
- Head of Community Services (Environmental Health)'

546 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

- (a) Having paid tribute to planning officers involved in regular meetings with 'phone operators it was moved by Mr. Bray, seconded by Mr. Bill that

"This Council notes with deep concern the increasing amounts of applications for telecommunication masts within the Borough. Government PPG8 seeks to facilitate growth of telecommunications systems whilst minimising environmental impact and protecting public health.

The impact of such masts clearly causes an eyesore in many settlement and countryside areas.

This Council therefore resolves to ask the Director of Community and Planning Services to write to the Secretary of State expressing our concerns over the limited options available to Local Planning Authorities to refuse such applications.

The Council further resolves to enter into immediate discussions with mobile phone operators to assess the current demand for future mobile phone masts and assist them with finding sites away from countryside and residential areas. We should also remind them of their obligation to try and share mast facilities with other operators to minimise the number of masts required within the Borough."

This motion received unanimous support.

- (b) It was moved by Mr. Bessant, seconded by Mr. Ward that:

"We request that the Council Leader submits the following to the Secretary of State:

Since the inception of Circular 01/06 greater emphasis is placed upon Local Authorities to provide Gypsy and Traveller accommodation. The document was drafted in such a way that more weight is given to the views and needs of Gypsies and Travellers and whilst the document intends to create a level playing field, members of the settled community are no longer involved in local planning consultation even when the development has an adverse affect upon them. Circular 01/06 in its current form discriminates positively in favour of the Gypsy and Travelling community but against members of the settled

community who are left without a forum in which to voice their concerns in denial of their human rights. This would seem to be in direct contravention of The Human Rights Act and therefore we seek urgent reappraisal and amendment of the ODPM Circular 01/06. We submit that all planning applications to which Circular 01/06 apply should be stayed pending the conclusion of this exercise”.

An amendment was then moved by Mr. Bray and seconded by Mr. Inman that

“In acknowledging the concerns from certain members over the current timetable contained in the Council’s Local Development Scheme, that the Director of Community and Planning Services, bring forward a report for consideration extending the timetable for the Site Allocations and Generic Development Control Policies DPD by three months and suggesting any other appropriate amendments to the Local Development Scheme.”

The time now being 9.30 pm. and in accordance with Council Procedure Rule 9 it was moved by Mr. Bown, seconded by Mr. Nichols and with the consent of those Members present

RESOLVED - this meeting be allowed to continue.

Ms. Moore left the meeting at 9.31 pm.

Following a lengthy debate it was moved by Mr. Bill and seconded by Mr. Bray that Members proceed to the next business.

Ms. Moore returned to the meeting at 9.32 pm.

Following assent a vote was taken by a show of hands with 16 Members voting for the amendment and 12 against. The amendment was therefore carried and it was thereupon

RESOLVED –“ In acknowledging the concerns from certain members over the current timetable contained in the Council’s Local Development Scheme, that the Director of Community and Planning Services, bring forward a report for consideration extending the timetable for the site allocations and generic Development Control Policies DPD by three months and suggesting any other appropriate amendments to the Local Development Scheme.”

(c) it was moved by Mr. Bown, seconded by Mr. Lay

“That this Council reverses its decision to close the Earl Shilton public toilets in Wood Street and instead replace these with a new toilet. Those Members responsible for making the decision did not take into consideration the needs of those people out shopping with medical problems, i.e. having to take water tablets. This problem was highlighted during 2008 in both the Hinckley Times and Leicester Mercury. With the closure of the public toilets it follows that Earl Shilton will have lost a public facility and the funding, when at the same time the Borough Council want to increase domestic properties in Earl Shilton by 50% over the period of the LDF”.

An amendment was moved by Mrs. Francks, seconded by Mr. Bray as follows:

That this Council continues with its decision to find alternatives to the public toilet facility in Wood Street Earl Shilton, due to it coming to the end of its useful life. This Council notes that the current cost of running the toilets is over £26 per user. This Council is sympathetic to the medical needs of those people who have to have nearby public toilets and therefore extends its gratitude to the licensee of the Lord Nelson public house for the provision of their toilet facilities for use by the public without the need to make a purchase.

In accordance with Council Procedure Rule 14(J) it was moved by Mr. Bill seconded by Mr. Bray that the question be now put. Following assent a show of hands indicated that 13 Members voted in favour of the amendment and 11 voted against. The amendment having been declared CARRIED it was thereupon

RESOLVED – “that this Council continues with its decision to find alternatives to the public toilet facility in Wood Street Earl Shilton, due to it coming to the end of its useful life. This Council notes that the current cost of running the toilets is over £26 per user. This Council is sympathetic to the medical needs of those people who have to have nearby public toilets and therefore extends its gratitude to the licensee of the Lord Nelson public house for the provision of their toilet facilities for use by the public without the need to make a purchase.”

(The meeting closed at 9.43 pm.)