

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
15 SEPTEMBER 2009 AT 6.30 P.M.

PRESENT: MR. K. NICHOLS - MAYOR
MRS. S. FRANCKS - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. J.G. Bannister, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. J.C. Bown, Mr. S.L. Bray, Mr. M.B. Cartwright, Mr. D.S. Cope, Mr. W.J. Crooks, 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, Ms. W.A. Moore, Mr. K. Morrell, 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. D. Bunker, Mr. B. Cullen, Mrs T. Darke, Mrs B. Imison, Mr. S. Kohli, Mr. R. Palmer and Mrs. P.I. Pitt.

193 PRAYERS

The Reverend John Hall, of Higham Way Baptist Church, offered prayer.

Mr Ladkin entered the meeting at 6.35 pm.

At this juncture the Mayor referred to some confusion which had arisen regarding the start time of this evening's meeting. Since it was important that as many Members as possible could attend the presentation by PriceWaterhouseCoopers, it had been considered that the usual start time of 6.30 pm would be the most appropriate.

194 APOLOGIES

Apologies for absence were submitted on behalf of Mr. P.R. Batty, Mr. P.S. Bessant, Mrs R. Camamile, Dr. J.R. Moore and Mr. L.J.P. O'Shea.

195 MINUTES (C22 AND C23)

On the motion of Mr. Bown, seconded by Mr. Mayne it was

RESOLVED - the minutes of the meeting held on 29 July 2009 be confirmed and signed by the Mayor and on the motion of Mr. Bill, seconded by Mr. Wright, it was

RESOLVED - The minutes of the meeting held on 11 August 2009 be confirmed and signed by the Mayor.

196 DECLARATIONS OF INTEREST

No interests were declared at this stage.

197 MAYOR'S COMMUNICATIONS

The Mayor referred to the very successful Barwell and Hinckley carnivals and paid tribute to the organisers and to the public for their support.

The Mayor then drew attention to "Dress Down Day" on 25 September when, on behalf of his two chosen charities, the Derbyshire, Rutland and Leicestershire Air Ambulance and Multiple Sclerosis, all staff were requested to donate £1.00 and wear an item of yellow or orange clothing.

198 QUESTIONS

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

(a) Question raised by Mr. R. Ward and addressed to Mr. K.W.P. Lynch

"Will the Portfolio Holder please inform the Council on progress, if any, in seeking suitable land to meet the conditions of the contractual agreement with Morris Homes following the withdrawal of the Brodick Road site?"

As the Council is aware, the agreement with Morris Homes was an integral part of the process to enable the previous Conservative administration's flagship policy of jointly developing the Atkins site with North Warwickshire and Hinckley College, which will hopefully help the much needed regeneration the town centre. With this development now emerging as a prestige project enhancing the Borough's civic pride will Cllr Bray assure the Council that the Authority is willing and able to fulfil its contractual obligations in a timely manner?"

Response from Mr. K.W.P. Lynch

"As Cllr Ward is fully aware this Council has a pre-emption agreement with Morris Homes which his Administration committed the Authority to. This pre-emption agreement gives first right of refusal to Morris Homes on any council owned land that becomes available for residential development. We intend to honour this agreement and have agreed to meet with Morris Homes on a 6 monthly cycle to discuss any availability of sites; the next meeting being due shortly.

Again as Cllr Ward is aware (being on Planning Committee) the development on the Atkins site is progressing to timescales. The College's development and the Council's development have both received Planning Consent and the Council's commitment to deliver a Business Enterprise Centre on the site is well advanced and is scheduled for completion in mid 2010/11."

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

"In light of this administration's dramatic cuts in the town centre events' budget will Councillor Bray assure us that these cuts will not affect the Christmas lights' switch on programme which has been extremely successful and greatly enjoyed by the residents of our Borough for a number of years?"

“Response from Mr. S.L. Bray

“I can confirm there has been some efficiency savings made in delivering events. The Council has consulted with the Town Centre Partnership & Business Improvement District and I am pleased to announce a very exciting calendar of events for 2010 is being devised and will be publicised in November.

With regards to the Christmas Lights festival it will be as magical as ever.”

(c) Question raised by Mrs. S. Sprason and addressed to Mr. D.C. Bill

“Leicestershire Fire and Rescue Service as from the 1st August has been consulting on the future coverage across its area. It includes two new fire stations at Castle Donnington and Birstall that will give increased coverage to the northern parishes, will the administration join with me in welcoming this proposal?”

Response from Mr. D.C. Bill

“As Cllr Sprason is aware, at the unanimous request of this Council, the Fire and Rescue Service gave a brief presentation and answered questions at the meeting of the Scrutiny Commission on 10 September.

Members who were present will have heard the assurances given in respect of Markfield and Market Bosworth and I do not need to comment on that further. As Leader of this Council, my responsibilities cover the whole of the Borough and, whilst I am sure that Members will be encouraged by the comments and commitments from the Fire Authority, many members of the public remain concerned. I would hope that the Fire Authority can allay those concerns, not only during the current consultation but, more importantly, in the actions which follow.

Finally, can I point out that this authority does not have direct responsibility for the Fire and rescue Service but, through the Community Safety Partnership, we do work closely and effectively with the Service. The strength of feeling generated by these proposals underlines the extent to which we all identify with the emergency services and I would like to pay tribute to all the men and women involved in making this area a safer place in which to live”

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

“The Communities Secretary Shahid Malik recently stated that travelling families are treated differently from the settled community. This clearly is the policy of this authority as law abiding families who work hard and pay their taxes face reams of red tape to improve their property, whilst travellers are given special treatment to concrete over the Green Belt and defy planning rules. What will the lead member for planning do to reverse this trend and assure the settled community that all applications will in future be dealt with equally?”

Response from Mr. S.L. Bray

"In response to Councillor Sprason's question, I can assure Members that when unauthorised sites are set up in the countryside, this Council deals with them robustly (and will continue to do so) through appropriate enforcement action and working in cooperation with other partners, as was demonstrated with the Good Friday site and the more recent incursion onto private land . Equally, if a member of the settled community flouts planning legislation, appropriate enforcement action is applied which is proportionate in all of the circumstances.

With regard to the settled community wanting assurance that all applications will in the future be dealt with equally, this is reliant on having a sound planning framework in place, which will be in the form of an adopted Site Allocations and Generic Development Control Development Plan Document. Members will not need reminding that this will require a number of new sites to be identified for travellers. Work on this has been underway since the public consultation earlier this year and the timescales for completion are addressed elsewhere on this agenda. So, whilst I can assure Members of the **continued** resolve to take robust enforcement action, I cannot guarantee the outcome of such actions in the absence of a sound Site Allocations and Generic Development Control DPD."

In response to a supplementary question from Mrs Sprason Mr Bray indicated that he would arrange for a written response to be sent to Mrs Sprason regarding an unauthorised traveller site at Copt Oak in Markfield.

(e) Question raised by Mr. K. Morrell and addressed to Mr. D.S. Cope

"As it concerns one of the most vital services to some of the Borough's most vulnerable residents would the Executive Member for housing please explain why the tenders for the contract to install vital specialist facilities for council tenants who become disabled or incapacitated were not rolled out until after the previous contract had finished, leaving a gap of 6 months before the new contract was signed?"

Will the Executive Member please outline the extent to which this break in contracts has led to an increase in the waiting list for this essential work and also detail the increased time for any outstanding work to be completed for tenants currently on the waiting list?"

Response from Mr. D.S. Cope

"I am somewhat surprised to receive Councillor Morrell's question at this time however I do welcome the opportunity to clarify the position.

I am sure that Councillor Morrell will recall, that when he chaired a meeting of the Council Services Select Committee on 13 August, he asked for a report on Disabled Adaptations in Council Houses to be taken to that Committee in November. The Director of Community and Planning Services agreed, the decision was minuted and I endorse that timescale. This report will provide the answer to his question.

Pending that report I can confirm that this Council remains committed to providing services to vulnerable people, within available budgets and this commitment has been demonstrated through the increase in the budget for disabled adaptations to £354,310 in 09/10.

A new contract for some council adaptations has recently been procured. Procurement advice was followed which meant that the process took longer than for previous adaptations contracts and there was a gap between the contract ending and the new one commencing. However, in order that the service to tenants continued a mini contract was put in place to cover the interim period and to ensure that adaptations carried out under this contract continued and, through this approach, I can assure Members that no adaptation which was considered a priority by the Social Services' Occupational Therapy Service was subject to any waiting time. Further, all stairlift and specialist adaptations carried out by Leicestershire County Council continued, as did the major adaptations which are managed under individual contracts. Two of these have been progressing during 09/10.

There has historically been a waiting list for council adaptations due to the insufficient budget in comparison to demand and we are not alone in that. A recent review of the HRA across the country shows a significant under investment in adaptation works nationally. The work currently being undertaken on the HRA Business Plan will identify the level of budgets required in order to address issues such as the waiting list for adaptations in order that priorities can be decided."

199 LEADER'S POSITION STATEMENT

In presenting this Mr. Bill referred to progress with regard to the bus station site, Richmond Park young people's facility and the Atkins site. Reference was made to the successful working with the Community Safety Partnership and to the expansion of the Community House Network, which had 3 units, on the Wykin Estate, Earl Shilton and now Barwell. Meetings of the local Community Forums were to be held shortly and would provide funding opportunities for local people to engage in projects within their respective communities. Tribute was paid to the Scrutiny Commission for its part in developing a Credit Union to operate within the Borough by seeking to support local people during the current economic situation.

The Leader concluded by announcing that the Council had achieved level 3 in its Use of Resources Assessment and congratulated all of those involved in this significant achievement.

200 MINUTES OF SCRUTINY COMMISSION MEETING – 30 JULY 2009 (C24)

In his presentation Mr. Lay commended the Director of Finance and the Chairman of the ICT Scrutiny Panel for their work on the development of a Credit Union and the Members' lap top project, respectively. Mr. Lay also referred to the Commission's review of the Constitution, which had also been considered by a scrutiny working group and the Standards Committee.

201 FINANCIAL OUTLOOK 2010/11 AND BEYOND (C25)

Alison Breadon and Matthew Elmer of PriceWaterhouseCoopers LLP attended to present to Members an independent perspective of the likely very difficult financial position facing Councils generally from 2011/12 onwards in the light of the anticipated significant reduction in Central Government funding. In thanking the representatives of PriceWaterhouseCoopers for their presentation, which would assist the Council in its further review and revision of the medium term financial strategy (MTFS), it was moved by Mr. Lynch, seconded by Mr. Bill and

RESOLVED -

- (i) The presentation by PriceWaterhouseCoopers LLP be noted; and
- (ii) The Council reviews and revises its MTFS to reflect the anticipated reduction in central government grant funding of 10% for each of the 3 years (2011/12 to 2013/14) likely to be covered by the next Comprehensive Spending Review.

202 PROPOSED REVISIONS TO THE HINCKLEY AND BOSWORTH LOCAL DEVELOPMENT SCHEME (LDS) (C26)

Members were presented with these and requested to support the proposals prior to a detailed LDS being brought forward, and notifying the Secretary of State of the Council's intention to bring the revised LDS into effect. Highlighted were local development documents which had been adopted and progress on others.

It was moved by Mr. Bray, seconded by Mr. Bill and, following a show of hands which indicated that 2 members had voted against the proposals,

RESOLVED - the following be agreed:-

- (i) The proposal to revise the milestones relating to the Site Allocations and the Hinckley Town Centre Area Action Plan Development Plan Documents;
- (ii) The additional proposed changes to the LDS to reflect progress to date and the introduction of the new documents identified in the report; and
- (iii) Following discussions with the Government Office for the East Midlands, the revised LDS be submitted.

Mr. Smith left the meeting at 7.42 pm.

203 RENEGOTIATING FINANCIAL CONTRIBUTIONS REQUIRED FOR INFRASTRUCTURE IMPROVEMENTS (C28)

Mr. Smith returned to the meeting at 7.45 pm.

The Council was asked to consider and formally adopt a protocol to guide negotiations where financial viability was raised by developers. It was

emphasised that any submission from developers for the renegotiation of contributions would be dealt with by officers under strict criteria and would be subject to independent investigation. The protocol, if adopted, would give the Planning Committee a useful tool in its assessment of applications, and would be applied sequentially in three stages.

The view was expressed that more clarity was needed and some Members had reservations as to the impact of such protocol on Section 106 contributions towards the provision of infrastructure and play facilities and the need to ensure the adequate provision of affordable housing.

Following a lengthy debate it was moved by Mr. Boothby, seconded by Mr. Bray and

RESOLVED - The proposed protocol be referred to the Scrutiny Commission for further consideration.

204 SENIOR MANAGEMENT REVIEW (C27)

The formal agreement of Council was sought to the Senior Management Review, which would secure £200,000 net savings from April 2010, in line with the revised MTFS agreed in April 2009.

Mr. Gould left the meeting at 8.30 pm, returning at 8.32 pm.

Discussion arose regarding the expanded responsibilities of senior managers, whose workload the Chief Executive undertook to monitor and adjust, if necessary. Reference was then made to the good relationship between the trade union officers and the fact that, with the new structure the organisation would continue to operate effectively but savings would result.

Mr. Bray left the meeting at 8.35 pm.

Members having briefly considered the structure chart appended to the report of the Chief Executive and the areas of responsibility of the two Deputy Chief Executives, the Chief Executive agreed to consider alternatives to the title "Place Shaping".

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

RESOLVED

- (i) the Senior Management Structure set out in the appendix to the report of the Chief Executive be approved;
- (ii) the existing posts below be removed from the establishment:
 - * Director of Community and Planning Services (31 March 2010)
 - * Director of Finance (31 March 2010)
 - * Head of Revenues and Benefits (Deputy to Director of Finance) (immediately)
 - * Community Safety Manager (30 June 2010);

- (iii) existing 'Head of Service' titles be changed to 'Chief Officer', with the appointees unchanged, as detailed in the appendix;
- (iv) the following appointments be agreed, as shown in the appendix:
 - * Deputy Chief Executive (Place Shaping) - Bill Cullen
(from 1 Apr 2010)
 - * Deputy Chief Executive (Corporate Direction) - Sanjiv Kohli
(and Section 151 Officer) (from 1 Apr 2010)
 - * Chief Officer (Transformation) - Belle Imison
(to 30 Sept 2010); and
- (iv) the gradings for the posts of Deputy Chief Executive and Chief Officer be subject to formal re-evaluation, and confirmation by Personnel Committee.

205 APPOINTMENTS ON COMMITTEES/OUTSIDE BODIES

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

RESOLVED - subject to the receipt by the Corporate Governance Officer of a notification from Dr. J.R. Moore that he wishes to no longer serve on these bodies, the following be appointed:-

Planning Committee - Mr. Gould
 Scrutiny Commission - Mr. Bannister
 Appeals Panel - Mr. Mayne
 Local Government Urban Commission - Mr. Bray

206 DEED OF VARIATION (C29)

The Mayor reminded everyone that, as printed on this evening's supplementary agenda, this item had been withdrawn.

(The meeting closed at 8.44 p.m.)