

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

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

Mrs. M. Aldridge, Mr. J. G. Bannister, 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, Mr. D. M. Gould, Mrs. A. Hall, Mr. P. A. S. Hall, Mr. D. W. Inman, Mr. C. G. Joyce, Mr. C. Ladkin, 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.

Also present: Mr. R. Birch, Standards Committee Chairman

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

316 PRAYER

The Reverend John Hall offered a prayer.

317 APOLOGY

An apology for absence was submitted on behalf of Mr. M. R. Lay.

318 MINUTES (C34)

It was moved by Mr. Bray, seconded by Mrs Richards and

RESOLVED - the minutes of the meeting held on 3 November 2009 be confirmed and signed by the Mayor.

319 DECLARATIONS OF INTEREST

Mr. Inman declared a personal interest in reports nod C40 A and B in that he was the Council's representative on these two outside bodies.

320 MAYOR'S COMMUNICATIONS

The Mayor reminded everyone that refreshments were to be provided and a raffle held at the conclusion of this meeting. The Mayor then referred to the numerous donations that he had received towards his charities and thanked everyone involved for their generosity. The Mayor concluded by announcing that in lieu of Christmas cards this year he would be giving a donation to his charity.

(a) Question raised by Mr. D. M. Gould and addressed to Mr. S. L. Bray

“A number of our fellow Liberal Democrat-run Councils elsewhere in the Country have recently introduced 'Responsible Behaviour Panels' as a great tool in the fight against anti-social behaviour. Under this mutually beneficial scheme, offenders have to appear in front of their victim and members of the community to explain their actions. The victim, panel and offender agree how the offender will make up for the damage that has been caused. The panels have had a major effect in cutting re-offending rates for anti-social behaviour. Does the Acting Leader think these panels are a good idea, and would you consider introducing them in Hinckley & Bosworth?”

Response from Mr. S.L. Bray

“May I first welcome Councillor Gould's question. I am pleased to consider all positive suggestions that will contribute to tackling anti-social behaviour rather than empty rhetoric that sometimes is voiced.

I can confirm I do agree with the idea of introducing panels and other mechanisms that can be effective tools in fighting against anti-social behaviour. Within Leicestershire and the Borough, there is a system in place called Restorative Justice.

The Leicestershire Constabulary was a pilot of the Government's Restorative Justice Agenda that has now become a National Guideline for all Police Forces. Briefly, the Police can use restorative justice rather than prosecute or criminalise people (especially young people) for low level crime and disorder. Restorative Justice involves seeking a resolution with victims such as an apology, repair of damage, paying for costs or removing graffiti with the agreement of the victim. This system is currently being effectively used in anti-social cases in the Borough, especially at the early stages of complaint.

The idea behind it is the victim decides how the offender should 'make good' which can be in a number of ways and includes written and verbal apologies and compensation.

This system is working very well and accounts for approximately 4% of the crime cleared up in the Borough. Last month, the Police completed their 500th restorative justice disposal in the Borough since this came into being.

In conclusion, I would confirm the Council, along with the Community Safety Partnership, are committed to reducing anti-social behaviour in the Borough and the devastating impact that it can have on victims, their families and indeed, our communities. Local Ward Members often receive complaints about anti-social and nuisance behaviour from their residents and Councillors can play an important role in helping to prevent such offending, and also in reassuring people that the Council and its

partners are doing everything in their powers to reduce such offending, especially in relation to those who persist in such behaviour.”

(b) Question raised by Mr. J. G. Bannister and addressed to Mr. S. L. Bray

“Was the acting leader aware that at the November meeting of the Hinckley and Bosworth Community Forum the main item on the agenda was anti-social behaviour?”

“Response from Mr. S. L. Bray

“I presume that Councillor Bannister is referring to the County Council led Community Forums. The Hinckley Community Forum took place at Hinckley Rugby Club on the evening of Thursday 26th November. As part of the Community Safety Partnership’s public consultation towards a refresh of the Community Safety Crime and Disorder Plan 2008/2011 a joint presentation was given by the Council’s Community Safety Manager and the Hinckley and Bosworth Local Policing Unit Commander. The objective of the presentation was to outline current Community Safety Partnership priorities, performance, emerging challenges and successes and also to seek views on the Partnership’s priorities for the refreshed plan due to be published in April 2010. Following the presentation a further presentation was given by the Leicestershire Youth Offending Service Impact team on their work in providing a tiered approach to anti-social behaviour incidents involving young people in public places. This is a part of any ongoing series of public consultation by the Community Safety Partnership over the next two months.

The Forums are open to any resident or person with an interest in a particular Forum area including ward members. The next meeting will be the Bosworth Area Forum that will take place on 10th December. Forums are administrated and advertised by the County Council and details of forthcoming Forum meetings and Forum areas can be obtained from Sabrina Malik on 0116 305595. Forums are also advertised in the Borough Bulletin and both the County Council and Borough Council’s web sites

For information of members The Hinckley Forum is currently chaired by Cllr David Bill in his capacity of County Councillor. Cllr Don Wright also attended the above meeting”.

In accordance with Council Procedures rule 10.11 Mr Bray presented a copy of a petition containing some five thousand signatures objecting to fire service cuts and already submitted to the Fire Authority.

In response to a supplementary question from Mr. Bannister, Mr. Bray stated that he could not speculate on the political interests/affiliations of the elected members present at that meeting.

(c) Question raised by Mr. B. E. Sutton and addressed to Mr. S. L. Bray

“The Local Development Plan, I believe, is supposed to be about addressing the employment and housing needs of the local community.

70%+ of this Borough is rural, the majority managed by the farming community, very well, I may add.

We have had umpteen hours and meetings discussing the needs of the travelling community, who do not need to live in the Borough, just that they want to.

The farming community needs to live and work in the Borough. We are constantly told that the World needs to double food production by 2030, to which all areas need to contribute.

Why have we had no discussion about the building requirements for the production of food and the housing needs of those who are to produce the food to satisfy the needs of the World”?

Response from Mr. S.L. Bray

“I would like to thank Councillor Sutton for his question and agree with him that too little time has been spent, during recent discussions on the Local Development Framework, on the many positive features.

One of the aspects of the Borough Council’s Local Development Framework is to address the needs of local communities through, for example, meeting the demand for future employment and housing need. The Borough does contain a sizeable rural area and this is recognised in the vision incorporated into the Core Strategy. It is considered that the raft of policies contained in the Core Strategy seek equally to address both urban and rural issues identified within the Borough.

As indicated in the question, it is acknowledged that there is an active farming community within the Borough and that this community undertakes its task in a positive manner. Clearly, the Borough Council has a duty to protect the environment and this must be balanced with the importance of the agricultural economy in delivering food production. This is acknowledged in national, regional and local policy. Further, if an individual can demonstrate that future agricultural development is appropriate in both functional and financial terms, amongst other things, there is no reason why a planning application cannot be approved through the Council’s statutory planning functions.

The Core Strategy is a high level document which sets out policies to support a range of employment opportunities for the rural areas. These high level policies will be supplemented by further detailed policies contained in the Site Allocations and Generic Development Control Policies Document. (This document was subject to consultation earlier this year and officers will be redrafting the document next year).

All political parties are represented on the Local Development Framework Working Party and members, through their party representatives, are able to raise questions or issues of concern that they may have. Similarly, I welcome comments from individual members who are able to submit

representations as part of the statutory public consultation period on the Development Plan Documents if they so wish.”

In his response to a supplementary question from Mr. Sutton, Mr. Bray indicated that Mr. Sutton’s input in addressing, via the Local Development Framework, the needs of the rural areas and the farming community would be welcomed.

322 APPOINTMENT OF LEADER OF THE COUNCIL

In consequence of Mr. Bill stepping down from this position the Council was called upon to appoint a new Leader. It was moved by Mr. Lynch, seconded by Mr. Wright, that Mr. Bray succeed Mr. Bill, and, following a vote by means of a show of hands, with 18 members voting in favour, 11 against and 2 members abstaining,

RESOLVED - Mr. Bray be appointed Leader for the remaining period of this Council.

323 LEADER’S POSITION STATEMENT

In his first official statement as Leader Mr. Bray referred to last year’s positive activities and outcomes. The Council had recently been provisionally awarded £582,000 by way of Housing and Planning Delivery Grant. Additionally, the Department for Culture, Media and Sport had committed over £300,000 towards the next phase of the leisure centre development.

The “Barwell Pride” Campaign was to be launched through the Neighbourhood Action Teams and had been devised to restore the reputation and confidence of Barwell residents in their community.

Reference was made to the contribution of Caterpillar UK, whose machines had been commended for the ability to withstand high explosive attacks in Afghanistan.

The Leader referred to the need, with others, to plan for the provision of extra care facilities in the area and to the uncertain future of The Limes and Harvey House.

Mr. Bray then paid tribute to the commitment of Members and Officers on achievements in:-

- Continued improvements in performance.
- Maintaining a significant Capital Programme as a strong foundation for the future, together with healthy reserves and balances.
- The numerous external awards received.
- The adoption of a Sustainable Climate Change and Mitigation Strategy.
- The adoption of the Anti-Poverty Strategy.
- A “Performing Well” judgement in the CAA Organisational Assessment.

In conclusion the Leader paid tribute to the dedication of Mr. Bill, the former leader, over many years and expressed the hope that this valuable contribution would continue. Similar tributes were paid by the other political

groups. In consequence of the new leadership appended to the Position Statement were revised details of Executive Members' lead responsibilities.

324 MINUTES OF SCRUTINY COMMISSION MEETING - 29 OCTOBER 2009 (C35)

In the absence of the Commission Chairman these were presented by Mr. Hall, who referred to the Commission's view that provision for disabled adaptations should be taken into account during the budget-setting process. Mr. Lynch referred to the intention to shortly bring to the Scrutiny Commission a report on the options for adaptations.

325 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES (C36)

Subsequent to endorsement by the Licensing Committee on 25 November 2009 Council approval was sought to the above document, following which on the motion of Ms. Moore seconded by Mr. Bray, it was

RESOLVED - the Gaming Policy (Statement of Principles) be adopted.

326 RATBY VILLAGE DESIGN STATEMENT SUPPLEMENTARY PLANNING DOCUMENT (SPD) - ADOPTION (C37)

This document, together with the accompanying Sustainability Appraisal, was presented to Council for adoption. Tribute having been paid to all of the parties who had assisted in the production of these, it was moved by Mr. Bray, seconded by Mr. Bill and

RESOLVED - approval be given to the adoption of the Ratby Village Design Statement (STD) and accompanying Sustainability Appraisal as part of the Hinckley and Bosworth Local Development Framework (LDF).

327 ADOPTION OF CORE STRATEGY DEVELOPMENT PLAN DOCUMENT (DPD) (C38)

Members' approval was sought to this, which formed one of the key documents being produced through the LDF to provide the context for planning policy within the Borough up to 2026. The Planning Inspector's final report had concluded that the Core Strategy was sound overall but had identified changes necessary to ensure that the Plan satisfied the requirements of Government planning regulations.

In addressing members' concerns regarding affordable housing and the Green Wedge Policy, the Director of Community and Planning Services stated that the Authority would strive to achieve the percentages for affordable housing and that the Site Allocations DPD consultation provided for preferred options in Green Wedge areas. In accepting the importance of the provision of affordable housing it was the intention of the Scrutiny Commission to examine the emerging policy. Reference was made to certain derelict brownfield sites and the Executive Member for Culture, Regeneration and Planning indicated the intention to examine these with a view to "smartening them up".

Having thanked the officers involved in the preparation of the Strategy it was moved by Mr. Bray, seconded by Mr. Bill and, following a show of hands with 19 members voting for the recommendations and 11 against, it was

RESOLVED - the adoption of the Core Strategy SPD, including the Planning Inspector's required changes, be agreed.

Mr. O'Shea left the meeting at 7.25 pm and Dr. Moore at 7.26 pm.

328 LOCAL DEVELOPMENT FRAMEWORK - CURRENT AND FUTURE EXPENDITURE (C39)

Council was informed of expenditure incurred to date and of estimated future costs likely to be incurred in the ongoing plan production.

Mr. O'Shea and Dr. Moore returned to the meeting at 7.28 pm.

Concerns were expressed as to the need for a supplementary budget but the Executive Member for Finance stressed that the £100,000 requested was in an already agreed and funded ear-marked reserve and that there would be no additional net cost on the General Fund. So far as costs incurred in the production of the Earl Shilton and Barwell Sustainable Urban Extension Action Plan were concerned, the Executive Member for Culture, Regeneration and Planning indicated that he would arrange for a written response to be sent to Mr. Ladkin.

On the motion of Mr. Bray, seconded by Mr. Bill and following a show of hands with 18 members voting for the recommendation and 12 against, it was

RESOLVED - the following be agreed:-

- (i) A supplementary budget in the sum of £100,000 in 2009-10 to be funded from the LDF reserve to ensure progress is made with the Local Development Scheme; and
- (ii) Consideration be given to future funding of the LDF beyond 2011-12.

329 RENEGOTIATING FINANCIAL CONTRIBUTIONS REQUIRED FOR INFRASTRUCTURE (C41)

Further to consideration by the Planning Committee and the Scrutiny Commission, Members were requested to consider and agree a protocol for dealing with requests from developers to vary the payment terms for Section 106 contributions.

Presented to members at the meeting was a copy of a letter received from Bloor Homes expressing that company's views on the report now before Council.

Some members were of the opinion that there was little evidence of downturn in the housing market and that there should be no reduction in financial contributions whilst being fully supportive of the need to improve brownfield sites. The Executive Member for Culture, Regeneration and Planning indicated that the Policy, if agreed, would only be applied in certain circumstances and that

applications would continue to come before the Planning Committee. Additionally, such a Policy would afford officers the freedom to negotiate terms.

It was moved by Mr. Bray, seconded by Mr. Bill and following a show of hands with 18 members voting for the recommendation, 9 against and 5 abstaining,

RESOLVED -

- (i) the protocol for the renegotiation of Section 106 contributions set out in section 4 of the report of the Director of Community and Planning Services be agreed; and
- (ii) in order to reflect possible changes in economic conditions the use of the protocol be reviewed in April 2010.

330 MEMBER REPRESENTATION ON OUTSIDE BODIES - WEST LEICESTERSHIRE MIND AND AGE CONCERN, HINCKLEY AND BOSWORTH (C40A AND C40B)

Mr. Inman, as the Council's representative on the above bodies, gave a brief resume of the work of the two.

Mr. Boothby left the meeting at 8.00 pm and Mr. Crooks left at 8.02 pm, returning at 8.05 pm and 8.06 pm, respectively.

Brief reference was made to the standing of Age Concern, Hinckley and Bosworth and Age Concern Leicester Shire and Rutland and Mr. Inman referred to the intention to open talks on the possible future merger of these two bodies.

Mr. Inman was thanked for his comprehensive reports and it was agreed that West Leicestershire Mind and Age Concern Hinckley and Bosworth be commended for their valuable contribution in the community.

Mr. Batty and Mrs Richards left the meeting at 8.10 pm.

331 CONSTITUTION REVIEW - OUTSTANDING ISSUES (C42)

Further to minute no. 269 of 3 November 2009, Council approval was sought to the final 3 issues/amendments to the latest version of the Constitution, as follows:-

- Speaking at Planning Committee - procedure.
- Amendments to written motions.
- The remit of the Appeals Panel.

Mr. Batty and Mrs Richards returned to the meeting at 8.13 pm.

Although the suggestion was made that a cross-party working group be set up this failed to receive support and on the motion of Mr. Mayne, seconded by Mr. Ward it was

RESOLVED - the 3 outstanding issues be considered by the respective political groups and their views be conveyed via the group leaders/deputies meeting for onward submission to Council.

Ms. Moore left the meeting at 8.20 pm.

332 COMPREHENSIVE AREA ASSESSMENT (CAA) (C43) AND OVERALL COUNTYWIDE CAA ASSESSMENT (C44)

Ms. Moore returned to the meeting at 8.24 pm.

These 2 documents were presented to Council by the Chief Executive who outlined to Members the assessment and the rating processes and advised how these differed from the previous classification. The Chief Executive emphasised the continuing positive direction of travel by the Council, which retained its 'Excellent' rating.

The meeting closed at 8.32 pm