

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
25 FEBRUARY 2010 AT 6.30 P.M.

PRESENT: MR. K. NICHOLS - MAYOR
MRS. S. FRANCKS - 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, Mr. D. M. Gould, Mrs. A. Hall, Mr. P. A. S. Hall, Mr. D. W. Inman, Mr. C. G. Joyce, Mr. M. R. Lay, Mr. K. W. P. Lynch, Mr. R. Mayne, Ms. W. A. Moore, Mr. K. Morrell, Mr L. J. P. O'Shea, Mrs J. Richards, Mr. A. J. Smith, Mrs. S. Sprason, 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, Miss L. Horton, Mr. S. Kohli, Mrs. P. I. Pitt, Mr T. M. Prowse, Ms. S. Smith and Mr. S. Wood.

423 PRAYER

The Reverend Malcolm Clark offered prayer.

424 APOLOGIES

Apologies for absence were submitted on behalf of Mr. J. G. Bannister, Mr. C. Ladkin, Dr. J. R. Moore and Mr. B. E. Sutton.

425 MINUTES (C52)

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

RESOLVED - the minutes of the meeting held on 26 January 2010 be confirmed and signed by the Mayor.

426 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor indicated that he had agreed to take as a late item a Motion relating to Westfield Community Centre. The reason for urgency would be explained to Members later in the meeting. It was agreed, however, to accept a point of order raised by Mr. Morrell regarding the late submission and acceptance of this Motion from Mr. Bray.

427 MAYOR'S COMMUNICATIONS

The Mayor reminded Members that a non-business Council meeting was to be held on 23 March 2010 in order to present the Citizen (over 18 years of age) and Young Citizen (under 18) of the Year and Local Sporting Alliance Awards. Additionally, the Mayor extended an invitation for everyone to attend his Civic Ball on 16 April 2010.

Mr. Bessant left the meeting at 6.44 pm.

428 PETITIONS

In accordance with Council Procedure Rule No 10.11 petitions were presented as follows:-

- (a) By Mr. Lay on behalf of residents of Markfield objecting to a residential development off London Road, Markfield (a copy of this petition had already been given to the planning officer team).
- b) By Mr. Lynch on behalf of 41 residents of Sketchley Old Village relating to parking congestion at Sketchley Grange and parking restrictions on Sketchley Lane, Burbage. This latter issue would be addressed by the County Council and it was hoped that with extended car parking being provided at Sketchley Grange from April the congestion problems would be overcome.

429 LEADER'S POSITION STATEMENT

In presenting this Mr. Bray referred to the need tonight to set the Council's budget for the forthcoming year and to make decisions regarding the Capital Programme, Council Tax and the Housing Revenue Account. The Leader also referred to the Council's continuing excellent performance in the following areas:-

- Neighbourhood Wardens - public satisfaction.
- On-time site visits by building control officers.
- Reduction in serious violent crime.
- Licences issued in 30 days.
- Planning applications addressed on time.
- Percentage of invoices paid on time.

The Leader then commended those involved in securing for this Council the award of Best Outdoor Market 2010. So far as the town centre generally was concerned, the number of vacant shops within Hinckley remained no worse than the national average and a number of new shops had opened since the start of this year.

The Leader concluded by referring to the forthcoming retirement of Trevor Prowse and following tributes by the other political group leaders there was a round of applause from Members to acknowledge the work and professionalism of Mr Prowse during his stay at this Council.

Reference was made by Mr. Gould to the continued success of Barwell F.A. in the Carlsberg F.A. Vase competition and it was agreed that a letter of congratulation be sent to the team.

Finally, Mr Bill referred to a recent article in the Municipal Journal on the success of the Council in being found to be one of the four best local authority employers and it was agreed that a copy of this article be circulated to all Members.

430 SCRUTINY COMMISSION MEETING - 28 JANUARY 2010 (C53)

In presenting these Mr. Lay referred to discussions on the processing of and the waiting time for disabled adaptations in Council properties and to on-going discussions regarding the Council's anti-poverty strategy.

Messrs Bray and Joyce left the meeting at 7.02 and 7.07 pm, returning at 7.05 and 7.10 pm, respectively.

431 FINANCIAL STATEMENT BY THE EXECUTIVE MEMBER FOR FINANCE

In his introduction Mr. Lynch indicated his intention, since they were inter-related, to present the following reports in a single block:-

- General Fund Revenue Budget (Report C54)
- Calculation of Council Tax (Report C55)
- Capital Programme (Report C56)
- Housing Revenue Account (Report C57)

voting on each would, however, be done separately.

It was moved by Mr. Lynch and seconded by Mr. Bray that the recommendations contained in these 4 reports be approved.

Although 2009/10 had been a difficult year the Council had tackled positively the difficulties presented by the economic downturn and budgets had been prepared using a lengthy but robust process.

The General Fund Revenue Budget (Report C54) had been drawn up in accordance with the budget strategy and the principles set out in the Council's Medium Term Financial Strategy. Reductions in investment income and provisions for future pension costs meant an overall increase in the Council's net budget requirement of just under £300,000 or 2.6%.

In setting the level of Council tax increase for 2010/11 (Report No C55) a balanced view had been taken of the financial pressures facing the Council and the needs of residents. The average Band D Council tax for the borough (excluding parishes and precepts) would be set at £112.35 per household per annum - an increase for each household of £2.22 per year or 4.3p per week, or 2%. The total average Band D Council tax, including Leicestershire County Council Combined Fire and Police and Parishes would increase by £34.26, or 66p per week, or 2.4%.

The Capital Programme (Report No C56) followed a four-year rolling programme and would continue to be assessed by officers on a quarterly basis. As with all financial reports being considered tonight, the Capital Programme had been scrutinised and endorsed by the Finance and Audit Services Select Committee.

In referring to the Housing Revenue Account (Report C57) Mr. Lynch reminded the Council that the calculation of rent was in accordance with the

Government's prescribed model, the application of which produced different percentage increases for different properties. However, the average increase as set out in the report of the Director of Finance was 2.5%.

Mrs Camamile left the room at 7.46 pm, returning at 7.48 pm.

Tribute was paid to the Director of Finance and his team for producing the budget and to the Council's staff at all levels across the organisation who last year volunteered to take a temporary reduction in pay to assist the Authority's immediate and anticipated longer term difficulties.

Although generally supportive of the well set-out and balanced budget concerns were again expressed at the on-going revenue support to Hinckley Club for Young People. The Executive Member for Finance confirmed that the contractual amount given each year to this venture would be £35,000, as agreed previously by Council.

Mr. Bessant left the meeting at 8.18 pm, returning at 8.20 pm, at which time Mrs Richards left, returning at 8.25 pm. Mr. Smith left at 8.24 pm, returning at 8.26 pm.

432 GENERAL FUND REVENUE BUDGET 2010/11 (C54)

Members were requested to consider and approve this, together with the revised budget for 2009/10. These had been prepared taking into account the Capital and Housing Revenue Budgets, which were presented separately but needed to be read in conjunction with this report.

Following a show of hands with 19 members voting for the recommendations and 10 against the following was

RESOLVED -

- (i) The General Fund Service Expenditure shown in table 1 (page 2 of the report of the Director of Finance);
- (ii) The Special Expenses Area Expenditure shown in table 2 (page 3 of the report);
- (iii) The total General Fund Service Expenditure for the Council shown in table 3 (page 4 of the report); and
- (iv) The proposed movement of General Fund Reserves as set out in table 5 (pages 12-13 of the report).

433 CALCULATION OF COUNCIL TAX (REPORT C55)

Having endorsed the preceding report the Council was now called upon to formally approve the Council tax for the financial year 2010/11.

Following a show of hands with 19 members voting for the recommendations and 10 against it was

RESOLVED -

In accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (as amended) the following be agreed for 2010/11:-

- (i) The Council's budget requirement, as set out in the General Fund Revenue Budget 2010/11 (Report C54), excluding Special Expenses and Parish Councils be £11,020,770;
- (ii) The Council's budget requirement as set out in the General Fund Revenue Budget 2010/11 (Report C54), including Special Expenses, be £11,626,910;
- (iii) The Council's total net budget requirement including Special Expenses and Parish Councils be £13,046,554;
- (iv) The contribution from Revenue Support Grant and Non Domestic Rates be £7,385,833;
- (v) A surplus of £41,536 on the Collection Fund will be transferred to an earmarked Reserve in accordance with Council policy in 2010/11;
- (vi) The Council Tax for Borough wide services, excluding Special Expenses and Parish Council precepts, for Band D be £96.02;
- (vii) The Council Tax for Borough wide services and an average of Special Expenses Services for Band D be £112.35;
- (viii) The basic amount of Council Tax, being the tax relating to Borough wide services and an average of Special Expenses and Parish Council services for Band D, be £150.59;
- (ix) The total Council Tax, including amounts for the County Council, Police Authority, and Fire Authority and for each area and valuation band be as indicated on the following page.
- (x) and; the calculation of the estimated surplus on the Collection Fund be delegated to the Director of Finance. The surplus will be transferred in accordance with Council's Policy to the Pension Reserve.

434 CAPITAL PROGRAMME 2009/2010 TO 2012/13 (C56)

Following a show of hands with 16 members voting for the recommendations, 10 against and with 3 abstentions it was

RESOLVED -

The revised Programme contained within the report of the Director of Finance be endorsed and the financial implications noted.

COUNCIL TAX 2010/11

VALUATION BAND PROPORTION OF BAND D	A 6/9	B 7/9	C 8/9	D 9/9	E 11/9	F 13/9	G 15/9	H 18/9
Parish	£p	£p	£p	£p	£p	£p	£p	£p
HINCKLEY	961.23	1,121.44	1,281.64	1,441.85	1,762.26	2,082.67	2,403.08	2,883.70
BAGWORTH	962.05	1,122.40	1,282.74	1,443.08	1,763.76	2,084.45	2,405.13	2,886.16
BARLESTONE	963.67	1,124.29	1,284.90	1,445.51	1,766.73	2,087.96	2,409.18	2,891.02
BARWELL	960.27	1,120.32	1,280.36	1,440.41	1,760.50	2,080.59	2,400.68	2,880.82
BURBAGE	957.75	1,117.38	1,277.00	1,436.63	1,755.88	2,075.13	2,394.38	2,873.26
CADEBY	941.03	1,097.86	1,254.70	1,411.54	1,725.22	2,038.89	2,352.57	2,823.08
CARLTON	946.80	1,104.60	1,262.40	1,420.20	1,735.80	2,051.40	2,367.00	2,840.40
DESFORD	954.60	1,113.70	1,272.80	1,431.90	1,750.10	2,068.30	2,386.50	2,863.80
EARL SHILTON	956.47	1,115.89	1,275.30	1,434.71	1,753.53	2,072.36	2,391.18	2,869.42
GROBY	961.69	1,121.97	1,282.25	1,442.53	1,763.09	2,083.65	2,404.22	2,885.06
HIGHAM	949.34	1,107.56	1,265.79	1,424.01	1,740.46	2,056.90	2,373.35	2,848.02
MARKET BOSWORTH	953.13	1,111.98	1,270.84	1,429.69	1,747.40	2,065.11	2,382.82	2,859.38
MARKFIELD	954.03	1,113.04	1,272.04	1,431.05	1,749.06	2,067.07	2,385.08	2,862.10
NAILSTONE	946.15	1,103.85	1,261.54	1,419.23	1,734.61	2,050.00	2,365.38	2,838.46
NEWBOLD VERDON	959.70	1,119.65	1,279.60	1,439.55	1,759.45	2,079.35	2,399.25	2,879.10
OSBASTON	936.83	1,092.96	1,249.10	1,405.24	1,717.52	2,029.79	2,342.07	2,810.48
PECKLETON	949.62	1,107.89	1,266.16	1,424.43	1,740.97	2,057.51	2,374.05	2,848.86
RATBY	962.97	1,123.47	1,283.96	1,444.46	1,765.45	2,086.44	2,407.43	2,888.92
SHACKERSTONE	949.75	1,108.05	1,266.34	1,424.63	1,741.21	2,057.80	2,374.38	2,849.26
SHEEPY	949.23	1,107.44	1,265.64	1,423.85	1,740.26	2,056.67	2,373.08	2,847.70
STANTON-U-BARDON	946.98	1,104.81	1,262.64	1,420.47	1,736.13	2,051.79	2,367.45	2,840.94
STOKE GOLDING	949.43	1,107.66	1,265.90	1,424.14	1,740.62	2,057.09	2,373.57	2,848.28
SUTTON CHENEY	945.83	1,103.47	1,261.11	1,418.75	1,734.03	2,049.31	2,364.58	2,837.50
TWYXCROSS	941.19	1,098.06	1,254.92	1,411.79	1,725.52	2,039.25	2,352.98	2,823.58
WITHERLEY	934.09	1,089.77	1,245.45	1,401.13	1,712.49	2,023.85	2,335.22	2,802.26

435 HOUSING REVENUE ACCOUNT ESTIMATES 2009/10 (C57)

Presented to Council was the proposed budget for 2010/11 in respect of the Housing Revenue Account, together with the suggested level of rent increase which should apply in 2010/11. Following a show of hands with 16 members voting for the recommendations, 10 against and with 3 members abstaining it was

RESOLVED -

- (i) Dwelling rent increases for 2010/11 be set in accordance with the formula prescribed by the Government for rent restructuring, averaging 2.5% and the budgets set out in Appendices A, B and C to the report of the Director of Finance; and
- (ii) the Budget for 2010/11 be approved

Messrs Batty, Mayne and Morrell left the meeting at 8.30 pm, each returning at 8.35 pm.

436 ADOPTION OF THE HINCKLEY AND BOSWORTH LOCAL DEVELOPMENT SCHEME (C58)

Circulated to Members at the meeting was a revised recommendation to this report of the Director of Community and Planning Services. In response to a Member's question as to when land allocations and site specific proposals would be considered the Executive Member for Planning indicated that details should be finalised towards the end of this year, and the Development Plan document adopted in 2012. It was moved by Mr. Bray, seconded by Mr. Bill and, following a show of hands with 15 Members voting for the following revised recommendation, 1 against and 12 abstentions

RESOLVED – approval be given to the Local Development Scheme for submission to the Government Office for the East Midlands and the Director of Community and Planning Services be delegated the authority to bring this into effect.

437 SUPPLEMENTARY ESTIMATES FROM WASTE SERVICES (C59)

Council approval having been sought to supplementary estimates for 2009/10 and 2010/11 for waste services it was moved by Mr. Crooks, seconded by Mr. Lay and

RESOLVED - the following supplementary estimates be approved:

- (i) £35,000 income for the provision of trial food waste collection service on behalf of the Leicestershire Waste Partnership to Harborough District Council in 2009/10;

- (ii) £17,000 of fuel expenditure for increased fuel prices in 2009/10 and fuel used in the delivery of trial food waste collection service on behalf of the Leicestershire Waste Partnership;
- (iii) £45,000 for additional recycling credit and rebate income from improved recycling collection services in 2009/10;
- (iv) £11,750 income in 2010/11 for a six month extension to the trial food waste collection service on behalf of the Leicestershire Waste Partnership to areas of Hinckley and Bosworth; and
- (v) £16,000 of fuel expenditure in 2010/11 based on the latest estimated increase in fuel prices.

438 CONSTITUTION - RESIDUAL ISSUE (C60)

Further to minute number 331 of 15 December 2009 Members' agreement was again sought to three amendments to the Constitution as follows:-

- Speaking at Planning Committee.
- Amendment to printed Motions.
- The remit of the Appeals Panel.

The Executive Member for Corporate and Scrutiny Services having reminded Members that a two-thirds majority of the Council was required to approve changes to the Constitution moved that the recommendations in the report of the Chief Executive be agreed. It was agreed to accept proposals for (a) and (b) in the report, ie those relating to speaking to Planning Committee and amendments to printed Motions. Notwithstanding the proposal in the report that the Appeals Panel should hear appeals against dismissals for gross misconduct only and where otherwise required by statute (the rationale being that the Trade Unions had not sought changes to the current appeal arrangement) it was moved by Mr. Hall and seconded by Ms. Moore that the words "for gross misconduct" be deleted. It was suggested by Mr. Ward that the current arrangements remain, particularly since the Trade Unions had accepted the current arrangement whereby a comprehensive appeal procedure was in place for all staff, utilising the management hierarchy. A vote by means of a show of hands then took place with 5 Members only voting for proposal (c) in the report. It was thereupon

RESOLVED -

- (i) No change be made to the Constitution insofar as speaking at Planning Committees was concerned;
- (ii) Amendments to printed Motions be notified to the Monitoring Officer by 5.00 pm on the day of the meeting; and
- (iii) The Constitution be amended to provide that appeals against gross misconduct be heard by the Appeals Panel.

The Mayor declared at 8.52 pm that there would be a short adjournment. The meeting reconvened at 8.58 pm.

439 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

(a) Motion from Mr. M. R. Lay

“This Council notes with regret that the local ward members for Markfield and the Parish Council, were not given advance notice of a major housing application being considered by the planning department for Markfield. Local members were only made aware of the application by residents, who had received statutory consultation letters.

This application is contrary to the recently adopted Core Strategy and the developing Site Allocation Document and has caused much anger within the local community.

In future when planning applications are received by the planning department which feature more than 10 dwellings, local ward members and the Parish Council will be given advance notification before public consultation.”

At this juncture the Chief Executive gave advice to the effect that the second paragraph of this Motion might lead to a perception of pre-determination of a specific item by Planning Committee Members and their substitutes. Mr. Lay indicated that he was happy to remove the second paragraph and for consideration to be given to paragraphs 1 and 3 of the Motion only.

During Members’ deliberations reference was made to ward members’ notification of planning applications and involvement in pre-application discussions and the Director of Community and Planning Services stated that he was happy to arrange implementation of notification in accordance with the Motion.

Having been proposed by Mr. Lay and seconded by Mrs Sprason, it was

RESOLVED unanimously

“This Council notes with regret that the local ward members for Markfield and the Parish Council, were not given advance notice of a major housing application being considered by the planning department for Markfield. Local members were only made aware of the application by residents, who had received statutory consultation letters.

In future when planning applications are received by the planning department which feature more than 10 dwellings, local ward members and the Parish Council will be given advance notification before public consultation.”

Mr. Crooks left the meeting at 9.12 pm.

(b) Motion from Mr. M. R. Lay

“This Council notes with some concern the proposal by Leicestershire County Council to remove the subsidy it provides, towards the school bus running from Markfield and Field Head to South Charnwood High School which is unique in its location in open Countryside remote from Markfield. We would strongly urge the County Council to reconsider the proposal, that could well lead to the loss of a valuable service that may then no longer be viable for the operator without a subsidy but that currently provides safe transport along a route that otherwise would not be conducive to the safety and wellbeing of children should they have to walk or cycle along that route.

The route to South Charnwood High School from Markfield and Field Head is along unmade, narrow and unlit footpaths in the open countryside without any form of shelter along the route, fully exposed to the elements. The route extends in a harsh and exposed environment to over two miles from Markfield and three miles from parts of Field Head.

Parents strongly feel that the route raises significant health and safety concerns for children having to walk or cycle to school, particularly during winter months, on dark evenings and in inclement weather and that the potential loss of this valuable service, could impact negatively on the health and wellbeing of children attending South Charnwood High School.”

Mr Crooks returned at 9.14 pm.

The following amendment to this Motion by Mrs S. Sprason was circulated at the meeting:-

“This Council notes with some concern, that due to the low grant settlement the County Council receives from Central Government, the future Government funding cuts and the requirement to make efficiency savings will have an impact on non statutory subsidised services. One of these non statutory subsidised services, proposed to have the subsidy withdrawn, is the 838 school bus from Markfield/Field Head to South Charnwood High School.

We therefore would strongly urge the County Council to reconsider this proposal as South Charnwood is unique in its location it is in open countryside and remote from Markfield. Due to its location also prevents the alternative options of walking or cycling to school.

We request that the Chief Executive write to the County Council requesting it works with the bus operator, the school, Markfield Parish Council and parents to a realistic solution which would allow a bus service to continue to run from Markfield/Field Head to South Charnwood High School.”

An amendment moved by Mr. Cartwright that Groby Parish Council be involved in discussions on the bus service was seconded by Mr. Ward but upon being put to a vote was declared LOST, at which point further consideration was

given to the original Motion. Discussion followed on the restoration of the school bus service at Stoke Golding and in response to Mr. Bill, Mr. Lay indicated that he would, if the situation was similar, accept the following addition to the last paragraph of his Motion:

“...and that furthermore this Authority asks the Chief Executive to make the same representations re - the Roberts no. 835 Stoke Golding (St Martin’s High School) bus”.

The time now being 9.28 pm the Mayor called for the meeting to be extended by a further ten minutes. This was agreed.

The original Motion having been seconded by Mr. Bown, Mr Bill again requested that this be extended to include the Stoke Golding bus service. At this juncture, and in accordance with Council Procedure Rule 18.4, 5 Members present called for a recorded vote. The vote was then taken, recorded as follows:-

For the Motion (now extended to include the St Martin’s, Stoke Golding service) Mrs Francks, Mrs Aldridge, Mr. Batty, Mr. Bill, Mr. Boothby, Mr. Bown, Mr. Bray, Mr. Cartwright, Mr. Cope, Mr. Crooks, Mr. Gould, Mrs Hall, Mr. Hall, Mr. Inman, Mr. Joyce, Mr. Lay, Mr. Lynch, Mr. Mayne, Ms. Moore, Mr. Morrell, Mr. O’Shea, Mr. Smith, Mrs Sprason, Mr. Ward, Ms Witherford and Mr. Wright (26 votes).

Abstentions: Mr. Bessant, Mrs Camamile and Mrs Richards (3 votes).

The original Motion by Mr. Lay, as now amended to include the reference to Stoke Golding, was declared CARRIED.

440 ADDITIONAL ITEM OF BUSINESS

As indicated by the Mayor at the commencement of the meeting and as printed on the supplementary agenda, the Chief Executive referred to the Motion proposed by Mr. Bray as a matter of urgency relating to the funding of Westfield Centre, Hinckley. The reason for urgency was that concern had been raised that the County Council’s consultation period on this and other similar centres might expire before the next scheduled Borough Council meeting on 20 April. Clarification was being sought as to the period of consultation but if Members were minded to agree, representation could be made to the County Council to the effect that if the consultation process was concluded before 20 April this Council makes representation to the County Council that Hinckley and Bosworth Council deplores the decision of the County Council to cut funding.

The Chief Executive then advised Members of a similar Motion, again relating to the Westfield Centre, proposed previously by Mr. Morrell in accordance with the terms of the Constitution and due for debate on 20 April. In view of uncertainty which remained regarding the extent of the consultation period Mr. Bray moved that the Motion proposed by him tonight be now proceeded with. This was seconded by Mr. Bill.

The time now being 9.40 pm the Mayor called for, and it was agreed, an extension of time for this meeting by a further 10 minutes.

The point was raised that if an undertaking was received from the County Council to the effect that it would not be making a decision until after 20 April there would be adequate time for this Authority to debate this issue at a future date, as against tonight. Informal advice being received, to be confirmed in writing, that Hinckley and Bosworth Council would be in time to comment, it was agreed that the Motions of Councillors Bray and Morrell be both considered (unless a composite Motion is mutually agreed in the meantime) by the Council on 23 March (6.00 pm start) and this be followed by the Mayor's Awards Ceremonies at 6.30 pm.

(the meeting closed at 9.50 pm)