

HINCKLEY AND BOSWORTH BOROUGH COUNCIL  
29 JUNE 2010 AT 6.30 P.M.

PRESENT: MRS. S. FRANCKS - MAYOR  
MR. R. MAYNE - 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. A. Hall, Mr. P. A. S. Hall, Mr. D. W. Inman, Mr. C. Ladkin, Mr. M. R. Lay, Mr. K. W. P. Lynch, Mr. R. Mayne, Ms. W. A. Moore, Mr. K. Morrell, Mr. K. Nichols, 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 in attendance: Mr. R. Birch, Standards Committee Chairman.

Officers in attendance: Mr. S. J. Atkinson, Mr. I. Bham, Mr. A. Bottomley, Mr. B. Cullen, Mr. M. Evans, Miss L Horton, Mrs J. Kenny, Mr. S. Kohli, Mrs. P. I. Pitt, Mrs J. Puffett, Ms. S. Smith and Mr. S. Wood.

92 PRAYER

The Reverend Jane Gibbs of St. Mary's Church offered prayer.

93 APOLOGIES

Apologies for absence were submitted on behalf of Messrs D. S. Cope, D. M. Gould and C. G. Joyce and Dr. J. R. Moore.

94 MINUTES (C4 AND C5)

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

RESOLVED -

The minutes of the meetings held on 18 May (C4) and 26 May 2010 (C5) be confirmed and signed by the Mayor.

95 DECLARATIONS OF INTEREST

Mr. and Mrs Hall both declared a personal interest on Report C18.

96 MAYOR'S COMMUNICATIONS

The Mayor referred to her recent visit to Le Grand Quevilly. During a most interesting stay the civic party had had an update on the first youth exchange visit. This programme was being extended with a visit to Germany later in the year by 8 young people from Hinckley.

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

"I would like to ask the leader of the council why when Hinckley and Bosworth Borough Council is rated as excellent is it that this council fails its residents in allowing empty properties in the borough to remain in a poor condition for many years.

I directly refer to a property at no 1 Danehill in Ratby, which has been empty for over 15 years. I have been chasing officers for more than 3 years now to take positive action on this issue and to that end so has the elderly disabled neighbour. She has lost count of the number of phone calls that she has made to the council over the years. The lady's latest call was made to the council the week commencing 7<sup>th</sup> June 2010. This property is a blot on the neighbourhood and has been left to deteriorate by the current owners. Officers have written to the owner numerous times and when he decides to visit the property, which is very occasionally and only when pressed, it is to cut the grass and sometimes weed. Why has no positive action been taken, the windows are rotten, the door and part of the front windows are boarded and painted black, the porch has fallen down and the elderly neighbour is constantly stressed as in the past the property has attracted local youths to hang around it. I met the elderly neighbour again this week, whose only mobility is a scooter, the lady told me that she has had enough of the council doing nothing and she is considering moving into a warden assisted accommodation. She feels she has lost the battle, but I have told her I will never give up. So please tell me why other neighbouring authorities not rated excellent have empty property officers and are able to take over such run down properties as I for one request urgent action on this issue".

Response from Mr. S.L. Bray

"Can I thank Councillor O'Shea for this question and I note the concerns that he raises over empty properties in this Borough. I can confirm that Council Officers are aware of the property at 1 Danehill, Ratby and have taken some action within the current resources available to seek to address the problem. Whilst I understand the negative impact that such properties can have on neighbours and the local community, it should be remembered that these properties are ultimately the owners responsibility. There are powers for the Council to intervene and some are more resource intensive than others.

I must emphasise that examples of empty properties causing issues are few and far between in this Borough and given the current financial climate, the resources we do have allow us to focus on addressing those properties that are in occupation and in need of substantial repair. I'm not aware of any neighbouring authorities having a totally designated resource dealing with these matters but I understand a sub-regional bid has been submitted for Regional Improvement and

Efficiency funding to review the approach taken to dealing to tackling empty properties on a county wide basis.”

In response to a supplementary question Mr. Bray assured Mr. O’Shea that Council officers would do all that they could to take action in the case. Further, it was understood that a sub-regional bid had been submitted for funding to appoint a dedicated officer to deal with empty properties on a county-wide basis.

(b) Question raised by Mr. P. R. Batty and addressed to Mr. S. L. Bray

“In the light of his recent comments to the Leicester Mercury with regard to possibly deferring final decisions in respect of site allocations and housing numbers and in the context of the 13,000 plus representations from less than happy residents of this Borough, could I ask the Leader of the Council whether he now believes that the Council having gone into overdrive to be the first past the post to adopt a Core Strategy, whether he now believes that being the only Council in the area to adopt a Core Strategy whether this is an advantage or a disadvantage and whether he believes that, following the change of Government, having adopted this Core Strategy strengthens or weakens the Borough Council’s position in the light of the emerging and long overdue common sense changes to central Government planning policies and guidelines.

Response from Mr. S.L. Bray

“I would start by reminding Councillor Batty that the current LDF process commenced in June 2006 under the previous administration and with the co-operation of all parties. This process and support continued under the current administration and the Authority should be proud of securing a Core Strategy and being the first in the East Midlands to do so. The Core Strategy sets out a clear strategic framework for the future regeneration and growth for the area providing homes, jobs and facilities for our residents for decades to come.

The Secretary of State for Communities and Local Government (SoS) has clearly indicated a requirement for Local Authorities to make decisions on planning applications relating to housing having regard to local housing need and that the figures within the Regional Spatial Strategy are to be disregarded. The fact that this authority has an adopted Core Strategy that has only recently been through a rigorous examination will hold it in good stead in determining planning applications.

You will hear in my statement to Council that the Minister of State for Housing considers it vital for local planning authorities to continue to develop LDF Core Strategies and other development plan documents – so in effect, we are **still** ahead of the game!

The Site Allocations document did attract a substantial number of comments but it is true to say that the main reason for this was the fact that it was a joint document with the Gypsy and Travellers Document.

You will see before you today a report which seeks approval from Members to separate the two documents. That has not previously been possible but the recent comments from the SoS mean that we are now able to proceed on this basis and we have been quick to bring this forward.

The indications from GOEM are that the LDF process will be with us for several years yet and that the advice is to proceed with ensuring that a supply of housing continues to be provided as required under Planning Policy Statement 3: Housing. My officers have prepared a report for the next Scrutiny Committee which will advise it of the changes.

It can be clear that the hard work put in by officers to achieve the Core Strategy, which was supported by Members on all sides and brought with it significant plaudits and financial rewards from Central Government, gives us a platform to go forward which other authorities will lack.”

(c) Question raised by Mr. P.R. Batty and addressed to Mr. S.L. Bray

“Can the Leader of the Council please confirm to members; the approximate total all inclusive cost of the LDF process so far including the Hearings and adoption of the Core Strategy and whether he still believes as firmly as he did in January 2009 that the Borough Council exercised good judgement in it’s commitment to be first past the post with its’ LDF process when all other major Councils in the region were exercising far more caution and entering into much more meaningful and in depth consultation with their residents being mindful of the very clear indication being given at the time by the Opinion Polls that there would be a change of Government in 2010 and that this would almost certainly lead to a significant change in planning policies and guidelines.

Under these circumstances does the Leader of the Council now believe that members received good advice as to how to best progress the Council’s LDF and that Council Tax payers of the Borough have received value for money as a result, bearing in mind the considerable abortive costs that will be highlighted now that the Borough Council will have to drastically overhaul elements of its’ Local Plan going forward to ensure that communities, particularly rural ones and those targeted for gypsy/traveller sites will not lose the benefit of the new planning policies and directives being issued by the Coalition Government.”

Response from Mr. S.L. Bray

“The approximate total cost of the LDF process to date for this authority has been since 2006/2007: £370,000

The amount received in HPDG predominantly as a result of the LDS progress has been: £578,542.

I would refer to the answer above in terms of the benefits to the residents of this Borough in having the foresight and the ambition to progress the Statutory Development Plan Framework as efficiently as we did. The process itself included a robust and detailed public consultation process which informed the policies within the Core Strategy. All planning applications will be determined having regard to the most up to date advice. Given that the Core Strategy is just over 6 months old, it is still relevant and will still deliver the benefits to this Borough and its residents that it was designed to do.

I would once again draw Councillor Batty's attention to the report before Members today on the LDS process and he will see that we have taken action to safeguard against the very concerns he raises i.e. it is proposed to separate the Gypsy and Traveller document from the Site Allocation Document and push its production back. This will enable the new policy position to be formulated by Government and addressed promptly, as always, by this Authority."

In response to a supplementary question to Mr. Batty, Mr. Bray stated that he recalled past debate and cross party working group discussions on site allocations and housing numbers. With regard to housing supply this would continue to be provided as required under Planning Policy Statement 3.

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

"Following the announcement by the coalition government on housing numbers, will the leader of the Council now guarantee to the residents of this Borough that the rushed Core Strategy which commits this council to unsustainable housing numbers and excessive gypsy/traveller sites will immediately be deleted from this Council's plans".

Response from Mr. S.L. Bray

"I would remind Councillor Sprason as I did Councillor Batty that the LDF process, including the development of the Core Strategy, commenced under the Conservative administration with the co-operation of all parties. Contrary to what my colleague suggests this process has not been rushed but has been a well managed process subject to extensive public.

It puts into place policies to deliver infrastructure such as open space/play areas, affordable housing in rural and urban areas, PCT contributions and other benefits. Without the document our ability to deliver these for the residents of this borough would be seriously undermined and we would be in the hands of speculative developers. We have to support appropriate housing development in order to

achieve these and other regeneration aims of this Council and the Core Strategy is still, until we are advised differently, the most effective way to achieve this.

In respect of Gypsy and Traveller sites I would draw my colleagues attention to my previous answer.”

98 LEADER’S POSITION STATEMENT

The Leader began his presentation by announcing that he had today learned that the H J Hall Sock Group Ltd had lost its contract to supply socks to the Ministry of Defence and in consequence could lose 30% of its turnover, bringing the possibility of redundancies. The Leader repeated the advice that he had given on local television, namely that guidance and support was available from the Council’s first response team on issues such as housing benefits.

The Leader referred to the Council’s prudent management arrangements and to the intention to fully plan locally for the Government’s planned late Autumn spending review.

Reference was made to improvements to the play area at Queens Park, which had been welcomed by residents and to the opening this year of the new Hinckley Club for Young People, a venture fully supported by this Council. Other regeneration projects which remained on target included the refurbishment of the Atkins building and the near completion of the Greenfields Business Centre Scheme.

The Leader referred to the Government’s abolition of Regional Strategies’ decisions on housing supply and the consequent transfer of powers to Local Planning Authorities. There had also been a formal announcement by the Secretary of State of the end of the Comprehensive Area Assessment Process.

Also highlighted was the excellent work in producing a report on the Rural Areas Review and the funding, following Executive approval, of £3,000 to support the continued activities of street pastors in Hinckley town centre.

In response to questions from the other 2 group leaders, the Leader stated that, so far as the Core Strategy was concerned, he would give serious consideration to housing numbers and the need to reflect local needs and with regard to Hinckley Club for Young People the Council was fully committed in its support of this project by its annual contribution of £35,000 per year.

Mrs. Sprason left the meeting at 7.05 pm.

99 MINUTES OF SCRUTINY COMMISSION MEETINGS - 8 APRIL 2010 (C6) AND 20 MAY 2010 (C7)

In presenting these Mr. Lay highlighted the Commission’s discussions on a sub-regional choice-based letting scheme and the Barwell and Earl Shilton Sustainable Urban Extension Masterplan.

100 ANNUAL REPORT OF STANDARDS COMMITTEE (C8)

Mr. Birch, Chairman of the Standards Committee, presented the first annual report of that Committee, covering the years 2008-10. The publication of such a report emphasised the role of the Committee in promoting and maintaining high standards of conduct amongst Borough and Parish and Town Councillors.

It was emphasised that any written complaint against an elected member had to be assessed. Further, any assessment was conducted in accordance with agreed criteria.

Mr. Boothby left the meeting at 7.15 pm, returning at 7.17 pm.

The Committee was commended on its difficult job but a Member did enquire as to the costs involved in the local assessment of complaints. The Monitoring Officer undertook to circulate details of these to members.

The Council was reminded that Mr. Birch was to shortly retire from the Standards Committee and the Mayor on behalf of Members paid tribute to Mr. Birch for his hard work and commitment during his term of office. In consequence of Mr. Birch's resignation the Monitoring Officer had sought to secure the temporary assistance of an independent Member from a neighbouring authority.

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

RESOLVED -

- (i) The annual report of the Standards Committee be endorsed and;
- (ii) The Monitoring Officer seek further information from the independent Member who had indicated his willingness to assist with Hinckley and Bosworth Borough Council's Standards arrangements and provide this to the next Leaders/Deputies meeting for ratification.

101 OVERVIEW AND SCRUTINY ANNUAL REPORT 2009/10 (C9)

In presenting this the Scrutiny Commission Chairman paid tribute to his 2 vice-chairmen, fellow committee members and officers.

Mr. Bray left the meeting at 7.22 pm, returning at 7.25 pm.

Mr. Lay referred to the Commission's role in bringing other parties, including the Executive, to account and its investigations into issues affecting the needs of local citizens. Thanks were accorded to the Deputy Chief Executive (Corporate Direction) and his team for their work in setting up the Credit Union. Finally, Mr. Lay extended an invitation to all Members to bring matters of concern to the Commission.

Mr. Batty congratulated Mr. Lay on his role as Chairman but emphasised the need for the Commission to continue to engage with the PCT.

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

RESOLVED -

The Overview and Scrutiny Annual Report 2009/10 be endorsed.

102 GENERAL FUND OUTTURN 2009/10 (C10)

Circulated to Members at the meeting was a copy of a revised appendix 2 to the report.

Mr. Lynch, in presenting this, sought authorisation of proposed movements in Reserves and Balances. This report, together with reports C11 and C12 following, had been considered and endorsed by the Finance and Audit Services Select Committee.

Mrs Richards left the meeting at 7.35 pm, returning at 7.37 pm.

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

RESOLVED -

The following be approved:

- (i) The General Fund Outturn for 2009/10 and the transfer to earmarked Reserves and Balances outlined in paragraph 3.3 and 3.5 of the report of the Deputy Chief Executive (Corporate Direction);
- (ii) The carry forward to 2010/11 of the specific underspends on the General Fund incurred in 2009/10 as set out in paragraph 3.6 of the report and detailed in appendix 2.
- (iii) The recommendation to transfer the year end underspend on the Housing Revenue Account (HRA) to the HRA fund balance, as set out in paragraph 3.8; and
- (iv) The recommendations in respect of the year end outturn for the General Fund Capital Programme and the HRA Capital Programme, as set out in paragraph 3.1.1.

103 DRAFT STATEMENT OF ACCOUNTS 2009/10 (C11)

In accordance with the terms of the Account and Audit Regulations, Council approval was sought to the above. The Executive Member for Finance emphasised that this statement was subject to audit and hence should be considered as a draft.



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

RESOLVED -

The draft Statement of Accounts for 2009/10 be approved.

104 ANNUAL CORPORATE GOVERNANCE STATEMENT 2009/10 (C12)

The Executive Member for Finance presented this statement, a key measure of the Authority's effectiveness of the system of internal controls, to Council for approval. Highlighted to Members was that there were no major internal control issues in 2009/10.

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

RESOLVED -

The Annual Corporate Governance Statement 2009/10 be approved.

105 PROCUREMENT AND EFFICIENCY STRATEGY (C13)

This revised document was presented to Council for consideration and endorsement of its objectives. The aim of the document was to provide a framework for the full range of procurement activity carried out across the Council and would ensure that procurement planning reflected the Authority's financial standards and strategic objectives. In response to a Member's question regarding whether this Council could offer procurement services to parish councils, the Executive Member for Finance indicated that he would explore this so far as the larger parish councils were concerned and if the Council's procurement capacity allowed for this.

In commending this strategy to the Council, it was moved by Mr. Lynch, seconded by Mr. Crooks and

RESOLVED -

The Procurement and Efficiency Strategy and Action Plan be endorsed.

106 CONSTITUTION - FINANCE AND CONTRACT PROCEDURE RULES (C14)

A recent review of the Council's Finance and Contract Procedure Rules had identified that there was anomalies with the Rules within the Constitution. It had also been highlighted in recent internal audits that further controls could be introduced in regard to the administration of tenders. Revised copies marked clearly with all changes were presented to Council, which addressed these issues.

The Executive Member for Finance stated that no significant changes were proposed but that the revisions included new approval limits for senior management aligned with the new senior management structure. This would

ensure that appropriate and adequate control in the management of budgets were continued. Any virements between budgets or supplementary budgets over £50,000 would continue to come to Council for consideration.

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

RESOLVED -

The revised documents appended to the report of the Deputy Chief Executive (Corporate Direction) be endorsed and incorporated into the Constitution, to take effect immediately.

107 LOCAL DEVELOPMENT SCHEME - AMENDMENTS (C15)

Members' approval was sought to the revised scheme which set out the programme for preparing all of the documents which comprised the Local Development Framework (LDF). The revised timetable showed an extension on the Site Allocations and Generic Development Control Policies Development Plan Document (DPD) and an extension to the Earl Shilton and Barwell Area Action Plan from the original timetable approved by Council on 25 February 2010. Additionally, the revised LDF indicated a separate Gypsy and Traveller Allocation Development Control Policies DPD.

So far as the Gypsy and Traveller DPD was concerned, Members favoured further consultation and a more up-to-date local needs assessment to inform the development of the document and to set future targets.

Concerns were again raised regarding housing numbers and the assessing of local needs and affordable homes in rural areas. The Deputy Chief Executive (Community Direction) reminded Members of the recently adopted Core Strategy which set overall targets for future housing provision but provided for flexibility in housing delivery. It did provide the Council with a framework to work to, whilst deterring speculative proposals from developers because of the current lack of 5-year housing land supply. With regard to the setting of maximum housing numbers the Deputy Chief Executive (Community Direction) indicated that it was difficult to set a maximum figure. However, it was the intention to set numbers when preferred allocations were ultimately agreed. This would also be influenced by the density of a scheme.

At 8.40 pm the Leader of the Conservative Group called for a short adjournment of the meeting since he considered that the Leader of the Council had not fully responded to some Members' comments. The Leader of the Council gave further responses, whilst urging Members to move forward with the proposed revised programme. The meeting adjourned at 8.45 pm, at which time all Members of the Conservative group left the Chamber, returning at 8.50 pm.

At this juncture the Chief Executive, following discussions with Members during the adjournment, read out the following suggested additional recommendation.

“That the Council makes direct representation to the Secretary of State to seek to review the Core Strategy without the need for unnecessary further formal consultation.”

Following Members’ unanimous agreement to this it was moved by Mr. Bray, seconded by Mr. Bill and

RESOLVED -

- (i) The revised Local Development Scheme timetable for submission to the Government Office for the East Midlands be approved and authority be delegated to the Deputy Chief Executive (Community Direction) to bring it into effect;
- (ii) The production of a separate Gypsy and Traveller Allocation (DPD) to split this from the Site Allocations and Generic Development Control Policies DPD be agreed; and
- (iii) The Council makes direct representation to the Secretary of State to seek to review the Core Strategy without the need for unnecessary further formal consultation.

108 HINCKLEY TOWN CENTRE AREA ACTION PLAN SUPPLEMENTARY BUDGET (C16)

Council approval was sought to a supplementary budget of £50,000 from the LDF Reserve to fund the above Action Plan, following which it was moved by Mr. Bray, seconded by Mr. Bill and

RESOLVED -

Approval be given to a supplementary budget of £50,000 from the LDF Reserve to meet the costs of bringing the Hinckley Town Centre Area Action Plan to adoption.

Mr. Batty left the meeting at 8.53 pm.

109 PRIVATE SECTOR DECENT HOMES FUNDING 2010/11 (C17)

Mr. Batty returned to the meeting at 8.55 pm.

Members were informed of 4 proposals which, it was intended, would be fully funded by the Decent Homes Funding provided by the Regional Housing Board. The amount of £363,000 had already been received in respect of Decent Homes Funding and this would cover the proposals.

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

RESOLVED - agreement be given to the funding, through the Decent Homes Grant, of the projects included in appendix 1 to the report.

110 FEEDBACK FROM COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

(a) Community Action, Hinckley and Bosworth (C18)

Mr. Wright presented a report on behalf of Ms. Witherford and himself on the current activities of this organisation.

(b) Next Generation (C19)

Mr. Lynch provided an update on the work of this project and its aspirations for the future.

(c) Hinckley Citizens Advice Bureau

Mr. Bray left the meeting at 9.00 pm, returning at 9.02 pm.

Mr. Ward reported verbally on the value to the community of the Citizens Advice Bureau, particularly in its dealings with housing and benefit claimants.

(d) MIRA

Mr. Ward indicated that there were currently 27 businesses on site. There were some minor issues regarding noise but generally relations were good, with the Liaison Committee being locally chaired.

It was agreed that each of these 4 Bodies be commended for their valuable contributions within the community.

111 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

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

RESOLVED -

In accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 10 of Schedule 12A of that Act.

112 COUNCIL OFFICES - RELOCATION OPTIONS (C20)

In presenting this report the Executive Member for Finance emphasised that Council was tonight being asked solely to determine its preferred relocation option.

The time now being 9.30 pm and in accordance with Council Procedure Rule 9 it was moved by Mr. Bray, seconded by Mr. Lay and

RESOLVED -

By unanimous agreement this meeting be extended for a period of ten minutes.

At this juncture and in accordance with Council Procedure Rule 18.4, five members present called for a recorded vote on this item. This was taken and recorded as follows:-

For the recommendation:

Mr. Mayne, Mr. Batty, Mr. Bessant, Mr. Bill, Mr. Boothby, Mr. Bown, Mr. Bray, Mrs Camamile, Mr. Cartwright, Mr. Crooks, Mrs Hall, Mr. Hall, Mr. Inman, Mr. Lay, Mr Lynch, Ms. Moore, Mr. Morrell, Mr. Nichols, Mr. O'Shea, Mr. Smith, Mr. Sutton, Mr. Ward, Ms. Witherford and Mr. Wright (24 votes)

Abstentions:

Mrs Aldridge, Mr. Ladkin and Mrs Richards (3 votes)

No members voted against the recommendation.

On the motion of Mr. Lynch, seconded by Mr. Bray it were thereupon

RESOLVED -

The recommendations contained within the report of the Deputy Chief Executive ( Corporate Direction) be approved.

The meeting closed at 9.36 pm