

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

3 DECEMBER 2013 AT 6.30 PM

PRESENT: MRS L HODGKINS - MAYOR  
MR JG BANNISTER – DEPUTY MAYOR

Mr RG Allen, Mr PR Batty, Mr Bessant, Mr DC Bill MBE,  
Mr CW Boothby, Mr SL Bray, Mrs R Camamile, Mr MB Cartwright,  
Mrs T Chastney, Mr DS Cope, Mr WJ Crooks, Mr DM Gould,  
Mr PAS Hall, Mrs WA Hall, Mr MS Hulbert, Mr DW Inman, Mr C Ladkin,  
Mr MR Lay, Mr KWP Lynch, Mr R Mayne, Mr JS Moore, Mr K Morrell,  
Mr MT Mullaney, Mr K Nichols, Mr LJP O'Shea, Mrs J Richards,  
Mrs H Smith, Mrs S Sprason, Mr BE Sutton, Miss DM Taylor,  
Mr R Ward and Ms BM Witherford

Officers in attendance: Steve Atkinson, Adam Bottomley, Bill Cullen, Malcolm Evans, Louisa Horton, Julie Kenny, Rebecca Owen, Katherine Plummer, Helen Rishworth and Sally Smith

288 PRAYER

Prayer was offered by Reverend John Whittaker.

289 APOLOGIES

Councillor Lay apologised in advance that he would have to leave at 7.30pm.

290 MINUTES OF THE PREVIOUS MEETING

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the minutes of the meeting held on 24 September 2013 be approved and signed by the Mayor.

291 DECLARATIONS OF INTEREST

Councillor Bray declared a personal interest in item 13 on the agenda – Sale of former depot site, as he lived near the site and wished this to be recorded in order to be open and transparent.

292 MAYOR'S COMMUNICATIONS

During her communications the Mayor mentioned the success of the visit of the delegation from Shanghai, the open days for Hinckley Hub, the switch-on of the Christmas lights in Hinckley, Barwell, Market Bosworth and Newbold Verdon and UEFA women's football. She announced that she had attended the visit of the Duchess of Gloucester to Menphys Nursery in Burbage, and reminded members of her Carol Service on 15 December at St Mary's in Hinckley. In relation to her Charity Appeal, the Mayor announced that the casino night in October had raised over £1,000, that Hinckley Carnival Committee had donated £700 and that she had taken part in a abseil down the Church spire which had raised a large amount, to be shared between St Mary's and the Mayor's Charity appeal.

## 293 QUESTIONS

The following questions were received in accordance with Council Procedure Rule 11.1, and answers provided as follows:

(a) Question from Councillor Ward to the Executive Member for rural affairs

Given that we now know the amount budgeted by the Council for rural broadband will be match funded by the same amount by BT and mindful of the importance of the growth of the rural economy to the future of this Borough, will the Council now substantially increase the amount it is prepared to commit to delivering this much needed service.

Response from Councillor Gould

The Council has agreed nearly £60,000 toward rural broadband, which we agree is an important matter. No payments have been made yet by any Council, pending a review of the model by BT. This Council is committing more than three other Councils in Leicestershire, two of which are Tory controlled.

(b) Question from Councillor Morrell to the Leader of the Council

Can the Executive member please explain why the Council's Executive voted unanimously to make a contribution of £49,000 from tax payer funds to a private members' squash club to provide an extra squash court at their new facility at Tungsten Park, when this facility should be included for the unrestricted use of Borough residents in the Council's new leisure centre.

Response from Councillor Cope

The Officers report to Executive in November set out quite clearly the rationale for supporting the contribution of £49,000 to the new state of the art Hinckley squash facility, proposed to be built at Tungsten Park. The facility, which will cost approximately £1m, will not only replace the existing and outdated courts on the site of the bus station (which have to be relocated, as part of the overall development), but will provide four courts with ancillary modern facilities. In addition, the Council contribution will lever support from Squash and Racket England, who will contribute at least another £25,000.

The contribution will be conditional on a management agreement being put in place to open up the facility for public and school use. I am advised such agreements are in place with other local authorities in partnership with Squash and Racket England for similar facilities elsewhere in the country.

This initiative will guarantee the provision of professional, state of the art squash facilities for the public.

The added benefit for the area is that this will enable regional competitions to be played which cannot be hosted anywhere else in the Borough because of the lack of suitable facilities.

(c) Question from Councillor Morrell to the Leader of the Council

Car parking at the Hinckley Hub continues to present challenges not only at the Hub itself but in surrounding areas, so much so that it has recently been referred to by members of the public as a pantomime. Does the Leader now regret the hasty move to this site when a more considered approach could have delivered

new Council offices and a new leisure centre with all the shared savings on the old Council offices site and surrounding area and at the same time kept Council staff and visitors in the Town centre, giving Castle Street a much needed boost.

Response from the Leader of the Council

I agree with the previous Conservative Leader that the move to the Hub was “a no-brainer”. The speeches at the official opening by Steve Atkinson, a senior civil servant from DWP and a Conservative County Councillor highlighted the huge savings to the public purse.

Locating the new Leisure Centre on the Argents Mead site will ensure its users, estimated to be in excess of 600,000 per year, will be attracted to not only the shops in Castle Street, but the new shopping and leisure facilities in the Crescent scheme.

I have asked for an urgent review of car parking linked to the Hub to be undertaken, and am reassured there are a number of potential options for increasing parking nearby.

Cllr Morrell welcomed the review of car parking, and as a supplementary question asked that a copy of the results be sent to all members. This was agreed.

(d) Question from Councillor Batty to the Leader of the Council

When adopting the Hinckley & Bosworth Borough Council Gypsy and Traveller Accommodation Needs Study at a meeting of the Executive in October 2013 the Leader of the Council stated that he welcomed this document as it illustrated that the Borough Council had a 5 year supply of pitches and that the Council did not need to accept any more applications. In view of recent conflicting claims that this evidence base may be flawed and in the light of an impending application for a gypsy/traveller caravan site in my ward, can the Leader please confirm whether the statement that the above statement made by him in October still applies?

Response from the Leader of the Council

I take issue over your claim that the evidence base is flawed. As you are well aware, the methodology adopted by this Council has substantially reduced the requirement that was identified both in the Core Strategy and the more recent county wide Gypsy and Traveller Needs Study.

It was interesting that Councillor Batty attended the Executive meeting but never requested to speak on the item.

As a supplementary question, Cllr Batty asked for confirmation on the situation regarding two particular sites. Cllr Bray repeated the commitment that there would be no additional sites included at this stage.

(e) Question from Councillor Batty

Can the Executive member please explain the significance of the long delay in the Council completing its site allocations document in the context of developer appeals and provide an indication of the cost of appeals for the financial years from 2009/10 through to 2014/15, this to include all the Council's costs and costs awarded against the Council.

#### Response from the Leader of the Council

The Site Allocations and Development Management document is programmed to be reported to January Scrutiny and January Council prior to consultation on the submission draft to Government for formal examination. There has been extensive work undertaken on reviewing representations from the previous draft document, which you recall attracted over 13,000 representations. Over the last year, there has been dialogue and meetings with local Ward Members in respect of the proposed sites and a cross party Member Working Group has been reviewing the draft Development Management policies that form a key part of the document, a process with which you have been involved.

In addition, you will also be aware that extensive work has had to be undertaken on technical evidence based documents (which are all available on the web site), to underpin the proposed allocations and policies. We know from the experience elsewhere in Leicestershire that, without this work, the Government is rejecting plans and providing a 'free for all' for developers to push forward speculative applications for development.

The estimated cost of appeals for the period 2009/10 to 2013/14 is £241,474.00 over the 5 years 2009-2014.

#### (f) Question from Councillor Ladkin to the Leader of the Council

- (i) Bearing in mind the huge amount of publicity given to the Council's very significant financial commitment to the Bus Station development and its determination to deliver the completed scheme in 2015 can the Executive member please advise us on whether this has led to an increased level of interest from potential tenants in the scheme and whether the developer has any firm interest in any of the retail or restaurant units.
- (ii) Having waived the £2.75m capital receipt in exchange for a speculative profit share agreement, can the Executive member provide any assurance that the developer now benefitting from this "windfall" will not be approaching existing town centre businesses offering "incentives" to induce them to relocate to the Bus Station development, hence undermining the future viability of Castle Street and the established town centre.

#### Response from the Leader of the Council

The Crescent regeneration scheme for the bus station site is an exciting new shopping and leisure scheme, which will feature a new cinema (Cineworld) and major new supermarket (Sainsbury's), which of course the Conservative Group opposed. Tin Hat Regeneration Partnership are in ongoing dialogue with other operators and announcements will be made in due course. These discussions remain commercially confidential.

Decisions for all commercial enterprises are for them to determine. We will not be encouraging the developer to target existing businesses. We can not prevent such businesses from taking their own investment decisions, particularly if the alternative is for the businesses to choose to close and relocate out of the town centre, due to lack of suitable premises.

#### (g) Question from Councillor Allen to the Leader of the Council

Can the Executive member please confirm when the document “Hinckley and Bosworth Borough Council Gypsy and Traveller Accommodation Needs Study” dated January 2013 was received by the Council and whether it has been necessary to make any changes from that document prior to it being considered by the full council.

Response from the Leader of the Council

The Gypsy and Traveller Accommodation Needs study was finally completed in April 2013 following the completion of the surveys of potential of existing sites to be accommodated additional pitches.

(h) Question from Councillor Richards to the Leader of the Council

Can the Executive member please explain the logic behind recommending a supplementary budget of £30,600 for parking permits for Hinckley Hub staff when it has requested £25,000 from businesses in the Town Centre Partnership to help provide parking concessions to generate more shopping footfall in the Town centre.

Response from the Leader of the Council

The supplementary budget approval at Executive recently was required under Financial Regulations to account for the long stay parking permits purchased by Leicestershire County Council for their staff on their occupation of the Hub in July 2013. This was not forecast within the 13-14 budget. As of last night, the Council has now secured a contribution of £10,000 from the BID for the next year, subject to a positive ballot for a second term.

## 294 LEADER OF THE COUNCIL'S POSITION STATEMENT

In presenting his position statement, the Leader of the Council emphasised the exciting time for the Borough of Hinckley and Bosworth. He referred to footfall in Hinckley bucking the national trend, the official opening of the Hub, the Local Democracy Week event, the high performance of the Revenues & Benefits Partnership, the appointment of a highways consultant and he paid tribute to Colin McGee who had won the East Midlands Unsung Hero award and would go forward to the finals at the BBC Sports Personality of the Year event. Cllr Bray also expressed the concerns, which were shared by the rest of the Council, about the planning system and the recent situation in Blaby District Council where applications could be determined by the Secretary of State due to that Council not having met its targets.

## 295 MINUTES OF THE SCRUTINY COMMISSION

The Chairman of the Scrutiny Commission presented the minutes of the meeting on 10 October for information.

## 296 LOCAL COUNCIL TAX SUPPORT SCHEME 2014-15

Members were provided with an update on the Local Council Tax Support Scheme (LCTS) which recommended reducing the maximum level of council tax support from 91.5% to 88%. On the motion of Councillor Lynch, seconded by Councillor Bray, it was

RESOLVED – the maximum level of Council Tax Support be agreed as 88%.

297 PRIORITY RESERVES

In presenting a report to council which identified priority reserves into which transfers could be made under delegated authority, it was explained that the report had been to Council previously and to the Scrutiny Commission twice and the matter was purely procedural. A verbal update on suggested amounts to be transferred to reserves was provided. It was explained that all transfers made to reserves would be reported to Council, but that delegation would ensure timely transfer of monies and would improve efficiency within the finance team. In addition, it was confirmed by the Chief Executive that all matters of expenditure would be considered by the full Council.

Councillor Lay left the meeting at 7.35pm.

It was moved by Councillor Lynch and seconded by Councillor Bray that the recommendations be approved. Upon being put to the vote, the motion failed to get the required two-thirds majority and was therefore LOST.

298 SALE OF FORMER DEPOT SITE, MIDDLEFIELD LANE

Council was updated on the current position regarding the sale of the former depot site on Middlefield Lane. A member expressed concern that the site had not been valued since 2010. However, in response it was stated that the report was 'in principle' and the value would be confirmed naturally during the course of the marketing and sale. On the motion of Councillor Lynch, seconded by Councillor Bill, it was

RESOLVED – the marketing of the site for sale be supported with a further report before the terms of sale are agreed.

299 THE HINCKLEY & BOSWORTH LOCAL PLAN - LOCAL DEVELOPMENT SCHEME 2013-2016

Members received a report which set out the reasons for revising the Local Development Scheme (LDS) and the timetable for doing so. On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the requirements for reviewing the LDS be endorsed and acknowledged and the LDS programme 2013-2016 be approved.

300 KLONDYKE ALLOTMENTS - COMPULSORY PURCHASE ORDER

A report was presented which outlined steps required to make a Compulsory Purchase Order to acquire land and property interests at the 'Klondyke' allotments site in Groby. Members welcomed the report and recommended action. It was moved by Councillor Bray, seconded by Councillor Bill, and unanimously

RESOLVED –

- (i) the making of the Hinckley Bosworth Borough Council (Klondyke Allotments) Compulsory Purchase Order 2013 (once the final form has been settled in accordance with the delegated authority set out below) be approved and submitted to the Secretary of State for confirmation;
- (ii) authority be delegated to the Chief Executive as follows:
  - (a) pursuant to the provisions of Sections 226(1)(b) of the Town and Country Planning Act 1990 (as amended),

section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Acquisition of Land Act 1981 and all other relevant powers and provisions the Chief Executive, in consultation with the Chief Officer Corporate Governance and Customer Engagement and any other appropriate officer, be authorised to make, seal and submit to the Secretary of State for confirmation, an order entitled "The Borough of Hinckley and Bosworth (Klondyke Allotments) Compulsory Purchase Order 2013" ("the Order") to acquire land and other interests in respect of the land shown coloured pink on the plan at Appendix 1 to this report ("the Land") referred to as "Map referred to in the Hinckley & Bosworth Borough Council (Klondyke Allotments) Compulsory Purchase Order 2013" or in respect of such lesser areas of that land should he consider it appropriate;

- (b) to agree and adopt a Statement of Reasons (a draft of which is attached at Appendix 2 to the report) which may be subject to minor amendment(s) as required until the time the Order is made for the making of the Order in order to promote the proper planning purpose of the site;
- (c) to publish and serve upon all persons entitled thereto the Notice of the making of the Order and to authorise publication of the Order and to take all other necessary steps to enable the Order to be confirmed by the Secretary of State;
- (d) that in the event the Order is confirmed by the Secretary of State, to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965 and, where necessary, to serve Notices of Entry under Section 11 of the Compulsory Purchase Act 1965 in respect of the Land, or at his discretion to execute a General Vesting Declaration and in any event to take all steps considered necessary to obtain possession of the land included in the Order;
- (e)
  - (i) to continue to negotiate and attempt to negotiate with a view to agreeing terms for purchase by agreement or payment of compensation for any interests in or rights over the Land;
  - (ii) where considered appropriate, to agree terms for relocation;
  - (iii) if considered appropriate, to appoint specialist external consultants to perform or assist in the performance of these tasks; and
  - (iv) in the event that such terms are not agreed and following confirmation of the Order, to refer those matters where no agreement has been reached to the Lands Tribunal for determination.
- (f) To delegate authority to the Chief Executive to enter negotiations with Midland Quarry Products Ltd in order to agree the terms of a Compulsory Purchase Order Indemnity Agreement to contribute to the cost of the compulsory purchase and remediation of the Land.

Councillors Bessant and Ladkin were absent during this item and the vote thereon.

301 RE-ADOPTION OF THE LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1976

Details were provided to members of the proposal to readopt the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 within the Borough of Hinckley & Bosworth. It was moved by Councillor Gould, seconded by Councillor Bray and unanimously

RESOLVED – the provisions of Part II of the Local Government (Miscellaneous Provisions) Act 1976 be adopted for the Borough of Hinckley & Bosworth.

302 ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

Following resignation of four members of the Ethical Governance and Personnel Committee, a report was presented to Council which provided options for dealing with complaints about Borough and Parish Councillors. It was moved by Councillor Witherford, seconded by Councillor Bray and

RESOLVED – The current position be maintained and attempts be made to fill the four vacancies.

Upon requesting nominations to fill the vacancies, none were received.

303 ANNUAL REVIEW OF THE CONSTITUTION

A report was presented which highlighted necessary updates as part of the annual review of the Council's Constitution and recommended other changes to aid decision making. On the motion of Councillor Witherford, seconded by Councillor Bray, it was

RESOLVED –

- (a) the following changes be made to the Constitution as recommended in paragraphs 3.2 to 3.6 and 3.9 to 3.10 of the report:
  - (i) Changes agreed previously by Council including Chief Officer structure and titles and Scheme of Members' Allowances;
  - (ii) Grammatical and typographical changes and those to ensure consistency;
  - (iii) Changes in relation to finance including finance definitions and financial limit on variations;
  - (iv) Legislative updates relating to Environmental Health;
  - (v) Amendments to onward limits of delegation with regard to Building Control and Private Sector Housing to make provisions for taking immediate action when necessary;



- (vi) Operational responsibility and delegated authority amendments within Street Scene Services as a result of Chief Officer restructure and for clarity and removal of duplication;
- (b) In relation to members and committees (paragraph 3.7 of the report):
- (i) seating arrangements at planning committee be updated to reflect layout of the De Montfort Suite;
  - (ii) Grammatical and textual corrections be made to the code of conduct.
- (c) Regarding member development (paragraph 3.8 of the report), mandatory training on Licensing, Planning and Appeals be changed from an annual requirement to 'as appropriate and identified by officers in consultation with the lead members for that service';
- (d) Changes to Planning Committee procedure be made as follows:
- (i) the Member of Parliament and County Councillor may speak on matters affecting their constituency or division for a maximum of two minutes;
  - (ii) amendment to paragraph 27.6(d) of the Constitution to allow speakers to speak again when a deferred application returns to committee.

304 MEMBERSHIP OF THE PLANNING COMMITTEE

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the replacement of Councillor Crooks with Councillor Cope on Planning Committee be agreed.

305 MEMBERSHIP OF THE EXECUTIVE

The Leader announced a change to Executive membership and areas of responsibility as follows:

<b>Councillor</b>	<b>Portfolio</b>	<b>Responsibilities</b>
SL Bray	Leader of the Council	<ul style="list-style-type: none"> <li>• Communications (including Borough Bulletin)</li> <li>• Strategic Leadership</li> <li>• Regeneration</li> <li>• Planning</li> <li>• Major Capital Projects</li> <li>• Town Centre, Markets &amp; Car Parks</li> <li>• LGA General Assembly</li> </ul>
DC Bill	Deputy Leader of the	<ul style="list-style-type: none"> <li>• Deputising for the Leader</li> </ul>

	Council & Exec member for Partnerships and Neighbourhoods	<ul style="list-style-type: none"> <li>• External Partnerships (including East Mids Councils, LSP, Leicestershire Together, LGA Urban Commission, C&amp;W City Deal, CDPR)</li> <li>• Refuse &amp; Recycling</li> <li>• Neighbourhood Wardens</li> <li>• Street cleaning</li> </ul>
BM Witherford	Executive member for Corporate Services & Equalities.	<ul style="list-style-type: none"> <li>• Corporate Services</li> <li>• Equalities</li> <li>• Town twinning</li> <li>• Members services</li> </ul>
KWP Lynch	Executive member for Finance, ICT & Asset Management	<ul style="list-style-type: none"> <li>• Finance</li> <li>• ICT</li> <li>• Asset Management</li> </ul>
DS Cope	Executive Member for Culture & Leisure	<ul style="list-style-type: none"> <li>• Arts, Culture &amp; Leisure</li> <li>• Tourism</li> <li>• Sports</li> <li>• Children &amp; young people</li> </ul>
DM Gould	Executive Member for Environment & Rural affairs	<ul style="list-style-type: none"> <li>• Environmental Health</li> <li>• Licensing</li> <li>• Fair Trade</li> <li>• Rural Affairs</li> <li>• Parish Council Liaison</li> <li>• Climate Change</li> </ul>
MT Mullaney	Executive Member for Housing & Community Safety	<ul style="list-style-type: none"> <li>• Housing</li> <li>• Housing Repairs</li> <li>• Council House building</li> <li>• Community Safety (but not CDRP)</li> </ul>

### 306 MEMBERSHIP OF REVENUES & BENEFITS JOINT COMMITTEE

It was reported that the Revenues and Benefits Joint Committee had, for governance reasons, agreed to appoint two members of each authority to the Committee. It was reported that Councillor Lynch was currently our representative on the Joint Committee. On the motion of Councillor Bray, seconded by Councillor Lynch, it was

RESOLVED – Councillor Witherford be appointed as the second representative of HBBC.

307 MEMBERSHIP OF OUTSIDE BODY: LEICESTERSHIRE & RUTLAND HERITAGE FORUM

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – Councillor P Hall be appointed as this authority’s representative on the Leicestershire & Rutland Heritage Forum.

308 TO CONSIDER THE FOLLOWING MOTIONS, NOTICE OF WHICH HAVE BEEN RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 13.1 AND 13.2:-

(a) It was proposed by Councillor Gould and seconded by Councillor Hulbert that

“This Council believes that housing developments, where built, should be primarily targeted to satisfy the local need and be of primary benefit to the locality. To that end, this Council will put in place policies that target affordable homes at people from that immediate locality.

Specifically, this Council shall put in place policies that mean new homes built in the Barwell Sustainable Urban Extension shall be firstly made available to residents (and in particular young families where relevant) in Barwell who need to find a home; similarly, this Council will make the same provision for Earl Shilton and its Sustainable Urban Extension”.

Upon being put to the vote, it was unanimously

RESOLVED – the motion be supported.

(b) It was proposed by Councillor Mullaney and seconded by Councillor Hulbert

“That this Council:

A) notes that payday lenders are trapping millions of people in spirals of debt.

B) believes that the Financial Conduct Authority (FCA)’s new proposals for regulating payday lenders are a step in the right direction, but do not go far enough.

C) further believes:

i. that the FCA’s proposals would not prevent payday lenders from drip-feeding new loans to people who already have payday debts and are struggling to pay them back

ii. that the FCA’s proposals would not prevent people from being hit with escalating penalty fees

iii. that the FCA’s proposals would not stop payday lenders from raiding people’s bank accounts without telling them.

D) welcomes that some of Britain’s biggest debt, consumer and anti-poverty organisations – including Which?, Citizens Advice, StepChange Debt Charity, Church Action on Poverty and the Centre for Responsible Credit – and MPs from every Party represented at Westminster have come together to support the **Charter to Stop the Payday Loan Rip-Off**.

E) resolves to:

- i. endorse the Charter to Stop the Payday Loan Rip-Off which calls on the FCA to introduce tougher regulation of payday lenders.
- ii. encourage residents of Hinckley & Bosworth to support the Charter by signing the online petition at <http://www.change.org/paydayloancharter>
- iii. promote and support the development of local credit unions, including the Clockwise Credit Union and more affordable lending.
- iv. work with partners on campaigns against increasing levels of personal debt.

F) agrees to send a copy of this motion to Martin Wheatley, Chief Executive of the Financial Conduct Authority and to all local Members of Parliament.”

Many members spoke in support of this motion and felt that more should be done nationally to stop this problem. It was unanimously

RESOLVED – the motion be supported and copies of the motion be sent to the Chief Executive of the Financial Conduct Authority and to MPs.

(The Meeting closed at 8.25 pm)

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MAYOR