

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

25 OCTOBER 2011 AT 6.30 PM

PRESENT: MR R MAYNE - MAYOR
MR MB CARTWRIGHT – DEPUTY MAYOR

Mr RG Allen, Mr JG Bannister, Mr PR Batty, Mr Bessant, Mr DC Bill,
Mr SL Bray, Mrs R Camamile, Mrs T Chastney, Mr DS Cope,
Mr WJ Crooks, Mr DM Gould, Mr PAS Hall, Mrs WA Hall,
Mrs L Hodgkins, Mr MS Hulbert, Mr DW Inman, Mr C Ladkin,
Mr MR Lay, Mr KWP Lynch, Mr JS Moore, Mr K Morrell,
Mr MT Mullaney, Mr K Nichols, 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, Yvonne Hughes and Sanjiv Kohli

197 APOLOGIES

Apologies for absence were submitted on behalf of Mr CW Boothby and Mr LJP O’Shea.

198 MINUTES OF THE MEETINGS HELD ON 30 AUGUST AND 21 SEPTEMBER 2011

On the motion of Mrs Hall, seconded by Mr Gould it was

RESOLVED – the minutes of the meetings held on 30 August and 21 September 2011 be confirmed and signed by the Mayor.

199 DECLARATIONS OF INTEREST

No interests were declared at this stage.

200 MAYOR'S COMMUNICATIONS

The Mayor announced that £500 had been raised during his birthday celebrations and he thanked Members for their contributions. He also thanked Mr Bessant for competing in a triathlon and raising £500 for the Memphis nursery.

The Mayor informed Members of ‘the Big Splash’ which was being supported by Hinckley Leisure Centre and requested that Members consider taking part in one of the events.

201 QUESTIONS RECEIVED UNDER COUNCIL PROCEDURE RULE NUMBER 11.1

a) Question asked by Councillor Cartwright and addressed to the Executive Member for Rural Affairs

“Many villages in Hinckley and Bosworth have poor and inadequate internet access as mentioned in a motion passed by this council on 24 February 2011, which called on the government to do more to ensure better broadband access in rural areas across Hinckley & Bosworth.

Would the member for rural affairs then welcome the news that, as part of a government scheme, nearly £4 million will be coming to Leicestershire to ensure more people get superfast broadband by 2015.

Fibre optic cabling to every home can only be a dream in the present economic climate, but fibre optic cabling from exchange to each village hub is much more achievable and would bring benefits to everyone connected to that hub.

As an issue that affects everyone, businesses, schools, children and young people, homeowners, the elderly and the prospects and wellbeing of many would the Executive member give me assurances that the administration will do all it can to keep the pressure on the Broadband issue not just with the government but the service providers to bring superfast broadband not just to some but to everyone as quickly as can be, realising that especially rural areas will be very far down a very long list for improvements.”

Response from Councillor WJ Crooks

“Cllr Cartwright – thank you for your question, I welcome the prospect of Leicestershire, and this Borough in particular, getting the Government investment that has been earmarked for super fast broadband provision.

I would draw Members’ attention to a report considered by the Executive at its last meeting. It noted that, whilst Hinckley and Burbage were fortunate to have been provided with super fast broadband in 2010, this has not extended to rural areas of the Borough and a large part of the rural sections of the Borough experience connectivity speeds of less than 2mbits/s. It has been estimated that the cost of improving broadband connectivity in Leicestershire would be circa £20M. Leicester and Leicestershire, however, have only received £3.1M funding from DCMS toward the cost. It is estimated that a minimum of an additional £3.1M funding is required to enable acceptable broadband levels across Leicestershire.

In view of the above, Executive has resolved to support the Broadband Leicestershire Steering Group in challenging the Government to make available the additional funding and has requested further discussions with the County Council to consider the potential opportunities for rolling out broadband community-led projects in the Hinckley and Bosworth area.”

As a supplementary question, Mr Cartwright asked that a copy of the letter sent to British Telecom by the Deputy Chief Executive be re-circulated to Members, and that the pressure to achieve improved broadband be maintained. Mr Crooks stated that there was due to be a countywide meeting on the issue in the same week, which the Chief Executive confirmed.

- b) Question asked by Councillor PS Bessant and addressed to the Leader of Council

“Would the Planning Portfolio Holder please clarify why he allowed the Hallam Land Management application in Desford for 135 dwellings to be changed, on the actual day of the last planning meeting, (19th July) from an item clearly not for determination (It was listed with the comment "A further report will be presented to the next available planning committee that addresses all the consultation responses and issues fully" into an item for determination thus robbing elected members of any opportunity to address the planning committee regards this major development in their ward?”

Response from the Chairman of Planning Committee

“Thank you Councillor Bessant for your question. This application first went to Committee on 21 June. It was for 150 dwellings and was recommended for refusal by officers on the basis that it was significantly in excess of the proposed allocation in the draft Site Allocations Document. Members at the planning committee, led by the former Deputy Leader of the Conservative Group, who coincidentally is also a ward member for the application site and moved deferral of the applications to allow negotiations to continue, “expressed disappointment that the application was recommended for refusal when there had been little objection to the proposals and when it would provide additional housing to meet need”. That is a direct quote from the agreed minutes of the meeting.

Officers, following that instruction from the Committee, went back to the applicant and negotiated a scheme for 135 dwellings which went back to Committee on 16 August.

Whilst it is true to say that the recommendation in the main report was that: “members note the content of this report and indicate an in-principle approval to the amended residential scheme for 135 dwellings, and that a further report will be presented to the next available planning committee that addresses all consultation responses and issues fully”. This was based on the fact that a reconsultation exercise was taking place which would expire on 15 August (the day before the committee).

Officers, having received all the relevant consultation responses, correctly took the view that there was no reason to hold up determination of this application, particularly given the support it had received previously from members, including strong support from one of the ward councillors, the former Deputy Leader of the Conservative Group. Even if the recommendation had not been changed, the original recommendation sought in-principle support for the development.

If this matter was so important to Cllr Bessant, I am surprised he didn't attend the 16 August Committee! The application was recommended for approval in a comprehensive late item report; the Ward Member spoke in support of the application and moved the officer's recommendation. There was no issue raised by any of the party opposite about the change in recommendation. Given the local support I would have thought that Councillor Bessant would support his residents, the parish council (who had no objections to the principle of the development) and his fellow ward councillor.”

In response to Mr Bessant's supplementary question, Mr Gould explained that the application had been heard previously and was also on the agenda for determination at the meeting in question. He also outlined the 13 week target date for determination of applications, adherence to which reduced the chance of appeals.

- c) Question asked by Councillor Mrs J Richards and addressed to the Leader of Council

“Would the leader agree with me that the recent state of the Ashby Road Cemetery was an absolute disgrace, and could he assure me, and local residents, that he will not allow it to get into the same state again?”

Response from Councillor MT Mullaney

“No, I certainly don’t agree that it was a disgrace, therefore the second part of your question is irrelevant.”

In response to Mrs Richards’ supplementary question, Mr Mullaney explained that the grass in area of the cemetery under discussion had been allowed to grow to create a wildflower meadow, but it had been cut back again due to representations from the public.

- d) Question asked by Councillor CW Boothby and addressed to the Leader of Council

Due to Mr Boothby not being present at the meeting, this question was not put.

- e) Question asked by Councillor JS Moore and addressed to the Leader of Council

“When voicing my concerns at the August Planning Committee meeting asking why the word “minimum” had been included in the Council’s Core Strategy to quantify housing allocation numbers for each ward and that this had proved to have had negative ramifications on Appeal Decisions such as Britannia Road, Burbage and London Road, Markfield, I was advised by senior officers that the word “minimum” had been included on the “advice” of the Core Strategy Inspector. Can the Portfolio Holder for Planning confirm if this claim is correct or not.

Bearing in mind the negative outcomes for Burbage and Markfield, where in both cases Appeal Inspectors accepted arguments from the developers that the ward/village guideline numbers were not control numbers resulting in both sites having a significantly higher number of houses than envisaged, can the Portfolio Holder for Planning please explain to me, why when his Administration so strongly publicly claims that the housing and gypsy/traveller pitch numbers imposed on this Borough were far too high, that his Administration nevertheless agreed without a fight to include the word “minimum” in the allocation numbers, which clearly by definition has left this Council with a commitment to accept more than the number originally allocated. Can the Portfolio Holder give elected members some reassurance how the Council’s Executive proposes to address this unfortunate “oversight”.

Response from Councillor SL Bray

- (i) I can confirm that the Inspector required the plan to be flexible in accordance with national advice. The word “minimum” in the Core Strategy was included within the pre-submission version of the Core Strategy when it went out to consultation. That document was approved by members and subsequently supported by this Inspector. The Inspector advised that the setting of boundaries to proposed allocations through the Site Allocations Development Plan document would determine the maximum number of housing units. This is not an uncommon approach taken by Local Planning Authorities and Inspectors.

The advice within Government policy at the time was that plans had to be flexible. If this flexibility had not been built into the plan then it would have been found unsound and we would not have a Core Strategy and therefore would not be able to take forward the Area Action Plans and Site Allocations Document. It is clear from the questions asked by the Inspector in writing that flexibility was a major plank of his considerations.

- (ii) In relation to the second part of the question the solution is to progress through to adoption the Earl Shilton and Barwell Area Action Plan and the Site Allocations DPD to establish settlement boundaries and provide sites within those settlement boundaries for housing.

These actions will help resolve the 5 year housing supply position which is the main reason why appeals against housing sites are lost.

In respect of G&T issues I would draw your attention to the report on tonight's agenda in respect of that matter.

In a supplementary question, Mr Moore asked for the Leader's agreement that the issue should be looked at urgently, to which the Leader stated he would be happy to meet to discuss. He also informed Mr Moore that Harborough District Council's Core Strategy had recently been required by the Inspector to use the term 'at least' throughout its Strategy.

- f) Question asked by Councillor PR Batty and addressed to the Leader of Council
 - (i) Can the portfolio holder please explain to elected members and more importantly to the residents of the Borough why the Borough Council does not have a 5 year housing land supply and what his Administration is doing to address this critical situation.
 - (ii) Can the portfolio holder for planning please indicate to members whether it is likely that if the Borough Council would have had an identified 5 year housing land supply in place at the time the Council's Core Strategy was adopted, that the Appeals at London Road Markfield, Britannia Road, Burbage and Leicester Road Hinckley, may have been successfully defended.
 - (iii) Just as examples, can the portfolio holder please confirm to elected members, how the planning permissions that have now been granted on Appeal at; London Road, Markfield, Britannia Road, Burbage and Leicester Road, Hinckley, compare to what was proposed in the Borough Councils strategic Preferred Site Allocations DPD that was published for consultation in January 2009.

Response from Councillor SL Bray

- (i) The main reason why this, and many other authorities, does not have a five year housing supply is because properties are not being built. This position is not something the council can control, it is down to the state of the property market. As mentioned in my response to Cllr Moore the adoption of the Site Allocations Document and the Area Action Plan for Earl Shilton and Barwell will go a significant way towards resolving this issue.
- (ii) I think it is very difficult to say whether or not the outcome of those appeals would have been different if the authority had a five year housing supply. What is clear is that it was a significant reason given by Inspectors for allowing those appeals. I would draw attention to the appeal in Stoke Golding which was dismissed despite the lack of a five year housing supply. This demonstrates the inconsistency of the appeal process.
- (iii) London Road, Markfield – was included in the draft Site Allocations Document but was a smaller site than that allowed on appeal.

Neither Britannia Road nor Leicester Road were preferred options in the Site Allocations Document.

In response to Mr Batty's supplementary question, Mr Bray agreed to ask the Head of Planning to re-circulate the explanation on how the five year land supply was calculated. He also reiterated his disappointment with regard to the outcome of the Britannia Road appeal.

202 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader of Council referred to plans to meet with Greg Clark MP, CLG Minister, regarding issues surrounding the five year land supply as discussed at the meeting of Council on 30 August 2011, and ongoing discussions regarding the A5 involving all stakeholders. He highlighted the recent move to bring housing repairs in-house, and the appointment of a Finance Joint Chief Officer for Hinckley & Bosworth and Oadby & Wigston Borough Councils, along with the securing of 'Achieving' status under the Equalities Framework.

In response, Members supported the changes regarding Housing Repairs and thanked officers and the Executive Member for their work on Equalities. A Member expressed concern that there was currently a longer wait for disabled adaptations, but hoped that this might improve with the changeover in management.

203 MINUTES OF THE SCRUTINY COMMISSION

The minutes of the Scrutiny Commission meeting held on 8 September were received for information.

204 EMPLOYMENT ARRANGEMENTS FOR STAFF OF THE DISTRICT COUNCILS' NETWORK

Members received a report which sought agreement to accepting the responsibility for the employment of two permanent staff on behalf of the District Council's Network (DCN), with all financial implications being met by the funds available to the DCN. On the motion of Ms Witherford, seconded by Mr Bray it was

RESOLVED –

- (i) responsibility for the employment of the permanent employees of the District Councils' Network (DCN Manager and DCN Support Officer) be agreed;
- (ii) the supplementary annual budget of £65,000, pro rata for 2011/12 from 1 September £38,000, be agreed.

205 HINCKLEY HUB FINAL DEVELOPER INCENTIVE

A report was presented to Council which sought approval to commit to the revised head lease term of 35 years (from the previously agreed 30 years) in return for which the freehold of the development would transfer to HBBC after completion of the extended term.

Although some reservations were expressed by some members regarding the overall and underlying capital provision for the development, Members were reassured on the specific point that the additional cost for extending the lease by five years would be

outweighed by the value of the land and that it would not greatly affect the capital receipt required for the Argents Mead site.

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

RESOLVED –

- (i) previously agreed reports be noted;
- (ii) the revised head lease term of 35 years in return for which the freehold of the development would transfer to HBBC on completion of the extended term, be agreed.

206 SITE ALLOCATIONS DPD

Members were advised of the progress of the Site Allocations Development Plan Document (DPD) and the content of the report which sought agreement to withdraw all Gypsy & Traveller proposed allocations.

On a specific question raised by Mrs Sprason, Mr Bray agreed to provide her with a written answer.

Councillor Cartwright requested that the permanent site proposed for land at Anstey Lane, Groby and the transit site proposed for Sacherveral Way in Groby be specifically listed as being removed from the Site Allocations DPD. On the motion of Mr Bray, seconded by Mr Cartwright, it was

RESOLVED –

- (i) the formal withdrawal of all Gypsy and Traveller proposed allocations be agreed;
- (ii) any future plans to allocated sites will be informed by the Gypsy and Traveller Needs Assessment.

207 POLLING DISTRICT, POLLING PLACE & POLLING STATION REVIEW

Approval was sought to the 2011 Polling District and Polling Place Review prior to publication. In response to Members' questions, the following points were clarified:

- The reference to 'ward' was a borough, not parish, ward;
- 'Polling Place' was a term prescribed by law, and referred to, for example, the building which hosts the polling station(s);
- There could be multiple polling stations in one polling place.

Concern was expressed regarding one of the proposed polling stations in Barwell being a long way off the road. In response it was explained that it was the only public building which could host a polling station in that parish ward, as previously there had been no polling station in that parish ward, which had caused problems in a parish by-election for that ward. Concern was also raised regarding access for larger disability vehicles at one of the polling stations sited in Groby Village Hall and the need for very clear arrangements at the Mary Forryan centre in Hinckley. Assurance was given that these issues would be addressed.

Mr Crooks left the meeting at 7.50pm.

It was moved by Mr Bray, seconded by Mr Cartwright and

RESOLVED – the Polling District and Polling Place Review be approved.

208 AMENDMENTS TO CONSTITUTION

Members of Council received a report which sought approval to proposed changes to the Constitution. In presenting the report, the Executive Member noted that the majority of changes proposed were 'housekeeping' issues and changes to improve the service for applicants. She also reported an amendment to paragraph 3.3.3, bullet point 2 as follows:

- Amendments to the application of LDF policy documents will be considered by Planning Committee with a recommendation then sent to Council, where adoption will be required to take place.

It was requested that the wording 'where adoption will be required to take place' be amended for purposes of clarity, to "with a recommendation to adopt". It was also requested that the same principle of items being referred to Council for adoption be applied to the other processes listed. These requested further amendments were supported.

Mrs Camamile left the meeting at 7.58pm.

It was then agreed that the fourth bullet point be replaced with:

- Evidence bases for LDF policy documents are to be approved by the Executive and the Senior Members' Group. The Executive and any one of the Group Leaders or the Labour representative may require referral to Council.

On the motion of Ms Witherford, seconded by Mr Bray, it was

RESOLVED – the report be agreed with the abovementioned amendments.

Mrs Camamile returned and Mr Bessant left at 8.01pm.

209 SCRUTINY END OF TERM REPORT 2007-2012 INCORPORATING ANNUAL REPORT 2010/11 AND WORK PROGRAMME 2011/12

In presenting the Overview and Scrutiny end of term report 2007-2012 and annual report 2010/11, the Chairman of the Scrutiny Commission thanked the two Vice-Chairmen for their hard work and thanked officers for their support. He outlined the key objectives of working as a critical friend to the Executive and considering matters of concern for the community. He also acknowledged the challenge of engaging more effectively with the public.

Mr Bessant returned at 8.05pm.

The main achievements of the Scrutiny Commission were highlighted, including the creation of an Anti Poverty Strategy and subsequent setting up of a Credit Union, reviewing the work of Housing Associations, monitoring waiting lists for disabled adaptations and external scrutiny such as out of hours healthcare and the East Midlands Ambulance Service.

In referring to the work programme for 2011/12, it was noted that there were two main reviews with one internally focussed on assisting those experiencing fuel poverty, and an externally focussed review on care for the elderly.

Mr Lay as Chairman was thanked for his leadership of the Overview & Scrutiny function and for having been able to maintain non-political debate.

RESOLVED – the End of Term and Annual Report be approved.

210 APPOINTMENT OF AN ADDITIONAL REPRESENTATIVE TO THE STEPPING STONES PARTNERSHIP

Following a request for an additional Member to represent the authority on the Stepping Stones Project it was moved by Mr Bray and seconded by Mr Bill that Mr Crooks be appointed to the vacancy. It was then proposed by Mr Bessant and seconded by Mr Allen that Mrs Sprason be appointed. The vote was taken by means of a show of hands, with Mr Crooks receiving 17 votes and Mrs Sprason receiving 14 votes.

RESOLVED – Mr Crooks be appointed to the Stepping Stones Project.

211 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 13.1 AND 13.2

(a) From Mr MT Mullaney

"This council believes that there should be a parliamentary constituency that covers the bulk of the borough of Hinckley and Bosworth

The council accepts that a new Bosworth cannot be coterminous with the Borough as it would exceed the number of electors per constituency required by law.

This Council therefore notes with dismay the proposals by the Boundary Commission for England to create a Bosworth constituency nearly half of which comprises of wards from North West Leicestershire.

The Council believes that the proposals to move huge parts of Bosworth into a new Mid-Leicestershire and into Blaby constituency will effectively obliterate a Bosworth constituency in anything but name.

We believe the proposal to split Hinckley and Burbage is clearly nonsense as, for example, the majority of Burbage residents look towards Hinckley for its local services. We believe the same is true of proposals to split Barwell and Earl Shilton both of which have very close ties.

The Council therefore resolves to object to these proposals and calls on the chief executive to formally write to Boundary Commission to express this during the consultation process."

The motion was seconded by Mr Bill.

During discussion on the motion, some Members, whilst in general agreement that the boundary change proposals were nonsensical, felt that sending a letter would not be effective and it was suggested that Members should make representations individually or through their political groups.

Mr Bill, supported by a further eight Members, requested that voting be recorded on the motion. The vote was taken as follows:

Mr Bannister, Mr Bill, Mr Bray, Mr Cartwright, Mr Cope, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mrs Hodgkins, Mr Hulbert, Mr Inman, Mr Lay, Mr Lynch, Mr Mullaney, Mr Nichols, Miss Taylor and Ms Witherford voted FOR the motion (18);

Mr Allen, Mr Batty, Mr Bessant, Mrs Camamile, Mrs Chastney, Mr Ladkin, Mr Moore, Mr Morrell, Mrs Richards, Mrs Smith, Mrs Sprason, Mr Sutton and Mr Ward abstained from voting.

The motion was therefore declared CARRIED and the motion supported.

Mrs Hodgkins and Ms Witherford left the meeting at 9.04pm.

(b) From Mr DC Bill

“This Council, having due regard to the standing of the Post Office and Royal Mail, views with dismay the news that it is the intention of the Royal Mail to close the sorting office in Hinckley in 2013.

This Council notes that the Royal Mail management and the unions have already expressed concern about the future of the staff and we share those concerns. We are just as concerned about the effect this will have on the delivery of vital postal services to this area.

We believe that if this move is carried out it will have an adverse effect on all customers of the Royal Mail both as individuals and as public or commercial concerns.

We object, therefore, in the strongest possible terms to this proposal and seek urgent discussions with the relevant decision-makers within the organisation to secure other viable alternatives.”

Mrs Hodgkins and Ms Witherford returned at 9.07pm.

Mr Lynch seconded the motion. Upon being put to the vote, it was declared CARRIED.

(c) From Mrs J Richards

“This Council acknowledges that it has some considerable way to go to persuade the residents of Barwell and Earl Shilton of the wisdom of its plans to expand the settlements by well over four thousand dwellings along with associated employment land designations.

Given this acknowledgement and the significance of what Hinckley & Bosworth Borough Council is proposing and the undeniable immense impact of this policy upon these two communities, this Council commits to commence a full and meaningful consultation of each and every household in Barwell and Earl Shilton before proceeding any further with its SUE plans.”

The motion was seconded by Mrs Smith.

Mr Gould, seconded by Mr Hulbert, proposed an amendment to the motion, however the amendment was disallowed under paragraph 15.6(a) of the Council's Constitution, as serving to negate the original motion.

Having reached 9.26pm, discussion ensued on whether to extend the meeting after 9.30pm. It was agreed that this would not be necessary.

Mr Bessant, supported by a further eight Members, requested that voting on the motion be recorded. The vote was taken as follows:

Mr Allen, Mr Batty, Mr Bessant, Mrs Camamile, Mrs Chastney, Mr Ladkin, Mr Lay, Mr Moore, Mr Morrell, Mrs Richards, Mrs Smith, Mrs Sprason, Mr Sutton and Mr Ward voted FOR the motion (14);

Mr Bannister, Mr Bill, Mr Bray, Mr Cartwright, Mr Cope, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mrs Hodgkins, Mr Hulbert, Mr Inman, Mr Lynch, Mr Mullaney, Mr Nichols, Miss Taylor and Ms Witherford voted AGAINST the motion (17).

The motion was therefore not supported.

(The Meeting closed at 9.31 pm)

MAYOR