

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

6 September 2022 AT 6.30 pm

PRESENT: CLLR DT GLENVILLE - MAYOR
CLLR SM GIBBENS – DEPUTY MAYOR

Cllr CM Allen, Cllr RG Allen, Cllr DC Bill MBE, Cllr SL Bray,
Cllr MB Cartwright, Cllr MA Cook, Cllr MJ Crooks, Cllr WJ Crooks,
Cllr DJ Findlay, Cllr REH Flemming, Cllr A Furlong,
Cllr L Hodgkins, Cllr E Hollick, Cllr C Ladkin, Cllr MR Lay,
Cllr KWP Lynch, Cllr K Morrell, Cllr LJ Mullaney,
Cllr MT Mullaney, Cllr A Pendlebury, Cllr RB Roberts,
Cllr H Smith, Cllr BR Walker, Cllr R Webber-Jones,
Cllr HG Williams and Cllr P Williams

Officers in attendance: Bill Cullen, Julie Kenny, Rebecca Owen, Sharon Stacey and Ashley Wilson

120. **Apologies**

Apologies for absence were submitted on behalf of Councillors Boothby, Collett, Cope, Nichols, O'Shea and Sheppard-Bools.

121. **Minutes of the previous meeting**

It was moved by Councillor Bray, seconded by Councillor Bill and

RESOLVED – the minutes of the meeting held on 12 July be approved and signed by the Mayor.

122. **Declarations of interest**

No interests were declared.

123. **Mayor's Communications**

The Mayor paid tribute to John Cornell, Environmental Health Officer, who had worked at the borough council for 31 years and who had recently passed away.

124. **Questions**

(a) Question from Councillor R Allen to the Leader of Council

“This Council has debated and passed many motions during the life of the current Council. Can the Chief Executive please provide a comprehensive list of motions passed by Council from 1 May 2019, to include a list of all action points agreed, actions taken and outcomes achieved?”.

The Leader provided the following response, along with a copy of outcomes from motions approved since May 2019:

“Thank you Councillor Allen for your question. Please find attached a record of actions taken in response to motions since May 2019”.

(b) Question from Councillor Ladkin to the Executive member for Finance

“I am sure that we are all deeply concerned to see the reports in the media regarding the possible collapse of the Cineworld Cinema Group.

This raises a number of urgent questions for this Council:

- What contingency plans does this Council have in place should Cineworld cease trading and / or are unable to continue operating the cinema in Hinckley, to attract a replacement operator or tenant to that particular unit?
- What are the implications to this Council on a monthly / annual basis in terms of lost rent, business rates liability and any other potential insurance or utilities liabilities?
- Will the Council undertake to commission a current open market valuation of this Council’s interest in the Crescent block C, for presentation and discussion at the first available Scrutiny Commission meeting after completion of such a report?”

The Executive member for Finance, Councillor Lynch, provided the following response:

“Members will be well aware that the cinema complex run by Cineworld in the Crescent was the number one priority voiced by residents of the borough during the consultation on the bus station redevelopment.

The first thing to note in respect of the recent news is that Cineworld is not declaring bankruptcy in the UK, but Chapter 11 Bankruptcy in America. This is a specific piece of law in America and is a chapter of the US Bankruptcy Code which generally provides for reorganisation. The debtor (Cineworld) usually proposes a plan of reorganisation to keep its business alive and pay creditors over time. Therefore, it is very premature to assume at this stage the business is going to close due to this consideration. Indeed, Cineworld are publicly reporting they are seeking to restructure their finances to continue operating.

Cineworld also owns the Picturehouse chain in the UK and has insisted its cinemas “remain open for business” and that there would be “no significant impact” on jobs.

This provides some level of assurance, which needs to be kept in mind when considering the questions posed. At this stage it would seem premature to be considering Cineworld is in danger of closing in the immediate future. Further steps would need to be taken before this happens. Turning to the specific questions:

1. What contingency plans does this Council have in place should Cineworld cease trading and / or are unable to continue operating the cinema in Hinckley, to attract a replacement operator or tenant to that particular unit?

HBBC has a lease in place with Cineworld for a 25-year terms which was completed in 2016.

Within the terms of the lease there are two routes of action HBBC can take depending upon the circumstances, should they arise. Firstly, it can seek to negotiate surrender of the licence with Cineworld or secondly, serve them with a forfeiture notice. The precise process and detail of either action will be determined once an understanding of Cineworld's actual intentions are fully understood. HBBC will then need to take further legal advice once facts are known.

Officers of the council have already sought legal advice on the implications within the lease agreement should Cineworld declare bankruptcy in the UK. We have also instructed local agents to look into what potential interest there may be from other cinema operators or, as a backstop, alternative uses for this commercial town centre unit.

2. What are the implications to this Council on a monthly / annual basis in terms of lost rent, business rates liability and any other potential insurance or utilities liabilities?

The rent is £125,234.00 for 2022/23 with a service charge of £25,273.12. The business rates are £48,640.00 of which 40% is retained by HBBC. If the premises were to become vacant, after an initial period of property relief the charge would fall on the council if Cineworld vacated.

Insurance impact would be minimal, maybe a few hundreds of pounds.

3. Will the Council undertake to commission a current open market valuation of this Council's interest in the Crescent block C, for presentation and discussion at the first available Scrutiny Commission meeting after completion of such a report?

The value we have for the accounts for the Crescent Block C is £3,520,700 (land = £1,232,245; building = £2,288,455), which the valuers have stated as "we are of the view that in this instance existing use value is reflective of current market value".

This is not the same as a market valuation for disposal, and if Cineworld was not there it would most likely be much less. We would have to commission such a valuation as and when needed.

The last time such a valuation was carried out 19 July 2017 our property valuers gave a fair value for Block C of £4,630,300."

125. **Petitions**

- (a) Petition from Councillor Lay

Councillor Lay presented a petition on behalf of residents consisting of 114 signatures with the title "We, the undersigned as electors in Field Head, fully support the proposed change that would see Field Head become part of

Markfield Parish Council. We believe this outcome is in the best interests of all Field Head residents and wish these views to be known and considered”.

The petition was received by the Democratic Services Manager to be placed with responses to the consultation on the community governance review.

(b) **Petition from Councillor Cartwright**

Councillor Cartwright presented a petition with 69 signatures with the subject “5G mobile telephone mast petition. Hinckley & Bosworth Borough Council 22/00734/TGDO”.

The petition was received by the Democratic Services Manager to be placed on file for the aforementioned application.

126. Leader of the Council's Position Statement

In his position statement, the Leader referred to:

- The cost of living support event
- The Ukraine family event
- The local plan
- The Statement of Common Ground
- Devolution deals
- The forthcoming pop-up shops support package
- Cineworld
- Successful events held over the summer
- The national rail freight infrastructure project.

The Leader and other members echoed the Mayor’s sentiments in paying tribute to John Cornell.

127. Minutes of the Scrutiny Commission

The minutes of the Scrutiny Commission meeting on 28 July were received for information.

128. Business rates write offs

Consideration was given to the writing off of business rates of £1,388,499. It was moved by Councillor Lynch, seconded by Councillor Bray and

RESOLVED – the write offs listed in paragraph 2.1 of the report, totalling £1,388,499 be approved.

129. Financial Outturn 2021/22

Members were informed of the draft financial outturn for 2021/22. It was moved by Councillor Lynch, seconded by Councillor Bray and

RESOLVED – the following be approved:

- (i) The general fund outturn for 2021/22 as outlined in section 3.3 of the report;
- (ii) The transfers to earmarked reserves and balances as outlined in section 3.8 of the report and appendix 3;
- (iii) The general fund revenue carry forwards of expenditure and income to 2022/23 as detailed in appendices 1 and 2 and section 3.5;
- (iv) The housing revenue and housing repairs account outturn for 2021/22 and transfers to and from balances as detailed in sections 3.10 to 3.11;
- (v) The capital programme outturn for the general fund and housing revenue account from 2021/22 as outlined in section 3.12 to 3.13 of the report;
- (vi) The HRA carry forwards outlined in appendix 4 to the report;
- (vii) The capital carry forwards as detailed in appendix 5 and sections 3.12 to 3.13 of the report;
- (viii) A budget of £75,368 for the Homes 4 Ukraine Refugees project which will be funded from central government funding passported via the county council as detailed in sections 3.15 to 3.17 of the report.

130. Section 106 agreement monitoring fees

Council considered the introduction of fees to support monitoring and management of section 106 agreements. In response to a member's question, it was clarified that the fee would be the responsibility of the developer. It was moved by Councillor Bill, seconded by Councillor Bray and

RESOLVED –

- (i) The schedule of monitoring fees as set out in paragraph 3.13 the report be introduced as of 1 October 2022 and reviewed annually;
- (ii) The monitoring fee income be used to support the effective monitoring and management of section 106 agreements for the Council.

At this juncture, Julie Kenny and Sharon Stacey left the meeting prior to consideration of the following item.

131. Senior management restructure

Council was presented with a proposed new senior management structure. The new structure would see the realignment of functions under two directors

supported by the Chief Executive and would delete the post of Director (Environment & Planning). It was moved by Councillor Bray, seconded by Councillor Allen and

RESOLVED –

- (i) The restructure proposals in respect of the Strategic Leadership Team set out in the report be approved;
- (ii) The savings arising from the proposed changes be noted.

132. Motions received in accordance with Council Procedure Rule 17

- (a) Motion proposed by Councillor Findlay, seconded by Councillor Bill

Councillor Findlay and Councillor Bill had given notice of the following motion.

“Hinckley & Bosworth Borough Council, whilst understanding that the adoption of highways is a county council function, resolves that road adoptions within our district are actively pursued by challenging Leicestershire County Council and developers to constructively work together to get adoptions signed off promptly without delay. Council also resolves:

- (a) That the borough planning department sets out within a procedure document:
 - i. The wording of planning conditions which it proposes be attached to any grant of planning permission where there are roads which will require adoption, including any notes which may also be attached to planning permissions setting out the council’s expectations regarding developer engagement with Leicestershire County Council;
 - ii. The Borough Council’s proposed means by which it will support, influence and encourage developers and the County Council to adopt unadopted highways in a timely manner when they are constructed;
 - iii. How the local plan, neighbourhood plans and supplementary planning documents can incorporate the principles set out within the procedure document.
- (b) That the Chief Executive requests that the County Council provides a list of unadopted roads within the borough every six months and this is cascaded to members;
- (c) That the Chief Executive and Executive member for planning policy write a combined letter to seek an explanation and timeframe for resolution of the following examples:
 - To Leicestershire County Council and the CEO of Persimmon Homes inc Charles Church Homes querying why it has taken over eight years since first occupation to complete the highways and adoption of the Sketchley Brook estates in Burbage, specifically Crimson Way, Cardinal Drive, Mayflower Gardens and the surrounding roads. Concern should be

- expressed about the raised ironworks which could cause injury to persons or damage to property such as vehicles
- To Leicestershire County Council and the CEO of Crest Nicholson querying why it has taken over ten years since first occupation to complete the adoption of the Waterside Park development. Concern should be expressed explicitly explaining the significant delays that residents have faced and their continued frustrations.
- (d) That, should an unsatisfactory response be forthcoming from County Hall and Persimmon Homes inc Charles Church Homes in relation to (c), the Council will seek to explore what options it has legally in terms of recourse to enforce completion of the highways so that adoption can be pursued. Council should seek to establish if there are outstanding bonds, indemnities or guarantees held in relation to (c).”

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) That the borough planning department sets out within a procedure document:
 - a. The wording of planning conditions which it proposes be attached to any grant of planning permission where there are roads which will require adoption, including any notes which may also be attached to planning permissions setting out the council’s expectations regarding developer engagement with Leicestershire County Council;
 - b. The Borough Council’s proposed means by which it will support, influence and encourage developers and the County Council to adopt unadopted highways in a timely manner when they are constructed;
 - c. How they local plan, neighbourhood plans and supplementary planning documents can incorporate the principles set out within the procedure document.
- (ii) That the Chief Executive requests that the County Council provides a list of unadopted roads within the borough every six months and this is cascaded to members;
- (iii) That the Chief Executive and Executive member for planning policy write a combined letter to seek an explanation and timeframe for resolution of the following examples:
 - To Leicestershire County Council and the CEO of Persimmon Homes inc Charles Church Homes querying why it has taken over eight years since first occupation to complete the highways and adoption of the Sketchley Brook estates in Burbage, specifically Crimson Way, Cardinal Drive, Mayflower Gardens and the surrounding

roads. Concern should be expressed about the raised ironworks which could cause injury to persons or damage to property such as vehicles

- To Leicestershire County Council and the CEO of Crest Nicholson querying why it has taken over ten years since first occupation to complete the adoption of the Waterside Park development. Concern should be expressed explicitly explaining the significant delays that residents have faced and their continued frustrations.

- (iv) That, should an unsatisfactory response be forthcoming from County Hall and Persimmon Homes inc Charles Church Homes in relation to (c), the Council will seek to explore what options it has legally in terms of recourse to enforce completion of the highways so that adoption can be pursued. Council should seek to establish if there are outstanding bonds, indemnities or guarantees held in relation to (c).”

- (b) Motion proposed by Councillor P Williams, seconded by Councillor Gibbens

Councillor P Williams and Councillor Gibbens had given notice of the following motions:

“This Council:

- Is concerned about the number of cases reported to the RSPCA each year regarding pets given as prizes via fairgrounds, social media and other channels in England and notes the issue predominantly concerns goldfish
- Is concerned for the welfare of those animals that are being given as prizes
- Recognises that many cases of pets being as prizes may go unreported each year
- Supports a move to ban the giving of live animals as prizes, in any form, on Hinckley & Bosworth Borough Council land.

The Council agrees to:

- Ban outright the giving of live animals as prizes, in any form, on Hinckley & Bosworth Borough Council land
- Write to the UK government urging an outright ban on the giving of live animals as prizes on both public and private land
- Write to all parish clerks within Hinckley & Bosworth Borough Council’s area, suggesting that they ask their Council to consider implementing an outright ban on the giving of live animals as prizes, in any form, on their parish land.”

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) The giving of live animals as prizes, in any form, be banned on Hinckley & Bosworth Borough Council land;

- (ii) The government be urged to ban the giving of live animals as prizes on both public and private land;
- (iii) Parish councils in the Hinckley & Bosworth area be requested to consider implementing a ban on the giving of live animals as prizes, in any form, on their parish land.

(c) Motion proposed by Councillor R Allen, seconded by Councillor C Allen

Councillor R Allen and Councillor C Allen had given notice of the following motion:

“This Council considers, debates and adopts a wide range of motions proposed by members.

These motions by their nature should have the specific intent of addressing issues facing residents in the borough, as well as improving their lives now and in the future.

This Council undertakes to produce and maintain and publish at each full Council a full list of motions passed by Council to include updates on the actions taken and outcomes achieved in respect of each motion.

This monitoring document will provide a central point for members and residents to view what motions have been adopted and demonstrate what actions have been taken and outcome achieved for their benefit.”

Following the suggestion to send a quarterly list out to members, the mover and seconder withdrew their motion.

(d) Motion proposed by Councillor Lay, seconded by Councillor Furlong

Councillor Lay and Councillor Furlong had given notice of the following motion:

“Ending ‘fleeceholding’ in Hinckley & Bosworth.

This Council is deeply concerned at the actions of those housebuilders in Hinckley & Bosworth who have decided to hand the management and sometimes ownership of public open spaces to third party private concerns.

This Council is appalled that residents are then obliged to pay an annual management fee which can be hundreds of pounds and that this fee can increase without any safeguards or protections or guarantees that services of an acceptable standard will apply.

Further, this Council understands that such actions by developers means that millions of pounds of section 106 monies that would have been given to parish councils (who are democratically accountable) to be invested back into local communities is avoided and not paid.

Although this practice has been around for some years, it has become almost universal in the last five years and is having numerous negative consequences.

The Welsh government published a report on such estate charges and noted that these charges had created two-tier public open spaces with many residents deeply unhappy with the service providers and unhappy at the lack of accountability.

Further it was a cause of resentment with access made difficult for non-resident residents on the basis they did not pay for community upkeep.

Just as we have seen with the selling of leasehold properties on new estates and the various charges associated, the development industry cannot be trusted to self-regulate itself. The rightly condemned leasehold charges were seen as a disgrace and have been challenged at Westminster. We now need action to curtail and address 'fleece hold properties'.

This motion asks the Council, its officers and its Executive to take positive steps to oppose estate charges. To demonstrate this, we ask that the following recommendation be accepted:

- We raise the matter formally with our local MPs, explaining our grave concerns and ask them to raise these concerns in Parliament
- We work with other local authorities to campaign effectively to see these practices outlawed or substantially reformed
- We offer support to residents wishing to legitimately challenge fee increases without rational justification and at a time when many face a cost of living challenge
- We enable our own public open spaces team to work with parish councils to retain public ownership and accountability over these important public spaces
- We look to see what more can be done within the planning process to ensure parish councils have greater support in the negotiations with developers around public open space and provide more effective guidance and support.

In years to come and as problems build up in these public open spaces, residents of the borough will rightly ask what we did to prevent this scandal. Let us at least play our part in raising it at a national level and trying to address it locally.”

Upon being put to the vote, the motion was CARRIED and it was

RESOLVED –

- (i) The matter be raised formally with the two local MPs, explaining the Council's grave concerns and asking them to raise these concerns in Parliament;
- (ii) Work be undertaken with other local authorities to campaign effectively to see these practices outlawed or substantially reformed;
- (iii) Support be offered to residents wishing to legitimately challenge fee increases without rational justification and at a time when many face a cost of living challenge;

- (iv) The Council's public open spaces team to work with parish councils to retain public ownership and accountability over these important public spaces;
- (v) The Council look to see what more can be done within the planning process to ensure parish councils have greater support in the negotiations with developers around public open space and provide more effective guidance and support.

(e) Motion proposed by Councillor M Mullaney, seconded by Councillor W Crooks

Councillor M Mullaney and Councillor W Crooks had given notice of the following motion:

"This Council notes that the ambulance service both here in Hinckley & Bosworth and nationally is under huge strain and at crisis point.

There have been a number of cases locally where elderly and vulnerable people have had to wait many hours for an ambulance to reach them after falls, causing distress to the people concerned and risking making their health conditions even worse.

Council further notes how the NHS has been let down under this Conservative government. With 6.7 million people on NHS waiting lists and it's predicted it could rise to over 10 million by 2024.

This Council requests the Chief Executive write to the Secretary of State for Health urging action to deal with the problem including doing more to address factors that are contributing to delays, including staff shortages throughout the health and care services, and calls on the government to require ambulance service providers to report response times by postcode in order to target resource where it's most urgently needed.

It further calls on the Secretary of State to commission the Care Quality Commission to review the ongoing ambulance response times crisis."

Councillor Bray, supported by 11 councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Bill, Bray, Cartwright, J Crooks, W Crooks, Findlay, Flemming, Furlong, Gibbens, Glenville, Hodgkins, Hollick, Lay, Lynch, L Mullaney, M Mullaney, Pendlebury, Walker, Webber-Jones, H Williams and P Williams voted FOR the motion (21);

Councillors C Allen, R Allen, Cook, Ladkin, Morrell, Roberts and Smith abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The Chief Executive be requested to write to the Secretary of State for Health urging action to deal with the problem including doing more to address factors that are contributing to delays, including staff shortages throughout the health and care services, and calls on the government to require ambulance service providers to report response times by postcode in order to target resource where it's most urgently needed;
- (ii) The Council calls on the Secretary of State to commission the Care Quality Commission to review the ongoing ambulance response times crisis.

(The Meeting closed at 9.02 pm)

MAYOR