

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

13 NOVEMBER 2012 AT 6.30 PM

PRESENT: MR MB CARTWRIGHT - MAYOR  
MRS L HODGKINS – DEPUTY MAYOR

Mr RG Allen, Mr PR Batty, Mr Bessant, Mr DC Bill MBE, Mr SL Bray,  
Mrs R Camamile, 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, Rebecca Ball, Katherine Bennett, Adam Bottomley, Bill Cullen, Malcolm Evans, Simon D Jones, Rebecca Owen and Rob Parkinson

257 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bannister and Boothby.

258 MINUTES OF THE MEETING HELD ON 18 SEPTEMBER

On the motion of Councillor Nichols, seconded by Councillor Crooks, it was

RESOLVED – the minutes of the meeting held on 18 September be confirmed and signed by the Mayor.

259 ADDITIONAL ITEMS OF BUSINESS TAKEN AS MATTERS OF URGENCY

The Mayor drew attention to the report “Fairtrade Borough Resolution” which had been omitted from the agenda in error, and the “Council Offices Relocation” report which he had agreed to take as a late item due to the need to make a decision by 13 December.

At this juncture, the Mayor invited two pupils from Westfield Junior School to present pictures to the Council.

260 DECLARATIONS OF INTEREST

No interests were declared.

261 MAYORS' COMMUNICATIONS

The Mayor reported on a successful visit of a delegation from Grand Quevilly to Hinckley in September and thanked the Deputy Mayor for deputising for him at the Remembrance Day Service in Groby. He also wished everyone a happy Diwali.

262 QUESTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NUMBER 11.1

(a) Question from Councillor Sprason, addressed to Councillor Bray

“Will the leader ensure that this authority will deal with the sale of cars on the roadside that is an issue at Leicester Road, Field Head, Markfield?”

The Borough Council is able to take up the powers under the Miscellaneous Provisions Act 1982 and introduce a street banning order. Blaby District Council has recently done this – by making a particular street a “Prohibited Street”, under the Act street trading can be banned and action can be taken against individuals who break the ban (i.e. offering vehicles for sale on the highway). So will the leader commit his full support and resources for the immediate introduction of a “Prohibited Street” at Leicester Road, Field Head, Markfield”.

Response from Councillor Gould

I am advised that Blaby District Council introduced a “consented streets” policy under the Local Government Miscellaneous Provisions Act 1982, rather than “prohibited streets” to address issues relating to problems arising from mobile food vendors trading across their district in a similar manner to the controls this authority has used for Hinckley Town Centre. Consents streets allow trading following the issue of an annual consent from the Council and apply conditions for controlling the number, trades and operations of the vendor. Blaby District Council advise that the issue of car sales on the streets was not part of their decision making process for the introduction of this policy. They also have not used this against persons selling cars on the highway due to concerns over the effectiveness of enforcement.

Officers from this Council have sought advice from other authorities across the country as to using this approach and could find none that had actually used it. The County Council has been promoting this approach whilst stating that solutions under appropriate legislation that they enforce are too expensive for them to consider. The implementation of Traffic Regulation Orders controlling the parking of vehicles would address this issue and others residents’ concerns relating to the parking of vehicles at Markfield. Enforcement is against the registered keeper of the vehicle rather than seeking to identify the seller of the vehicle. Your officers and other agencies have sought to identify these sellers with limited success. Implementation of legislation which can be considered dubious in its effectiveness for this type of problem would be a cost to this authority with no guarantee of resolving the particular problem at Markfield. Notwithstanding this I have requested that this problem is reviewed through the Endeavour multi agency team, the Highways Forum and that through joint working the most appropriate legislation is encouraged to be used to resolve the concerns of residents. We will also issue publicity warning of the risks of purchasing vehicles off the highway following consultation with Leicestershire County Council Trading Standards.

(b) Question from Councillor Bessant, addressed to Councillor Bray

With the Authority due to vacate this building in matter of weeks, would the leader of the council please update members on progress in securing the £3M capital receipt from the site as promised to residents of this Borough in his recent Medium Term Financial Strategy?

Response from Councillor Lynch

I thank Cllr Bessant for asking this question. As he is fully aware the MTFs is not a promise it is a strategy which like all good strategies has to be flexible and which is rolled forward and updated with every annual budget or change in circumstances.

The original concept for potential development on the Argents Mead park could have realised the sort of returns originally suggested on developments around the periphery of the site including possible joint developments with the vicarage site (which is no longer possible) and the other sites that did not meet with general approval such as development on a part of the Mount Rd. car park.

This administration has been consistent in considering acceptable a suitable development on a part of the site that is sympathetic to the Mead and areas around the current offices. Having consulted on options for a retirement village that would in principal have met this requirement, the current depressed economic climate has meant that the responses to the tender invitation were poor and none of the responses would have delivered an acceptable capital receipt for the Council.

We have reacted very quickly in considering the option of building a new leisure centre on this site and the option appraisal which is contained in the report to be considered by Council under Agenda Item 10 supports that proposal. This will mean that the Leisure Centre, which will embrace the green areas of the Mead, will remain in the Town Centre and the footfall will continue to support businesses in Hinckley and thereby ensure the continued vibrancy of the town centre. This option will also generate a capital receipt of up to £2.2million towards the funding of the new Leisure Centre from the sale of the existing site. I will also point out to Councillor Bessant that funding for the new leisure centre has been fully considered and budgetary provision has been made to deliver a realistic and affordable facility, unlike the fanciful and ill formed proposal of the previous Conservative administration.

(c) Question from Councillor Bessant, addressed to Councillor Bray

Would the lead member for planning please update Members on progress of the Barwell SUE and when he expects the full application to come forward to planning committee, and what his best guess is for ground to be broken on this development?

Response from Councillor Bray

I can confirm good progress is being made in bringing together the technical requirements and identifying the community infrastructure proposals for the Barwell SUE planning application. The target date for consideration of the application by Planning Committee is March 2013. I am informed by the Developer that, subject to approval in March 2013, the first phases of the development would start early 2014, with the first houses being completed later that year.

## 263 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader of the Council referred to the items on the agenda for the meeting, lobbying the Government on planning issues, the new Control Centre at MIRA, Supporting People in Leicestershire and the Hinckley Hub. He also mentioned the number of financial issues on which the Government had yet to make announcements.

## 264 MINUTES OF THE SCRUTINY COMMISSION MEETINGS HELD ON 23 AUGUST AND 27 SEPTEMBER 2012

In presenting the minutes of the Scrutiny Commission meetings on 23 August and 27 September 2012, the Chairman of the Commission highlighted the success of bringing the Housing Repairs service in-house as evidenced in the report reviewing the first six

months. He expressed the Commission's concerns regarding the dangers of door step lenders, and concern for the most vulnerable communities in light of the welfare reforms.

## 265 LEISURE CENTRE PROCUREMENT

A report was presented which gave the outcome of an options review for the delivery of a new leisure centre. Some Members expressed concern regarding keeping the main leisure facility in the town centre and the resulting difficulty of access for those from outside of Hinckley. In response it was noted that an earlier survey showed the site adjacent to the A47 which had been suggested at one point had not been a preferred site by those living in Barwell and Earl Shilton, and that there was no public transport to the site anyway.

The advantages of working with a development and management partner were discussed. It was noted that at this stage there was no need to agree an option including exact siting, size of leisure centre, facilities provided, and that this would come back to a future meeting.

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

### RESOLVED –

- (i) the building of a new facility to replace the existing leisure centre be approved;
- (ii) the development of a new leisure centre on Argents Mead, subject to maintaining and enhancing the green space and adding value to the park, be approved;
- (iii) the facility options, procurement process and timescales as set out in sections 5 and 6 of the report be approved.

## 266 COUNCIL OFFICES RELOCATION

Members were updated on the position regarding moving to the Hinckley Hub site and project budget changes. In response to questions Members were assured that there was a contingency for demolition costs of the current offices, there would be vast benefits of co-location for partners and the public, and that the building would not be pink.

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

### RESOLVED –

- (i) a capital budget of £250,000 be vired from the existing demolition project to the Council Office Relocation project;
- (ii) approved earmarked capital reserves of £338,571 be allocated to the Council Office Relocation project to fund the changes specified;
- (iii) the current revised estimate of costs for the demolition of Argents Mead and move to the Hinckley Hub be noted;
- (iv) the additional budget required to cover the cost of dilapidation works for the offices at Florence House from earmarked reserves be noted.

267 LOCAL DEMOCRACY EVENT

Members were informed of the success of the local democracy event and activities the children had completed were highlighted around the Chamber and a copy of the qualities expected of a Councillor according to the young people was provided to each Member.

Those Members who had attended the event reported an enjoyable and valuable afternoon and felt that this should be an annual event. It was suggested, however, that secondary school age children should be targeted. Members supported the views of the children and the values that they had put forward as being expected of Members. It was suggested that a plaque be mounted outside the new Chamber with the values on as a reminder to Members and a lasting legacy of the children's work.

Rebecca Ball and Sherrilee Fahey were thanked for their work on the event and with young people across the Borough. On the motion of Councillor Hulbert, seconded by Councillor Bray, it was

RESOLVED – further local democracy work with children and young people be supported, and the running of a similar event annually during Local Democracy Week be supported.

268 FAIRTRADE BOROUGH RESOLUTION

A report was presented which provided an update on the Borough's Fairtrade status and progress over the past five years. It was moved by Councillor Gould, seconded by Councillor Hulbert and

RESOLVED – the following statement be approved:

- (i) Hinckley & Bosworth Borough Council supports Fairtrade and is aware of how buying Fairtrade products is a strategy for poverty alleviation and sustainable development and creating opportunities for producers and workers who have been economically disadvantaged or marginalised by the conventional trading system;
- (ii) Hinckley & Bosworth Borough Council supports the Hinckley & Bosworth Fairtrade Forum Steering Group in its 2012 application to renew the Borough's Fairtrade Borough status;
- (iii) a lead Councillor continues to be appointed as Fairtrade Champion for the Borough and, as such, be a partner in the Fairtrade Forum Steering Group to ensure Borough Council commitment in the future;
- (iv) the promotion and use of Fairtrade refreshments be supported on all council premises including meeting rooms, community buildings, vending machines, the Hinckley Hub, franchises and included in HBBC procurement procedures;
- (v) awareness of our Fairtrade Borough status among residents and the business community is increased through signage at prominent positions across the Borough, in publications, websites and at events where the Council has an input.

269 GAMBLING ACT 2005 - STATEMENT OF PRINCIPLES

Members received a report following the consultation exercise on the Gambling Policy (Statement of Principles), which had received no adverse comments or objections. On the motion of Councillor Gould, seconded by Councillor Nichols, it was

RESOLVED – the Gambling Policy (Statement of Principles) be adopted.

270 ANNUAL REVIEW OF THE CONSTITUTION

The report, which had been deferred at the previous meeting for consideration of some aspects by the Planning Committee, was presented to Members. It was noted that Planning Committee's recommendation was appended to the report. Members discussed the content of the report and the recommended changes to the Constitution and were unable to agree on the majority of the points relating to the Planning Committee except for the start date for speakers registering being the date of agenda publication. All Members did not support the recommended change that a Member be prevented from voting if they had not heard the full debate, as they felt that during a long debate many Members had to have a comfort break, but this did not result in them missing an important part of the debate. They felt that to set out a proportion of time that they could be absent would be difficult to monitor and manage. It was suggested that the Ethical Governance & Personnel Committee be asked to consider whether any changes to the Planning Committee processes were required.

It was therefore

RESOLVED – the following changes to the Constitution be approved:

- (i) changes in paragraph 3.3 of the report relating to the service area of Environmental Health;
- (ii) changes in paragraph 3.4 of the report relating to the service area of Planning;
- (iii) the following changes to Part 4 – Procedure Rules, as set out in paragraph 3.5 of the report:
  - (a) only members of the Licensing Committee may sit on a panel for a Licensing Hearing;
  - (b) Paragraph 20 – only recording a Member leaving the meeting if they are absent for a decision;
  - (c) Speakers at Planning Committee will not be able to register to speak until the agenda has been published (ie a week before the meeting);
  - (d) changes resulting from the new Executive arrangements including replacing the Forward Plan with a rolling work programme of Executive decisions;
- (iv) updated role profiles in line with current responsibilities;
- (v) changes in paragraph 3.6 of the report regarding post titles and formatting;

- (vi) changes in paragraph 3.7 of the report regarding the remit of the Overview & Scrutiny function.

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

- (a) Motion received from Councillor Bray, seconded by Councillor Gould

“This Council wishes the Secretary of State for Communities and Local Government to note the following:

Hinckley & Bosworth Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make;

Hinckley & Bosworth Borough Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they maybe concerned with.
- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications.

This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA;

This council however welcomes other parts of the stimulus package including:

- £300 million to provide 15,000 affordable homes across the country
- An extension of the refurbishment programme to bring an extra 5,000 empty homes back into use
- £280m for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes
- Up to £10bn of guarantees to housing associations, property management companies and developers which will be able to use the guarantees to secure lower borrowing costs. This will lead to hundreds of thousands of extra rental homes being built.

This council also notes:

- the record of the previous Labour government on providing affordable social housing – and that during their 13 years in power, the social housing stock fell by another 420,000 houses, as Labour continually failed to build more homes than they were selling off. In the meantime, social housing waiting list soared to almost 1.8million, a rise of 741,000 families.
- the record of previous Conservative Governments where 1.1 million social homes were lost from the stock during the 18 years of Tory rule up to 1997, through a combination of Right to Buy sales and a failure to invest in

replacements. When the Major government left office more than 1 million families were on social housing waiting lists.

This council resolves to formally write to the Secretary of State for Communities and Local Government, outlining this council's opposition to the plans."

Whilst in support of the majority of the motion, some Members felt they could not support it due to the politicisation of the matter.

Councillor Lay left the meeting at 8.58pm.

Councillor Bray along with sever other Councillors stood to request that voting on the original motion be recorded. The vote was recorded as follows:

Councillors Bill, Bray, Cartwright, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lynch, Mayne, Mullaney, Nichols, Taylor and Witherford voted FOR the motion (17);

Councillors Allen, Batty, Bessant, Camamile, Chastney, Ladkin, Moore, Morrell, O'Shea, Richards, Smith, Sprason, Sutton and Ward abstained from voting.

It was therefore declared CARRIED and

RESOLVED – the motion be approved.

(b) Motion received from Councillor Gould and seconded by Councillor Nichols

"This Council asks our Chief Executive to write to the Chancellor of the Exchequer, George Osborne, and urge him to support the national e-petition of over a 100,000 signatures to abandon the unfair beer duty escalator. Introduced by the last government in 2008, this tax unfairly increases duty by 2% above inflation annually and today beer is taxed at a staggering 40%. This excessive tax year on year penalises those who work in the local pub industry and has a detrimental effect on employment, tourism and community cohesion. This e-petition is only the 12<sup>th</sup> out of over 16,000 submitted to have ever reached the 100,000 mark, thus sparking a Parliamentary debate, showing the strength of feeling both locally and nationally."

Discussion ensued regarding sensible drinking, public houses as community centres and rural public houses.

Councillor Gould along with five other Members requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Allen, Bessant, Bill, Bray, Camamile, Cartwright, Chastney, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lynch, Morrell, Mullaney, Nichols, Sprason, Sutton, Taylor and Witherford voted FOR the motion (23);

Councillors Batty and Moore voted AGAINST the motion (2);

Councillors Ladkin, Mayne, O'Shea, Richards, Smith and Ward abstained from voting.

It was therefore declared CARRIED and

RESOLVED – the motion be approved.



- (c) Motion received from Councillor Crooks and seconded by Councillor Mullaney

“The Council acknowledges from the Parish Councils bordering the River Sence, their concerns regarding a possible increase in flood risk to their areas from new development within the catchment area. The Council requests that the Environment Agency and all relevant planning authorities ensure that all developments within the River Sence catchment are built in accordance with Government guidance on Sustainable Urban Drainage Systems to minimise this perceived risk, and that the environment agency takes an overall view of these developments to ensure the existing drainage systems are able to cope given the recent increase in flooding”.

RESOLVED – the motion be approved.

272 EXCLUSION OF PUBLIC AND PRESS

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

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following item of business on the grounds that it involves the disclosure of exempt information as defined in paragraphs 3 and 10 of Part I of Schedule 12A of that Act.

273 EXTENSION OF TIME

Having reached almost 9.30pm and on the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the meeting be permitted to continue to the conclusion of all business in accordance with Council Procedure Rule 9.

274 DEVELOPMENT AGREEMENT FOR THE BUS STATION SITE

Council received a report regarding the development agreement for the bus station site in Hinckley. On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the recommendation contained within the report be approved.

(The Meeting closed at 9.45 pm)

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MAYOR