

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

21 FEBRUARY 2013 AT 6.30 PM

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

Mr RG Allen, Mr JG Bannister, 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 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 H Smith, Mrs S Sprason,  
Miss DM Taylor and Ms BM Witherford

Officers in attendance: Steve Atkinson, Katherine Bennett, Adam Bottomley, Bill Cullen, Yvonne Hughes, Sanjiv Kohli, Sally Smith and Simon Wood

420 PRAYER

Reverend John Whittaker offered prayer.

421 APOLOGIES

Apologies were submitted on behalf of Councillors Boothby, Ladkin, Richards, Sutton and Ward.

422 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 28 January 2013 be confirmed and signed by the Mayor.

423 DECLARATIONS OF INTEREST

The Chief Executive confirmed to Members that recent Government advice stated that Members did not have to declare a pecuniary interest in the Council Tax setting item nor seek dispensation to take part in the debate.

No interests were declared.

424 MAYOR'S COMMUNICATIONS

The Mayor provided an update on his activities since the last meeting.

425 PETITIONS

Councillor Mullaney announced that he had a petition to be forwarded to Leicestershire County Council regarding the Warden Service at Ambion Court.

426 QUESTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE NUMBER 11.1

(a) Question from Councillor Batty addressed to the Leader of the Council

“Is the Leader of the Council aware of the inadequate level of consultation carried out by this Council with local communities in respect of Wind Turbine applications and that the same principle is being applied as for normal built development.

Does the Leader of the Council believe that posting notices on gates at the entrance to fields in the middle of nowhere and the sending of a small number of neighbour consultation letters to residents within a relatively close radius of the application site is an adequate level of public consultation in respect of "sensitive" applications that could impact on the amenity value enjoyed by hundreds if not thousands of people.

Will the Leader agree with me that in such instances whilst the Council may not have a legal obligation to prominently advertise such applications to encourage full public engagement in the planning process, the Council certainly does have a moral obligation and duty of care in the interest of openness and transparency to do so?

Finally, will the Leader agree that officers should in future engage with local members on such applications to ensure that the views of communities have been taken fully into account and that as a matter of Council policy **all** Wind Turbine applications should be determined by the Council's planning committee.”

Response from Councillor Mayne, Chairman of the Planning Committee

“I would like to thank Councillor Batty for his question.

I'm assuming that Councillor Batty is making specific reference to the application on Land North of Anstey Lane close to Groby.

In that particular case the application was determined in accordance with the Constitution. There is no record of a Council Member calling the matter to Planning Committee, although I understand the Chief Executive is checking why an e-mail sent by you was not received.

In respect of the number of representations received this was below the five required to automatically require the application to be determined by Planning Committee.

Representations were also received from both Charnwood and Blaby Councils, neither of whom objected to the proposal.

The regulations governing the advertising of planning applications are set out in the Development Management Procedure Order 2010.

In respect of a minor application, which this was, the Local Planning Authority must **either** display a site notice on or near the land to which the application relates **or** serve notice on any adjoining owner or occupier.

The application that Cllr Batty is specifically concerned about was publicised in accordance with the regulations.

I would accept that there may well be occasions where there needs to be additional consultation over and above the statutory requirements, and there are occasions where that is carried out.

I would also agree that Members and Officers should work constructively together and given that Members are advised in writing on a weekly basis of applications within their ward there is nothing stopping them being proactive and contacting officers directly to discuss any relevant matters.

If Councillor Batty wants all wind turbines to be determined before Planning Committee then that will require a change to the Constitution.”

As a supplementary question, Councillor Batty asked about minimum distances. Councillor Mayne felt that this did not constitute a supplementary question and agreed to respond separately.

(b) Question from Councillor Bessant addressed to the Leader of the Council

“Could the leader of the council please advise members when his Administration aims to adopt the Area Action Plan in relation to the proposed Barwell SUE, in order to secure the proper planning of the area, and avoid the risk of the Barwell SUE being developed in isolation?”

Response from Councillor Bray

“Cllr Bessant - Thank you for your question. I can confirm that the Area Action Plan (AAP) for Barwell and Earl Shilton was first published for consultation in January 2011. The final draft version for adoption will be informed by the extensive technical work that has been carried out in connection with the Barwell Planning Application. Whilst the AAP is at an advanced stage, it can only be completed once the County Council has completed its highway modelling work assessing the impacts of both SUEs. This work has been considerably delayed, but I have been assured by officers that LCC are committing to conclude this work by 1 March 2013.

I would remind you that the adopted Local Plan Core Strategy is the key strategic document guiding the development of growth and the SUEs in the Borough. By having this plan in place, it mitigates any risk of the Barwell SUE being developed in isolation. I would reiterate that technical work for the AAP, which is at an advanced stage, has informed this application for Barwell SUE. Senior officers of the County Council have worked extensively with our officers on a range of key requirements, including transport modelling and impact, educational requirements, community facilities and libraries.”

As a supplementary question, Councillor Bessant asked if there was a target date for approving the Area Action Plan. In response, the Leader stated that there was not.

(c) Question from Councillor Bessant addressed to the Leader of the Council

“Could the leader of the council please advise Members of the status of his Administration’s proposed Earl Shilton SUE, especially in light of the recent County Council Decision that they could not support the proposed Barwell SUE because,

- i) The County Council had previously stated that the two SUEs needed to be planned and delivered together;

- ii) The two SUES have not been planned together and an Area Action Plan, to which any proposed development should conform, has not been concluded and adopted; and
- iii) The County Council believes the Barwell SUE proposal has not been adequately assessed by the Borough Council and cannot be supported.”

Response from Councillor Bray

“Earl Shilton SUE is featured in the adopted Local Plan Core Strategy.

The formal response recently received from the County Council is astonishing, given the extensive joint work that County officers have supported over the Area Action Plan (AAP) and Barwell and Earl Shilton SUEs. In fact, the County Council has been leading on the delivery of transport modelling work and on community facilities studies in connection with both SUEs.

The report to the Borough Council’s Planning Committee will include an assessment of the application. Until that is public, the statement the application has not been adequately assessed is meaningless.

The Council has sought to ensure the planning framework for Barwell and Earl Shilton has been developed. This is why they feature in the adopted Core Strategy and consultation draft of the AAP. It is the County's insistence to the use of its LLITM Transport Model, and their complex procurement arrangements for this work, that are the key reasons for delay in the AAP. It is not necessary for the AAP to be adopted prior to determination of the Barwell SUE. The formal process for adoption of the AAP through to examination and receiving the Inspector's decision is likely to take up to eighteen months. It is unrealistic to expect to delay consideration of the application and delivery of new homes and the regeneration benefits for Barwell for that length of time. This also falls well outside Government guidelines which it has given to its own Planning Inspectors for dealing with such applications, ie within a twelve-month period.

At no point previously in the lengthy consideration of the Barwell application and emerging plans for Earl Shilton has the County Council raised any substantive planning objections to the detail or principle of the scheme.

I would remind Cllr Bessant that the County supported Lubbesthorpe SUE in Blaby which did not have the benefit of either an adopted Core Strategy or AAP in place. On this basis I find it astonishing and very disappointing that they have expressed the views in the way they have.”

By way of a supplementary question, Councillor Bessant asked if the authority would be open to legal challenge if the Area Action Plan had not been adopted by the time the SUEs were approved. In response the Leader stated that advice had been received that this wasn't the case, and this was also the same situation in a neighbouring authority who had recently approved a SUE.

- (d) Question from Councillor O’Shea addressed to the Leader of the Council

“In light of the disturbing reports that this Authority is considering ways of restricting public involvement in the proposed Barwell SUE application, can the leader please confirm that the 'usual' commitment to openness and transparency in the planning process will not, in the case of the SUE application, be sacrificed in order to spare the Administration's political blushes?”

Response from Councillor Bray

“The Council has had extensive consultation on the Barwell SUE application and continues to do so. It is nonsense to suggest we are considering restricting public involvement. “

As a supplementary question, Councillor O’Shea asked for confirmation that there would be unrestricted access to the meeting and that it would be the usual 6.30pm start time. In response the Leader confirmed that 60 people would be allowed in the gallery in line with fire regulations but that the meeting would also be webcast. It was reported that a cross-party group had agreed at 6pm start. It was also explained that the provision for public speaking would be extended to allow more speakers than usual due to the public interest in the matter.

(e) Question from Councillor Moore addressed to the Leader of the Council

“Paragraph 4.12 of the Core Strategy requires the Council to have an alternative strategy for the Borough housing supply should the Barwell SUE fail to deliver the necessary housing requirements. Given the timetable for delivering units is already significantly behind schedule, the consequences of further delay would have serious implications for the Council to demonstrate a 5 year housing supply. Could the leader of the council please advise members on the status of the alternative strategy and what the preferred option is that will prevent the Council losing future planning appeals because of the lack of 5 year housing supply? “

Response from Councillor Bray

“I would like to thank Cllr Moore for his question.

I can confirm the Council has a five year housing supply which is predicted on the Barwell SUE coming forward – as it is identified as a commitment within the Core Strategy.

The programme for delivery of units was presented at the Examination into the Core Strategy. The Inspector at this Examination accepted that there would be a time lag during the early part of the Plan Period, acknowledging it would take time for the SUE’s to come forward. This view was more recently echoed by the Inspector into the Ratby Appeal.

The Strategy for ensuring that we continue to meet the five year housing land requirement is to continue to make effective progress on delivering the two SUE’s at Barwell and Earl Shilton and the emerging Site Allocations document.”

Councillor Moore referred to the part of his question about an alternative strategy and felt that this hadn’t been answered. In response, the Leader explained that an alternative would not be required.

#### 427 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader referred to the Executive’s recent agreement to reduce car parking charges in Hinckley Town Centre, the commitment of Greggs to developing a major food production plant in the borough, and signing up to ‘Climate Local’.

428 MINUTES OF THE SCRUTINY COMMISSION MEETING HELD ON 31 JANUARY 2013

The Chairman of the Scrutiny Commission presented the minutes of the meeting on 31 January 2013 for information, referring to the finance reports and concern regarding the New Homes Bonus.

429 MARKET BOSWORTH NEIGHBOURHOOD AREA DESIGNATION APPLICATION

Members received a report which publicised the proposed Market Bosworth Neighbourhood Area to enable the preparation of a Neighbourhood Development Plan. In presenting the report, Councillor Bray moved an AMENDMENT to the recommendation to add "that Council delegates authority to the Deputy Chief Executive (Community Direction), in consultation with the Executive Member for Planning and the relevant Ward Member(s) for each stage of the neighbourhood plan making process. The Neighbourhood Development Plan would be brought back to Council once the local referendum has been held for the Council to make the Plan". The amendment was seconded by Councillor Crooks and accepted.

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

RESOLVED –

- (i) the proposed Market Bosworth neighbourhood area boundary be approved;
- (ii) authority be delegated to the Deputy Chief Executive (Community Direction) in consultation with the Executive Member for Planning and the relevant ward councillor(s) for each stage of the neighbourhood plan making process. The Neighbourhood Development Plan would be brought back to Council once the local referendum had been held.

430 COMMUNITY GOVERNANCE REVIEW

Members were presented with the final recommendations of the Community Governance Review which had been produced by the cross party working group following two rounds of consultations on Community Governance arrangements. On the motion of Councillor Bray, seconded by Councillor Witherford, it was

RESOLVED – the final recommendations as published in the Community Governance Review report (as in appendix 1 to the report) be approved.

431 ICT BUDGET RE-PROFILING

A report was presented which sought approval for re-profiling of the ICT capital budgets to procure the latest version of software at a discounted rate. It was explained that the update was necessary, but it had previously been planned to procure it over a three-year period. It was acknowledged that the financial saving in 'pre-paying' for the software would be £20,150. It was moved by Councillor Lynch, seconded by Councillor Gould, and

RESOLVED – the re-profiling of £150,000 from the general renewals and server renewals capital budgets for the next 3 years into the capital budget for 2012.13 be approved in order to achieve £20,150 savings.

432 GENERAL FUND BUDGET

The General Fund budget, Council Tax Setting, Housing Revenue Account, Capital Programme and Prudential Code reports were presented, considered and voted upon together (minute 437 below refers).

433 COUNCIL TAX SETTING REPORT 2013/2014

The General Fund budget, Council Tax Setting, Housing Revenue Account, Capital Programme and Prudential Code reports were presented, considered and voted upon together (minute 437 below refers).

434 HOUSING REVENUE ACCOUNT BUDGET 2013/14

The General Fund budget, Council Tax Setting, Housing Revenue Account, Capital Programme and Prudential Code reports were presented, considered and voted upon together (minute 437 below refers).

435 CAPITAL PROGRAMME 2012/13 TO 2015/16

The General Fund budget, Council Tax Setting, Housing Revenue Account, Capital Programme and Prudential Code reports were presented, considered and voted upon together (minute 437 below refers).

436 PRUDENTIAL CODE FOR CAPITAL FINANCE LOCAL AUTHORITIES SETTING OF PRUDENTIAL INDICATORS 2012/13-2015/16 AND TREASURY MANAGEMENT STRATEGY 2013/14-2015/16

The General Fund budget, Council Tax Setting, Housing Revenue Account, Capital Programme and Prudential Code reports were presented, considered and voted upon together (minute 437 below refers).

437 FINANCE REPORTS: GENERAL FUND, COUNCIL TAX SETTING, HOUSING REVENUE ACCOUNT, CAPITAL PROGRAMME & PRUDENTIAL CODE REPORTS

The Executive Member for Finance presented reports on the General Fund budget, Council Tax setting 2013/14, Housing Revenue Account budget 2013/14, Capital Programme 2012/13 to 2015/16 and Prudential Code for Capital Finance Local Authorities setting of Prudential Indicators 2012/13-2015/16 and Treasury Management Strategy 2013/14-2015/16. In presenting the reports he highlighted the maintaining of the budget without impact on frontline services or compulsory redundancies and thanked service managers for their input into the process.

During debate, the following points were raised or discussed:

- Whilst supporting the freezing of Council Tax, concern was expressed about the future challenges and impact on residents when this was no longer possible;
- It was also acknowledged that the implementation of 'bedroom tax', the freeze in benefits and commencement of universal credits would further impact on residents;
- Confirmation was requested that expected savings would be realised;
- Some Members expressed concern regarding short term borrowing for the Leisure Centre;
- A Member asked whether the Administration was confident that the bus station development would be delivered as planned;
- The need to increase housing stock was expressed;

- Regarding the Housing Revenue Account, it was stated that money had been transferred from balances to reserves;
- In response to a question it was noted that budget had been factored in to cover housing improvements as well as repairs;
- Representations were made regarding the public toilets in Earl Shilton and the need to re-consider as the current arrangements were not working.

Councillor Bessant requested that his group's support for the freezing of Council Tax be minuted.

Councillor Lynch, seconded by Councillor Bray, moved that the finance reports be approved. Councillor Bray and five further Members requested that voting on the matter be recorded. The vote was taken as follows:

Councillors Bannister, Bill, Bray, Cartwright, Cope, Crooks, Gould, A Hall, P Hall, Hodgkins, Hulbert, Inman, Lynch, Mayne, Mullaney, Nichols, Taylor and Witherford voted FOR the motion (18);

Councillors Allen, Batty, Bessant, Camamile, Chastney, Lay, Moore, Morrell, O'Shea, Smith and Sprason abstained from voting.

The motion was declared CARRIED and it was

RESOLVED –

- (i) the General Fund service and Special Expenses area expenditure be approved;
- (ii) the proposed movement of General Fund reserves and balances be approved;
- (iii) the Council's budget requirement be approved;
- (iv) The Council's total net budget requirement by approved;
- (v) The contribution from Revenue Support Grant and Non Domestic Rates be approved;
- (vi) The transfer of £2,066 from the Collection Fund to an earmarked reserve be approved;
- (vii) The Council Tax for Borough wide services, excluding Special Expenses and Parish Council precepts for Band D be £95.96 and for Borough wide services and an average of Special Expenses Services for Band D be £112.09;
- (viii) The basic amount of Council Tax, being the tax relating to Borough wide services and an average of Special Expenses and Parish Council Services for Band D, be £153.61;
- (ix) The total Council Tax, including amounts for the County Council, Police Authority and Fire Authority and for each area and valuation band be approved;
- (x) The calculation of the estimated surplus on the Collection Fund be delegated to the Deputy Chief Executive (Corporate Direction) and



transferred in accordance with the Council's policy to the Pension Reserve;

- (xi) The Housing Revenue Account budget and associated reserve and balances movements be approved;
- (xii) The Capital Programme be approved and balances within the Capital Receipts Reserve be noted;
- (xiii) The new bid of £37,924 for wheeled bins to be funded from the Waste Management Reserve be approved and new bids of £129,000 for Parks and Open Space projects (as long as they could be funded by developer contributions) be approved;
- (xiv) The key elements of the Prudential Code report be noted, including the Prudential Indicators and Limits for 2012/13 to 2015/16, the Minimum Revenue Provision Statement, the Treasury Management Strategy 2012/13 to 2015/16, the treasury management prudential indicators, and the Investment Strategy.

438 DRAFT CALENDAR OF MEETINGS 2013/14

Council received the Calendar of meetings for 2013/14 as amended in the supplementary agenda. On the motion of Councillor Bray, seconded by Councillor Bill it was

RESOLVED – the Calendar of Meetings 2013/14 be approved.

439 MOTIONS ON NOTICE RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 13.1 AND 13.2

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

“That this Council requests the Licensing Committee to consider amending the Adopted Statement of Licensing Policy, to contain a clause to the effect that the Council notifies Parish Councils in whose area an application for licensing premises for music & entertainment is received.”

Upon being put to the vote, the motion was supported.

- (b) Motion received from Councillor Mullaney seconded by Councillor Hulbert:

“Council notes:

1. That recent energy price rises are expected to force many thousands more households into fuel poverty
2. That each year more than 25,000 people in England and Wales die due to cold winter conditions
3. That energy efficiency improvements to homes are the most effective means to take people out of fuel poverty in the medium to long term
4. That local authorities have a central role to play in alleviating fuel poverty, reducing excess winter deaths and tackling the detrimental health impact of cold homes, with the return of public health responsibilities to local government presenting a significant opportunity.

Council further notes:

1. That £4 billion will be raised each year for the next 15 years from the European Emissions Trading Scheme and the Carbon Floor Price
2. That this funding from carbon taxes could take 9 out of 10 fuel poor households out of fuel poverty if spent on improving the energy efficiency standards of their homes.

Council resolves:

1. To support the End Fuel Poverty Coalition's Local Authority Fuel Poverty Commitment
2. To support the Energy Bill Revolution campaign's call for carbon taxes to be spent on drastically reducing fuel poverty."

On discussion of the motion it was felt that the Government should be encouraged to do all it can to support initiatives, and the work of the Scrutiny Commission with regard to fuel poverty was acknowledged. The motion was supported.

(The Meeting closed at 8.15 pm)

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MAYOR