

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

16 JULY 2013 AT 6.30 PM

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

Mr RG Allen, Mr PR Batty, Mr Bessant, Mr DC Bill MBE, Mr SL Bray,  
Mrs R Camamile, Mr MB Cartwright, 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, Katherine Bennett, Adam Bottomley, Chris Colbourn, Bill Cullen, Louisa Horton, Sanjiv Kohli, Darren Moore, Rebecca Owen, Sally Smith and Sharon Stacey

71 PRAYER

Reverend Jane Gibbs offered prayer, referring to the recent and sad deaths of Susan Taylor from Barwell during a channel swim and a couple who had been involved in an accident in Fenny Drayton.

72 APOLOGIES

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

73 MINUTES OF THE PREVIOUS MEETINGS

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

RESOLVED – the minutes of the meetings held on 21 February and 14 May 2013 be approved and signed by the Mayor.

74 ADDITIONAL ITEMS OF BUSINESS

The Mayor announced that she had agreed to accept an additional item of business (listed as 23a on the supplementary agenda) regarding appointment to two outside bodies. This matter had been deemed urgent due to the need to appoint to them prior to the next Council meeting.

75 DECLARATIONS OF INTEREST

No interests were declared at this stage.

76 MAYOR'S COMMUNICATIONS

The Mayor reported on a successful trip to Grand Quevilly, where an excellent food festival had taken place. Two chefs from North Warwickshire and Hinckley College had accompanied the civic delegation and the food they presented had been very well received, particularly the trifle.

- (a) From Councillor WJ Crooks addressed to the Leader of the Council

Does the Leader agree with me that the Hinckley & Bosworth Executive's decision to keep out of the Leicestershire Gypsy & Traveller Accommodation Assessment was a good decision?

Response from Councillor SL Bray

Yes I totally agree that the decision to take a watching brief on the County wide GTAA and continue to progress with our borough wide GTAA was the correct one. The HBBC gypsy and traveller needs assessment has been completed and will be signed off by Executive in early September. Members will be please to note the positive position that HBBC are now in following the study compared with other districts who were involved with the county-wide GTAA.

The Leicester, Leicestershire and Rutland Gypsy and Traveller Accommodation Assessment has used a fundamentally different methodology to calculate its' Gypsy and Traveller Accommodation requirement to that used to prepare the Hinckley and Bosworth Borough Council's GTAA.

The HBBC GTAA did not rely on the 2007 GTAA but started from scratch based on the new national policy guidance. Our methodology has been to identify our own need where it arises by undertaking thorough interviews with the gypsy and traveller community within the borough. From those interviews an analysis of the population profile of the community was undertaken to establish the future need of that sector of our community. The HBBC GTAA then goes an extra step and looks at ways in which that need can be met on a sequential approach, firstly by looking at capacity within existing sites, then by extensions to sites and then looking at new sites.

The starting point for the Leicester, Leicestershire and Rutland study was the numbers identified in the 2007 study, and the methodology involved contacting only a sample of the Gypsies and Travellers living in the County. It does not follow the second part of the Hinckley & Bosworth BC study in identifying land availability and potential delivery mechanisms for the need where it arises.

Just so Members get a feel for those figures which emerged from the Countywide refresh of the GTAA, from 2012 to 2031

- Harborough require 80 pitches, plus 5 transit pitches and 25 plots for Showpeople
- N W Leicestershire 68 pitches plus 20 transit pitches and 9 plots for Showpeople

- (b) From Councillor JS Moore addressed to the Executive Member for Finance

Could the Leader confirm that at the end of the 2011/12 Tax year the level of Council Tax arrears was in the region of £953,000.00? Information in my possession points to some of this debt originating as far back as 1998/99.

The recent changes regarding the introduction of "Universal Credit" benefits will, it is anticipated, bring about a significant increase in the incidence of arrears. Could I ask the Leader to provide this council with:

- a) The yearly level of Council Tax debt for the years 1998/99 through to 2011/12;
- b) The number of properties per year relating to this debt;
- c) Measures taken by this Council to recover these debt; and most importantly
- d) Any conclusions reached in respect of minimising the future level of debt, and any mechanisms being considered regarding the recovery of debt that arises from the changes in the regime of benefit payments.

Response from Councillor KWP Lynch

Thank you Councillor Moore for your question. The gross arrears to the financial year ended 31/03/12 was £673,940 and the number of cases in arrears in year was 2,035. Actions are being taken against all of the households who are in arrears as follows:

1. Cases with Bailiff

If the debt is subject to a Liability Order (court action) and we have been unable to secure a payment arrangement the case is passed to bailiffs for collection, where it is appropriate to do so.

2. Pre-bailiff Action

Bailiffs are used as a last resort and where every other avenue to collect the debt has been exhausted. We will always write to the taxpayer to alert them to the fact that if they fail to make an arrangement for payment we will be left with no choice other than to instruct bailiffs

3. Arrears subject to a payment arrangement

If the taxpayer has an on-going council tax liability we will ask that they keep their current and on-going charges up to date and make potentially smaller payments against the arrears.

4. Other reasons will include:

- The debtor is being traced or further enquiries are ongoing
- The debt has been returned from bailiffs and we are determining the next appropriate course of action.
- Awaiting write off

5. Attachment of Earnings

The debtor's employer has been instructed to deduct the amount outstanding from the debtors salary/wages.

6. Attachment of Benefits

The debtor is in receipt of a DWP benefit from which deductions can be made.

With regard to the final part of your question, the council's enforcement team work extremely hard to ensure the level of previous years arrears outstanding at the end of a financial year are kept to a minimum. All authorities within Leicestershire have anticipated that collection levels will fall as a consequence of the welfare reforms and the austerity measures.

What we are doing to improve collection?

- The recovery strategy has been revised in order to speed up the process and to establish the way we will deal with those payers who have not had to pay Council Tax previously

- The temporary employment of two enforcement officers (12 month contract) funded in the main by the major precepting authorities.
- Automating processes to free up capacity within the enforcement team.
- Promoting the ability to pay by 12 instalments
- The recovery notices now include guidance on the implications for late payment and the support available which has been shared with the customer service team.

As a supplementary question, Cllr Moore referred to a recent fraud case and asked the Executive Member to confirm whether the authority had a policy to not seek repayment up to a certain level. In response it was confirmed that the authority did not have such a policy.

(c) From Councillor RG Allen addressed to the Leader of the Council

Can the Leader please explain to members why this Council still has no policy on renewable energy, a situation which is leaving rural communities at the mercy of commercial interests? Does the council now have a timetable with a backstop date for putting such a policy in place? Can the Leader reassure members that all wind turbine applications will now be called in to committee as promised and not continue with the haphazard way members are still having to contact officers to justify their reasons for calling these applications in to the planning committee.

Response from Councillor SL Bray

We do have a policy on wind power, Policy BE27 within the 2001 Local Plan. This policy provides the criteria upon which wind power proposals must be considered which includes impacts on local communities. This policy will remain extant until the adoption of the Site Allocations and Development Management Policies DPD. Following on from that, the council does have a timetable in place for further developing our policy position on renewable energy so that it is in line with current national policy.

The Borough Council also has adopted Core Strategy Policy 24: Sustainable Design and Technology which requires developments to meet the following standards;

- Residential developments in the Urban Area must meet Code 4 of the Code for Sustainable Homes
- Residential developments in Key Rural Centres and Rural Villages are expected to meet sustainability targets set out in Building a Greener Future
- Schools, Hospitals and Office developments to meet a minimum of 'very good' BREEAM standard.

The NPPF requires that Local Planning Authorities should:

- Have a positive strategy for renewables
- Design their policies to maximise renewables
- Consider identifying suitable areas for renewables.

Therefore the Borough Council has no choice but to include a policy that embraces all renewable energy generation and promotes Low Carbon Developments which meets the national policy requirements which I have just outlined.

This is being addressed with the formulation of the emerging development management policy, DM2: Delivering Renewable Energy and Low Carbon

Development. This policy is directly supported by the completed evidence base, The Renewable Energy Capacity Study. The evidence base and policy were guided by the cross party Renewable Energy Task and Finish Group in 2012 / 13, but has yet to be formally adopted as an evidence base by Executive but is in the forward plan to consider in the next few months..

The development management policy (if agreed by Council) will proceed, as part of the Site Allocations DPD, to public consultation later this year with full adoption expected in early 2015.

Prior to the adoption of this development management policy the NPPF is the default document for determining applications on renewable energy and low carbon developments.

Any changes to “call in” arrangements for wind turbine applications will need to be addressed through an amendment to the Council’s constitution.

(d) From Councillor RG Allen addressed to the Leader of the Council

In view of the fact that Earl Shilton Town Council appears to have lost somewhere in the region of £180k (one hundred and eighty thousand pounds) in S106 developer contributions earmarked towards the provision of a much needed sports pavilion, can the Leader please confirm whether the Barwell and Earl Shilton Area Action Plan, being so far behind the promised schedule, was a contributing factor. My point being that it would appear that Earl Shilton Town Council was unable to finalise plans and submit a planning application due to the uncertainty over the route of an access road over the recreation ground linking to the proposed Earl Shilton SUE. Would it be reasonable to suggest that this should not have been a problem had the AAP been completed within in the published time scales?

Response from Councillor SL Bray

The timing of the Earl Shilton and Barwell Area Action Plan **is not** a contributing factor towards the Earl Shilton Town Council not securing the S106 contribution referred to.

This particular s106 agreement included a contribution of £150,000 towards community facilities . This definition would have enabled the monies to have been spent on a wide range of relevant projects and was not specific to the delivery of a sports pavilion. It is acknowledged that Earl Shilton Town Council has an aspiration to deliver a sports pavilion at Weavers Springs Recreation Ground. However, there was sufficient flexibility within the s106 agreement for the Town Council to make full use of these funds on an appropriate alternative in the event that they were unable to deliver their Pavilion project within the timescales associated with that particular s106 agreement.

I understand the Town Council were prompted about the need to commit the funds on a number of occasions preceding the deadline for clawback of the funds.

The Council’s preferred option masterplan for the Earl Shilton SUE was first published in October 2010 and showed the proposed route at the northern edge of Weavers Springs Recreation Ground, linking the SUE to Astley Road. This masterplan was built into the consultation draft Area Action Plan in December 2010 and remains unchanged in the pre-submission draft Area Action Plan. This

is a long established element of the Earl Shilton SUE masterplan proposals. The delays to the AAP, which have been the result of Leicestershire County Council's requirement for the use of the Leicester and Leicestershire Integrated Transport Model, have not changed this position in any way between October 2010 and now.

The exact alignment of this road proposal will not be established until a detailed planning application has been submitted for this element of the SUE. However, this would not have prevented a planning application for a Pavilion at Weavers Springs from being progressed by Earl Shilton Town Council within a timescale that could have enabled the use of the Montgomery Gardens s106 funds. The proposal would have needed to demonstrate that it would not jeopardise the comprehensive delivery of the SUE proposal. Indeed, I understand that the Town Council has actually now submitted a planning application for the development of a pavilion at Weavers Springs which has sought to do just that.

As a supplementary question, Cllr Allen asked whether the Council would assist the Town Council in finding funding. In response Cllr Bray confirmed that officers of the Council had been in touch at several points and if the Town Council contacted officers they would help if possible.

- (e) From Councillor LJP O'Shea addressed to the Executive Member for Neighbourhood Services

Can the Executive Member please confirm the number of actual hours (not including travelling time) of parking enforcement allocated to Ratby and Groby per week and whether this just covers "office hours", because people who tell me they rarely if ever see the wardens in Ratby, believe there is no out of hours enforcement. As a result we have to contend with situations such as a complete disregard in the evening for the double yellow lines outside the chip shop on Main Street, Ratby on a dangerous bend. Can regular out of hours enforcement in such cases be arranged or not?

Response from Councillor WJ Crooks

Members are reminded that on street enforcement is a Leicestershire County Council responsibility as the Highways Authority – not HBBC, and that the Borough Council have no control over where or when on street enforcement takes place on the highway. Our only jurisdiction is for car parks in our ownership.

We are, however, provided with both the on street and out our car park enforcement activities and can advise the hours spend on street for the first six months on this year are:-

- 12hrs 25 mins in Ratby, during which seven Parking Contravention Notices (PCN) were issued.
- 18hrs 45 mins in Groby, during which 30 PCN's were issued.

The comment from LCC's Traffic and Safety Manager Greg Payne is:

"Leicestershire County Council (LCC) has previously organised our of hours enforcement in Ratby at the request of local Members. This proved to have an impact when the enforcement officers were on site, with very few enforceable contraventions taking place whilst the enforcement officers were visible. A 90 minute evening patrol in the area in June 2012, produced on Penalty Charge

Notice (PCN) outside the chip shop and 1 PCN at another location on Main Street.

Any decision on the on-street deployment of enforcement resources is the responsibility of LCC. We cannot commit to undertaking regular out of hours enforcement at such locations, but would consider organising further out of hour ad hoc enforcement, something we are already looking at following contacts being made to LCC.”

If Councillors wish for there to be a change to anon-street enforcement, then they are recommended to contact LCC direct.

(f) From Councillor LJP O'Shea addressed to the Executive Member for Housing

In the light of the Executive's recent commitment to the Community Covenant (Armed Forces Covenant) can the Executive member please confirm the council's full commitment, not only to the letter of the Covenant but also to the spirit of the Covenant, particularly when addressing the housing needs of a member of the Armed Services who has served his Country on active duty and under enemy fire but now suffers from a debilitating medical condition.

Response from Councillor MT Mullaney

The aim of the community covenant is to encourage local communities to support the armed forces service community in their area and promote understanding and awareness among the public of issues affecting the armed forces community. I am pleased to advise you that HBBC supports the Community covenant in many ways, for example

- Support the National annual Armed Forces celebration event held every June
- £700 external funding was secured to enhance this years event
- Support Veterans at annual Remembrance Day event in November
- HBBC has a dedicated War Memorial Officer to ensure our war memorials are kept in good condition etc

Further, through the implementation of the Housing Act 1996 (additional preference for Armed Forces) (England) Regulations 2012 (SI 2012/2989), the Council further supports the Community Covenant by including within its allocation scheme that persons who are in the statutory reasonable preference categories and in urgent housing need and who meet certain criteria regarding their army forces service receive additional preference for the allocation of accommodation.

This includes those who are serving members of the regular forces who are suffering from a serious illness or disability which is wholly or partly attributable to their service and those who are former members of the regular forces.

(g) From Councillor PR Batty addressed to the Executive Member for Housing

Can the Executive member please advise me whether the Council's "Choice Based Letting" policy has proved to be of a positive benefit to this council or not? What I mean by this is whether more applicants from outside of the Borough have been allocated social housing within the Borough than those who have moved elsewhere under the scheme. Specifically, can the Executive member please advise the council of the relevant numbers in respect of the rural areas, being mindful of the need to promote sustainable communities? Finally, can the Executive member please confirm that affordable homes provided under S106

agreements will not be advertised under the "Choice Based Letting" scheme unless positive high profile advertising for applicants with a local connection fails to find sufficient applicants?

Response from Councillor MT Mullaney

I can advise that in the year April 2012 to March 2013, 278 properties were allocated through the Choice Based Lettings scheme. Of these 264 were allocated to people who had a local connection to the Borough. Of the 14 properties that were allocated to people without a connection to the Borough, 11 had a connection to the subregion i.e. the county. Only 4 properties were allocated to people with no local connection to the subregion, these being people fleeing violence from other areas to whom we have a homeless duty and the allocation of sheltered schemes where there was no demand from people in either the Borough or the subregion.

In terms of the rural areas, of the 12 properties allocated to people without a HBBC connection, 7 of these were in the rural areas, with 6 of these having a connection to the sub region.

Properties developed under Section 106 agreements will continue to be advertised through the Choice Based Lettings scheme, with the local connection criteria contained in the Section 106 agreement included in the lettings criteria. This means that applicants who don't meet this criteria will not be allocated these properties. Choice Based Lettings is promoted through the council's and partners website. All have a responsibility to ensure local communities understand the process for applying for properties on new developments, including the Register Provider development partner, Parish and Borough councillors and officers.

As a supplementary question, Cllr Batty asked for clarification regarding paragraph 2 of the response and confirmation that it was correct. Cllr Mullaney agreed to respond in writing.

(h) From Councillor PR Batty addressed to the Leader of the Council

Can the Leader please confirm in the light of recent Appeal decisions whether or not outline planning consents can safely be included in the Council's 5 year housing land supply figures, bearing in mind that Inspectors when challenged by applicants now tend to look at deliverable completions and can the Leader please confirm whether this council has in fact included outline planning consents in its' 5 year housing land calculations.

Should an Appeal Inspector reject the inclusion of outline planning consents in the 5 year housing land supply figures, could the Leader please confirm what the council's 5 year housing land supply would actually be?

Response from Councillor SL Bray

I can confirm to Members that the council has a 5 year supply of land. Furthermore, I can confirm that outline planning consents can be included in the Council's five year housing land supply figures. The NPPF states 'sites with planning permission should be considered deliverable until planning permission expires'. The council has followed this guidance and included sites with outline planning permission unless there is clear evidence that schemes will not be implemented within five years.



At the most recent planning appeals within our borough (261 Main Street, Stanton Under Bardon; Land east of Groby Road Cemetery, Ratby; Land at Shilton Road, Barwell) all the Inspectors concluded that outline planning permissions could be included within the five year housing land supply. Indeed the principles of paragraph 47 of the NPPF which states that 'sites with planning permission should be considered deliverable unless there is clear evidence that schemes will not be implemented within five years' were applied by all parties and the Inspectorate in all these cases.

I think the final part of your question is immaterial considering the answers I have just given regarding the inclusion of outline planning permissions within the calculation.

(i) From Councillor C Ladkin addressed to the Leader of the Council

Bearing in mind the difficult challenges faced in providing renewable energy within the Borough, should this Council take the sensible approach of introducing a supplementary planning policy for new planning applications for commercial, industrial and other employment sites compelling applicants to include appropriate renewable energy initiatives within applications, such as appropriate sized wind turbines, solar panels, heat exchangers or ground source heat pumps etc?

It would appear that opportunities have been missed, for example while the Borough Council included solar panels on the roof of its' new offices at the hub were all other opportunities for including renewable energy initiatives fully maximised and was this a consideration at the Council's new depot?

It would also appear that Mira who the Borough Council have supported so well, despite alluding to be a hi-tech futuristic development and employment site and a major energy user are very reluctant to include let alone maximise renewable energy initiatives on their vast site, allegedly being opposed to wind turbines and solar panels as Mira believes they are not visually attractive on the landscape.

Would the Leader agree that developments such as this with so much potential on site should be making a major contribution to the Borough's renewable energy targets by including renewable energy initiatives on its site and can the Council meet with Mira to encourage them to do so?

Response from Councillor SL Bray

I am pleased there has been real progress in developing our policy approach on renewable energy from the work of the cross party Renewable Energy Task and Finish Group. I agree that it would be a good idea to have a supplementary planning document (SPD) on renewable energy however we firstly need to adopt a renewable energy policy, as the purpose of an SPD is to provide additional detail and guidance for developers on how they can meet the requirements of the policy, so there firstly needs to be a policy in place before an SPD can be prepared. I will ask Officers within the Planning Service to schedule this work into their work programme.

Regarding the Council's property, Members should note that the Hub is predicted to deliver BREEAM Excellent without the introduction of renewable energy. The decision to include Photovoltaic roofs was made much later on as an addition to the project as an additional investment for the project. With regard to the Depot, I

have been advised that following a cost benefit analysis, it was decided not to install appropriate renewable energy into the project specification as this would have meant that the build costs would have exceeded the amount required to give the Council the target £500,000 net capital receipt from the re-location of the depot from the current Middlefield Lane site as agreed by Members in agreeing the Council's capital programme. However the same priority methodology was followed at the project feasibility stage as was carried out for the Hinckley Hub. Renewable energies are one of a number of factors to consider when procuring a building project and should be considered once the lean and clean solutions have been considered first.

1. **Be lean:** Energy demand reduction through consideration of passive design principles. In the case of the Jubilee Building challenging the office and operational areas and reducing them wherever possible with the use of reduced storage, office accommodation and car parking. Reducing the footprint of the operational site reduces the amount of materials in the project build and size of accommodation requiring heating / lighting etc.

2. **Be Clean:** Promote energy efficiency through specification of engineering services and consideration of clean technologies. In the case of the Jubilee Building a modern BMS (Building management System). Energy efficient boilers, lighting systems and heat exchangers on extracted / incoming airflow

3. **Be Green:** Consideration of renewable energy to enhance the carbon emissions ratings once stages 1 & 2 have been assessed. In the case of the Jubilee Buildings no renewable energy systems were specified. It is worth noting that there is substantial cost in obtaining BREEAM certificate. In the case of the Hinckley Hub this cost was carried by the developers MRP Development Limited.

With regard to your points about MIRA, I will take this up directly with their senior representatives to seek their commitment to high quality, sustainable development.

## 78 LEADER'S POSITION STATEMENT

In his position statement, the Leader referred to several current issues, including the move to Hinckley Hub, changes to the New Homes Bonus and the City Deal.

## 79 MINUTES OF SCRUTINY COMMISSION MEETINGS

The minutes of the Scrutiny Commission meetings held on 14 March and 9 May 2013 were noted.

## 80 MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

Further to the agenda which had exempted the public and press from the following item in accordance with paragraphs 3 and 10 of Schedule 12A of the Local Government Act 1972 (section 100A(4)), the situation had changed since publication of the agenda and it was no longer in the public interest to maintain the privacy of the matter. As such paragraph 10 no longer applied and it was, therefore, recommended that the debate be held in public and the report be released on request. It was therefore

RESOLVED – discussion on the report “Bus Station Site – Revised Development Agreement” be held in public session.

As a result of the item no longer being exempt and in light of the attendance of members of the public for the item, it was

RESOLVED – the abovementioned report be taken as the next item of business.

81 BUS STATION SITE - REVISED DEVELOPMENT AGREEMENT

Further to the previous item, which resulted in agreement that this report would be discussed in public, members were updated on the current position regarding the Development Agreement with Tin Hat Regeneration Partnership and Sainsbury's Plc. Recent communications and activity since the November 2012 Council meeting were highlighted and it was confirmed that discussions had taken place between the relevant parties.

During debate, some Members raised concerns that the matter should have been considered by the Scrutiny Commission to ensure full scrutiny of all aspects and informed decision making. Questions were raised regarding the level of borrowing to which the council had to commit, the commitment of Sainsbury's, the viability of the scheme and potential to let the units. Members were informed that whilst there was risk to the authority with progressing with the development, the risk was within manageable limits and that the break even point to make the purchase of Block C financially viable was around 56% of units let as at this level the cost of borrowing would be off set by the rental income and business rates up lift. It was also acknowledged that the steps being recommended were not uncommon initiatives from councils in the current climate in order to move forward with town centre re-developments.

It was moved by Councillor Bray and seconded by Councillor Lynch that the officers' recommendations be approved. Councillor Bray, along with seven other councillors, stood to request that voting be recorded. The vote was taken as follows:

Councillors Bannister, Bill, Bray, Cartwright, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lynch, Mayne, Moore, Mullaney, Nichols, Taylor and Witherford voted FOR the motion (19);

Councillors Allen, Batty, Bessant, Camamile, Ladkin, Morrell, O'Shea, Richards, Smith, Sprason, Sutton and Ward voted AGAINST the motion (12);

Councillor Lay abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) the variations to the Development Agreement as set out in the report be agreed and the Chief Executive, in liaison with the Leader of the Council and the Executive Member for Finance, be granted delegated authority to conclude negotiations on a formal Deed of Variation;
- (ii) the revised commercial terms, financial implications and risks as set out in the report be agreed;
- (iii) the supplementary capital budget of £4,500,000 to reflect the Council's capital investment in the Bus Station Scheme be approved;
- (iv) delegated authority be granted to the Deputy Chief Executive (Corporate Direction), in consultation with the Executive Member for Finance, to amend the profile of this capital budget should it

extend over financial years without the need for additional supplementary or carry forward requests;

- (v) the short term rolling loan facility of up to £7,000,000 to the Tin Hat Partnership, be approved;
- (vi) an amendment to the Treasury Management Policy to allow up to £7,000,000 of loan monies to be held with the Council's own bank for a maximum of two weeks to manage any delays that may occur with the arrangements be approved;
- (vii) an amendment to the Treasury Management Policy to increase the Council's Authorised Limit by £13,250,000 to reflect the potential need for borrowing associated with the Bus Station and Leisure Centre schemes be approved;
- (viii) the setting up of all interest payable/receivable budgets (including MRP) arising as a result of these transactions be approved;
- (ix) the delivery programme be welcomed.

82 LEICESTER-SHIRE AND RUTLAND COUNTY SPORTS PARTNERSHIP ANNUAL REVIEW 12/13

Council was presented with the Leicester-Shire and Rutland County Sports Partnership Annual Review 2012/13. Members were supportive of the work and a discussion on support for parishes to run summer schemes ensued, with some Members stating that they didn't recall the support being offered to their parish council, whilst others expressed the view that some parish councils did not want to take on the responsibility. It was requested and agreed by officers that in future the information be sent to ward councillors as well as parish councils.

RESOLVED – the Annual Review be endorsed and the significant investment secured for sport and physical activity within the Borough during 2012/13 be noted.

83 FINANCE REPORTS

It was agreed that agenda items 11, 12, 13 and 17 (Medium Term Financial Strategy, Draft Outturn 2012/2013, Review of General Fund Earmarked Reserves and Hinckley Hub Payment of Stamp Duty) would be introduced and debated on together, but voted upon separately.

During discussion, the following points were noted:

- The Stamp Duty figure had been anticipated so the reserves were available;
- Some Members expressed concerns regarding increased reliance on investment income;
- Universal Credit would have an impact but the MTFS reflected the currently anticipated position regarding welfare reforms;
- In response to a question it was stated that there had been no affect on frontline services;
- The Medium Term Financial Strategy was updated every six months.

84 MEDIUM TERM FINANCIAL STRATEGY

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

RESOLVED – the Medium Term Financial Strategy be approved.

85 DRAFT OUTTURN 2012/2013

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

RESOLVED –

- (i) the draft General Fund outturn for 2012/13 be approved;
- (ii) transfers to earmarked reserves and balances be approved;
- (iii) carry forwards of expenditure and income to 2013/14 be approved;
- (iv) the transfer of year end under spend on the Housing Revenue Account to the HRA fund balance be approved;
- (v) a transfer from the Housing Repairs Account to the Housing Repairs capital programme in order to fund the adverse variance as set out in paragraph 3.15 be approved;
- (vi) the recommendations in respect of the year end outturn for the General Fund capital programme and the Housing Revenue Account capital programme and carry forwards be approved.

86 REVIEW OF GENERAL FUND EARMARKED RESERVES

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

RESOLVED –

- (i) the recommended transfers from balances to earmarked reserves be approved;
- (ii) earmarking of additional reserves to fund future expenditure be approved.

87 HINCKLEY HUB PAYMENT OF STAMP DUTY

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

RESOLVED – the creation of a budget of £165,549 to be funded from the relocation reserve be approved to cover the cost of the Stamp Duty Land Tax payable on the lease of the Hinckley Hub building.

88 EXTENSION OF TIME

Having reached 9.30pm and in accordance with Council Procedure Rule 9, it was moved by Councillor Bray, seconded by Councillor Lynch and

RESOLVED – the meeting be allowed to continue and reviewed again at 10.30pm, if necessary.

89 HRA INVESTMENT PLAN

Members received the HRA Investment plan and associated budget detail. During discussion, the following points were raised:

- The need to refresh some existing council properties;
- The delays with boiler repairs and the need to look into the maintenance contract to ensure it is appropriate;
- The future need for more sheltered accommodation and for care homes;
- The possibility of the council buying land for rural exception sites;
- The need to project future housing stock requirements;
- The need to achieve a balance between building new houses and improving existing stock.

It was moved by Councillor Mullaney, seconded by Councillor Bray, and unanimously

RESOLVED –

- (i) the HRA Investment Plan and associated budget profile be approved;
- (ii) the Deputy Chief Executive (Corporate Direction) in consultation with the Deputy Chief Executive (Community Direction), Executive Member for Finance, ICT & Asset Management and the Executive Member for Housing be granted delegated authority to approve individual budget schemes (revenue and capital) within the investment profile;
- (iii) quarterly reports on the implementation of the HRA investment be presented to the Executive, with an Annual Report provided to Council alongside the annual budget outturn report.

90 PRIVATE SECTOR LEASING SCHEME AND HOMES AND COMMUNITIES AGENCY EMPTY HOMES PHASE 2 FUNDING

Members received a report which provided an update on progress made to explore the feasibility of a Private Sector Leasing Scheme. The report was welcomed and it was felt that action should be taken to bring empty properties back into use. It was suggested that rural homes should be a priority and that the council should encourage owners to work with it. It was moved by Councillor Mullaney, seconded by Councillor Bray and

RESOLVED –

- (i) the use of a Private Sector Leasing Scheme across the Borough be approved;
- (ii) the use of flexible, fixed term tenancies for properties that form part of the scheme be approved;
- (iii) the addition of a clause to the Tenancy Policy stating that where a property forms part of the Scheme, lifetime tenancies cannot be granted but a tenancy will be granted for the longest term possible within the timeframe of the leasing term, be approved;
- (iv) delegated authority be granted to the Deputy Chief Executive (Corporate Direction) to create appropriate capital and revenue

budgets once the nature of the individual works are known, up to the value of £468,900;

- (v) a supplementary budget of £6,000 to fund the administration cost and £20,610 annually for two years for modern apprentices be approved;
- (vi) the Deputy Chief Executive (Corporate Direction) be granted delegated authority to create rental income budgets once the properties have been brought back into use;
- (vii) an income budget of £90,000 to reflect the grant income due to be received from the Homes and Communities Agency for Empty Homes phase 2 be approved;
- (viii) an income budget of £60,000 to reflect contributions from property owners to fund works on their properties be approved;
- (ix) a total expenditure budget of £210,000 for expenditure incurred on the 6 commercial properties identified be approved;
- (x) a virement of £60,000 from the current under spent major works grants budget to the empty homes commercial property budget to fund the Council's contributions to these works be approved.

(Councillor Morrell was absent whilst the vote was taken).

#### 91 INVESTMENT IN WASTE MANAGEMENT VEHICLES

Council was presented with a report which requested creation of a budget to pay for Waste Management vehicles and recycling banks. On the motion of Councillor Mullaney, seconded by Councillor Bray, it was

##### RESOLVED –

- (i) the purchase of a new refuse collection vehicle for an estimated £75,000 to be funded from the waste management reserve be approved;
- (ii) the purchase of a second hand telescopic handler for £28,000 to be funded from the waste management reserve be approved;
- (iii) the creation of a capital budget of £40,000 in 2013/14 and 2014/15 to purchase new recycling banks to be funding by making a revenue contribution to fund capital expenditure arising from savings in the recycling budgets, be approved;
- (iv) the £8,380 saving arising from purchasing instead of spot hiring the telescopic handler be noted.

(Councillor O'Shea was absent during the voting on this item).

92 STATEMENT OF COMMUNITY INVOLVEMENT

Members received a revised Statement of Community Involvement following its presentation to Planning Committee. On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the revised Statement of Community Involvement be approved and arrangements for further consultation be endorsed.

(Councillor O'Shea was absent during voting on this item).

93 EARL SHILTON & BARWELL AREA ACTION PLAN

Agreement was sought to consult on the Earl Shilton and Barwell Area Action Plan (AAP) pre-submission document and supporting documents. The following matters were raised during debate:

- Disappointment was expressed that the LLITM hadn't been prepared in time to be consulted upon prior to determination of the Barwell SUE planning application. It was confirmed that this was now ready and would form part of the consultation prior to determination of the Earl Shilton SUE;
- Members were concerned that the application for the Doctors' surgery which had been permitted in Barwell had not been commenced, and they hoped that improvements would be secured for Earl Shilton;
- Consultation on the Earl Shilton SUE application would take the format of exhibitions, letters to residents and meetings with the town council.

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

RESOLVED –

- (i) the publication of the pre-submission draft Earl Shilton & Barwell Area Action Plan, Sustainability Appraisal and supporting documents for consultation during the period between Friday, 30 August and Monday, 14 October 2013 be approved;
- (ii) the submission of the Earl Shilton and Barwell Area Action Plan and supporting documents to the Secretary of State for examination following analysis of the representations received during consultation be approved;
- (iii) the requirement for submission of a single outline planning application for the Earl Shilton Sustainable Urban Extension in line with the advice given in paragraph 9.1 of the Area Action Plan be endorsed.

Councillor Bessant left the meeting at 10.19pm.

94 CODE OF CONDUCT

Members received a revised Code of Conduct which had been recommended by the Ethical Governance and Personnel Committee who had rejected the originally proposed countywide code of conduct but had agreed some changes to the council's current code.

Some concern was expressed regarding the interpretation of the code by potential complainants, how to deal with a potential bias due to membership of a political party, and how this would affect voting on issues where there was a political whip. In response



it was stated that many of the new parts were similar to the previous Code of Conduct which had been in existence prior to commencement of the new regime. It was explained that, despite having no provision for 'personal interests', members had still been wishing to declare such interests for reasons of openness and transparency.

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

RESOLVED – the revised Code of Conduct be adopted.

95 EXTENSION OF TIME

Having reached almost 10.30pm and in accordance with Council Procedure Rule 9, it was moved by Councillor Bray, seconded by Councillor Cope and

RESOLVED – the meeting be allowed to continue to completion of business.

96 CORPORATE PLAN 2013-16

Members were presented with the Corporate Plan 2013-16. It was moved by Councillor Witherford, seconded by Councillor Bray and

RESOLVED – the Corporate Plan be approved.

97 MEMBERSHIP OF COMMITTEES

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

RESOLVED – the membership of committees be approved as set out in the supplementary agenda.

98 OUTSIDE BODIES

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

RESOLVED – the membership of outside bodies be approved as set out in the supplementary agenda.

99 SENIOR MANAGEMENT RESTRUCTURE / COST REDUCTIONS

Members were informed of suggested revisions to the Senior Management Structure which would achieve a more cohesive approach at Chief Officer level and a reduction in costs. On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the Senior Management Restructure as proposed be approved.

(The Meeting closed at 10.35 pm)

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MAYOR