

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

16 JANUARY 2014 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Miss DM Taylor – Vice-Chairman

Mr RG Allen (for Mr C Ladkin), Mr PR Batty, Mr Bessant, Mr PAS Hall, Mr MS Hulbert, Mr DW Inman, Mr JS Moore, Mr R Mayne (for Mrs WA Hall), Mr K Morrell and Mr K Nichols

Also in attendance: Councillor Ms BM Witherford

Officers in attendance: Steve Atkinson, Adam Bottomley, Jenny Brader, Bill Cullen, Louisa Horton, Simon D Jones, Julie Kenny, Andrew Killip, Sanjiv Kohli, Karen Mason, Tracy Miller, Rebecca Owen, Karen Pegg, Katherine Plummer, Sally Smith, Judith Sturley and Nic Thomas

350 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Mrs Hall and Councillor Ladkin, with the substitution of Councillor Mayne for Councillor Hall and Councillor Allen for Councillor Ladkin authorised in accordance with Council Procedure Rule 4.1.

351 MINUTES

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

RESOLVED – the minutes of the meeting held on 21 November 2013 be confirmed and signed by the Chairman.

352 DECLARATIONS OF INTEREST

No interests were declared at this stage.

353 HINCKLEY LEISURE CENTRE PROCUREMENT

Members received a presentation regarding the proposals for a new Leisure Centre on Argents Mead. It was reported that final submissions had been received from two bidders, who for this purpose had been labelled 'bidder A' and 'bidder B' and whose names had been withheld to enable Members to objectively discuss the schemes in public session. The report and discussion thereon provided evidence to members of the strong record of both companies and the independent consultant had confirmed that both bids were of extremely high quality and either would be an excellent choice.

Some Members felt that the names of the companies should be provided in order to have an informed discussion, but upon voting to move into private session, the motion was LOST and the meeting continued in public.

Councillor Taylor entered the meeting at 7.25pm.

Members were pleased to see the proposals and supportive of using the site of the former council offices. During debate, the following points were discussed:

- Concern regarding car parking on site and in the vicinity. In response members were assured that there was more availability than at the current leisure centre;
- The hope that the town centre would see a higher footfall as a result of the leisure centre being closer to the town centre;
- The changing trends in playing squash, which had led to none of the companies interested in building and operating the leisure centre wishing to include squash courts and the resulting arrangement with Hinckley Squash Club, the intention of which was to increase the number and improve the quality of squash players in the area;
- Action to be taken in the event of underperformance by the contractor. In response it was noted that there would be a termination clause in place by way of protection;
- Protection should the operator go into liquidation. In response it was stated that the leisure centre building would remain in our ownership and HBBC would be able to operate it or appoint a new operator;
- The office space within the building, which would provide space for 16 workstations;
- The branding of the leisure centre and control of staffing. It was agreed that this would be discussed;
- The duration of the contract would be 20 years, but the repayment would be over 30 years;
- The contract had been drafted so that any delay in build would not result in slippage of payment;
- Detailed discussions about the operation of the centre would not take place until after the contract had been confirmed by Council.

A member proposed that Councillor Batty be added to the project team. Officers agreed to discuss this.

In response to a member's question about the matter coming back to Council, should further work with the preferred bidder not be satisfactory, it was explained that Council on 21 January would be resolving to appoint the other bidder as reserve.

It was moved, seconded and

RESOLVED –

- (i) the high quality of tender submissions be noted;
- (ii) the selection of Bidder A as the Council's preferred bidder be supported and RECOMMENDED to Council, with Bidder B appointed as reserve;
- (iii) the income stream, additional capital budget requirement, increase in the council's authorised borrowing limit and potential shortfall in revenue in the first year be noted;
- (iv) the programme for delivery of the new leisure centre be noted;
- (v) the arrangements for the project team be noted.

354 DRAFT 2014/15 GENERAL FUND BUDGET

The Scrutiny Commission received the draft 2014/15 General Fund budget ahead of submission to Council on 20 February 2014. It was emphasised that salary savings had been achieved by managing vacancies and not through loss of jobs.

Members acknowledged the work of officers and the favourable position in comparison with other authorities. However, it was noted that the situation in future years would be more difficult to sustain.

It was reported that the position regarding pensions had not improved and the revenue support grant was being eroded each year, with councils having to place a greater reliance on the New Homes Bonus, Council Tax and Business Rates retention and, potentially in the future, increasing fees and charges.

RESOLVED – the report and contents be noted and supported.

355 DRAFT HOUSING REVENUE ACCOUNT BUDGET

Members reviewed the key elements of the 2014/15 Housing Revenue Account budget ahead of submission to Council on 20 February 2014. It was noted that there was still uncertainty regarding the level of rent and some members expressed concern that to significantly increase the rent would again affect the most vulnerable residents. In contrast it was suggested also that the additional income from rent was needed in order to fund improvements and house building, in order to support a larger number of vulnerable residents and that a lower increase at this stage would compound the issue in the future.

In relation to the Schedule of Rates, it was reported that this was being reviewed and updated.

RESOLVED – the report and budget information contained therein be noted and supported.

356 CAPITAL PROGRAMME 2013/14 TO 2016/17

Members considered the draft Capital Programme for the years 2013/14 to 2016/17.

RESOLVED – the report be noted and supported.

357 THE PRUDENTIAL CODE FOR CAPITAL FINANCE IN LOCAL AUTHORITIES - SETTING OF PRUDENTIAL INDICATORS 2013/14 TO 2016/17 AND TREASURY MANAGEMENT STRATEGY 2014/15 TO 2016/17

The Commission received a report which outlined the Council's prudential indicators for 2013/14 to 2016/17 and set out the expected treasury operations. Discussion on the City Deals and the Growth Fund for Leicestershire ensued.

RESOLVED – the report be noted.

358 HINCKLEY & BOSWORTH LOCAL PLAN (2006 - 2026): SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT - PRE-SUBMISSION DOCUMENT

Members received a report which sought support to consult on the Site Allocations and Development Management Policies Development Plan Document (DPD) pre-submission version, sustainability appraisal, consultation report and supporting documents and subsequent submission to the Secretary of State for Examination in Public. It was noted that the dates had been amended in a later version of report after the decision had been taken to consider the report at an Extraordinary meeting of Council in January instead of the scheduled February meeting.

It was explained that, once adopted, the document would help to resolve the five year land supply issue and would also help to prevent speculative applications. It would also help that settlement boundaries would have weight at appeal.

Councillor Taylor left the meeting at 9.09pm.

Some members referred to recent appeal decisions and the lack of Site Allocations DPD being part of the reason for losing those appeals. It was suggested that the localised figures for housing need in a settlement had no weight against the overall numbers needed and that until a DPD was in place this issue would continue. It was also acknowledged that the Government wanted the housing requirements to be met sooner rather than later during the period to 2026.

RESOLVED –

- (i) the pre-submission draft Site Allocations and Development Management Policies DPD, Sustainability Appraisal, consultation report and supporting documents be endorsed for consultation;
- (ii) the planned submission to the Secretary of State for Examination in Public be noted.

359 PLANNING & ENFORCEMENT APPEAL DECISIONS

The Scrutiny Commission received the regular update report on planning and enforcement appeal decisions that had been made contrary to the decision of the Local Planning Authority. It was reported that of the 16 appeal determinations made against the authority's decisions, three decisions had been in accordance with the officer's recommendation, nine had been member decisions against officer recommendation, three had been delegated decisions by officers and one had been an appeal against imposition of a condition.

Some members who sat on the Planning Committee felt that they were in a difficult position if they were determining an application in their ward which was controversial, which was further exacerbated when the officer recommendation was contrary to the view of residents. A Member suggested that a better process was required to improve understanding between members and officers generally and on specific applications.

With regard to the cost of appeals, it was clarified that all money in the budget was committed and there was still a possibility of more appeals being lodged before the end of the financial year.

It was requested that more detail be included in the figures on future reports.

RESOLVED –

- (i) the report be noted;
- (ii) consideration be given to the abovementioned issues regarding controversial applications by the new Chief Planning & Development Officer;
- (iii) future reports include more financial details.

360 EXTENSION OF MEETING

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

RESOLVED – the meeting be permitted to continue for a further ten minutes.

361 FINANCIAL CONTRIBUTIONS TOWARDS PLAY AND OPEN SPACE

Members were updated on the position regarding monies towards play and open space that had been received and spent via planning condition and Section 106 agreement or Unilateral Undertaking.

With regard to the development of 13 Hill Street, Barwell, it was noted that, whilst it had passed the five year claw back date, it was unlikely to be clawed back as the developer had gone into liquidation several years before. It was also noted that the developer for Montgomery Road, Earl Shilton, would not agree to an extension of the five year period for their contribution and had requested that the monies be returned. Members hoped that this could be avoided in future.

Officers explained that they were implementing a new system which would be used to monitor developer contributions and would also be accessed by parish councils, some of whom did not have the detailed knowledge or resources to monitor and claim the funding.

RESOLVED – the report be noted.

362 EXTENSION OF MEETING

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

RESOLVED – the meeting be permitted to continue until all business on the agenda had been transacted.

363 BROADBAND CONTRIBUTION

The Commission received a report prior to decision by Council which considered investing in extending fibre broadband coverage with Hinckley & Bosworth. Members received some supplementary information which was commercially sensitive and therefore not in the public domain. It was moved by Councillor Nichols, seconded by Councillor Batty and

RESOLVED – in accordance with section 100A(4) of the Local Government Act 1972, the public be excluded from the following discussion on this 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.

Members then considered the supporting information in the exempt report which provided more localised figures. Following a very brief discussion on this, it was

RESOLVED – the public and press be readmitted to the meeting.

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

RESOLVED – Council be RECOMMENDED to

- (i) approve the £40,000 capital budget for the rural Broadband Scheme;
- (ii) approve the virement of £37,350 from the grants to the Home Improvement Agency scheme budget;
- (iii) approve the supplementary budget of £3,470 to fund the remainder of the project from general fund contributions;
- (iv) delegate authority to the Chief Executive to sign the Collaboration Agreement between Hinckley & Bosworth Borough Council and Leicestershire County Council subject to agreement of the terms.

364 SCRUTINY COMMISSION WORK PROGRAMME 2013-2014

RESOLVED – the work programme be noted.

365 MINUTES OF FINANCE, AUDIT & PERFORMANCE COMMITTEE

The minutes of the Finance, Audit & Performance Committees on 16 September and 11 November 2013 were received for information.

(The Meeting closed at 9.46 pm)

CHAIRMAN