

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

18 FEBRUARY 2016 AT 6.30 PM

PRESENT: MRS J RICHARDS - MAYOR
MR RG ALLEN – DEPUTY MAYOR

Mr DC Bill MBE, Mr CW Boothby, Mr SL Bray, Mrs R Camamile,
Mr MB Cartwright, Mrs MA Cook, Mr MA Hall, Mrs L Hodgkins,
Mr E Hollick, Mrs J Kirby, Mr C Ladkin, Mr KWP Lynch, Mr K Morrell,
Mr K Nichols, Mr M Nickerson, Mr RB Roberts, Mr SL Rooney,
Mrs MJ Surtees, Mr BE Sutton, Miss DM Taylor, Mr P Wallace,
Mr R Ward, Mr HG Williams, Ms BM Witherford and Ms AV Wright

Officers in attendance: Steve Atkinson, Ilyas Bham, Bill Cullen, Timothy Finn, Julie Kenny, Rebecca Owen, Rob Parkinson, Caroline Roffey, Sharon Stacey and Ashley Wilson

393 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bessant, Mrs Cope, Mr Cope, Crooks, Lay, O'Shea and Smith. It was also noted that Councillor Williams would arrive slightly late due to traffic.

394 MINUTES OF THE PREVIOUS MEETING

It was moved by Councillor Nichols, seconded by Councillor Nickerson and

RESOLVED – the minutes of the meeting held on 12 January 2016 be approved and signed by the Mayor.

395 DECLARATIONS OF INTEREST

No interests were declared at this stage.

396 MAYOR'S COMMUNICATIONS

The Mayor was pleased to announce that Joy Hirons had won the Leicester Mercury Sports Awards, after having won our Sportsperson of the Year Award at the end of 2015.

The Mayor reported on a successful Local Democracy Week event with school children from across the Borough and put up a poster showing the expected qualities of a councillor, as suggested by the children.

Helen Crouch, of Bagworth, was presented with a community award for her voluntary work to send supplies to those affected by the recent floods in Cumbria. Councillor Boothby, who had proposed Ms Crouch for the award, explained that she had planned to hire a small van to take some collected items to those affected, but due to her hard work had amassed 26 pallets of goods.

The Mayor reminded members of her charity event being held at the Concordia Theatre in April to celebrate the Queen's 90th birthday, saying that tickets, which were available from the theatre box office, were selling fast.

397 QUESTIONS

The following question from Councillor Cartwright was put to the Leader of the Council under Council Procedure Rule number 11.1

- “(a) Given that the public perception of all councils is reducing rapidly with having to pay more council tax for less service, could the Leader of the Council please explain why, in a recent press release, he made the comments that he was happy with the response to the consultation when only a fraction of households responded (2150) from more than 48,000 households – a return rate of just 4.4%?”

Whilst the Leader could not have predicted the return rate, would it not have been more plausible to have thanked the people that chose to respond with the more real statement that he was disappointed that so few residents actually did. Surely this would have created more respect in the public opinion in light of the actual result.

- (b) Having produced, created and distributed such a large piece of work at expense to the tax payer for the benefit of the customer, would the Leader please explain why the administration have chosen to completely ignore their views and choose instead to pick a third option not available to residents in the questionnaire?
- (c) Given the damage that this will do to the reputation of this consultation and the authority as a whole and potential future consultations (they never bothered to listen to my views last time), what does the administration propose to do to remedy what a large portion of the customers whom you sought guidance from will think about the result and actual outcome?”

Response from the Leader of the Council:

- “(a) Cllr Cartwright questions the value of 2150 responses, and he therefore obviously does not understand the statistical significance of such a response rate. This compares favourably with national polls, such as those used by MORI, who take much smaller samples as the basis for their conclusions. This response is twice the sample size of 1107 people from Leicestershire and Rutland (120 were from Hinckley and Bosworth) who responded to the police consultation on their proposed 1.99% increase. Our number of responses therefore provides a very high level of confidence that the answers provided were representative of residents in general.

So, I am happy to repeat my comment, I am pleased that so many people responded to the consultation, it has given us statistically relevant and valuable information to inform our decision making, and I thank them for taking the opportunity to respond.

- (b) Public consultation plays a vital role in advising the council of its customers' views and is conducted in a variety of different formats, and for different reasons. In this instance we wanted to reach as many people as possible within a specific timeframe to assist with our decision making. It was a consultation; not a referendum or ballot of any other sort. We were seeking the views of the public on options that we were considering to fill the void, left by the Lib Dem administration, in the council's budget for 2016/17. We provided two different options to focus those views.

The consultation provided us with two significant pieces of information, firstly that 70% of residents would vote 'yes' in a referendum to a Council Tax increase of £16. Secondly, just under 40% of people who currently use the green waste service told us that they would pay £35 to retain the service. It also means that

60% of people thought £35 was too expensive. They are right, and that is why we are not proposing a charge of £35.

The Government's recently announced finance settlement introduced another option, which was to increase Council Tax by £5 without the need for public referendum. Officers have also worked with the Executive to identify other savings to close the funding gap. As Cllr Cartwright will be aware, the cost of a referendum would be in the order of £100,000, which would also reduce the benefit of a larger Council Tax increase, and if we can avoid spending such money then we should. For those reasons, the budget that will be presented tonight is a balanced budget, without a £35 green waste charge, with only a £5 Council Tax increase, and without the need for a referendum.

So, far from ignoring residents' views, we are taking them into account in our decision making. We are taking advantage of what the Government has put on offer to us, and fixing the budget situation we inherited in as fair a way as we possibly can.

- (c) Asking for people's opinion is rarely something that will cause reputational damage. What does cause damage is when Cllr Cartwright writes articles which state that this Council used the bin men to deliver consultation documents, and then blames a contractor's illness for their lateness, and then claims that he was responsible for the extension of the deadline for the return of questionnaires, when in fact he was not.

Last year, the Liber Democrat administration ducked the budget issue, in fact they have been ducking it for years, hiding behind the temporary grants and bonuses that were provided by the last Government - using them to prop up the day to day running of the Council, failing communities who have had homes built in their backyard, and failing to put long term solutions in place. We have tackled it head on, and softened the impact of putting the finances right by making sure that we will introduce efficiencies over the next three years. I am sure that the public will respect responsibility far more than they will respect irresponsibility and inaction!

I would suggest that Cllr Cartwright should be more worried about what our customers think about the damage inflicted on the finances of this Council by him and his colleagues, and leave us to get on with fixing the mess they have left us in."

By way of supplementary question, Councillor Cartwright asked if the tone of the response was due to the Leader's embarrassment at the situation, and he felt that he had not answered the question. In response, the Leader explained that new options had become available since the consultation, and in considering these, the outcome of the consultation had been taken into account. He felt that he had answered the question and was not embarrassed about the issue.

398 LEADER OF THE COUNCIL'S POSITION STATEMENT

The Leader of the Council, in presenting his position statement, said he was pleased to be recommending a balanced budget not only for the next year, but the following three as well.

399 MINUTES OF THE SCRUTINY COMMISSION

Councillor Bray, as Vice-Chairman of the Scrutiny Commission, introduced the minutes of the last meeting for information.

400 FINANCE REPORTS

In advance of the Executive member presenting the budget reports, the Chief Executive referred to:

- Item 10-16 ('Finance reports') on the supplementary agenda which explained that any reference to the Deputy Chief Executive (Corporate Direction) in those reports should read 'Interim Deputy Section 151 Officer' as the former had not been involved in the compilation of the reports and that by contributing to and being involved in the presentation of the reports, the Interim Deputy Section 151 Officer was offering the necessary financial assurances on this occasion.
- Items 10-16 would be presented and discussed together, but a vote on each report would be taken separately.
- A recorded vote was required by statute on items 12 and 13 (General Fund budget and Council Tax setting).

Councillor Williams arrived at 6.47pm.

Following the Executive member for Finance's presentation of the budget reports, discussion ensued thereon, during which the following points were raised:

- The change in recommendation since consideration of the MTFS by the Scrutiny Commission
- Loss of recycling credits from Leicestershire County Council contributing to the budget gap
- Reduction of the government's revenue support grant in each year of the MTFS
- The reduction of parking charges in the town centre a few years previously, the loss of revenue from which had been supplemented from the special expenses area budget
- The potential for the Wholly Owned Housing Company to generate income for the authority, but that this was not certain during the period covered by the MTFS
- Concern regarding potential increased fly tipping on introduction of the charge for green waste collection, as experienced by Birmingham City Council, but not elsewhere
- The welcome new affordable housing schemes at Southfield Road, Hinckley; Ambion Court, Market Bosworth; and Martinshaw Lane, Groby
- Freezing council tax for the past four years had eroded the council tax base and led to the need to now make difficult financial decisions
- Increases in fees and charges for cemeteries
- The new charge for rat treatments which had previously been free of charge
- Disproportionate leisure centre fee increases for concessions/seniors
- The welcome news that funding to install a public toilet in Earl Shilton would be identified in 2016/17
- The charge for market stall holders remaining unchanged was welcomed
- Support for the Voluntary & Community Sector was welcomed
- Additional funding for the Parish & Community Initiative Fund was welcomed
- The assumptions made in relation to business rates retention, as the matter was still out for consultation by the Government
- Assumptions for salary costs had not been made for years five and six as this was outside of the scope of the Medium Term Financial Strategy.

In response to questions about the change in the MTFS and the added charge for users of the garden waste collection service since the matter had been discussed by the Scrutiny Commission, it was explained that, whilst the £5 increase in council tax meant a balanced budget for 2016/17, it did not secure by itself a balanced budget/MTFS for

following years. Members were reminded that the Scrutiny Commission had recommended that further consideration be given to how this may be achieved, which had been done and, as a result, was presented in these reports.

In relation to the £24 charge for the garden waste service, a member asked if provision had been made in the event of a take-up of less than 40%. In response it was noted that, based on the experience of other authorities, the take-up was highly unlikely to be less than 40%, but that a reserve had been built in.

A member asked why there had been a delay in creation of the Wholly Owned Company, as it had been in advanced stages of development a year ago. In response it was explained that the company and directors were in place, but that the business case for the company was being developed as expediently as possible, whilst ensuring a robust position for both the Company and the Council going forward, with advice being sourced from other local authorities and to ensure risks were identified and managed.

Attention was drawn to the charge for pool hire (page 83) which appeared to be set to decrease from £52.10 to £9.00 per hour and the accuracy of this was questioned in light of general increases across the board. In relation to fees and charges for the leisure centre, it was explained that these were set by the operator and were the maximum permitted charges, but that, as with the previous provider, promotions and concessions throughout the year would mean that the maximum fee may not be charged.

In considering the New Homes Bonus, it was noted that the anticipated decrease from six to four years in 2018/19 was accounted for in the MTFs. In relation to the additional payment of £350 as outlined in paragraph 3.17 (page 14), it was noted that this payment was per affordable home, per year.

In response to a question in relation to Discretionary Housing Payments, it was noted that the sum was being included in the base budget so would be available each year going forward. It was noted that the impact of Universal Credits was unknown at this point.

Reference was made to the table on page 12 of the agenda pack 'Hub savings (VCS) income' and a member asked what this meant. Officers agreed to provide a response following the meeting.

The Executive member for Finance was thanked for her clear and comprehensive presentation of the reports, the Finance team was thanked for their hard work in the budget setting and reporting process, and the Strategic Leadership Board, Corporate Operations Board and service managers were thanked for the savings they had identified.

401 MEDIUM TERM FINANCIAL STRATEGY

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees and seconded by Councillor Camamile that the recommendations within the Medium Term Financial Strategy report be approved. Councillor Bray along with seven other councillors requested that voting on this item be recorded. The vote was taken as follows:

Councillors Allen, Boothby, Camamile, Cook, Hall, Kirby, Ladkin, Morrell, Nickerson, Roberts, Rooney, Surtees, Sutton, Wallace, Ward, Williams and Wright voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (9).

Councillor Richards, as Mayor, abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the Medium Term Financial Strategy 2016/17 – 2019/20 be approved.

402 FEES & CHARGES

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees and seconded by Councillor Camamile that the recommendations within the Fees & Charges report be approved. Councillor Bray along with seven other councillors requested that voting on this item be recorded. The vote was taken as follows:

Councillors Allen, Boothby, Camamile, Cook, Hall, Kirby, Ladkin, Morrell, Nickerson, Roberts, Rooney, Surtees, Sutton, Wallace, Ward, Williams and Wright voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (9).

Councillor Richards, as Mayor, abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – the Fees and Charges book for 2016/17 be approved.

403 GENERAL FUND BUDGET

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees and seconded by Councillor Camamile that the recommendations within the General Fund Budget report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and taken as follows:

Councillors Allen, Boothby, Camamile, Cook, Hall, Kirby, Ladkin, Morrell, Nickerson, Roberts, Rooney, Surtees, Sutton, Wallace, Ward, Williams and Wright voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (9).

Councillor Richards, as Mayor, abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The General Fund budget for 2015/16 and 2016/17 be approved;
- (ii) The Special Expenses area budget for 2015/16 and 2016/17 be approved;
- (iii) The proposed movement in General Fund reserved and balances for 2015/16 and 2016/17 be approved;

- (iv) The reason for and impact of introducing the green waste charge in the 2016/17 budget and the longer term finances of the Council, as set out in the Medium Term Financial Strategy, be noted.

404 COUNCIL TAX SETTING 2016/17

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees and seconded by Councillor Camamile that the recommendations within the Council Tax Setting report be approved. In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this item was recorded and was taken as follows:

Councillors Allen, Boothby, Camamile, Cook, Hall, Kirby, Ladkin, Morrell, Nickerson, Roberts, Rooney, Surtees, Sutton, Wallace, Ward, Williams and Wright voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (9).

Councillor Richards, as Mayor, abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – in accordance with the Local Government Finance Act (1992):

- (i) A council budget requirement excluding Special Expenses and Parish Councils of £10,248,194 be approved for 2016/17;
- (ii) A total budget requirement including Special Expenses of £10,861,145 be approved for 2016/17;
- (iii) A total net budget requirement including Special Expenses and Parish Councils of £12,602,423 be approved for 2016/17;
- (iv) A contribution from Revenue Support Grant (including the element indicated for Local Council Tax Support) and Non Domestic Rates (indicated by the NNDR Baseline) of £3,635,744 be approved for 2016/17;
- (v) A forecast transfer of £53,112 surplus from the Collection Fund to the General Fund be approved for 2016/17;
- (vi) A Band D Council Tax for borough wide services, excluding Special Expenses and Parish Council precepts, of £100.25 be approved for 2016/17;
- (vii) A Band D Council Tax for borough wide services and an average of Special Expenses services of £117.09 be approved for 2016/17;
- (viii) An average Band D Council Tax relating to borough wide services and an average of Special Expenses and Parish Council services of £164.93 be approved for 2016/17;
- (ix) The total Council Tax, including amounts for the County Council, Police and Crime Commissioner and Combined Fire Authority and

for each area and valuation band as detailed in appendix A to the report be approved for 2016/17.

405 HOUSING REVENUE ACCOUNT BUDGET

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees and seconded by Councillor Camamile that the recommendations within the report be approved. Councillor Bray along with seven other councillors requested that voting on this item be recorded. The vote was taken as follows:

Councillors Allen, Boothby, Camamile, Cook, Hall, Kirby, Ladkin, Morrell, Nickerson, Roberts, Rooney, Surtees, Sutton, Wallace, Ward, Williams and Wright voted FOR the motion (17);

Councillors Bill, Bray, Cartwright, Hodgkins, Hollick, Lynch, Nichols, Taylor and Witherford voted AGAINST the motion (9).

Councillor Richards, as Mayor, abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The Rent Policy for 2016/17 be approved;
- (ii) The revised Housing Revenue and Housing Repairs Account budgets for 2015/16 be approved;
- (iii) The Housing Revenue and Housing Repairs Account budgets for 2016/17 be approved;
- (iv) The proposed movement in reserves be approved.

406 CAPITAL PROGRAMME

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees, seconded by Councillor Camamile and

RESOLVED – the proposed Capital Programme for the years 2015/16 to 2018/19 be approved.

407 SETTING OF PRUDENTIAL INDICATORS 2015/16 - 2018/19 AND TREASURY MANAGEMENT STRATEGY 2015/16 - 2018/19

Further to the discussion on the finance reports (minute 400 refers), it was moved by Councillor Surtees, seconded by Councillor Camamile and

RESOLVED –

- (i) The Prudential Indicators and Limits for 2015/16 to 2018/19, including the Authorised Limit Prudential Indicator, be approved;
- (ii) The Minimum Revenue Provision (MRP) Statement be approved;
- (iii) The Treasury Management Strategy 2015/16 to 2018/19 and the Treasury Prudential Indicators be approved;

- (iv) The Investment Strategy be approved.

408 PRIVATE SECTOR WORKS IN DEFAULT

Council was presented with a report which requested a works in default budget to tackle long term empty properties and properties in substantial disrepair in the private sector. Members welcomed the report. It was moved by Councillor Boothby, seconded by Councillor Rooney and

RESOLVED –

- (i) The works in default budget previously approved by Council be allocated to tackle long term empty properties and properties in substantial disrepair;
- (ii) Authority be delegated to the Deputy Chief Executive (Community Direction) in conjunction with the Executive member for Housing and Community Safety to authorise works in default, including to demolish/rebuild/repair the properties (should the owners not comply with the legal enforcement notices);
- (iii) Recovered costs from the approved budget of £120,000 to carry out works in default be used to tackle similar long term empty and properties in disrepair as part of a rolling programme.

409 CONSTITUTION CHANGES - JOINT COMMUNITY SAFETY PARTNERSHIP

Members gave consideration to a report which recommended an amendment to the Constitution to include joint arrangements to support the Joint Blaby and Hinckley & Bosworth Community Safety Partnership and to appoint a Joint Scrutiny body. It was reported that the Office of the Police and Crime Commissioner had approved the Joint Community Safety Strategy and merger, and had also recommended it as a template for other authorities. It was moved by Councillor Boothby, seconded by Councillor Wright and

RESOLVED –

- (i) Article 9 of the Council's Constitution be amended to include provision for a Joint Community Safety Partnership;
- (ii) A Joint Community Safety Partnership Overview and Scrutiny Committee be established and the terms of reference be approved.

410 PUBLIC PLACES PARKING ORDER

Members received a report which sought approval to vary the Off Street Parking Places Order. During discussion and as a result of reported concern expressed by local residents in relation to on-street parking, a member requested support in asking Leicestershire County Council to bring forward their review into on-street parking.

Some members expressed disappointment in the use of the existing leisure centre site as a new car park, as it was felt that housing was required on the site. Councillor Nichols, seconded by Councillor Lynch, proposed an amendment that this be removed from the proposed variations. In response it was explained that it was only intended as a temporary car park, pending development, and would only be used if deemed necessary

(pending recommendations of the Car Parking Working Group). Following further discussion, Councillor Nichols withdrew his amendment.

Further disappointment was expressed in relation to the lack of co-operation from the Co-op in relation to the use of the Co-op car park, and officers assured members that they were keeping in regular contact with the management to attempt to find a solution.

The Car Parking Working Group was discussed and it was confirmed that local businesses were represented on the group. It was requested that ward councillors be kept informed of the position in relation to the town centre car parks.

It was moved by Councillor Ladkin, seconded by Councillor Kirby and

RESOLVED –

- (i) The proposed variation to the Off Street Parking Places (Hinckley and Bosworth) Order 2014 be approved;
- (ii) Authority be delegated to the Head of Streetscene Services to publish a notice of proposals in relation to the Off Street Parking Places (Hinckley and Bosworth) Order 2014;
- (iii) Subject to no objections being received within the relevant statutory period, authority be delegated to the Head of Streetscene Services to make the Order and to publish the notice of making;
- (iv) Where objections are received, a written report be produced detailing the objections and authority be delegated to the Chief Officer (Environmental Health) and the Executive member with responsibility for Car Parks in conjunction with the Legal Services Manager to consider such objections and consider whether the variation order should be confirmed.

411 AMENDMENTS TO THE CONSTITUTION (ENVIRONMENTAL HEALTH)

Members received a report which proposed changes to the Constitution to authorise officers to take action required under the Smoke-free (Private Vehicles) Regulations 2015 and to clarify a provision in relation to Part 1 of the Health and Safety at Work etc Act 1974.

Members expressed concern regarding the safety of officers in approaching people spotted smoking in cars, and in response whilst it was acknowledged that there would be risk assessments and training, it was explained that the role of Environmental Health Officers would be mostly one of educating, raising awareness and following up on complaints.

On the motion of Councillor Morrell, seconded by Councillor Wright, it was

RESOLVED – the following changes to the Constitution be approved:

- (i) Delegated authority be granted to the Deputy Chief Executive (Community Direction) and Environmental Health Manager (Commercial) to authorise qualified Environmental Health and Technical Officers to enforce the provisions of The Smoke-free (Private Vehicles) Regulations 2015;

- (ii) The delegation of functions under 'relevant statutory provisions' within the meaning of Part 1 of the Health and Safety at Work etc Act 1974 relating to enforcement duties be reworded to specifically include "All qualified Environmental Health Officers and Technical Officers are appointed as Inspectors under Section 19 of the Act".

412 HINCKLEY AND DISTRICT MUSEUM / HANSOM CAB

Council was advised of the current position regarding the Hansom Cab and its longer-term relocation to Hinckley. Members welcomed the report and the return of the restored vehicle to the town and asked that ward councillors be kept informed of progress. It was moved by Councillor Roberts, seconded by Councillor Ladkin and

RESOLVED –

- (i) The current position regarding the restoration of the Hansom Cab be noted;
- (ii) Support for the English Heritage Lottery Fund (EHLF) bid by Hinckley and District Museum be supported, subject to the views of the Asset Management Group.

(The Meeting closed at 9.15 pm)

MAYOR