

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE CABINET MEETING

held in the Council Chamber, The Symington Building, Adam and Eve Street,
Market Harborough

held on 2nd September 2019

commencing at 5.30pm

Present:

Cllr King (Chair),
Councillors: Bateman, Dann, Hallam, Nunn and Rickman (until 5.55pm).

Officers: C. Bland (until 5.40pm), T. Day, B. Jolly, N. Proudfoot, P. Storey,
J Ward-Langham and V. Wenham.

INFORMATION EXCHANGE FROM PORTFOLIO HOLDERS

Communities

Cllr Rickman had attended a meeting at Harborough Squash Club in response to an invitation. The Club are considering putting up some outdoor Paddle tennis courts. There had been a very productive conversation and the Club is likely to be applying for s106 funding in the future.

Along with the Leader and Tom Day, Cllr Rickman had attended Police HQ for a very enlightening and interesting talk by Niven Rennie, Director of the Scottish Violence Reduction Unit on the Glasgow model. Everyone enjoyed the talk and were transfixed by what was said, some of which applies to the district and some does not.

Strategy

Cllr King stated that he had attended the following items:

- 2nd-4th July - the LGA Conference with Cllr Nunn and the Joint Chief Executives;
- 5th July - the Federation of Small Businesses, Leicestershire and Northamptonshire Local Engagement Lunch at the Marriott Hotel in Leicester, and also had a meeting with the SELAG and the Willoughby Waterleys Residents Association;
- 12th July – the Annual meeting of the East Midlands Council at Nottinghamshire County Council;
- 24th July – meeting with Market Harborough Eco Church to talk about future activity;
- 25th July – attended the Harbs Collective map launch
- 26th July – attended a meeting of District Leaders at Hinckley & Bosworth District Council, and also attended the Harborough Methodist Church Eco Event;
- 5th August - attended a briefing at Bruntingthorpe Proving Ground about the forthcoming improvements they want to make to the site;
- 6th August – attended a Violence reduction Unit presentation at Police HQ;
- 8th August – attended South Leicestershire Growth Board meeting at Blaby District Council, and also a meeting with Lutterworth Town Council with the Joint Chief Executives;
- 29th August – a meeting with Orbit Housing to discuss areas of common interest.

APOLOGIES FOR ABSENCE

There were none.

MINUTES

RESOLVED that the minutes of the meeting of the Cabinet held on 1st July 2019 be approved as a correct record.

DECLARATION OF MEMBERS' INTERESTS

Councillor Hallam stated, to be consistent with previous declarations, that Homes England, who are his landlord, are mentioned in report 8 – The Trans-Midland trade Corridor. He stated that he would leave the room whilst the report was considered and voted on.

ORDER OF AGENDA ITEMS

As a member had to leave for another engagement the Chairman amended the order of items on the agenda and reports 6 - Extension of Public Space Protection Order on consumption of alcohol and 8 - The Trans-Midland Trade Corridor were considered after report 1 - 2019/20 Revenue and Capital Monitoring – Quarter 1.

2019/209 REVENUE AND CAPITAL MONITORING-QUARTER 1

The Cabinet considered the budget monitoring information for the period from 1 April to 30 June 2019. The Council's 2019/2020 revised budget requirement was £12.300m. The financial position at the first quarter is forecasting a projected underspend of £104k (0.8%) of the approved net budget at the end of the year. This is a prudent estimate as there are three quarters of spend and activity remaining in the year. The net cost of services budget also includes the assumption that the corporate contingency of £116k will be fully allocated.

The Council continues to exercise tight budget management with no significant adverse spend projections that can not be met within approved budgets. In the first quarter of the year the Council through staff turnover and vacancy management is forecasting a £107k saving on the total employee budget of £8.858 million

An additional £30k has been included in the budget for the provision of Christmas lights in Market Harborough and this will be met through the Market Harborough special expenses reserve.

The Council is projected to receive an additional £483k from the 75% Business Rates Retention Pilot which was not factored into the original budget. It is recommended that this is included and allocated over the next 2 years and later as follows:

Scheme	£000s
<u>Current Budgets offset 2019/20</u>	
Managing Homelessness demand	40
Market Harborough and Lutterworth masterplans	50
	90
<u>Additional Budget requirement 2019/20</u>	
Increase Communications capacity	20
Electric Car infrastructure	25
Invest in Market Harborough feasibility studies	50
Market Harborough and Lutterworth masterplans	20
Market Towns - public realm space	10
	125
<u>2020/21 Budget and later</u>	
Managing Homelessness demand	40
Smarter Services	89
Increase Communications capacity	20
Electric Car infrastructure	25
Invest in Market Harborough feasibility studies	50
Market Harborough and Lutterworth masterplans	30
Market Towns - public realm space	14
	268
Total	483

The Council approved a capital programme in February 2019 of £17.620m. On 1st July 2019 the Cabinet approved capital carry forwards of £886k.

The Head of Finance has asked for the capital programme to be reviewed and re-profiled in the light of current circumstances and the results of this review will be reported in Quarter 2 if possible. This may also have an impact on the revenue budget.

Cabinet should note £246k of unbudgeted capital receipts were received in the period.

RESOLVED that:

- i) the net expenditure against the budget for the quarter to 30th June 2019 of £104k underspend as shown at Appendix A to the report be noted.
- ii) the variances over £25k detailed in Appendix B to the report be noted.
- iii) the additional budget of £32k for Church Street Christmas lights be approved to be funded from the Market Harborough Special Expenses Reserve.
- iv) the possible contribution up to £30k towards the successful bid by East Midlands Rail for cycling facilities at Market Harborough Station be noted which if required can be funded from the corporate contingency.
- v) additional income of £483k from the Business Rate Pilot expected receipts be approved, £90k to be offset against expenditure over the next two years and £393k to be used on additions to the budget.
- vi) the re-phasing of the capital programme exercise to align the capital programme to changing circumstances be noted.

Summary of Reasons

The Council's financial performance up to 30th June 2019 together with known commitments for the remainder of the financial year indicates that the Net Expenditure/Budget requirement is forecast to outturn £12.196 million under the approved net budget of £12.300 million.

EXTENSION OF PUBLIC SPACE PROTECTION ORDER FOR ALCOHOL RELATED ANTI-SOCIAL BEHAVIOUR

The Cabinet was requested to agree to extend the existing PSPO for Alcohol Related Anti-Social Behaviour for a further three years. Designated Public Places Orders (DPPOs), which previously controlled drinking in public places since 2011 were replaced with a Public Space Protection Order (PSPO). The existing PSPO came into force on the 25th August 2016 and covers two areas, one in Market Harborough and the other in Lutterworth. The offence being Alcohol related anti-social behaviour.

The Community Safety Partnership considers that the current PSPO has been an effective deterrent to alcohol related crime and anti-social behaviour since it was made. Public consultation carried out indicates 93% support the proposal to extend the existing PSPO. There had been five comments requesting an extension of the order to other settlements but the Police had not considered this was necessary and this was not recommended by officers.

If Cabinet agrees the extension of the PSPO, there is a further requirement for publicity within the Anti-Social Behaviour, Crime and Policing Act 2014 (Publication of Public Spaces Protection Orders) Regulations. The Regulations require that where a Local Authority has made a PSPO, they must publish it on its website and erect such notices as it considers sufficient to advise members of the public that the PSPO has been made and the effect of such an order.

RESOLVED that the Public Spaces Protection Order ('PSPO') for Alcohol related Anti-Social Behaviour is extended for a further 3 years, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014.

Summary of Reasons

The current PSPO expires on 25th August 2019.

THE TRANS-MIDLANDS TRADE CORRIDOR PROSPECTUS – PROPOSAL FOR AN ECONOMIC DEVELOPMENT STRATEGY

Councillor Hallam left the meeting during the discussion and voting on this item.

The Cabinet received a report recommending that the Council becomes a signatory to the Trans-Midlands Trade Corridor Prospectus – Proposal for an Economic Development Strategy prepared by Midlands Connect. The trade corridor is largely defined by the A46 corridor, part of the Strategic Road Network (SRN), which runs for over 250 kilometres from the M5 at Tewksbury to Grimsby and Hull via the A15.

The purpose of the document is to present an offer to national Government surrounding the importance of the trade corridor and therefore the need for national infrastructure investment. The document seeks to strike a balance between making an attractive offer to Government whilst meeting the aspirations of the partners along the A46. This is intended to feed into the Government Spending Review later this year. The document is not specific to any particular location or route but it does refer to the strategic case for investment in priority sections of the route to deliver housing delivery and job creation. Signing up to the document would not commit the Council to any particular scheme or proposal.

All local authorities within the Leicester and Leicestershire Housing Market Area have been asked to sign up to a Statement of Commitment and Collaboration within the Midlands Connect – The Trans-Midlands Trade Corridor Prospectus – Proposal for an Economic Development Strategy (see Appendix A). It is officers' understanding that most other councils in Leicester and Leicestershire have already indicated their support for the document.

If approved, officers will arrange for the Council to become a signatory of the Statement of Commitment and Collaboration within the Midlands Connect – The Trans-Midlands Trade Corridor Prospectus – Proposal for an Economic Development Strategy

RESOLVED that the Trans Midlands Trade Corridor Prospectus (at Appendix A to the officer’s report) be noted and that the Council sign the Statement of Commitment and Collaboration contained within it.

Summary of Reasons

To enter in to a Statement of Commitment and Collaboration with other local authorities and Local Enterprise Partnerships (LEPs) within the Trans-Midlands Corridor. The Statement presents Government with the partnership’s support for the preparation of an Economic Development Strategy for the Trans-Midlands corridor.

Councillor Hallam returned to the meeting following consideration of the above item.

Councillor Rickman left the meeting at 5.55pm, following consideration of the above item.

PERFORMANCE QUARTER 1 2018/2019 YEAR

The Cabinet was presented with details of the performance of the Council against the Corporate Delivery Plan at the end of Quarter 1 of the 2019/20 year.

Figure 1 below shows the status of all 37 Key Activities at the end of Quarter 1 of the 2019/20 year. 1 (2.7%) of Key Activities was completed. 32 (86.5%) Key Activities had a status of Green, 2 (5.4%) had Amber status. 2 (5.4%) Key Activities were scheduled to start later in the year. No Key Activity was classed as Red status.

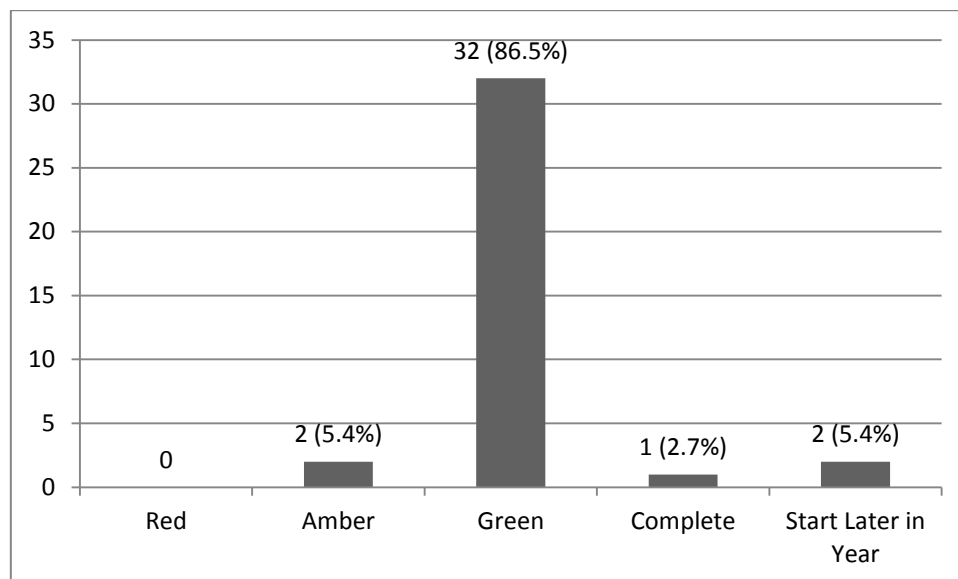


Figure 1 Status of Key Activities, End of Quarter 1 of the 2019/20 year

The following key performance indicators on the Strategic Performance Dashboard were considered to be Red status at the end of Quarter 1 of the 2019/20 year:

Less than 10% of major planning applications allowed at appeal

End of Quarter 1 status = Red

At the end of Quarter 1, 10% (1 out of 10) of major planning applications had been allowed at appeal.

Comments

As one of a small number of major planning application appeals (10) which took place in Quarter 1 was allowed at appeal, the status of this indicator is Red at the end of Quarter 1. Past experience would suggest that the status of this indicator will not continue to be Red in subsequent Quarters.

Number of interventions carried out to encourage owners of empty properties to bring them back into use

End of Quarter 1 status = Red

At the end of Quarter 1, 2 interventions had been carried out to encourage owners of empty properties to bring them back into use. The target for the end of Quarter 1 was 9 interventions (a total of 35 for the year).

Comments

The majority of planned interventions are scheduled to take place in Quarters 2, 3 and 4 of the year. For this reason, the Red status of this indicator at the end of Quarter 1 is not considered to be of concern.

Percentage of all homeless presentations housed

End of Quarter 2 status = Red

Comments

Following the introduction of the Homelessness Act 2017, the Council introduced a new Housing and Homelessness Prevention Strategy which highlighted key actions that the Council is taking to meet its statutory responsibilities. As part of this ongoing work, the Council is reviewing future provision of temporary accommodation to meet the needs of homeless residents in the most cost-effective manner.

RESOLVED That the performance of the Council at the end of Quarter 1 of the 2019/20 year be noted.

Summary of Reasons

Performance is monitored and reported to Members on a quarterly basis as part of the Council's Performance Management Framework.

CORPORATE RISK AND OPPORTUNITY MANAGEMENT QUARTER 1 2019/2020

The Cabinet was provided with information on the Council's corporate risks and opportunities at the end of Quarter 1 of the 2019/2020 year. At the end of Quarter 1 of the 2019/20 year there were 15 Risks and 4 Opportunities on the Corporate Risk and Opportunity Register. Full details of the Risks and Opportunities, including scores and mitigating actions were presented to the Cabinet.

It was noted that two Corporate Risks had been removed from the Corporate Risk and Opportunity Register and a small number of Corporate Risks and Opportunities had been amended during Quarter 1, as set out in the officer's report.

RESOLVED that the items contained within the Council's Corporate Risk and Opportunity Register (attached at Appendix A to the officer's report), be noted.

Summary of Reasons

Performance is monitored and reported to Members on a quarterly basis as part of the Council's Performance Management Framework.

BAD DEBT WRITE OFFS (REVENUES AND BENEFITS)

The Cabinet was requested to approve write off of debts in respect of National Non-Domestic Rates and were advised on which debts have been written off this financial year under delegation for the revenue and benefits service area as outlined in the report.

RESOLVED that the total amounts for Council Tax of £10,568.11 as listed at Appendix A to the officer's report be written off.

Summary of Reasons

The report seeks approval to write off debts in respect of Council Tax and to advise members on what debts have been written off this financial year for the revenues and benefits service area.

EXTENSION AND VARIATION OF PUBLIC SPACE PROTECTION ORDER ON DOG CONTROLS

The Cabinet was requested to agree to undertake a period of 6 weeks' consultation to extend and vary the Public Space Protection Order ('PSPO') made in June 2016 relating to dog controls, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, to then come back to Cabinet for consideration after the consultation has taken place.

The introduction of the Order has not led to any fixed penalty notices being issued, however the Council still receives complaints predominantly in relation to dog fouling in its district (see Table 1 below), which illustrates the need for the extension of the PSPO for a further 3 years. Given that fouling and dog control is an ongoing issue it is felt this extension is warranted. The Order may also be varied within this 3 year period

Table 1: Dog fouling complaints received

Year	Dog Fouling complaints received
2013	49
2014/15	97
2015/16	85
2016/17	87
2018/19	127

The Portfolio Holder undertook to check if the figure shown in the table for 2018/19 also included some complaints received in 2017/18 as that year was not shown in the table above. He would report back to members.

Key internal and external Stakeholders would be consulted as stipulated in the statutory guidance, along with a full consultation exercise as carried out in November 2015 for the adoption of the extant PSPO (adopted 1 June 2016).

The Portfolio Holder stated that the new Environmental Crime Officer had been appointed and, after training, would deal with issues of dog fouling. The officer would wear a uniform and be clearly identifiable by the public.

The Chairman asked about DNA testing of dog faeces to identify a dog's owner, which is a scheme being promoted by other local authorities. The Joint Chief executive (NP) undertook to raise this issue with the relevant officer and to provide a report to the Portfolio Holder,

RESOLVED that the Council undertake a period of 6 weeks consultation to extend the Public Spaces Protection Order ('PSPO') made in June 2016 relating to dog controls, in accordance with the Anti-Social Behaviour, Crime and Policing Act 2014, with no additional variations.

Summary of Reasons

The current PSPO expired on the 31st May 2019. Should consultation not be agreed an extension or/and variation of the PSPO cannot be considered further. As the extant PSPO lapsed on the 31 May 2019 the various requirements the extant order contains, including the requirements to clear up fouling; carry a means to pick up; and putting dogs on leads by order will not be enforceable.

AIR QUALITY UPDATE - ANNUAL STATUS

The Cabinet received an update report on the outcome of the annual review of local air quality across the district and approval was sought of the Annual Status Report to be submitted to the Department for Environment, Food and Rural Affairs (DEFRA), as attached at Appendix A to the officer's report.

Generally the air quality throughout the district is good however there are known issues in both Lutterworth and The Kibworths with regards to exceedances of the annual average objective level for Nitrogen Dioxide and an Air Quality Management Area (AQMA) has been declared in both areas. The Lutterworth AQMA was first declared in 2001 and the Kibworth AQMA in November 2017

The Council carries out air quality monitoring across the district using a network of diffusion tubes. The annual average results are collated and corrected in accordance with the annually published correction factors. The annual average national objective level for Nitrogen Dioxide is $40\mu\text{g.m}^{-3}$ and in 2018 the levels were exceeded in just 1 location as set out in table 1 below

Table 1

Site ID	Location	Annual Average Nitrogen Dioxide Levels $\mu\text{g.m}^{-3}$
34n	sign outside 64 Leicester Road Kibworth	49.31

The Council has been monitoring in Lutterworth since 1997 and the first time since the declaration of the AQMA in 2001, the 2018 Nitrogen Dioxide results did not exceed the annual mean air quality standard.

Whilst the 2018 annual average results are very encouraging, continuation of monitoring will be required for further years before the Council can be confident that there is sufficient evidence to consider the revocation of the AQMA.

A number of interventions were undertaken in 2019 to date working towards improving local air quality, as set out in the officer's report, and including the completion of microsimulation work in the Kibworths. This work will be included in the 2020 Annual Status report submission to DEFRA.

RESOLVED that the 2019 Air Quality Annual Status Report (ASR) be approved for submission to DEFRA as set out in Appendix A to the officer's report.

Summary of Reasons

Compliance with Part IV of the Environment Act 1995.

REPORT TO THE SHAREHOLDER OF HARBOROUGH DISTRICT COMMERCIAL SERVICES LIMITED ("THE COMPANY")

The Joint Chief Executive (NP), as a Director of the Company, left the meeting whilst this item was considered and voted upon.

The Cabinet received a report seeking approval for the adoption of the amended Articles of Association attached to the officer's report which reflects that the appointment of a Director of the Company is reserved to the Council as shareholder.

At its meeting on 26th November 2018 the Executive agreed to set up a wholly owned local authority company, limited by shares, with the Council as sole shareholder. This was to enable the Council to progress with a strategic land acquisition with the company owning and managing the land in the short to medium term.

On 2nd January 2019, Harborough District Commercial Services Limited ("the Company") was incorporated having adopted the model Articles of Association ("the Articles") with Norman Proudfoot, Joint Chief Executive as a Director of the Company ("the Director").

At its meeting on 10th June 2019, the Cabinet, in its capacity as Shareholder resolved that two further non executive directors of the Company be appointed and the Joint Chief Executive (BJ) was given delegated authority to commence the recruitment process. In addition it was resolved that the appointment of directors of the Company be made a decision reserved to the shareholder and that suitably amended Articles of Association should be submitted for approval. Following that decision the existing Articles of Association (Appendix A to the officer's report) have been amended to reflect that the appointment of directors is a decision reserved to the Shareholder (clause 27). When the Company was incorporated it adopted the Model Articles of Association, with a view that in time these would be adapted to reflect the operational requirements of the Company.

RESOLVED that:

- i) the amended Articles of Association attached as Appendix A to the officer's report are approved; and
- ii) the Joint Chief Executive (BJ) is given delegated authority to submit the necessary documentation to Companies House as required to register the revised Articles of Association.

Summary of Reasons

To ensure that the Company has in place a robust governance framework within which to operate.

The Joint Chief Executive (NP) returned to the meeting following consideration of the above item.

TEMPORARY STAFF AGENCY CONTRACT

The Cabinet received a report requesting approval for the Council to enter into a contract with an employment agency for the recruitment of temporary staff.

The Chairman drew members attention to Appendix A of the report which contained commercially sensitive information and was exempt. He informed members that Cabinet would need to move into exempt session if there was any consideration of Appendix A. Members indicated that they did not wish to consider Appendix A and Cabinet did not therefore move into exempt session.

The Council often requires staff to fill temporary posts for periods of varying length: these include administrative roles, legal professionals, specialist planners, managers in regulatory services and customer services roles. There are a number of different routes to securing the services of these individuals: procurement regulations are relevant in some cases, but not in others. For example, if the Council directly recruits and employs staff on a temporary basis, either through a "bank staff"

arrangement or following advertisement of a post, procurement regulations do not apply, except in relation to any services used to advertise such a post

However, where the Council procures the services of individuals through a third party that does not act as a direct employer, but which is paid by the Council for the services provided and which is responsible as an intermediary for the payment of the staff concerned, the Council must comply with procurement regulations (PCR 2015 and its own Procurement SORP).

At present, although the Council uses "bank staff" in some cases, it also recruits temporary staff through a variety of channels including specialist agencies (in Legal Services, Planning and Development Control), generic employment agencies for less specialist roles and through direct recruitment of individuals.

The Council's Procurement SORP requires competition in all procurement unless an exemption has been granted. It is arguable that if an agency is asked to supply details of a number of candidates for a role, competition is implicit; however, in procurement law, repeated exercises of this kind cannot necessarily be considered as separate procurements. So the contract value of the repeated procurements would be cumulative, and by using the same agency on a number of occasions (possibly over several years), the Council is likely to exceed the threshold at which a fully compliant tender process is a legal obligation.

There will be no minimum guaranteed requirement for temporary staff appointments under this contract. The Council reserves the right to use other agencies to recruit temporary staff as and when necessary

The tender submissions were evaluated in accordance with the invitation to tender by a panel of Council managers with direct experience of the employment of temporary staff and recruitment through agencies. Details of the scoring were included at Appendix A (Exempt) to the report. There was a unanimous consensus amongst the panel that a contract should be awarded to Supplier 1.

This is a routine procurement exercise that represents 'business as usual' and is essential to maintain the Council's operations and function. Authorisation of the award by Cabinet is necessary because the value of the contract exceeds £200,000 (HDC Procurement SORP, 28.1) and the PCR 2015 threshold

RESOLVED that the Council awards a contract for a term of three years with the option for extensions for up to 3 years in 1 yearly increments to Supplier 1 (as set out in Appendix A, Exempt), of the officer's report.

Summary of Reasons

The value of the contract to be awarded may exceed the Public Contracts Regulations 2015 (OJEU) threshold; Cabinet approval is therefore required.

MATTERS OF SPECIAL URGENCY

There were none.

The meeting ended at 6.28pm.