

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE EXECUTIVE MEETING

held in the Council Chamber

14th February 2011

commencing at 6.30p.m.

Present:

Councillor Rook (Leader) in the Chair

Councillors: Mrs. Ackerley, Dr. Bremner, Charlish, Dann,
Everett, Golding and Spendlove-Mason.

Also Present: Councillor Hart (Chairman of the Scrutiny Commission) and Dr. S. Hill.

Officers: M. Bradford, B. Jolly, K. Mehta, B. Murgatroyd, D. Peacock and S. Smith.

506 PORTFOLIO HOLDERS ACTIVITY REPORTS

Local Business and Enterprise

Councillor Everett reported that:

- (i) on 20th January 2011 he attended a Business Planning and Networking meeting at which business proposals for the Olympic Games 2010 were discussed.
- (ii) Leicestershire Promotions have agreed to attend the next Harborough Enterprise Partnership Meeting.
- (iii) on 14th February 2011 the Business Improvement District (BID) process was completed.

Community Safety and Enforcement Portfolio

Councillor Golding reported the following:

- (i) *Harborough District Community Safety Partnership*

To ensure that our systems and procedures are adequate 'post Pilkington' we have arranged for a Peer Review to be undertaken of the Councils ASB service to ensure that we meet the required standards within Leicestershire and also actively contribute to the continuing reduction of ASB. It will also ensure that our systems will protect the most vulnerable in our community. The Review will be carried out by an officer of Leicestershire County Council and the initial work is already underway.

- (ii) *Car-Parking Data*

The new data gathering software linked to the pay and display machines went live on 7th February. There have been a number of installation issues but 22 of the 27 machines are now able to be interrogated to remotely access data. The software optimizes the performance of the parking system by notifying whenever a terminal requires preventative or corrective maintenance, generates statistical and revenue data, and may be used to access the usage trends of the car park.

- (iii) *Gallow Hill, Market Harborough.*

Following the recent water pollution incidents, a site meeting was held between HDC, the company and the Environment Agency to discuss measures taken by the company to prevent any further discharges. We await the formal EA report.

(iv) *Bruntingthorpe Proving Ground*

A comprehensive report summarising the extensive noise monitoring that has been carried out over the last 12 months has been prepared and concludes that there is not a statutory noise nuisance from the activities at the proving ground. The report will sent to the members of the residents group for their information and copied to the Ombudsman for information prior to his deliberation on an on-going complaint.

Housing Infrastructure, and Planning

Councillor Mrs. Ackerley reported that:

- (i) the Agents Forum Event for Planning Policy and Development Control was very well attended and received very positive feedback.
- (ii) an LDF Core Strategy Workshop has been arranged for 21st February 2011 and all Members have been invited to attend.
- (iii) the Council staff that were involved in entering the data for the Choice-Based Lettings scheme had been congratulated for completing the project (including 750 entries) by the specified deadline.

507 INFORMATION EXCHANGE

No items were noted.

508 TOPICAL ISSUES

No items were noted.

509 APOLOGIES FOR ABSENCE

None were received.

510 MINUTES

RESOLVED: that the Minutes of the Executive Meeting held on 17th January 2011 be approved and signed by the Chairman as a true record, subject to the deletion of Cllr Golding's name as being present

511 DECLARATIONS OF MEMBERS' INTERESTS

None were received.

512 BUSINESS PLAN 2011/12

The Executive considered the Council's proposed Business Plan for 2011/12 and considered the comments from the Scrutiny Panels on the draft Portfolio Development Plans. The Executive was asked to agree the draft Business Plan for onward recommendation to Council.

The Executive received and noted comments from the Scrutiny Panels on the Draft Portfolio Development Plans (the Scrutiny Panels' recommendations are attached at Appendix A).

The Executive received representations from the Liberal Democrat group on suggested items for reinstatement in the forthcoming budget. The group suggested that the identified reduction of £195, 000 in the budget saving requirement be used for:

Flood prevention £13, 145.00

Pest Control £17, 547.00
Voluntary Action South Leicestershire £37, 481.00
Citizens' Advice Bureau £35, 676.00
Harborough Museum £48, 000.00
Planning Officer Support £15, 967.00
Homeless Advice £10, 845.00
Anchor Staying Put £17, 000.00

The Executive NOTED that:

- (i) litter Picking' and 'Flood Defence' have not been removed from the forthcoming budget.
- (ii) Voluntary Action South Leicestershire will be supported with £24, 000.
- (iii) Citizens' Advice Bureau will be supported with £71, 000
- (iv) Arts Fresco will be supported with £5, 000
- (v) Youth Council will be supported with £10, 000
- (vi) Harborough Museum will be supported with £48, 000
- (vii) Sports Activity will be supported with £5, 400
- (viii) £67, 000 will be added to the current contingency fund.
- (ix) Planning Liaison will continue to be supported.
- (x) Pest Control will become a paid service from 1st October 2011.
- (xi) Reorganisation of the Council's involvement with The Settling Rooms will remove the need for support from Council funds.
- (xii) The Voluntary Sector is welcome to attend future Business Networking Events.
- (xiii) Further reductions in support for statutory services may follow.
- (xiv) Use of the Council's Customer Services desks for the sales of tickets for local events may be considered if a commercially-feasible approach can be devised.

RESOLVED that:

- (i) that Draft Portfolio Plans for 2011/12 be approved by the Executive subject to the above amendments.

RECOMMENDED that:

- (i) the Council approve and adopt the draft Business Plan for 2011/12.**

Reason

The Portfolio Development Plans set out the aims of each Executive Portfolio and the plans for development based on the available resources identified through the business planning process. These need to be considered and agreed by members. The Scrutiny Panels, People, Places and Resource Development, each considered the draft Portfolio Development Plans.

513 CAPITAL PROGRAMME 2011/12

K. Mehta, Deputy Chief Executive, presented the Executive with the proposed 2011/12 and 2012/13 Capital Programme for approval following consideration of the capital bids by Portfolio Holders.

RECOMMENDED that:

- (i) the Council approve the proposed 2011/12 Capital Programme and the indicative programme for 2012/13.**
- (ii) the ongoing revenue costs shown in Appendix A of the report associated with the proposed schemes listed at Appendix B of the report be incorporated within the provisional General Fund Base Budget 2011/12.**

Reasons

- (i) The General Fund Capital Programme for 2011/12 and the indicative programme for 2012/13 have been constructed following consideration by Officers, Management Board and Portfolio Holders.
- (ii) The compilation of the Capital Programme has to be considered in the context of the Council's priorities as well as available resources especially at a time of contraction.

514 SECTION 100A(4) LOCAL GOVERNMENT ACT 1972

RESOLVED: 'that except for those Members present not being Members of this Executive, the public and press be excluded from the next item of business of the meeting on the grounds that the matters yet to be discussed involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part 1 of Schedule 12A to the Local Government Act 1972'.

515 AMENDMENTS TO INTEGRATED ENVIRONMENTAL SERVICES CONTRACT

The Executive considered amendments to the Integrated Environmental Services Contract.

RESOLVED that:

- (i) Members agree to the amendments to the contract outlined in paragraph 5.2 of the report, thus reducing expenditure by £146, 953 per annum.
- (ii) Members delegate responsibility for implementing the contractual variations to the Deputy Chief Executive in his role as the named contract supervisor.

Reasons

- (i) Budget pressures arising from the Comprehensive Spending Review and the Local Government Finance Settlement require the Council to reduce its annual expenditure.
- (ii) A significant amount of the Council's annual expenditure is made through contracts to external service providers. In order to realise the savings required it has been necessary to consider reducing costs and specification of the Integrated Environmental Services Contract.

516 DRAFT GENERAL FUND ESTIMATES REVISED 2010/11 AND BASE 2011/12

K. Mehta, Deputy Chief Executive, presented this report. The Executive was asked to:

- (i) note the Revenue Support Grant Settlement for 2011/12, and other related grants.
- (ii) consider the provisional General Fund Budget Estimates: Revised 2010/11 and Base 2011/12 and
- (iii) consider the Draft Fees & Charges for 2011/12.

RECOMMENDED that:

- (i) the Draft General Fund Budget: Revised 2010/11 (set out at Appendix A of the report) be approved.**
- (ii) the Draft Fees and Charges for 2011/12 be approved as part of the overall budget (set out at Appendix B of the report).**
- (iii) the Draft General Fund Budget: Base 2011/12 be approved resulting in a 0% increase in the Average Band D Council Tax for the District (excluding local precepts) for 2011/12 (set out at Appendix C of the report), subject to the resolution by Council of the recommendation on the business plan.**

Reasons

- (i) The report set out the Executive's draft General Fund Budget proposals for 2011/12 which had been referred to the Scrutiny Resources Development Panel for its comments.
- (ii) The Council must statutorily set a balanced budget to discharge its duties and responsibilities. The duty to recommend a budget to Council rests with the Executive.

517 CAPITAL PROGRAMME MONITORING

The Executive received an update on the progress of schemes within the Capital Programme up to 31st December 2010.

Monitoring of actual capital expenditure against the approved budget is undertaken on a monthly basis with Budget Managers and reported to the Management Board on a quarterly basis. Members also have access to quarterly capital monitoring reports via the TEN Performance Management System.

The original Capital Programme for 2010/11 totalled £1,430,100 and was approved by the Council on 25th February 2010. Members agreed "carry forwards" from 2009/10 on 28 June 2010 of £1,613,000. Additional funding of £67,900 & £24,500 were approved by Members on 16th August and 8th November 2010 respectively.

Actual expenditure and commitments to the end of December 2010 total £4,311,643 against the full year budget of £5,681,700, representing a variance of £1,370,057 at this point in the year.

Expenditure to date on schemes either completed or currently underway is generally in-line with expectations with no significant areas of concern.

Initial views have been sought from Officers of schemes that are likely to slip to 2011/12, subject to Member approval. Of schemes not yet commenced, the wet-side renovation at Harborough Leisure Centre, multi use games area at Little Bowden, & skate park at Bellfield's will definitely slip. In addition the Collaborative Planning Module & Replacement CRM System have been placed on hold so will also slip into 2011/12.

RESOLVED: that the Executive note the Capital Programme Scheme progress.

RECOMMENDED: that the Council vary the Capital Programme as set out below, and for the following reasons:

	Increase / (Decrease) £
S106 Grants	148,900
Contaminated Land Monitoring	5,700
Wet side Renovation – Harborough Leisure Centre	(341,500)
Harborough Innovation Centre	2,818,100
ICT Infrastructure	(15,000)
HR / Payroll System	(70,000)
Disabled Facilities Grants	129,400
Private Sector Renewal Loans & Grants	(129,400)
Total Increase / (Decrease)	2,546,200

Reasons

Variations to the Capital Programme must be approved by Council. The table above summarises those variations to the programme which have arisen during the third quarter of this financial year. The reasons for the overall increase in capital expenditure budgets are summarised below:

- S106 grants to Parish Councils & Community Organisations, approved by the Executive on 20th December 2010.
- Continued grant funding from DEFRA for contaminated land monitoring at 121-123 St Mary's Road, Market Harborough.
- Wet side Renovation at Harborough Leisure Centre – withdrawal of Sport England Grant support. The renovation is still planned but on a reduced scale to match current available funding (£200k).
- The Innovation Centre, scheduled for completion during the first quarter of 2011/12, receives funding from various external partners. The overall budget for the centre is £4.248m with an estimated spend of £3m in 2010/11, £2.818m of which will be externally funded in 10/11. The balance of £1.248 will be spent in 2011/12 & is also externally funded.
- The ICT Infrastructure replacement programme will now be funded through revenue as the value of the equipment being purchased falls below the Council's de-minimus threshold. £10k of the capital budget has been retained for qualifying upgrade work to servers
- The integrated HR / Payroll system project has been withdrawn from the programme with the delegation of the payroll function to Leicester City Council.
- Virement from the Private Sector Renewal Loans & Grants scheme to Disabled Facilities Grants. This will enable the diversion of funds to meet the identified housing needs, thus maximising the use of resources.

518 PRUDENTIAL INDICATOR MONITORING

The Executive received an update on performance to date against the approved prudential indicators for 2010/11.

The Prudential Code for Capital Finance in Local Authorities began on 1 April 2004, and introduced a greater freedom for the Council's capital expenditure and financing. Part of the Code's requirements is for reporting procedures to be implemented to monitor the progress and status of the capital expenditure plans. Previously this has been achieved by publishing a quarterly monitoring report on the TEN Performance Management systems.

The approved indicators were set by Council as part of the Prudential Code and Treasury Management Strategy Report for 2010/11 on 4th February 2010.

Certain approved indicators have been exceeded for the following reasons: Capital Expenditure and Financing – the indicator has been exceeded due to the carry forward of capital schemes from 2009/10 to 2010/11, as well as the inclusion of a number of additional schemes which are primarily backed by Section 106 contributions.

The Capital Financing Requirement remains very close to the original forecast. At the present time, no additional loans need to be taken as this can be covered from internal resources.

The Ratio of Financing Costs to Net Revenue Stream has increased, because of the reduction being experienced in interest earned on investments whereas loan interest is on a fixed rate basis.

RESOLVED: to note the position of the actual prudential indicators as at 31st December 2010.

519 REVENUE BUDGET MONITORING

The Deputy Chief Executive provided Members with information on actual expenditure and income against the 2010/11 Approved Budget for the period 1st April 2010 to 31st December 2010.

Members were advised of changes to Budgets during the third quarter of the Council year.

RESOLVED:

- (i) that Members note the financial position against the budget as at 31st December 2010.
- (ii) the adjustments to budgets (set out at Appendix A of the report) be approved.

Reason

Following on from the Pay and Grading review adjustments approved at the end of Quarter 2 there has been a return to General Fund Reserves of £79,000 largely due to posts included at Quarter 2 which are no longer on the establishment. This reduction is partially offset by an increase to budgets of £34,000 resulting from Planning appeals, and £8,600 for the Local Development Framework both to be met from Earmarked Reserves.

520 HOUSING AND COUNCIL TAX BENEFITS OVERPAYMENT POLICY

The Executive was asked to approve the Housing and Council Tax Benefit Overpayments Policy.

Housing Benefit Overpayments occur as a result of: claimants or landlords failing to notify changes of circumstances or providing incorrect information in support of a claims, or by delays or mistakes by the Council or the Department for Work and Pensions when processing information provided by claimant or landlords.

The Council is responsible within the Housing Benefit Regulations for the identification, calculation and recovery of Housing Benefit overpayments.

Overpayments of Housing Benefit are not fully reimbursed by Government subsidy and, therefore, in order to protect public funds, it is important that the Council has both sound administrative procedures to minimise the level of overpaid Housing Benefit and clear policies and procedures for staff to follow when dealing with overpayments.

RECOMMENDED: that the Council adopt the Housing and Council Tax Benefits Overpayment Policy as set out in Appendix B for the following reasons.

Reasons

- (i) **The Department for Works and Pensions Local Authority Performance Standards requires that Local Authorities have in place a policy that meets the current legislation and working arrangements.**
- (ii) **To ensure that that we meet the Audit Commission's Key Line of Enquiry (KLOE's) for the benefit service.**

521 BENEFITS VERIFICATION POLICY

The Executive was asked to approve the Benefits Verification Policy.

The Benefits Verification Policy details the Council's approach to the checking and verification of information received in support of Housing and Council Tax Benefit claims.

RECOMMENDED: that the Council adopt the Housing and Council Tax Benefits Overpayment Policy as set out in Appendix C

Reasons

- (i) **This policy is in accordance with the Department for Works and Pensions Security (DWP) Guidance Manual June 2006 and Housing/Council Tax Benefit (HB/CTB) Guidance Manual July 2006.**
- (ii) **To minimise the risk of fraud and error entering the benefit system.**
- (iii) **To protect the 'Public Purse'.**

522 BENEFIT FRAUD SANCTION AND PROSECUTION POLICY

The Executive was asked to approve the Benefit Fraud Sanction and Prosecution Policy. The purpose of this policy was to ensure that there was a clearly-understood policy framework in place for the investigation of fraudulent benefit claims.

Harborough District Council is the appropriate authority for the purposes of the Social Security Administration Act 1992 and other associated legislation for the assessment of entitlement to Housing and Council Tax Benefits for the recovery of overpayments and taking enforcement action in respect of fraud.

RECOMMENDED: that the Council adopt the Benefit Fraud and Prosecution Policy as set out in Appendix D

Reasons

- (i) **The Department for Works and Pensions Local Authority Performance Standards requires that Local Authorities have in place a policy that meets the current legislation and working arrangements.**
- (ii) **To ensure that that the Council meets the Audit Commission's Key Line of Enquiry (KLOE's) for the benefit service.**

523 ANTI - FRAUD BUSINESS PLAN

The Executive considered the proposed Anti-Fraud Business Plan for the Council's Revenues and Benefit service.

Local Authorities have a duty to safeguard public funds and take responsible steps to ensure that Housing and Council Tax benefit payments are made to the right people at the right time. If fraud is suspected, Authorities actively investigate all allegations.

RESOLVED: that the Anti-Fraud Business Plan be adopted as set out in the report, for the following reasons:

Reasons

- (i) **The Department for Works and Pensions Performance Standards together with the Audit Commission key lines of enquiry (KLOE's) which forms part of a benefit inspection requires that each Local Authority has a Fraud Business Plan.**
- (ii) **Prevention and Detection of benefit fraud is of the utmost importance and has focused strongly in benefit legislative changes over the past few years due to the high monetary value benefits estimated to be lost through fraudulent claims.**
- (iii) **The authority has recognised the potential loss of subsidy through incorrect benefit payments and has fully embraced and introduced preventative measures to combat fraud from entering the benefit system as well as taking action and applying appropriate sanctions where benefit fraud is found in the system.**

524 FRAUD INVESTIGATORS CODE OF CONDUCT

The Executive considered and was asked to approve the proposed Fraud Investigators Code of Conduct.

All Fraud Investigation Officers involved in the investigation of benefit fraud must comply with this code of conduct. This represents the minimum standards and requirements expected of investigation officers.

RECOMMENDED: that the Council adopt the Fraud Investigators Code of Conduct as set out in Appendix E for the following reasons:

Reasons

- (i) The Department for Works and Pensions Local Authority Performance Standards requires that Local Authorities have a code of conduct in place for Fraud Investigating Officers.**
- (ii) To ensure that that we have a code of conduct in place and meets the Audit Commission's Key Line of Enquiry (KLOE's) for the benefit service.**
- (iii) The Code of Conduct for the Fraud investigation staff is designed to provide further guidance on the standards expected of them within their specialised area of work.**

525 HOUSING BENEFIT AND COUNCIL TAX BENEFIT TAKE-UP STRATEGY

The Executive was asked to approve the proposed Housing and Council Tax Benefit Take-up Strategy.

The Benefits Take-Up Strategy sets out what the Council's plans are to reduce poverty in the Harborough District through the maximisation of benefit take-up within the community. The main focus is centred on benefit take-up promotion and benefit advice and targeting the most vulnerable members of our community.

Over £13million of Housing and Council Tax Benefits was paid to low-income households in Harborough; however, there are some residents who are not claiming or maybe entitled to other state benefits. This new Benefits Take-Up Strategy sets out the Council's plans to increase the uptake of unclaimed benefits still further.

RESOLVED: that the Housing and Council Tax Benefit Take-up Strategy be approved and adopted, as set out in the report, for the following reason:

Reasons

- (i) The policy is in accordance with the Department for Works and Pensions Security (DWP) Guidance Manual June 2006 and Housing/Council Tax Benefit (HB/CTB) Guidance Manual July 2009.**
- (ii) To minimise the risk of fraud and error entering the benefit system.**
- (iii) To protect the 'Public Purse'**

526 COUNCIL TAX DISCRETIONARY RELIEF POLICY

The Executive received this report which sought to clarify the Council's policy on Local Discounts and set out the details of proposed guidelines for determining applications for reductions in Council Tax in individual cases.

Section 13A of the Local Government Act 1992 empowers a billing authority as follows:

1. Where a person is liable to pay Council Tax in respect of any chargeable dwelling and any day, the billing authority for the area in which the dwelling is situated may reduce the amount of which he is liable to pay as respects the dwelling and the day to such extent as it thinks fit.
2. The power under subsection (1) above includes power to reduce an amount to nil.
3. The power under subsection (1) may be exercised in relation to particular cases or by determining a class of case in which liability is to be reduced to an extent provided by determination.

RECOMMENDED that:

- (i) **the Guidelines set out at Appendix F be approved.**
- (ii) **the authority to determine applications is delegated to the Head of Service under whose remit the administration of Council Tax falls**
- (iii) **appeals / re-determinations are considered by the Deputy Chief Executive and Monitoring Officer**

Reasons

- (i) The Local Government Act 2003 Section 76 inserted a new Section (13A) into the Local Government Act 1992. This amendment allowed billing authority's the power to reduce the amount of Council Tax payable.
- (ii) The Council does not presently have a policy regarding applications made for relief under Section 13a.

527 CORE SPATIAL STRATEGY DPD

The Executive considered the Core Strategy Development Plan Document and associated documents prior to subsequent submission to Council for adoption.

RECOMMENDED that:

- (i) **the Head of Built Environment Services be authorised to submit:**
 - (a) **The Core Strategy development plan document (DPD) as attached (Appendix A);**
 - (b) **Documents relevant to the preparation of the DPD referred to in paragraph 5.7 and also pursuant to Regulation 30 of the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008;**
- (ii) **the Head of Built Environment Services be authorised to propose changes to the document during the examination process in order to improve the soundness of the document and resolve matters raised in representations and by the appointed Inspector, wherever possible in consultation with the Portfolio Holder and other members of the Local Development Framework Task Panel.**

Reasons

- (i) The Harborough District Local Development Framework Core Strategy is a statutory planning document which is a key element in replacing the outdated Harborough Local Plan. The Local Plan is no longer fit for purpose in dealing with emerging and significant development proposals. The Regional Plan will no longer apply on enactment of the Decentralisation and Localism Bill, and the local and neighbourhood planning framework will be the basis for determining planning applications.
- (ii) It is critical that the Council brings into effect a new planning framework in order to control development across the District - particularly for housing. There is no longer a five year supply of land for housing identified in existing plans or planning permissions and under these circumstances, national planning statement PPS 3 indicates individual planning applications may need to resolve this, if the planning authority has not progressed its own plans.
- (iii) Since the demise of the proposed ecotown in 2009 which held up development of the document, planning officers together with members of the Local Development Framework Task Panel have progressed development of the Strategy in stages from issues, options, through an emerging Strategy to the published Strategy which was approved by Council for a formal period of representations from 15 October to 23 December 2010.
- (iv) A total of 573 representations were received from 130 individuals and organisations. Officers have completed an assessment of the issues raised

- during this period to assess if there are any matters of significance which require further development and consultation prior to submission.
- (v) The LDF Task Panel considered a document (Appendix A) – Summary of Main Issues Raised in representations at its meeting on 31 January. The Panel considered that there is no issue raised of such significance which would warrant further changes being made and consulted upon prior to Submission and Examination of the development plan document. One of the key issues raised is the impact of further growth in and around Market Harborough especially in terms of transport. The Council's proposals for growth in and around Market Harborough are being underpinned by robust transport evidence using the new Leicester and Leicestershire Integrated Transport Model and a further assessment is under way. The Highway Authority has confirmed by letter its support for the Council undertaking this work to an agreed brief and indicate that whilst the results of this assessment are awaited this should not need to delay submission.
 - (vi) The further transport assessment will help justify the overall level of housing and employment development considered appropriate for Market Harborough; and test out the appropriate package of transport measures to accompany proposed development.
 - (vii) The County Council consider that its conclusions can be discussed within the Examination process and proposed changes considered to policy 13 for Market Harborough or the Infrastructure Schedule (Appendix 2) to ensure that the Strategy reflects this evidence. The adopted Strategy will then provide a robust basis for subsequent assessment of planning applications.
 - (viii) There are other areas where officer assessment concludes that proposed changes may be able to be agreed during the Examination process. These changes do not need to be published prior to submission since the detail, timing and publication of such changes needs to be considered in light of discussions during the examination process with the Inspector and parties to the Examination (those who have made representations). Delegated authority is therefore being sought to ensure that officers through the Head of Service can develop such changes but wherever possible in consultation with the Portfolio Holder and LDF Task Panel.

528 SIR FRANK WHITTLE COMMEMORATIVE TRUST – REPLICIA JET AIRCRAFT

V. Wenham, Head of Legal Services and Monitoring Officer, informed Members of a letter received from the Trustees of the Sir Frank Whittle Commemorative Trust regarding the future of the Trust.

Members noted that the Trust was to disband in early 2011 and it had contacted the Council regarding the future of the replica aircraft. The Trust had put forward two proposals; that the maintenance of the replica aircraft be taken over by a third party or that the replica be removed. Members considered the requests put forward by the Trust.

It was reported that a local business had indicated its interest in providing sponsorship for the maintenance of the replica aircraft.

RESOLVED:

- (i) to agree in principle to accept responsibility for the aircraft.
- (ii) Officers to complete additional work to ascertain resources required, and sources of these resources, for maintenance of the replica aircraft.

Reason

Ownership of the replica jet aircraft has now passed to the District Council. The District Council also insures the replica and as of 7th July 2005 agreed to bear the costs of providing that insurance. However, the maintenance of the replica is the responsibility of the Trustees. The Trustees have also lodged the sum of £2000 with the District Council to cover the costs of removal and disposal of the replica, if the

Licence were to be terminated by either party, or the Trustees were in breach of their obligations under the Licence.

529 REVIEW OF THE COUNCIL'S RIPA POLICY

V. Wenham, Head of Legal Services and Monitoring Officer, outlined the contents of a proposed amendment to the Council's Regulations of Investigatory Powers Act (RIPA) Policy and Guidance.

Following an inspection of the Council's RIPA procedures by the Office of Surveillance Commissioners (OSC) in July 2010, a number of recommendations were proposed by the OSC. The recommendations seek to strengthen the Council's existing internal Policy and Guidance on RIPA.

To try and address the issues raised by the OSC, amendments have been proposed to the Council's existing RIPA Policy and Guidance for consideration by the Committee. This is attached at Appendix A and the amendments are shown in bold, using italics and underlined. The proposals can be summarised as: the inclusion of Statutory Instruments 2010/123 relating to legal privilege, the expansion of definitions in particular necessity and proportionality, an increased emphasis regarding the monitoring and cancellation of RIPA authorisations and a review of all the related application forms.

RECOMMENDED that:

- (i) the Council adopt the proposed amendments to the Council's RIPA policies and guidance (attached at Appendix G) be referred to Full Council for decision.**
- (ii) oversight of the RIPA Policy be referred to the Scrutiny Panel for Places.**
- (iii) V. Wenham, Head of Legal Services and Monitoring Officer, produce a briefing note about the proposed amendments to the Council's RIPA Policy and Guidance note to members.**

530 SHARED SERVICE – REVENUES AND BENEFITS GOVERNANCE ARRANGEMENTS

The Executive was asked approve the details of the proposed arrangements for a joint Revenues and Benefits service with Hinckley & Bosworth Borough Council (HBBC) and North West Leicestershire District Council (NWLDC), including establishing a Joint Committee.

RESOLVED that:

- (i) Members approve the details of the proposed arrangements for a joint revenues and benefits service with Hinckley and Bosworth Borough Council and North West Leicestershire District Council;
- (ii) a Joint Committee be established under Section 101(5) of the Local Government Act 1972 and Sections 19 and 20 of the Local Government Act 2000 (and all other enabling powers) with HBBC and NWLDC to provide the joint services set out in Schedule 1 of the Agreement annexed as Appendix B and that the joint committee to have powers over joint finances as set out in Schedule 3 of the agreement;
- (iii) the proposed constitution for the Joint Committee be approved as set out in Appendix A of this report;
- (iv) The Portfolio Holder for Community Safety and Enforcement, Councillor Golding, the Portfolio Holder for Corporate and Customer Services, Councillor Dann and The Leader, Councillor Rook, be appointed as the Council's representatives on the Committee.
- (iv) Authorisation for entering into the shared services agreement with HBBC and NWLDC on the basis set out in Appendix B of this report be granted.

- (v) all necessary staff required to carry out the joint revenues and benefits service be placed at the disposal of the Joint Committee and HBBC and NWLDC as appropriate.

Reason

The establishment of a Joint Committee and entering into the Shared Services Agreement with HBBC and NWLDC will enable this Council to enter into a shared revenues and benefits service, to improve service resilience and performance, limit the need for future investment and release cashable savings in the long term.

531 BUSINESS RESILIENCE

The Executive received this report which was one in a series that have been reporting on the Economic Downturn since December 2008.

RESOLVED: that the report be NOTED.

532 FORWARD PLAN KEY DECISIONS

The Executive noted the Forward Plan of Key Decisions for the period March 2011 to June 2011.

RESOLVED that: the Forward Plan of Key Decisions for the period March 2011 to June 2011 be approved for publication, for the following reasons:

Reasons

- (i) The Council is required by the Local Government Act 2000 and its own Constitution to publish regular Forward Plans of Key Decisions.
- (ii) At its meeting on 29 August 2001, the Executive agreed that it should review each draft Forward Plan of Key Decisions, (minute 249(v)/2001 refers). It also was agreed that each Plan should cover a four-month period, with a monthly roll-forward of the Plan being effective on the first working day of each month.

The Meeting ended at 9.20p.m.