

HARBOROUGH DISTRICT COUNCIL  
MINUTES OF THE COUNCIL MEETING

held in the Council Chamber,  
Council Offices, Adam and Eve Street, Market Harborough

14<sup>th</sup> November 2011

commencing at 6.30p.m.

Present:  
Councillor Beaty (Chairman).

Councillors: Mrs. Ackerley, Bannister, Beesley-Reynolds, Birch, Dr. Bremner, Brodrick, Mrs. Burrell, Charlish, Dann, Dewes, Dunton, Evans, Everett, Galton, Golding, Graves, Hall, Hallam, Dr. S. Hill, Holyoak, Johnson, King, Knowles, Liquorish, McHugo, Mrs. Page, Pain, Robinson, Rook, Mrs. Simpson, Smith, Spendlove-Mason, Tomlin, Tooley and Wood.

Mr. P. Maxwell (Chairman of the Standards Committee).

Officers: R. Ellis, A. Graves, K. Mehta, B. Murgatroyd, E. O'Neill, S. Pointer and V. Wenham.

Apologies for absence were received from Councillors Callis and Mrs. Wood.

286 TOPICAL ISSUES

No Topical Issues were received.

287 MINUTES

It was moved by Councillor Rook, seconded by Councillor Spendlove-Mason and

RESOLVED that: the Minutes of the Meeting of Council held on 19<sup>th</sup> September 2011 be approved and signed by the Chairman as a true record.

288 DECLARATIONS OF MEMBERS' INTERESTS

Councillor King declared a personal and prejudicial interest and withdrew from the Meeting for the debate and resolution of Agenda Item 14 (Core Strategy). The reason for the interest was stated to be that he a Director and Governor of Robert Smyth Academy, Market Harborough.

289 CHAIRMAN'S ANNOUNCEMENTS

The Chairman reported that:

- (i) on 13<sup>th</sup> November 2011, he placed a wreath on the War Memorial on the Square, Market Harborough in memory of fallen members of the Armed Services.
- (ii) he attended a Meeting in London regarding The Armed Forces Covenant. He encouraged Members to work with County Councillors to help contribute to the Armed Forces Covenant.

290 WRITTEN QUESTIONS OR PETITIONS SUBMITTED BY THE PUBLIC

No written questions or petitions were submitted by the public.

291 REPORT OF THE LEADER OF THE EXECUTIVE

Councillor Rook, Leader of the Council, presented his report as set out below:

"I would like to take this opportunity of reminding everyone why we are in the position we are today, as a Council, moving forward with the preparation of our new budget for 2012/13.

I recall a well-known local MP saying to me before the last General Election. *"Be assured Michael, six months down the line if we win this election, it will be us that is to blame for all the problems with the finances, and the decisions necessary to put things right!"*

Labour left us - The Coalition Government that is, and you as local councillors - with a massive economic mess. National government is still spending £120 million a day on Labour's debt interest alone!

Let's not forget that Ed Balls and Ed Miliband were at the heart of creating this mess and haven't learned the lessons of their mistakes or changed their minds. Their message has been simple: vote for us and we'd do it all again.

Running up Government debt is like running up massive credit card bills - the longer you leave it, the worse it gets, burdening our children and grandchildren with even more debt. You only need to look at countries like Greece and, now, Italy, to see that if we don't take steps to live within our means we'll end up facing deeper cuts, less growth and higher unemployment.

I have no idea where we will be on November 14<sup>th</sup> with the crisis in the euro (as I write this to go to print, long before that date), but what one can say with confidence is; "that a week is a long time in Euro Policy these days". It is very worrying indeed.

Those Councillors amongst us with a few years' service will remember, when at budget time we asked officers for their "bids" - favoured projects to spend the funds on - flowing into our coffers. Indeed one was heavily criticised by central government departments if you did NOT spend on pet projects.

Why is this so important now to us in Harborough District Council? Well I raise it as the background to the reasons some of our number, and many of our residents may have conveniently forgotten, with regard to the cuts in our grants and income over the two years to March 2013, (Some £1.46 million of income deleted by reduction in government grant over this period) and the reasons we need to be frugal and commit to living within our means at a time of rising inflation.

Hence the Council's moves towards a Future Options Review, asset resolution, and major contract review.

However, memories can be short when it comes to seeking to apportion blame for the reasons why Council must now face some very difficult decisions, and we will be taking some vital steps in that process again on November 14<sup>th</sup>.

In the light of the much improved working relationships emerging from the Future Options process, I pay tribute to all those opposition members who had the courage to support the recommendations on October 31<sup>st</sup>. This comes I know with reservations, but I hope no longer the deep distrust that may have littered some previous debates. As an Administration we will be happy to ensure progress is maintained, outcomes are delivered, and that the voices on our colleague's benches are heard in debate.

Mike Rook (Leader HDC)"

## 292 MINUTES OF EXECUTIVE MEETING

### Minutes of the Executive Meeting held on 26<sup>th</sup> September 2011

It was moved by Councillor Rook, seconded by Councillor Spendlove-Mason and

RESOLVED that: the Minutes of the Executive Meeting held on 26<sup>th</sup> September 2011 be received and adopted.

## 293 MINUTES OF THE SCRUTINY PANELS

### Minutes of the Meeting of the Scrutiny Panel – People held on 1<sup>st</sup> September 2011

It was moved by Councillor Graves, seconded by Councillor Everett and

RESOLVED that: the Minutes of the Meeting of the Scrutiny Panel – People held on 1<sup>st</sup> September 2011 be received and adopted.

### Minutes of the Meeting of the Scrutiny Panel – Resource Development held on 15<sup>th</sup> September 2011

It was moved by Councillor Holyoak, seconded by Councillor Mrs. Page and

RESOLVED that: the Minutes of the Scrutiny Panel – Resource Development held on 15<sup>th</sup> September 2011 be received and adopted.

### Minutes of the Meeting of the Scrutiny Panel – People held on 13<sup>th</sup> October 2011

It was moved by Councillor Graves, seconded by Councillor Everett and

RESOLVED that: the Minutes of the Scrutiny Panel – People held on 13<sup>th</sup> October 2011 be received and adopted.

## 294 MINUTES OF THE GOVERNANCE AND AUDIT COMMITTEE

It was moved by Councillor Bannister, seconded by Councillor Hallam and

RESOLVED that: the Minutes of the Meeting of the Governance and Audit Committee held on 29<sup>th</sup> September 2011 be received and adopted.

## 295 MINUTES OF THE PLANNING COMMITTEE

### Minutes of the Meeting of the Planning Committee held on 13<sup>th</sup> September 2011

It was moved by Councillor Liquorish, seconded by Councillor Smith and

RESOLVED that: the Minutes of the Meeting of the Planning Committee held on 13<sup>th</sup> September 2011 be received and adopted.

### Minutes of the Meeting of the Planning Committee held on 11<sup>th</sup> October 2011

It was moved by Councillor Liquorish, seconded by Councillor Smith and

RESOLVED that: the Minutes of the Meeting of the Planning Committee held on 11<sup>th</sup> October 2011 be received and adopted.

## 296 REPORT OF THE CHAIRMAN OF THE STANDARDS COMMITTEE

P. Maxwell, Chairman of the Standards Committee, presented his report as set out below:

“At its October meeting, members of the Committee were pleased to welcome Cllr John Turner, a member of Lutterworth Town Council, to his first meeting as a Parish member and Cllr Andrew Palmer from Great Glen Parish Council following his reappointment to the Committee. Their contributions to the Committee’s work will be particularly important as details emerge on the changing roles and responsibilities of Parish/Town Councils presaged in the Localism Bill.

As mentioned in an earlier report to Council, the training offered to Town and Parish Councillors had been well received. It is hoped to arrange a subsequent meeting of the Independent and Parish Members of the Committee with a number of Parish/Town Clerks to consider what, if anything, might usefully be done to ensure that Parish/ Town Councillors more generally, are fully aware of their

obligations under the Code of Conduct and in particular understand issues like maintaining an up to date Register of Interests, predetermination and the declaration and recording of personal and prejudicial interests, which could well come into sharper focus post the Localism Bill.

The Committee has considered, and passed to the Management Board, its comments on a draft Local Code of Governance following a recommendation from Internal Audit that Council should adopt such a Code. The Committee agreed with this recommendation and hopes Council will adopt the Code when it is presented to it.

Peter Maxwell

Chairman, Standards Committee”

#### 297 MINUTES OF THE STANDARDS COMMITTEE

It was moved by Councillor Liquorish, seconded by Councillor Birch and

RESOLVED that: the Minutes of the Meeting of the Standards Committee held on 3<sup>rd</sup> October 2011 be received and adopted.

It was suggested that the Leicester and Rutland Parish Councils Association be invited to attend the Council's forthcoming Annual Parish Liaison Meeting.

#### 298 SEALING OF DOCUMENTS

It was moved by Councillor Rook, seconded by Councillor Smith and

RESOLVED that: the affixing of the Common Seal of the Council to the documents set out below be ratified.

- JCT Contract between the Council and Maverick Industries Re. Bellfields Recreation Ground.
- Transfer Form TP1 LT 435105 Public Conveniences George Street Car Park Lutterworth Leicestershire, Harborough District Council and Lutterworth town Council.
- Section 106 agreement 11/0620/FUL Woodside Farm Husbands Bosworth.
- Licence and Plan re site compound and access route to Little Bowden Primary school TP1 Re Station Road Car Park Lutterworth Deed re land on the north side of Station Road Lutterworth 33 Station Road Lutterworth.
- Tree Preservation Order 3 High Street Kilworth TPO 207.
- Tree Preservation Order The Croft, Frolesworth Road, Ullesthorpe TPO206.
- Section 106 Lathkill St, Market Harborough The Council (1) Leicestershire County Council (2) and Langtree Group (3).

#### 299 REPORT FROM THE RETURNING OFFICER ON THE 2013 REVIEW OF THE PARLIAMENTARY CONSTITUENCIES

R. Ellis, Returning Officer, informed Members of the Boundary Commission for England's initial proposals for a Review of Parliamentary Constituencies in 2013.

The Boundary Commission for England is the independent public body that reviews all Parliamentary constituency boundaries in England every five years. The Boundary Commission was carrying out a

review under new rules laid down by Parliament. This Review, which was due to conclude in 2013, proposed substantial changes to Parliamentary constituencies in England. These were: reducing the total number of constituencies from 533 to 502 and making sure that each constituency had similar numbers of registered electors. In many cases this would mean redrawing the existing boundaries.

In Northamptonshire, Leicestershire, and Nottinghamshire, it had been necessary to propose two constituencies that cross county boundaries. The Boundary Commission proposed one constituency that contained electors from both Northamptonshire and Leicestershire, which combined the towns of Daventry and Lutterworth, and another that contained electors from both Leicestershire and Nottinghamshire, combining the towns of Coalville and Keyworth.

It was moved by Councillor Dann, seconded by Councillor Golding and

RESOLVED that: the Council noted the initial proposals of the Boundary Commission for England in respect of a Review of Parliamentary Constituencies in 2013.

### 300 REPORT ON RECEIPT OF PETITION

Mr. R. Callis, Chairman of Skeffington Parish Meeting, presented a petition to Council on 25<sup>th</sup> July 2011. The petition was presented in respect of a Certificate of Lawful Use which was granted to Corner House, Main Street, Skeffington (Planning reference 10/01038/CLU).

The Chairman confirmed that the Council had accepted the petition and that the matter had been referred to the appropriate department for investigation.

Receipt of the petition was subsequently acknowledged and the issues raised investigated in line with the Council's petitions procedure.

The Head of Corporate and Development Services wrote to Mr Callis on 11<sup>th</sup> August with the following summary of findings on the issues raised:

#### Application for a Certificate of Lawfulness (CLU) and denial of opportunity to comment

Any person can make application for a CLU to a Local Planning Authority. There is no statutory requirement for a LPA to consult a Parish Council or similar in deciding a CLU. In the case of 10/01038/CLU this Council exercised its discretion to consult Skeffington Parish Council and some local residents with a view to helping it take an informed and transparent decision.

#### Acting contrary to legal advice and failure to follow parts 65, 67 & 79 of the Use Classes Order 1987

The Council sought external legal advice on three occasions and considered the Use Classes Order. Legal submissions were also received from the applicant and from Harvey Ingram LLP on behalf of Skeffington Parish meeting. These submissions were all taken into account in the Council decision. The Council legal advice included that a decision must be taken by the LPA itself subjectively, weighing up the facts and degree of the matter, giving its reasons. This was dealt with under delegated powers in line with the Council's constitution.

#### Disregard for village life and detrimental to conservation area.

I acknowledge your concerns at suitability of the proposal and its relationship with Skeffington. I would clarify that the Local Planning Authority has to take CLU decisions in accordance with Government DoE circular 10/97: Enforcing Planning Control. 10/97 confirms a CLU is to be determined on the basis of evidential fact and planning law and that CLU procedures involve no consideration of the planning merits of the matter in question.

#### Full facts not presented and call for certificate to be revoked.

The Council decision was taken in accordance with relevant procedures, having received and taken into account external legal advice. There is no basis for the Council to revoke its decision.

Councillor Galton expressed concern about the handling of Development Control Certificates of Lawful Use and suggested that the matter be discussed by the Constitutional Review Committee. The Chairman of the Constitutional Review Committee agreed to its inclusion on the agenda of the next meeting.

It was moved by Councillor Rook, seconded by Councillor Ackerley and

RESOLVED that: the Council note the response to the petition.

### 301 ADOPTION OF CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

Councillor Mrs. Ackerley, Portfolio Holder for Housing Infrastructure and Planning, introduced this report recommending that the Council adopt the Core Strategy Development Plan Document.

The Core Strategy formed a long-term planning document to express how the objectives and aspirations of the Council, statutory agencies and the local community would be reflected in the future shape and development of Harborough District. The Strategy was aimed at tackling the key issues facing the District over the years to 2028 and identified strategic objectives and ways in which these objectives could be delivered through the planning system and by other means. The Core Strategy articulated a vision for the District and the key communities and places within it.

The Council submitted the Core Strategy for examination in April 2011 following a decision to submit made by Full Council on the 24<sup>th</sup> February 2011. The plan was examined at public hearings before an independent Inspector between 19<sup>th</sup> and 28<sup>th</sup> July 2011. The independent inspector declared that the Council's Core Strategy Development Plan Document was 'Sound'.

Councillor Mrs. Ackerley thanked S. Pointer, and the Planning Policy team, for all of their efforts throughout the Core Strategy process.

Councillor Pain expressed concern that Lubenham Ward stood to be disproportionately affected by plans for future development contained within the Core Strategy Development Plan Document.

Councillors Dr. S. Hill and Dr. Bremner spoke with concerns regarding the traffic impact that may arise through future development in and around Market Harborough.

It was moved by Councillor Mrs. Ackerley, seconded by Councillor Rook and

RESOLVED that: the Council adopt the Core Strategy Development Plan Document as set out in the report.

### 302 MATTERS OF URGENCY

#### RECOMMENDATIONS FROM THE EXECUTIVE

Members considered three recommendations from the Executive Meeting held on 7<sup>th</sup> November 2011. These are set out below:

##### 1. Property Review

It was moved by Councillor Rook, seconded by Councillor Spendlove-Mason and

RESOLVED that: the Council's Property Review be included within the Terms of Reference of the Transformation Board so that the Future Options and the Property Review are complementary (with the Interim Chief Executive as the Lead Officer.)

##### Reasons

1. At a meeting of the Executive held on the 28<sup>th</sup> June 2010, it was resolved that:

- (i) the Deputy Chief Executive be authorised to appoint an independent external valuer to undertake a market valuation including a condition survey of the Council Offices, Adam and Eve Street, Market Harborough.
- (ii) the Executive approved and authorised the Deputy Chief Executive to advertise in OJEU to ascertain market interest and possible potential developer partner to develop options in respect of the future of the building including the potential relocation of the Council.
- (iii) the Executive authorises officers to explore the potential of co-location alongside the Primary Care Trust (PCT).

2. The first and the last resolutions above had been completed:

- Strutt and Parker LLP of Market Harborough was appointed and undertook the market valuation and, through them, E C Harris was appointed and undertook the condition survey of the Council Offices in Adam and Eve Street (Headquarters). The work was completed in February 2011 and the findings in the reports provide the basis of the key information used by the Project Board to formulate its recommendations to the Executive.
- The potential for co-location alongside the Leicester, Leicestershire and Rutland PCT (LLRPCT) at the St. Luke's Hospital site in Market Harborough was tested through a joint OJEU procurement process. All bids received at stage one of the tender process were financially unviable for the Council.

3. With respect to the second resolution above: action to advertise in the OJEU to seek a developer partner was delayed in order to undertake a space utilisation study of the Council Offices to inform the OJEU brief and also due to the lack of internal resources to progress the matter within an accelerated timeframe, the Council Office Project Board appointed a Property Advisor in July 2011 to give the Council additional capacity to undertake a snapshot review of the Headquarters and to provide support to the Project Board to develop its proposals for consideration by the Executive.

The Project Board appointed Peter Ridley – an experience chartered building surveyor with specialist expertise in local authority asset management as Property Advisor, to undertake a snapshot review of the Council's office accommodation located within the Headquarters in Adam and Eve Street.

## 2. Delivering the Vision and Priorities for the District of Harborough

The Leader reported that the Council was currently facing a number of challenges and opportunities. The Comprehensive Spending Review posed a number of difficult and challenging financial implications for all local authorities and this Council must look at service delivery and how it could be adapted to mitigate the challenging financial circumstances in which the Council finds itself

There were also opportunities, with the Big Society and Localism, agenda for authorities to look at delivering services in different ways. To help this authority achieve that, it needed to have in place a Vision and Priorities to reflect the potential future changes. This Vision needed to be based upon the priorities it wants to deliver and the direction that the authority wants to take in the future.

To this end a draft vision and priorities were formulated by the Leader in consultation with Members of the Conservative Group.

It was moved by Councillor Rook, seconded by Councillor Spendlove-Mason and

RESOLVED that: the proposed Vision and priorities, set out in the report, be approved and adopted by the Council.

## 3. Waste and Recycling Strategy 2011-2022

Members gave consideration to the Waste and Recycling Strategy 2011-2022. It was reported that the baseline summary shows the Council currently performed very well for national indicator 192 (percentage household waste sent for reuse, recycling or composting).

The Council had been highly successful in reducing the overall amount of waste sent to landfill and reducing the total waste and recycling produced per household. It was noted that the service needed to continually develop in order to build upon the successes that the Council had achieved to date. The Strategy aimed to provide the long-term direction in order to meet those objectives.

It was moved by Councillor Rook, seconded by Councillor Spendlove-Mason and

RESOLVED that: Council approve and adopt the Waste and Recycling Strategy 2011-12, as set out in the report.

The Meeting ended at 8.30p.m.