

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE MEETING OF COUNCIL

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

19th November 2007

commencing at 6.30 pm

Present:
Councillor Callis (Chairman)

Councillors Mrs Ackerley, Beaty, Dr Bremner, Mrs Burrell, Charlish, Dann, Dewes, Evans, Everett, Mrs Field, Fuchs, Graves, Hack, Hallam, Hart, Mrs A Hill, Dr S Hill, Holyoak, Johnson, King, Liquorish, Pain, Mrs Robinson, Mrs Roeber, Rook, Sidey, Mrs Simpson, B Smith, M Smith, Spendlove-Mason, Swatridge, Mrs Tooley and Mrs Wood

Also present:
Mr D Chambers (Standards Committee Co-Chairman)
Ms C Matthews of Wright Hassall
Mr G Seabourne of Savills

Apologies for absence were received from Councillors Dunton, Galton and Mrs Page and from Mr P Maxwell (Standards Committee Co-Chairman)

335 - TOPICAL ISSUES

Climate Change – Provision of Recycling Systems for Storm Water

Councillor Fuchs suggested that practical arrangements should be put in place in new developments, to enable storm water to be collected and recycled. For example, provision often was made for the collection of surplus water in storm tanks, to avoid flooding, but the water was not reused. The cost of making provision for the water to be recycled in some way could be minimal when allocated on a per property basis.

336 - MINUTES

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

RESOLVED: that the minutes of the meeting of Council held on 17th September 2007 be approved as a true record and signed by the Chairman.

337 - DECLARATIONS OF MEMBERS' INTERESTS

Councillors Mrs Burrell, Mrs A Hill, Fuchs, Dr S Hill and B Smith each declared a personal and prejudicial interest in agenda items 16, "Review of Homelessness Policy", and 17, "Stock Transfer", as they were members of the Board of Seven Locks Housing.

These Members left the meeting during the consideration of, and voting on, these items.

338 - CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that the Carol Service would be held at 6.00 pm on 16th December 2007. All Councillors and members of staff were welcome to attend.

339 - REPORT OF THE LEADER OF THE EXECUTIVE

A report by the Leader of the Executive was tabled at the meeting, outlining the information currently known about the proposal for an ECO Town based on Stoughton Airfield and thanking all involved in the stock transfer process for their work.

During discussion on the report, the Leader advised Members that the Council would oppose the ECO Town in any way possible.

340 - THE EXECUTIVE RECOMMENDATIONS TO COUNCIL

From the Executive Meeting held on 24th September 2007

a) Minute 255: Social Inclusion and Community Cohesion Policy

It was moved by Councillor Swatridge and seconded by Councillor M Smith that:-

- i) the Social Inclusion Policy be approved; and
- ii) the development of an Equalities and Social Inclusion Network to further develop this work be supported.

On being put to the vote, the Motion was carried.

From the Executive Meeting held on 29th October 2007

b) Minute 294: Delivering Efficient Customer Service

It was moved by Councillor Beaty and seconded by Councillor Holyoak that:-

- i) the Delivering Efficient Customer Service Strategy be approved; and
- ii) the Revenues and Benefits Section be approved as a pilot work area, to test the methodology proposed.

On being put to the vote, the Motion was carried.

c) Minute 295: Updating the Financial Management, Procurement and Cash Receipting Systems of the Council

It was moved by Councillor Graves and seconded by Councillor Holyoak that:-

- i) the Council upgrades its COA Solutions Financial Management System at an estimated capital cost of £22,375 in 2007/08;
- ii) the e-procurement solution from COA Solutions be purchased at an estimated cost of £42,250 and the IDeA Marketplace be used through the Welland Partnership to procure goods and services electronically;
- iii) the Council improves the security of its Cash Receipting System to comply with new standards by the purchase of a fully managed integrated internet/intranet e-payments solution from Capita Software Services, at an estimated capital cost of £12,250 in 2007/08 with an additional £1,750 per annum maintenance cost;
- iv) the Council increases the range of options for customers to make payments to the Council by the purchase of a fully managed AXIS Touch Tone e-payments solution from Capita Software Services at an estimated capital cost of £11,000 in 2007/08 with an additional £1,750 per annum maintenance cost; and

- v) the funding of these corporate financial systems be met from the General Reserve established from Local Authority Business Growth Incentive monies and that the ongoing costs be incorporated into the ongoing revenue budgets of the Council.

On being put to the vote, the Motion was carried.

341 - THE EXECUTIVE – MINUTES OF MEETINGS

With regard to Minute Number 249(b)(iii), "Portfolio Holder Activity Reports – Health, Environment and Enforcement Portfolio", Members noted that it appeared to be certain that the Shangton Care Village would close, due to the complexities of funding the Village. However, the owners were investigating whether it would be feasible to establish a smaller facility near an urban area, (probably Market Harborough), at which they could offer supported living facilities.

Members also noted that representatives of the councils participating in the 101 service had met to discuss alternative sources of funding for the service and discussions were continuing on this, (Minute Number 250(a), "Topical Issues – Single Non Emergency Number 101", referred).

In response to questions on the allocation of Planning Delivery Grant, (Minute Number 293, "Use of Planning Delivery Grant (PDG): Allocations", referred), Members were advised that the figures presented in the original report to the Executive were cumulative for the period for which Planning Delivery Grant had been received.

Some concern was expressed that it appeared to have been suggested at the Executive meeting held on 29th October 2007 that Section 106 funding should be allocated to communities that did not receive such funding, but Members were assured that consideration was given to the guidance provided on how Section 106 funding was used.

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

RESOLVED: that the minutes of the meetings of the Executive held on 24th September 2007 and 29th October 2007 be received and adopted.

342 - REPORT OF THE CHAIRMAN OF THE SCRUTINY COMMISSION

Council received a report by the Chairman of the Scrutiny Commission, noting the matters to which attention had been drawn.

343 - SCRUTINY PANELS – MINUTES OF MEETINGS

It was moved by Councillor Mrs Simpson, seconded by Councillor Fuchs and

RESOLVED: that the minutes of the following meetings be received and adopted:-

- a) the meeting of the Scrutiny Panel – Service Development held on 6th September 2007;
- b) the Special meeting of the Scrutiny Panel – Resource Development (meeting as the Accounts Committee) held on 26th September 2007;
- c) the meeting of the Scrutiny Panel – Policy Development held on 27th September 2007;
- d) the meeting of the Scrutiny Panel – Service Development held on 4th October 2007;
- e) the meeting of the Scrutiny Panel – Resource Development held on 11th October 2007; and

- f) the meeting of the Scrutiny Panel – Policy Development held on 18th October 2007.

344 - REPORT OF THE CO-CHAIRMEN OF THE STANDARDS COMMITTEE

Council received the report of the Co-Chairmen of the Standards Committee, noting the matters to which attention had been drawn.

345 - MINUTES OF THE STANDARDS COMMITTEE

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

RESOLVED: that the minutes of the meeting of the Standards Committee held on 10th September 2007 be received and adopted.

346 - MINUTES OF THE PLANNING COMMITTEE

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

RESOLVED: that the minutes of the meetings of the Planning Committee held on 18th September 2007, 9th October 2007 and 30th October 2007 be received and adopted.

347 - CONSTITUTIONAL REVIEW COMMITTEE RECOMMENDATIONS TO COUNCIL

From the Constitutional Review Committee Meeting held on 29th October 2007

a) Minute 207: Members' Allowances – Attendance Monitoring

Some Members expressed concern at the recommendation that engaging a substitute for a meeting would be accepted as equivalent to a Member attending in person, as it was felt that, if a Member had not attended the meeting in question, they should not be classed as attending. It was suggested that this could be open to abuse, as a Member could miss the three meetings in a row that would require them to resign from a committee / panel, but the records would not show any absences.

It therefore was moved by Councillor Mrs Roeber and seconded by Councillor Dr S Hill that:-

- i) Members who are unable to attend a committee meeting named as having an allowance allocated, of which they are a member, should seek to find a substitute if possible;
- ii) a record will be kept of attendance at all meetings which are formally notified and subject to Access to Information;
- iii) a Member who fails to attend three consecutive meetings of any panel or committee will be required to resign from that committee / panel, unless the failure was due to some reason approved by the Standards Committee, this provision being subject to maintaining the requirement for political balance;
- iv) an elected Member must ensure that any substitute nominated by them must have received any necessary training before they can sit on a committee or panel;
- v) in accordance with the Local Government Act 2000 the ability to provide a substitute does not apply to the Executive; and
- vi) the Constitutional Review Committee be asked to give further consideration to the use of substitute members and whether a Member could be considered to have attended a meeting when a substitute had attended in their place.

On being put to the vote, this was not accepted as the substantive motion.

It was moved by Councillor B Smith and seconded by Councillor Everett that:-

- i) Members who are unable to attend a committee meeting named as having an allowance allocated, of which they are a member, should seek to find a substitute if possible;
- ii) in such circumstances, set out in i) above if an elected Member engages a substitute this will be accepted as equivalent to attending in person;
- iii) a record will be kept of attendance at all meetings which are formally notified and subject to Access to Information;
- iv) a member who fails to attend three consecutive meetings of any panel or committee will be required to resign from that committee/panel, unless the failure was due to some reason approved by the Standards Committee. This provision is subject to maintaining the requirement for political balance;
- v) an elected member must ensure that any substitute nominated by them must have received any necessary training before they can sit on a committee or panel; and
- vi) in accordance with the Local Government Act 2000 the ability to provide a substitute does not apply to the Executive.

On being put to the vote, the Motion was carried.

At the request of a Member, the voting on this Motion was recorded as follows, in accordance with Procedure Rule 17.5 of Part 4(1) of the Council's Constitution:-

For the Motion

Councillors Mrs Ackerley, Beaty, Charlish, Dann, Evans, Everett, Fuchs, Graves, Hallam, Hart, Mrs A Hill, Holyoak, Liquorish, Pain, Rook, Sidey, B Smith, M Smith and Mrs Wood

Against the Motion

Councillors Dr Bremner, Mrs Burrell, Dewes, Mrs Field, Hack, Dr S Hill, Johnson, King, Mrs Robinson, Mrs Roeber, Mrs Simpson, Spendlove-Mason, Swatridge and Mrs Tooley

Present at the Meeting but not Voting

Councillor Callis (Chairman)

b) Minute 208: Review of Form and Content of Minutes

It was suggested that it could be useful for the Constitutional Review Committee to consider whether a more prescriptive style of writing minutes should be adopted, in order to improve the consistency and accuracy of minutes.

It was moved by Councillor B Smith and seconded by Councillor Everett that, if the Chairman of a Committee / Panel feels that a contrary view should be recorded, the Chairman should highlight this at the meeting and the minority view recorded in the minutes.

On being put to the vote, the Motion was carried.

c) Minute 209: Update of Constitution

It was moved by Councillor B Smith and seconded by Councillor Everett that the Executive will meet in accordance with the programme of meetings agreed at Annual Council under Procedure Rule 1.1(j) of Part 4(1) of the Council's Constitution and at such other times as are agreed by the Leader or Deputy and duly publicised.

On being put to the vote, the Motion was carried.

348 - MINUTES OF THE CONSTITUTIONAL REVIEW COMMITTEE

It was moved by Councillor B Smith, seconded by Councillor Mrs Wood and

RESOLVED: that the minutes of the meeting of the Constitutional Review Committee held on 4th September 2007 be received and adopted.

349 - LICENSING COMMITTEE RECOMMENDATION TO COUNCIL

From the Licensing Committee Meeting held on 22nd October 2007

Minute 288: Licensing Act 2003 – Review of Statement of Licensing Policy

It was moved by Councillor Liquorish and seconded by Councillor B Smith that, subject to the amendments/comments set out in the preamble to the minute being implemented:-

- i) the revised statement of Licensing Policy be approved; and
- ii) the officers' comments as set out in Appendix B to the report be noted and those highlighted as agreed be incorporated within the policy document.

On being put to the vote, the Motion was carried.

350 - MINUTES OF THE LICENSING COMMITTEE

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

RESOLVED: that the minutes of the meeting of the Licensing Committee held on 22nd October 2007 be received and adopted.

351 - QUESTION

The following question was submitted by Councillor Dr S Hill in accordance with Council Procedure Rule 11.2 of Part 4(1) of the Council's Constitution:-

"Would the leader or his nominee guarantee, as part of the production of the Councils Climate Change strategy, which is required as part of the previous Councils signing of the Nottingham declaration and commitment to tackling climate change, that

- a) the practise of subsidising car loans to officers will end, and
- b) expenses payments will reward the driving of more fuel efficient cars and penalise the driving of less fuel efficient cars

Reply by Councillor Swatridge

"The Climate Change Strategy is currently still at an embryonic stage and will address a wide range of issues, including the development of a green travel plan for the council and recommendations for business. The travel plan will seek to encourage and promote more sustainable ways of travelling to, from and at work. As part of this work both the practice of subsidising car loans and the provision of expenses payments will be evaluated to identify any improvements which can encourage officers and elected Members to use more environmentally sustainable transport.

Car loans have historically been provided as a recruitment incentive and whilst the benefit could be removed for future employees many current staff will have a car loan provision within their terms and conditions of employment. Any variation will therefore be subject to the normal

negotiation processes although the complete withdrawal of the use of personal cars for official business would be difficult to achieve in a rural area where there may be no suitable public transport options.

Expenses payments to officers are made in accordance with National Joint Council conditions and the scope of these payments will be considered as part of the Pay and Grading Review.

Members' travel allowances would need to be considered as a separate issue as they will not be covered by this, but a coherent policy would be encouraged."

352 - NOTICE OF MOTION

The following Notice of Motion was submitted by Councillor Dr S Hill in accordance with Council Procedure Rule 12 of Part 4(1) of the Council's Constitution:-

"This Council resolves to:

- a) Not increase car parking charges on any of its sites for the next 2 years"

It was moved by Councillor Dr S Hill and seconded by Councillor Mrs Roeber that, in accordance with Procedure Rule 12.5 of Part 4(1) of the Council's Constitution, this Motion should be considered at this meeting.

On being put to the vote, the Motion to consider the matter was lost and the Motion was referred to the Executive for consideration as part of the budget-setting process.

353 - SEALING OF DOCUMENTS

It was moved by Councillor Dewes, seconded by Councillor Mrs Burrell and

RESOLVED: that the affixing of the Common Seal of the Council to the undermentioned documents be ratified:-

Licence relating to use of access to rear of 5 Lounts Crescent Great Easton – the Council to Mr and Mrs P S Martin

Deed of Variation of a Section 106 Agreement (23.11.99) relating to development on land at Northampton Road Market Harborough – the Council (1) Leicestershire County Council (2) W & J Parker Limited (3) Messrs Gowling (4)

Agreement for the provision of Parking Enforcement Services – the Council and Oadby & Wigston BC

Agreement for the provision of Parking Enforcement Services – the Council and Melton Borough Council

Agreement for the provision of Parking Enforcement Services – the Council and Hinckley & Bosworth BC

Agreement for the provision of Parking Enforcement Services – the Council and Blaby District Council

Lease of Flat 32 Skippon Close Market Harborough – the Council to Mrs D L and Mr S Coles
The Harborough District Council (Keyham Hall Ingarsby Road Keyham) Tree Preservation Order 2007

Discharge of Registered Charge – 31 Jubilee Road Broughton Astley

Discharge of Registered Charge – 4 Grange Road Broughton Astley

Car Loan Agreement – K G Mehta

Licence relating to lock up garage site No 1 The Bank Shearsby – the Council and Mrs C and Mr N Davis

Contract for Affordable Warmth (No 76) – the Council and Paul Brant Plumbing & Heating

Car Loan Agreement – S J Smith

Deed of Rectification relating to Conveyance of 7 Vicarage Drive Foxton – the Council and Messrs N W and E J Smallbones

The Harborough District Council (Land at 8/8A St Catharine's Way Houghton on the Hill) (Tree Preservation Order)
Contract for the provision of a Staying Put agency – the Council and Anchor Staying Put
Car Loan Agreement – A Harris
Car Loan Agreement – E J Chester
Car Loan Agreement – P Rider
The Harborough District Council (Footpath B1 Kibworth Beauchamp) Public Path Diversion Order 2007
Conveyance of 23 Denbigh Place Lutterworth – the Council to Miss N Chamberlain and Mr J R Dickens

354 - CALL-IN OF EXECUTIVE DECISION – ALLOCATION OF SECTION 106 FUNDING

Members received details of the decision made by the Executive at its meeting on 29th October 2007 on the "Allocation of Section 106 Funding", (paper number 5 referred), and the call-in of this decision in accordance with Procedure Rule 5 of Part 4(5) of the Council's Constitution. Members were reminded that additional information on this, which had been requested by the Scrutiny Panel – Resource Development when it considered the call-in at its meeting on 8th November 2007, had been circulated separately to the agenda.

It was moved by Councillor Hart, seconded by Councillor Holyoak and

RESOLVED: that the issue be referred to the Scrutiny Panel – Resource Development for full consideration as part of its review of Section 106 Agreements and that the Panel report back to Council accordingly.

355 - REVIEW OF HOMELESSNESS POLICY

Members were reminded that a revised version of this report had been circulated prior to the meeting.

Approval was sought for policy changes that would allow existing non-secure tenants to become secure tenants of their property.

It was proposed by Councillor Spendlove-Mason, seconded by Councillor Everett and

RESOLVED: that:-

- i) the Council offers a secure tenancy to existing non-secure tenants;
- ii) existing non-secure tenants be allowed to retain the waiting time they have accumulated on the housing register if they have previously expressed a need to move; and
- iii) a further report be made to the Scrutiny Panel – Service Development about opportunities for joint working with Seven Locks Housing Ltd to meet the needs of homeless people in Harborough District, including review of current arrangements for provision of temporary accommodation.

356 - STOCK TRANSFER

Ms Carol Matthews of Wright Hassell and Gary Seabourne of Savills, who had advised the Council on the stock transfer process, were introduced to the Council.

Council's approval to the terms and basis of the transfer of the Council's Housing Stock and other assets, pursuant to Minute 696 of the Special Council meeting held on 29th March 2007, was requested, along with approval to enter into Service Level Agreements, Leases and Licences on terms agreed with Seven Locks Housing Limited.

Members also noted that the work pertaining to the stock transfer was continuing in respect of the legal contracts and agreements and that the negotiations were substantially completed.

Members were reminded that supplementary papers to this report, with additional recommendations, had been circulated prior to the meeting.

The Council expressed its thanks to all concerned for the large amount of work that had been undertaken on stock transfer.

It was proposed by Councillor Hart, seconded by Councillor Spendlove-Mason and

RESOLVED: that:-

- i) the terms and basis of the transfer of the Council's Housing Stock and other assets pursuant to Minute 696 of the Special Council meeting held on 29th March 2007, including the warranties, guarantees and disclosures to be given to Seven Locks Housing Limited pertaining to the transfer, be approved;
- ii) the principle of the Service Level Agreements, Leases and Licences to be entered into by the Council be approved as set out in the report;
- iii) subject to the formal approval and consents of the Department of Communities and Local Government under:
 - Section 32 and 43 of the Housing Act 1985
 - Section 25 of the Local Government Act 1988
 - Section 133 of the Housing Act 1988; and
 - Section 171(D) of the Housing Act 1985

the transfer of the Council's housing stock to Seven Locks Housing Limited pursuant to Section 32 of the Housing Act 1985 be approved and authorised on the terms and conditions set out in the transfer contract and all ancillary documents and related and other assets;
- iv) authority be delegated to the Deputy Chief Executive, in consultation with the relevant officers and the Leader of the Council, to agree changes to the documentation as a result of further negotiation between the parties and to resolve matters outstanding and any changes to property numbers or related and other assets; and
- v) the Chief Executive be authorised to complete, execute and witness the sealing of the Transfer Contract, the Development Agreement, TP3, and all other deeds and associated and ancillary documents that need sealing and/or signing on behalf of the Council and to do whatever is necessary or expedient to complete the transfer of the undertaking.

357 - APPOINTMENT TO PLANNING COMMITTEE

This item was added to the agenda with the consent of the Chairman of the Council, as the proper running of the Planning Committee was best served by full representation on the Committee. The next scheduled Council meeting was not until 21st January 2008, which would mean three Planning Committee meetings without full membership. For this reason, it was considered appropriate that this report be considered as a matter of urgency at this meeting.

Following the resignation of Councillor Mark Graves from the Planning Committee, a nomination was needed to fill the vacancy. Members were reminded that, in compliance with Part 3 B 1.2a of the Council's Constitution, which required the appointment of members to that Committee in accordance with the proportionality rules of the Local Government and Housing Act 1989, a Conservative Member needed to be appointed to the vacancy.

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

RESOLVED: that Councillor M Smith of the Conservative group be appointed to the current vacancy on the Planning Committee.

358 - ELAINE BAKER, SENIOR COMMITTEE OFFICER

The Chairman of the Council advised Members that Elaine Baker, Senior Committee Officer, would be leaving the Council shortly to take up new employment and, on behalf of all Members, thanked her for her work with the Council.

The meeting closed at 8.19 pm