

HARBOROUGH DISTRICT COUNCIL

MINUTES OF THE EXECUTIVE MEETING

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

held on 12 June 2017

commencing at 5.00p.m.

Present:

Cllr Pain (Chair),

Councillors: Bannister, Brodrick, Hallam, King and Rickman

Officers: D. Atkinson, S. Hamilton, N. Proudfoot, S. Riley and V. Wenham

585 - PORTFOLIO ACTIVITY

Planning and Regeneration

Councillor Brodrick reported that two of Harborough District Council's partners had won awards in the Building Control Awards. Both companies will now go through to the National Awards taking place in November 2017.

Corporate Services / Economic Development

Councillor Hallam asked for thanks to be recorded to Richard Ellis and all of the election team for their professionalism and hard work with the recent elections.

586 INFORMATION EXCHANGE

Councillor Bannister updated the Executive on the ongoing success of the green bin collection scheme.

587 MINUTES

RESOLVED that the minutes of the meeting of the Executive held on the 8th and 15th May 2017 be approved as a correct record.

588 DECLARATION OF MEMBERS' INTERESTS

Councillor Pain declared a personal interest which could lead to bias in the items on The Square, Market Harborough and the Declaration of Air Quality Management Area in Kibworth. The nature of the interest was that Councillor Pain is a County Councillor and his portfolio responsibilities cover these areas.

589 PERFORMANCE, QUARTER 4 2016/17

The Executive was presented with a report detailing the performance of the Council against the Corporate Delivery Plan at the end of Quarter 4 of the 2016/17 year, which Members were asked to note and consider.

The report highlighted the status of key activities as well as a performance summary of each of the Key Activities identified in the Corporate Delivery Plan for the 2016/17 period, including a status, progress comment and next steps.

The report outlined that out of the 60 key activities to be monitored, 14 have been completed, and 38 have a status of 'green' i.e. forecast to be delivered on target. The remaining 6 activities were 'amber' status and 1 activity was classed as Red status. One Key Activity was deferred until the 2017/18 year.

The Executive noted the detail on the appropriate mitigation relating to the key performance indicators which were identified as below target at the end of Quarter 4. The Executive noted that Harborough District Council has the highest 'In-Year Tax Collection rate in Leicestershire and also demonstrates a high level in collection of business rates.

In relation to Performance Indicators, the Executive noted the detail on the appropriate mitigation relating to the key performance indicators which were identified as below target at the end of Quarter 4. It was confirmed that there were no underlying trends in either long or short term sickness absence, and the Portfolio Holder asked to send good wishes and a speedy recovery to all those employees who were currently off on long term sickness absence.

RESOLVED that the performance of the Council against the Corporate Deliver Plan for Quarter 4 of the 2016/17 year be noted.

Summary of Reasons

Performance is monitored and reported on to Officers and Members on a quarterly basis as part of the Council's Performance Management Framework. Performance Reports are submitted to both Scrutiny and the Executive via quarterly reports.

590 CORPORATE RISK AND OPPORTUNITY REGISTER: QUARTER 4

The Executive considered the Corporate Risk and Opportunity Register at the end of Quarter 4 of the period 2016/17, which was set out in Appendix A to the report. Corporate Risk and Opportunities are defined as issues that may have a significant impact on the delivery of the Council's vision and priorities. They are identified, monitored and managed via the Council's Risk and Opportunity Strategy Board which meets on a quarterly basis.

The Corporate Risk and Opportunity Register was last considered at the Officer Risk and Opportunity Strategy Board on the 7th April 2017. At this meeting a number of amendments to the Register were made to reflect progress on actions which had been identified to:

- reduce the likelihood of risks occurring, the impact the risk would have if it were to occur, or both;
- monitor opportunities; and
- add and/or remove risks and opportunities.

At the end of the fourth quarter of the 2016/17 year, there were 19 Risks and Opportunities on the Corporate Risk and Opportunity Register. Full details of the risks and opportunities, including scores and mitigating actions, were attached at Appendix A to the report.

The Executive congratulated the Officers on demonstrating that the Council's risks are being well managed.

RESOLVED that the items contained within the Council's Corporate Risk and Opportunity Register, as set out in Appendix A to the report be noted.

Summary of Reasons

Monitoring of the Council's Corporate Risks and Opportunities is prescribed by the Council's Risk and Opportunity Management Framework.

591 SUNDRY DEBT WRITE OFFS AND PERFORMANCE

The Executive was advised on the amounts written off under delegation in respect of Sundry Debts together with being provided with information on Sundry Debts where write off above delegation limits are required. Information was also provided concerning Sundry Debt performance.

RESOLVED that:

- i) the write off of Sundry Debts as listed in Appendix B to the report be approved.
- ii) the write off of Sundry Debts as listed in Appendix A to the report be noted.
- iii) the performance on the collection of Sundry Debts as listed in Appendix C to the report be noted.

Summary of Reasons

The Authority's Constitution and supporting Financial Regulations delegates the responsibility for writing off individual debts up to and including £1k to the Chief Finance Officer or nominated deputy under the scheme of delegation. Above this threshold debts (greater than £1k) are written off by the Executive.

At Constitution Review Committee on 27 January 2015, Members considered a recommendation to make changes to Financial Procedure Rule 11. This was agreed to recommend to Council. This recommendation will be presented to Council as part of the Constitution Review recommendations and if agreed by Council this would increase the delegation for writing off individual debts up to and including £10k to the Chief Finance Officer or nominated deputy, instead of the current £1k. This recommendation is still to be formally approved by Council as part of this process.

The Authority only writes off debt where it is irrecoverable for example where a customer has died and there are no assets, or a business is bankrupt and has no assets. The only exception to this is where a debt is not cost effective to recover.

The Authority is prudent in managing debt and makes provision for bad debt in its annual statement of accounts. This ensures that the writing off of bad debt has no detrimental affect on service provision or the council taxpayer. The provision in respect of overdue invoices for at the 31 March 2017 was £413k (including amounts in respect of invoices raised in respect of s.106 planning obligations of £371k). This is reviewed annually as part of the statutory accounts process.

592 NORTH KILWORTH NEIGHBOURHOOD PLAN

The Executive considered the recommendations of the Examiner into the North Kilworth Neighbourhood Plan (the Plan'). The Plan has been produced by the North Kilworth Neighbourhood Plan Group, led by the Parish Council as the Qualifying Body, in conjunction with the local community. The Plan allocates sufficient housing to meet the requirements of the Core Strategy 2011.

The examination took place between 30th January and 24th April 2017, and the Examiner recommended a number of policy deletions from the Plan. The essence of what the remaining policies are trying to achieve has been retained. The main changes occurred for reasons of clarity and to meet the basic conditions.

The Examiner's report acknowledges the amount of work that has gone into preparing the Plan, and acknowledges the consultation that was undertaken with the community through questionnaires and targeted consultation with schoolchildren together with the 'walkabout' of North Kilworth with the community to establish priority areas for the Neighbourhood Plan.

North Kilworth Parish Council and Neighbourhood Plan Group have given the Report due consideration and confirmed that they are in agreement with the recommended modifications of the Examiner to the Neighbourhood Plan and Officers are also in agreement with the recommendations of the Examiner.

The date for the referendum is provisionally set for 20th July 2017 and this will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question; "Do you want Harborough District Council to use the neighbourhood plan for North Kilworth to help it decide planning applications in the neighbourhood area?"

Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (adopt the Plan, with the Plan becoming the Development Plan for North Kilworth alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation 'making' the Plan will be done by Officers of Harborough District Council as soon as possible after a favourable Referendum result. If the result of the Referendum is "no", then nothing further happens. The Parish Council will then have to decide how it wishes to proceed.

RESOLVED that:

- i) the Independent Examiner's recommended changes to the North Kilworth Neighbourhood Plan are accepted in full as set out in the schedule at Appendix A to the report, and the recommendation that the amended North Kilworth Neighbourhood Plan should proceed to a referendum of voters within the Parish of North Kilworth to establish whether the Plan should form part of the Development Plan for the Harborough District be noted.
- ii) the holding of a referendum relating to the North Kilworth Neighbourhood Plan on 20th July 2017 that will include all of the registered electors in the North Kilworth Parish be approved.

Summary of Reasons

The Examiner's report into the North Kilworth Neighbourhood Plan was received on 24th April 2017.

The Examiner considered the Plan along with the representations received when the Plan was published by the Council. The report recommends to the Council that, subject to the modifications proposed (as set out in Appendix A to the report), the Plan should proceed to a referendum.

The Neighbourhood Planning (General) Regulations 2012, (Regulation 18) sets out the matters that the District Council should consider at this stage in the Neighbourhood Plan making process. The District Council must consider each of the recommendations made by the Examiner in their report, including the reasons for them, and decide what action to take in response to each recommendation (as set out in Appendix A to the report).

It is considered that the recommended modifications should be incorporated into the plan and noted by the Executive in order to ensure that the plan is robust, sound, meets the Basic Conditions and comprises a user-friendly and efficient document. Liaison with North Kilworth Parish Council confirms that they are happy to accept these recommendations (email of 15/5/2017). On this basis, the Plan should then proceed to a referendum in North Kilworth Parish to determine if local people support it.

The Neighbourhood Plan has been prepared by North Kilworth Neighbourhood Plan Group and North Kilworth Parish Council.

The evidence provided to the Examiner within the Consultation Statement gave assurance to him that the consultation process was robust. The Examiner was therefore satisfied that the Plan met the Basic Conditions with regard to consultation.

In proceeding to a referendum with a plan that meets the prescribed Basic Conditions, the whole community will be afforded the opportunity to vote on the future development of the village and wider parish of North Kilworth.

593 HUNGARTON NEIGHBOURHOOD PLAN

The Executive considered the recommendations of the Examiner into the Hungarton Neighbourhood Plan ('The Plan'). The Plan has been produced by the Hungarton Neighbourhood Plan Group, led by the Parish Council as the Qualifying Body, in conjunction with the local community. The Plan seeks to allocate a small amount of housing that is proportionate to the scale and character of Hungarton and to preserve community facilities that are important to the community.

The Examination took place from 8th February to 8th May 2017. The main changes recommended by the Examiner (in order to meet the 'Basic Conditions') are to make the Plan appropriate for use in determining planning applications and to ensure clarity and accuracy in the text of the Plan. The Examiner did not recommend any policy deletions from the submission version Neighbourhood Plan.

The Examiner's report acknowledged the amount of work that has gone into preparing the Plan and stated: 'Thanks to Local Authority staff and the qualifying body for their assistance with this examination and prompt replies to queries. My compliments to the local community volunteers and Hungarton Parish Council, who have produced a detailed and well-presented Plan with a good evidence base. It is clear considerable and sustained work has been undertaken.'

Hungarton Parish Council and Neighbourhood Plan Group have given the Report due consideration and resolved that it is in agreement with the recommended modifications of the Examiner to the Neighbourhood Plan.

The Examiner concludes that a Referendum based on the Hungarton Neighbourhood Area is

appropriate. Officers agree with this recommendation.

The date for the referendum is provisionally set for 20th July 2017 and this will follow a similar format to an election. All those registered to vote within the Neighbourhood Area will be given the opportunity to be involved in the Referendum. Local residents will receive a ballot paper with the question; "Do you want Harborough District Council to use the neighbourhood plan for Hungarton to help it decide planning applications in the neighbourhood area ?"

Residents will be given the opportunity to vote 'yes' or 'no'. If more than 50% of those voting in the referendum vote 'yes' then the Local Planning Authority is required to 'make' the plan (adopt the Plan, with the Plan becoming the Development Plan for Hungarton alongside the Core Strategy). Under the approved Neighbourhood Planning Scheme of Delegation 'making' the Plan will be done by Officers of Harborough District Council as soon as possible after a favourable Referendum result. If the result of the Referendum is "no", then nothing further happens. The Parish Council will then have to decide how it wishes to proceed.

RESOLVED that:

- i) the Independent Examiner's recommended changes to the Hungarton Neighbourhood Plan are accepted in full as set out in the schedule at Appendix A to the report, and the recommendation that the amended Hungarton Neighbourhood Plan should proceed to a referendum of voters within the Parish of Hungarton to establish whether the Plan should form part of the Development Plan for the Harborough District be noted.
- ii) the holding of a referendum relating to the Hungarton Neighbourhood Plan on 20th July 2017 that will include all of the registered electors in the Hungarton Parish be approved.

Summary of Reasons

The final Examiner's report into the Hungarton Neighbourhood Plan was received on 8th May 2017. The Examiner considered the Plan along with the representations received when the Plan was published by the Council. The report recommends to the Council that, subject to the modifications proposed (as set out in Appendix A to the report), the Plan should proceed to a referendum.

The Neighbourhood Planning (General) Regulations 2012, (Regulation 18) sets out the matters that the District Council should consider at this stage in the Neighbourhood Plan making process. The District Council must consider each of the recommendations made by the Examiner in their report, including the reasons for them, and decide what action to take in response to each recommendation (as set out in Appendix A to the report).

It is considered that the recommended modifications should be incorporated into the plan and noted by the Executive in order to ensure that the plan is robust, sound, meets the Basic Conditions and comprises a user-friendly and efficient document. Liaison with Hungarton Parish Council confirms that they are happy to accept these recommendations. On this basis, the Plan should then proceed to a referendum in Hungarton Parish to determine if local people support it.

The Neighbourhood Plan has been prepared by Hungarton Neighbourhood Plan Group and Hungarton Parish Council.

The evidence provided to the Examiner within the Consultation Statement gave assurance to him

that the consultation process was robust. The Examiner was therefore satisfied that the Plan met the Basic Conditions with regard to consultation.

In proceeding to a referendum with a plan that meets the prescribed Basic Conditions, the whole community will be afforded the opportunity to vote on the future development of the village and wider parish of Hungarton.

Councillor Pain having declared a personal interest which could lead to bias, left the room for consideration of the subsequent two items. Councillor King took the Chair.

594 THE SQUARE, MARKET HARBOROUGH; STRATEGY FOR OUTDOOR EVENTS AND MARKETS

The Executive considered the adoption of a strategy for The Square, Market Harborough with a view to enhancing use and improving footfall to the town centre. Furthermore consideration was given as to whether to seek transfer of The Square to the District Council to provide control over the area which will support the strategy.

The land outlined in red on the plan attached as Appendix A to the report, is currently public highway, and the responsibility of Leicestershire County Council. The land is unregistered and the ownership of the freehold land is unknown. The District Council has, historically, maintained the war memorial, and provides and maintains the park benches on the land edged red.

To enable The Square to be used for the events envisaged by the Strategy referred to in Appendix B to the report, the Council has to obtain a Temporary Traffic Regulation Order (TTRO) the effect of which is to prevent the areas being used as public highway for the duration of the event. Over recent years, Leicestershire County Council (LCC), as Highways Authority, have implemented revised and improved arrangements for applying for TTRO's to enable use of The Square.

These arrangements require full details of any proposed event being submitted to LCC, and, also, require the advertising in the local newspaper for each proposed TTRO. As such, the costs associated (typically £1,000) and time taken to arrange the TTRO have proved prohibitive to providing events on The Square on a more regular basis.

The requirement for a TTRO has not extended to the holding of markets on The Square. Markets held include Farmers Market (monthly), Plant Fairs (monthly during summer months), Craft Fairs (monthly during summer months) and French Market (annually). In order to implement the Strategy to maximise the effectiveness, it would be desirable to identify options for removing the requirement for a TTRO for each event.

Harborough District Council, as proposed landowner would need to apply to the Council, acting as Planning Authority, for a Change of Use of the land from Public Highway to Public Open Space. If the application were to be successful, the Council would also need to apply to the Department of Transport to 'stop up' the existing Highway Rights using Section 247 of the Town and Country Planning Act 1990. Section 247 of the Act allows the stopping up of the highway for development purposes with the proposed Change of Use being sufficient to be classed as development. The application process includes a public consultation process with the opportunity to submit objections .

The whole process could take approximately 12 months to complete, however, this timescale is very much subject to any objections being received at any stage of the process and, in addition, the availability of court time to deal with the vesting order.

If the vesting order is made, the Council would become the Freehold Owners of The Square and title would be registered at the Land Registry. The vesting process is being suggested as the owner of the freehold of the land is unknown. If an "owner" of the land comes forward within 12 years of the vesting of the land, the Council would be liable to pay a compensation claim.

RESOLVED that:

- i) the Strategy for The Square be adopted as set out within Appendix B to the report.
- ii) **RECOMMEND to Council that transfer of the land outlined in Appendix A to the report be pursued through the Leicestershire Act 1985; and that the Corporate Director (BJ) be authorised to take all steps that are necessary to implement this decision, in consultation with the Head of Legal and Democratic Services and the Portfolio Holder Finance and Assets;**
- iii) subject to Council approving (ii) above, authority be delegated to the Corporate Director (BJ) to submit a planning application for change of use of the land outlined in Appendix A to the report from Public Highway to Public Open Space.

Summary of Reasons

The adoption of the strategy will improve the use of The Square for events/ markets in order to enhance footfall and income. Furthermore the Council will be allowed to have full control of the land and avoid the need for Temporary Traffic Regulation Orders for each event.

595 SECTION 100A LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the following items on the grounds that the matters yet to be discussed involve the likely disclosure of exempt information as defined in Paragraphs 1, 2 and 3 of Part I of Schedule 12A to the Local Government Act 1972.

596 DECLARATION OF AIR QUALITY MANAGEMENT AREA IN KIBWORTH

RESOLVED that:

- i) the 2017 Air Quality Annual Status Report (ASR) in fulfilment of Part IV of the Environment Act 1995 Local Air Quality Management be approved as set out in Appendix A to the report.
- ii) the draft AQMA Order be approved for consultation, as set out in Appendix B to the report.
- iii) delegation be given to the Corporate Director (NP), in consultation with the relevant Portfolio Holder to consider all representations received and that the making of the Order be approved.

Summary of Reasons

Under the Environment Act 1995, the Council has a duty to assess the air quality and take action to improve local air quality issues. The Annual Status Report sets out any monitoring results carried out in the district for the previous year along with any action undertaken to work towards improving air quality.

The meeting closed at 18.07

