

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE CABINET MEETING

held in

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

On 9th March 2020

commencing at 5.30 p.m.

Present:

Councillor King (Chair),
Councillors: Bateman, Dann, Hallam, Nunn and Rickman

Guest Councillor: Fosker (report 6, Monitoring of the Local Plan)

Officers: D. Atkinson, G. Keeping, N. Proudfoot, J. Smith, K. Watling and V. Wenham

INFORMATION EXCHANGE FROM PORTFOLIO HOLDERS

Communities

Councillor Rickman reported that he had attended the meeting of the Cabinet Grants Sub-Committee on 20th February, when over £70,000 of Community Grants had been awarded. On 21st February he had attended the Foxton Locks demonstration, along with Councillor King and Neil O'Brien MP. On 25th February he had attended a presentation on the Violence Reduction Network, which had been interesting and very relevant; over twenty people had attended in total.

Finance

Councillor Hallam reported that the Council's budget had been agreed by Council on 24th February and asked that his thanks to the S151 Officer and the Finance Team be recorded.

Wellbeing

Councillor Nunn had attended the Landlords' Forum that had been held jointly between Harborough, Blaby, Hinckley & Bosworth council in Lutterworth on 25th February, which had been well attended. On 27th February she had attended the East Midlands Community-led Housing Seminar on Custom Build and Self-build Housing.

Corporate

Councillor Dann reported that the first meeting of the Smarter Services Programme Members' Board was scheduled to take place on 26th March; he and Councillor Golding would be attending.

Strategy

Councillor King reported that on 12th February he had met Andy Williams, the new chief-officer of the combined CCGs for Leicester and Leicestershire; they had discussed issues concerning East of Lutterworth and Scaptoft North SDAs, S106 health payments and future cooperation between the district council and CCGs. On 13th February, he had attended a meeting of the Enforcement Development Forum meeting at the Symington Building. Later the same day, he had attended a business leaders event at Hothorpe Hall, held with business and senior education leaders from across Harborough District and wider Leicestershire.

On 14th February he had attended the half-yearly meeting of the East Midlands Council General Assembly at Nottinghamshire County Council offices. On 18th February he had met with David Atkinson, economic development officers and Lutterworth Town Council regarding the draft Lutterworth Town Centre Master Plan. On 19th February he met with representatives of Network Rail to discuss their plans for the installation of the new toilet section at Market Harborough Station.

On 21st February he too had attended the inspection of the drained locks at Foxton Locks. In the morning he had been a guest on Harborough FM's "Favourite Five" radio show, which had provided a useful opportunity to promote the Council.

Finally, he and the Leader of Blaby District Council, together with MPs Neil O'Brien and Alberto Costa, had met with Luke Hall, Parliamentary Under Secretary of State (Minister for Local Government and Homelessness), on 25th February at the House of Commons to discuss concerns about the financing of district councils and local government.

TOPICAL ISSUES

There were none.

APOLOGIES FOR ABSENCE

There were none.

MINUTES

RESOLVED that the minutes of the meeting of the Cabinet held on the 10th February 2020 be approved as a correct record.

DECLARATIONS OF MEMBERS' INTERESTS

There were none.

PERFORMANCE: QUARTER 3 2019/20

The Executive considered a report with details of the performance of the Council against the Corporate Delivery Plan at the end of Quarter 3 of the 2019/20 year. The status of the 37 Key Activities at the end of Quarter 3 of the 2019/20 year showed 1 (2.7%) of Key Activities were completed, 32 (86.5%) Key Activities had a status of Green, 2 (5.4%) had Amber status. Two (5.4%) key activities were scheduled to start later in the year. No Key Activity was classed as Red status.

Two performance indicators on the Strategic Performance Dashboard were identified as being of red status at the end of Quarter 3: 'percentage of all homeless presentations housed' and 'increase footfall in town centres'. At the end of Quarter 3, 42% (21 out of 50) statutory homeless presentations had been housed (year-to-date figure).

RESOLVED that the performance of the Council at the end of Quarter 3 of the 2019/20 year be noted.

Summary of Reasons:

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

CORPORATE RISK AND OPPORTUNITY MANAGEMENT: QUARTER 3, 2019/20

The Cabinet was presented with a report giving information on the Council's Corporate Risks and Opportunities at the end of Quarter 3 of the 2019/20 year.

Of the 18 Risks and Opportunities on the Corporate Risk and Opportunity Register, 1 (5.6%) was assessed as Red status. The Red Status Risk was CR25: the Council does not have sufficient funding to deliver its current services in the medium term.

The Cabinet is working through the budget for the 2020/21 year. Levels of reserves are sufficient to manage any unplanned change effectively. The budget (including income and expenditure) is monitored on a quarterly basis and corrective action taken as required. Preparation for the 2021/22 budget and medium-term financial planning will start earlier than in previous years (Spring 2020).

RESOLVED that the items contained within the Council's Corporate Risk and Opportunity Register (attached at 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.

BAD DEBTS WRITE OFFS

The Cabinet received a report that requested it to approve write off of debts in respect of National Non-Domestic Rates (Business Rates) and was advised on what debts have been written off this financial year under delegation for the revenue and benefits service area as outlined in the report.

RESOLVED that the total amounts for National Non-Domestic Rates (Business Rates) £41,817.50, as listed in Appendix A to the report, be written off.

Summary of Reasons:

To comply with proper accounting practices.

ADOPTION OF PUBLIC OPEN SPACE AT KB1, KIBWORTH

The Cabinet considered the adoption of the open space areas (excluding the play area) at the development known as KB1, Warwick Road, Kibworth Harcourt, as shown in plans attached as appendices A(i) and A(ii) attached to the report.

The development site known as KB1 was permitted as part of application 04/00319/OUT and was allowed on appeal. The original site was for 549 dwellings and the Unilateral Undertaking was signed on 19/5/2005. Legal advice had been obtained in 2015 that that there was no obligation in the Unilateral Undertaking for Harborough District Council to adopt the open space for management and maintenance.

The Open Space was now deemed to be up to an adoptable standard and the developer has informed the Parish Council and District Council that they will place it in the hands of a management company if the Councils are not willing to adopt. The report advised Cabinet that experience had demonstrated that Management Companies could lead to an increase in complaints concerning the standard of maintenance of open space.

A commuted sum for 15 years maintenance of £55,214.50 (plus indexation) per hectare is provided for in the Unilateral Undertaking if adopted by the Council. This was the requirement in the Council's policy at the time that the Unilateral Undertaking was provided in 2005. The total area of open space

for adoption is approximately 4.5 ha. The Parish Council had agreed to adopt the play area for ongoing maintenance.

RESOLVED:

- (i) that the open space at KB1 be adopted, as set out on the adoption plan at Appendix A (i) and (ii) to the report;
- (ii) that the play area be excluded from adoption by the district council; and
- (iii) that the play area be directly transferred to the relevant Parish Council, with the pro rata commuted sum based on the total area.

Summary of Reasons:

The development site known as KB1 was permitted as part of an application made in 2004 and was allowed on appeal. An obligation to pay a commuted sum to cover 15 years' future maintenance of open space was provided in line with the Council's previous policy.

Taking this into account and also the fact that this development provided a significant number of properties it was felt that exceptional circumstances applied, as this was a historic planning consent, and that the open space should be adopted by the council and the play area be transferred to the relevant parish council to maintain.

QUARTERLY FINANCIAL PERFORMANCE

The Cabinet considered the budget monitoring information for the period from 1st April to 31st December 2019. The Council's 2019/20 revised net expenditure / budget requirement was £12.783m. The financial position at the third quarter was forecasting a projected surplus of £984k (7.7%) on the net direct cost of services at the end of the year.

In February 2019, Council approved a capital programme for 2019/20 of £17.62m and a revised programme of £10.896m at its meeting in February 2020. At the end of Quarter 3, it was forecast that there would be an underspend against the revised capital programme budget of £1.489m.

RESOLVED:

- (i) that it be noted that as at 31 December 2019 the revenue budget is forecast to underspend by £984k, as shown in Appendix A to the report;
- (ii) that the analysis given in Appendix B of the report for cost centre variances over £25k be noted;
- (iii) that the actual expenditure to 31st December 2019 incurred on the Capital Programme be noted, as shown in Appendix C to the report; and
- (iv) that it be noted that as at the 31 December 2019 the Capital Programme is forecast to underspend by £1,489m, as outlined in Appendix C to the report, and that most of this underspend will be required to be carried forward into 2020/21 as slippage.

Summary of Reasons:

To provide Cabinet with a forecast outturn position based upon the period 1 April to 31 December 2019.

MONITORING OF THE LOCAL PLAN

The Cabinet considered a report seeking approval to publish the Authority Monitoring Report (AMR) for 2018/19 and endorsement of the approach to future monitoring of the adopted Harborough Local Plan (2011-2031).

Monitoring is an integral part of the planning process. Each Local Planning Authority has a duty to prepare an Authority Monitoring Report (AMR) to monitor the delivery of the Development Plan. The plan-led system requires the Development Plan to be the starting point for the consideration of planning applications. Through a plan, monitor, manage approach, the Council can evidence how the Development Plan is being delivered and identify any issues where further action may be needed. The AMR reports on the monitoring period from April 2018 to the end of March 2019, prior to the adoption of the Harborough Local Plan on 30 April 2019. During this time the Development Plan comprised of the Harborough District Core Strategy 2006-2028, any made Neighbourhood Plans and the Minerals and Waste Planning Documents prepared by Leicestershire County Council.

Councillor Fosker addressed the Cabinet on this item and, in conclusion, welcomed the report and encouraged the collection of further contextual data from next year onwards to improve strategic decision-taking and the linking of strategies.

RESOLVED:

- (i) that publication of the 2018/19 Annual Monitoring Report on the Council's website, as set out in Appendix 1 to the report, be approved; and
- (ii) that the future monitoring approach for the adopted Harborough Local Plan 2011-2031, as set out in Appendix 2 to the report, be endorsed.

Summary of Reasons:

To meet the requirements of legislation governing Local Plan monitoring.

REPORT TO THE SHAREHOLDER OF HARBOROUGH DISTRICT COMMERCIAL SERVICES LIMITED

The Cabinet, as shareholder of Harborough District Commercial Services Limited, received a report relating to the draft Governance Agreement and draft Service Level Agreement for the company.

At its meeting on 26 November 2018, the Executive agreed to set up a wholly owned local authority company, limited by shares, with the Council as sole shareholder. This was to enable the Council to progress with a strategic land acquisition with the company owning and managing the land in the short to medium term. On 2 January 2019, Harborough District Commercial Services Limited was incorporated having adopted the model Articles of Association with Norman Proudfoot, Joint Chief Executive, as a Director of the Company. The Business Case for the establishment of the Company envisaged that robust governance arrangements would be put in place between the Council and the Company.

To ensure the effective operation of the Company and its relationship with the Council, it was proposed in the report that a Governance Agreement and Service Level Agreement should be entered into on the basis of the draft documents, attached as Appendices A and B to the report.

RESOLVED

- (i) that the Governance Agreement and the Service Level Agreement be approved as set out in Appendices A and B to the report, subject to clarification of paragraph 3.1 of the Governance Agreement in respect of whether Council or Cabinet is responsible for the appointment and dismissal of Directors of the Company; and
- (ii) that authority be delegated to the Joint Chief Executive (BJ), or in her absence to the Monitoring Officer, to complete the agreements on behalf of the Council as Shareholder.

Summary of Reasons:

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

MATTERS OF SPECIAL URGENCY

There were none.

The meeting closed at 18.22 p.m.