

HARBOROUGH DISTRICT COUNCIL
MINUTES OF THE MEETING OF COUNCIL

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

16 December 2019

commencing at 6.30 p.m.

Present:

Councillor Johnson (Chairman)

Councillors: Mrs Ackerley, Bannister, Bateman, Beadle, Bilbie, Dr Bremner, Mrs Burrell, Champion, Dann, Elliott, Frenchman, Golding, Graves, Hallam, James, King, Liquorish, Mahal, Modha, Nunn, Mrs. Page, Rickman, Mrs Robinson, Sarfas, Mrs Simpson, Whelband and Mrs Wood.

Officers: G. Keeping, N. Proudfoot, K. Watling and V. Wenham

Apologies for absence were received from Councillors: Dunton, Fosker, Knowles and McHugo.

CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements regarding events that she had recently attended and participated in, as follow:

- 20 November Member of HDC's STARS awards judging panel
- 21 November Chairman's sapling tree presentations to primary school recipients
- 22 November Switched on the Christmas lights in The Square Market Harborough
- 23 November Opened Our Lady of Victories' Christmas Bazaar
- 26 November Delivered sapling trees to Bringhurst primary school
- 26 November Oadby & Wigston Carol Service, St Peter's church, Oadby
- 29 November Guest of Dave Irving on Harborough FM's Favourite Five programme
- 29 November Delivered sapling trees to Claybrooke Parva and Dunton Bassett primary schools
- 30 November Fixers Repair Café, Market Harborough
- 4 December HDC STARS Awards – prizegiving ceremony in Council Chamber
- 4 December Blaby Carol Concert at Blaby Council Offices, Narborough
- 5 December Attended Lord Mayor of Leicester's Leicester-Shire Music School's Concert in De Montfort Hall
- 6 December Local charity, Joan's Buses cheque presentation to her charity Spectrum and LOROS (£1,000 to each charity)
- 7 December Attended Chorus Amici concert in All Saints Church, Gilmorton
- 8 December Attended the inaugural concert of Great Glen Community Choir at Great Glen Methodist Church
- 11 December Chairman's Civic Carol Service in St Dionysius Church, Market Harborough
- 12 December Attended her charity Spectrum's Christmas event in Great Bowden
- 13 December Festive Drinks Reception at the University of Leicester

DECLARATIONS OF MEMBERS' INTERESTS

There were none.

MINUTES

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

RESOLVED that: the Minutes of the meeting of Council held on the 18th November 2019 be received and adopted, subject to the following corrections:

- Page 5: in third paragraph, replace “202” with “2020”; and
- Page 17: in third paragraph, replace “2020!” with “2020”

Councillor James noted that following the passing of the motion relating to open spaces, a positive meeting had been held with officers and several issues identified.

REPORT OF THE LEADER

Councillor King, Leader, presented his report, as set out below:

Congratulations, commiserations and thanks

Of course, I am referring to the results of last Thursday’s General Election and the re-election of both Neil O’Brien OBE as MP for Harborough, Oadby & Wigston; Alberto Costa as MP for South Leicestershire and the election of Alicia Kearns as the new MP for Rutland and Melton. Congratulations to them all and to the Prime Minister Boris Johnson on his spectacular victory.

I am looking forward to working with all three of our local MPs on a wide range of issues that concern and affect local residents and businesses as well as their support across a range of key issues such as fairer funding for Leicestershire; infrastructure investment; better health services; more police etc.

Commiserations also to all those candidates who were unsuccessful in this election, but I’d like to offer thanks to all the HDC elections team, all those seconded in and all the staff involved in the running of the polling day services across the district across several council areas as well as the counts on Thursday evening.

Now they, like us, can all concentrate on the impending Christmas season and New Year festivities.

Planning – how do you want to be involved?

People across the district are being invited to have their say on how the Council consults on planning and development matters. The Council has launched a consultation on a revised Statement of Community Involvement (SCI) which invites comments on how people are involved with planning related matters across the district.

The SCI sets out who, when and how the Council will consult when developing new planning policy and processing planning applications.

The seven-week consultation runs until 5pm on Wednesday 8 January 2020 before it is considered for adoption in early February 2020.

People can respond to the draft SCI through the Council’s website and paper copies of the consultation are available at the Council’s Offices at The Symington Building in Adam and Eve Street, Market Harborough, and at libraries within the district. To take part in the consultation at www.harborough.gov.uk/sci

Surface water issues

Following recent incidents with surface water issues on three development sites in the Harborough District I have asked the senior officer team to review the circumstances surrounding these three sites; The three in question are Burnmill Farm, Market Harborough; Saddington Road, Fleckney, and Kilby Road, Fleckney. Investigations are ongoing and a report will be brought back in the new year.

Supporting Emergency Services and NHS workers to relax!

Last week it was announced by SLM, the Council's leisure contract operator for Harborough and Lutterworth Leisure Centres, that they will be offering complimentary use of the centre facilities during the festive period to Emergency Service workers and front-line NHS workers. This has the Council's full support.

It's Christmas - well nearly!

With the festive season well and truly upon us, officers have been busy organising a number of popular Christmas events including the lights switch on in Market Harborough and our inaugural Winter Food and Drink Festival which proved very popular this year following on from the similar festival held in the summer.

It is great to see so many festive events across the district creating such a festive atmosphere and the positive effect this has for local businesses and community spirit.

Once again, we have been offering free parking in all Council-owned car parks across the Harborough district on Saturdays in the run up to Christmas to encourage people to 'shop local'.

The free parking will still be available on 21 and 28 December 2019. (Parking on Sundays and public holidays is already free).

The initiative is run on the same basis as last year enabling shoppers to park for free for up to four hours in short stay car parks, and all day in long stay car parks in Lutterworth and Market Harborough. Drivers will still need to register their stay and can simply do this through the Pay by Phone App or by getting a free ticket from the machine.

Also, look out for the 'luggage label' style tags being placed on your bins to let you know when your bin will be collected over the Christmas period.

Harborough District Council will be open until 4pm on 24 December 2019, and will close for the Christmas period, re-opening on 2 January 2020. Our Lifeline service remains open 24/7 to support subscribers and for emergencies.

Residents can continue to access a range of Council information, during this period, via our website.

Our dedicated web page will contain everything you need to know about the festive season - including how to recycle your Christmas tree, cards and wrapping paper: www.harborough.gov.uk/christmas

Finally...I'd like to wish everyone a very Merry Christmas and Happy New Year in 2020!

Comments on the Leader's report

The Chairman requested that future leader's reports be produced in time for them to be circulated prior to the meeting.

In relation to SLM's support for Emergency Service and front-line NHS workers, Councillor Nunn commented that promotion via social media was being increased and that posters were to be circulated to police and fire stations and GP surgeries and hospitals across the district.

In the context of surface water issues, Councillor James commented that the footpath between Edwin Court and the Railway Station, Market Harborough, had, at one point, been three feet underwater. There was one place in particular where the River Welland breached regularly and he asked that this path be included within the review mentioned in the Leader's report.

Councillor James also asked if a list of emergency telephone numbers was available to Councillors for use during the Christmas closure. Councillor Graves asked what the procedure would be in the event of ICT problems over the Christmas closure period.

Councillor Sarfas reported that a ticket machine at one of the car parks in Lutterworth was still not working and was understood to be awaiting parts.

Leader's response

In relation to the flooding of the footpath, Councillor King stated that the path was not owned by the Council and that a meeting with the owner was being arranged.

In the event of an emergency during the period of closure, Councillors should use the usual general number 01858 828282. In addition, the CMT duty number was given in the Members' Emergency Contact Card, available on the Council's intranet [here](#). In the event of an ICT problem, Members should contact the Lifeline number given in the Members' Handbook.

Councillor Bateman, as Regulatory portfolio holder, agreed to take up the car parking issue with officers.

QUESTION SUBMITTED BY THE PUBLIC

The following question had been submitted by Claybrooke Magna Parish Council:

"Given the difficulties experienced by Claybrooke Magna and other small Parish Councils to access S106 funding, together with the fact that it has been shown that allocation has been made to a facility outside the designated area of the development in question, what measures does the Council now intend to implement to ensure that S106 monies are distributed in a way which actively involves the local community that is directly affected by the development?"

Background information to the question is included in an appendix.

There was no representative of Claybrooke Magna Parish Council at the meeting, so the Chairman raised the questions on the council's behalf.

Councillor Rickman, Communities portfolio holder, responded as follows:

Due to the complexity of s106 I am not going to go into detail on the several points raised in the letter from Claybrooke Magna but I can confirm that all the relevant policies and procedures are being followed in this case. As s106 is a complex we will be organising a training event in the New Year for parishes and Members on s106. This is very important area and it has been a couple of years since we last held training.

It is important that parishes are clear and reassured that HDC seeks to meet the localities requests for the spending of contributions where possible and within the strict s106 framework set by Government. The Leader and Joint Chief Executive will be meeting representatives from Claybrooke Magna Parish Council on 19th December to discuss their particular issues in more detail.

Councillor Page thanked the Parish Council for its question and Councillor Rickman for his reply and added that the process was down to be looked at by Scrutiny. Councillor Rickman added that training was being arranged for both Councillors and Parish Councils and that the Council's policy was due to be reviewed in 2020.

QUESTIONS SUBMITTED BY MEMBERS

There were none.

REPORT FROM THE CABINET

The report from the Cabinet was noted.

RECOMMENDATIONS FROM THE CONSTITUTIONAL REVIEW COMMITTEE HELD ON 12th NOVEMBER 2019

1. REVIEW OF THE CONSTITUTION – PLANNING CALL-IN

The Constitutional Review Committee had on 12th November 2019 considered proposed amendments to the current provisions for the “call-in” of planning applications to Council under Part 3 Section B of the Constitution.

It was moved by Councillor King and seconded by Councillor Hallam and

RESOLVED that ‘Part 3 Section B1.4: Planning Committee Call-in’ provision be removed and replaced with the following:

Referral up to Council by Planning Committee

- a) At the beginning of a meeting of the Planning Committee any Member of the Committee may move that a specified planning application which is an item of business for that meeting be referred up to full Council. The Member must identify the grounds of significance justifying the motion. If the motion is seconded, the proposition shall be open to debate.
- b) A non Planning Committee Member may also submit a written Motion on Notice to the Planning Committee requesting that a specified planning application which is an item of business for that meeting be referred up to full Council.
- c) There shall be no debate on the contents of the report relating to the specified planning application itself. Debate shall be limited to consideration as to whether the item is of such significance as to justify referral up to full Council notwithstanding the delegation of decision-making powers.
- d) If the motion to refer up is carried, the item shall not be determined at the meeting, but shall stand referred to the next ordinary meeting of the full Council. If the referral up is not made in time for the matter to be included on the agenda for the next ordinary meeting, it shall be considered at the first subsequent ordinary meeting of the full Council. However, if the Head of Paid Service considers that it is in the Council's interests to determine the matter before the next scheduled ordinary meeting, the matter may be considered at a special meeting of the full Council.
- e) If the motion to refer up is not carried, the item shall be dealt with in accordance with the Committee's delegated powers.

2. REVIEW OF THE CONSTITUTION – DELEGATION OF PLANNING DECISIONS AND PUBLIC SPEAKING AT PLANNING COMMITTEE

The Constitutional Review Committee had on 12th November 2019 considered the impact of the September 2018 amendments to the Council's Constitution in respect of the current Scheme of Delegation relating to planning functions and public speaking at Planning Committee.

It was moved by Councillor King and seconded by Councillor Hallam and

RESOLVED that the proposed amendment to the Scheme of Delegation to Officers, Part 3, Section B, 3.2 of the Constitution, as set out in Appendix A to these minutes, be approved and adopted.

3. PROPOSED CHANGES TO MEMBERS' CODE OF CONDUCT – RECOMMENDATION FROM THE ETHICAL GOVERNANCE COMMITTEE

The Constitutional Review Committee had on 12th November 2019 considered a Recommendation from the Ethical Governance Committee meeting of the 29th October 2019 which related to proposed changes to the Members' Code of Conduct, based on the report on Standards in Public Life Consultation on Local Government Ethical Standards.

It was moved by Councillor King and seconded by Councillor Hallam and

RESOLVED that the revised Members' Code of Conduct, as detailed in Appendix B to these minutes, be approved and adopted.

REPORTS ABOUT AND QUESTIONS AND ANSWERS ON THE BUSINESS OF JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were none.

REPORT OF THE CHAIRMAN OF THE SCRUTINY COMMISSION

Councillor Mrs Page presented the Scrutiny Commission report as set out below:

We have now entered the third cycle of Scrutiny meetings for the year, with the meeting of the Scrutiny Commission having taken place on 28th November and (at the time of writing) the meeting of the Performance Scrutiny Panel scheduled for 5th December 2019. The meeting of the Communities Scrutiny Panel will take place on Wednesday 15th January 2020.

The minutes from these meetings will be available on-line once approved at the following meeting. In the meantime, I can summarise some of the main outcomes:

Scrutiny Commission

The Scrutiny Commission received a report on the Council's Performance at the end of Quarter Two and also agreed the Scrutiny Workplan for the forthcoming months, which promises to keep us fully engaged. The Workplan will be published shortly in the "Public Documents" section on CMIS.

The Scrutiny Commission is hoping to encourage more input from Members and to make Scrutiny meetings more interactive. We are therefore opening-up more meetings to involve members in asking questions of cabinet members – details are later on in this report.

Future Scrutiny Events

The third cycle of Scrutiny meetings will be concluded in January 2020. The following items are planned - further details are included in the full Scrutiny Workplan:

Performance (05/12/2019)

- Corporate Property Strategy
- Quarterly Financial Performance: Quarter 2
- Regulation of Investigatory Powers Act (RIPA)
- Homelessness

Communities (15/01/2020)

- Strategic Growth Plan (SGP)
- Lutterworth Town Centre Masterplan

Please note:

- that all members are invited to attend the SGP item at this meeting.
- at 6pm, prior to the start of the meeting, there will be training for Members in accessing information held in the Council's Performance Management System (TEN).

Performance - budget (23/01/2020)

- Revenue & Capital Budgets, Fees and Charges
- Corporate Plan and Corporate Delivery Plan
- Performance Management Framework

Please note that all members are invited to attend this meeting.

NOTICE OF MOTION SUBMITTED IN ACCORDANCE WITH PROCEDURE RULE 11 OF PART 4(1) OF THE CONSTITUTION

It was moved by Councillor King, seconded by Councillor Rickman:

- 1) Harborough District Council agrees with the International Holocaust Remembrance Alliance working definition of anti-Semitism:

“Anti-Semitism is a certain perception of Jews, which may be expressed as hatred toward Jews. Rhetorical and physical manifestations of anti-Semitism are directed toward Jewish or non-Jewish individuals and/or their property, toward Jewish community institutions and religious facilities.”

- 2) Council notes that:

We have both a legal and a moral duty to show fairness and equality to our residents, our service users and our employees. We currently have systems in place to ensure that anti-Semitism is not tolerated within our District. These include our commitment to hate incident/crime reporting and also our Equality Plan, whilst these are not specific to anti-Semitism they both ensure that anti-Semitism is not tolerated. Through either of these channels we would expect any anti-Semitism to be identified and challenged appropriately. Anti-Semitism is covered under the characteristic 'religion and belief' in both hate incident/crime reporting and the Equality Act 2010.

- 3) Subject to approval of recommendation, 1) that as per the request from the Secretary of State the Council's Head of Governance be authorised to inform him of the Council decision.

Upon being put to the vote the motion was declared carried unanimously.

UPDATE FROM THE CLIMATE EMERGENCY WORKING GROUP

The Council considered an interim report on the work towards the development of an action plan following the declaration of a Climate Emergency; a final report was anticipated by June 2020. In introducing the report, Councillor Bateman requested that any notes, comments or suggestions be forwarded to members of the working group or to the relevant officers.

Councillors welcomed the draft action plan attached to the report and Councillor James asked how the Council intended to work with residents and communities, as stated in the plan and also suggested that the Council should also seek to engage with businesses.

In respect of trees, Councillor James wondered what could be done as part of the planning process to encourage the planting of more trees. Councillor Bannister asked whether the Working Group should consider whether it was appropriate to start setting specific targets for the planting of trees. Councillor Page added that more should be done to prevent established trees from being cut down, including the use of tree preservation orders.

Councillor James also stated that there should be an audit trail that was applied throughout the waste disposal process. In response to this, Councillor King said that a distinction needed to be drawn between pollution/waste management and climate change. The District Council, as the waste collection authority, did not have a great deal of control over waste disposal, which was the responsibility of the County Council.

Councillor Bateman responded by saying that consultation was due to be considered at the next meeting of the working group and that some interested parties could be invited to put their points to the group. The group was also looking at way of influencing developers in respect of the heating methods used. The Council was actively looking for land that it could utilise for the planting of more trees.

It was moved by Councillor Bateman, seconded by Councillor Nunn and

RESOLVED that the progress made on the development of an action plan, following the declaration of a Climate Emergency at the Council meeting 24th June 2019, be noted.

Summary of Reasons

- At the Council meeting of the 24th June 2019, members approved the declaration of a Climate Emergency with the aim to make Harborough District Council activities as far as practical carbon neutral by 2030.
- Members also approved at the same meeting that a Climate Change working group would be established to look at the development of an action plan to ensure all Council functions and decision-making is in line with the shift to carbon neutral by 2030. The final draft action plan would be brought back to Council within 12 months of the declaration for approval and implementation.

COUNCIL TAX BASE 2020/21

The Council considered a report to set the Council Tax base for the Council Tax in 2020/21 and also to consider the non-collection allowance to be made in 2020/21.

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

RESOLVED that:

- (i) the calculation of the Council Tax base for the year 2020/21 be approved;

- (ii) in accordance with the Local Authorities (Calculation of Tax Base) (England) Regulations 2012 SI 2012/2914, the amount calculated by Harborough District Council as its Council Tax base for the year 2020/21 be 36,126.7; and
- (iii) the Council Tax base for individual Parishes for 2020/21 be calculated in accordance with the same principles as the Council's overall Council Tax Base, as detailed in Appendix A to the report.

Summary of Reasons

The Local Government Finance Act 1992, as amended, requires the Council to fix the Council Tax base for 2020/21 between 1 December 2019 and 31 January 2020.

SECTION 100(A) LOCAL GOVERNMENT ACT 1972

RESOLVED that the public and press be excluded from the following item on the grounds that the matter yet to be discussed involved the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A to the Local Government Act 1972.

URGENT ITEM – SOFTWARE FRAMEWORK Y17038

With the agreement of the Chairman, an urgent item was considered relating to the renewal of a contract to maintain access to software products.

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

RESOLVED that the sign-off and sealing of the contract be approved, in order to maintain access to Microsoft products.

Summary of Reasons

Failure to renew licences would mean the authority could no longer use software products upon which it relies.

The Meeting ended at 7.44 p.m.

APPENDIX A:

CHANGES TO THE CONSTITUTION PART 3, SECTION B, 3.2 AMENDMENT TO THE SCHEME OF DELEGATION TO OFFICERS

Current with resolution added bold and underlined

3..2 Circumstances by which delegation to Officers is removed:

(a) Any application (other than Advertisement Consents; Prior Notifications and Prior Approvals; Hedgerow Removal Notices; Tree works applications; High Hedge applications; County Matters applications and Screening and Scoping requests) where any Member has requested determination of the application by the Planning Committee, within 28 days of the date of the publication of the weekly list on which that application appears. N.B. The request for consideration may be withdrawn at any time, and the application returned to delegated authority (subject to compliance with the other criteria explained below). Requests should be made to the Development Planning Manager in writing (which includes email) and set out the planning reasons for the request.

(d) Applications for 25 or more dwellings **(other than substitution of house types)** and for commercial floor space of 10,000m/sq. or more.