

HARBOROUGH DISTRICT COUNCIL

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

COUNCIL

30 July 2018

commencing at 6.30 p.m.

Present:

Councillor Bowles (Chairman)

Councillors: Mrs Ackerley, Bannister, Bateman, Bilbie, Mrs Burrell, Champion, Dann, Dunton, Elliott, Galton, Hadkiss, Hall, Hallam, Dr Hill, Holyoak, Johnson, King, Knowles, Modha, Nunn, Mrs. Page Pain, Rickman, Mrs Robinson, Rook, Mrs Simpson, Tomlin and Mrs Wood.

Officers: D. Atkinson, B. Jolly, B. Murgatroyd, M. Patterson, S. Riley and V. Wenham

Apologies for absence were received from Councillors: Mrs Beesley-Reynolds, Brodrick, Chapman Evans, Graves, Hammond, Liquorish and Spendlove-Mason

MINUTE'S SILENCE

The Council observed a minute's silence in memory of Cllr Mike Smith, a former Councillor and Vice-Chairman of Council

CHAIRMAN'S ANNOUNCEMENTS

The Chairman made the following announcements regarding a significant number of events she has recently attended and participated in as follows :-

A sponsored walk to raise money for Dementia charities; the Fernie Hunt Event; the 65th Anniversary of the Coventry Gliding Centre; the flag raising to mark Armed Forces Week; a cake sale at the HDC offices to raise money for Motor Neurone disease; the Leicestershire Scouts AGM in Ratby; assisted Officers at stands in both Market Harborough and Lutterworth to mark Democracy Week; joined volunteers and judges on the Judging Day of Market Harborough's entry for Britain in Bloom; Leicester Grammar School's Thanksgiving service; Market Harborough's Classic Car Show; Great Bowden's Music Festival; the Royal British Legion's Poppy Walk prize-giving; the Leicestershire and Rutland Heritage Awards; a reception at Beaumanor; the Harborough by the Sea event; and the official opening of Affordable Housing in Farndon Fields and Lutterworth.

In addition she delivered a birthday card to John Hartley on reaching 100 years old.

The Chairman reminded Councillors to turn off all mobile devices for the duration of the meeting

DECLARATIONS OF MEMBERS' INTERESTS

There were none.

MINUTES

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

RESOLVED that: the Minutes of the Council meeting held on the 18 June 2018 be received and adopted.

REPORT OF THE LEADER

Cllr Bannister sent his best wishes to Cllr Spendlove-Mason who had been hospitalised whilst on holiday. Cllr Knowles echoed his best wishes from the Liberal Democrat Group

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

Unitary Authority

The County Council is commencing a process to look at a new model of local government for Leicestershire which may lead to the abolition of both the County and District Councils to be replaced by a new model unitary authority which will have responsibilities for the delivery of all local services across Leicestershire. Although some headline features of this Unitary Authority are known the details are not. I have met with the Leaders of Leicestershire's District and Borough Councils. The Leaders welcome this opportunity to look at all models of what may be the best way to deliver for the local residents in Leicestershire is and, although not ruling out the County Council model, we need to work together in a collaborative approach to achieve the best for the residents of Leicestershire.

The Strategic Growth Plan (SGP)

I thank the members for attending the all member briefing last Tuesday. We heard from Pat Willoughby who gave us a presentation on the consultation and the changes to the SGP as a result. I am pleased that progress has been made as to reducing the number of houses that HDC originally was asked to take. A challenge still needs to be made to the City as to what numbers they can take and what, if any, issues there may be as to a policy of building up as well as building out. The final revised SGP will be made available following the meeting of the MAG at the end of September and afterwards this Council will debate and consider whether we should agree the SGP.

Section 106 uptake

I wish to remind members about the need for communities and voluntary groups in the District to come forward to take advantage of outstanding Section 106 monies available for communities. This Council approved grants under the Section 106 scheme last year totalling over £500,000 but there are still significant amounts to apply for. A pressing concern is in Broughton Astley where approximately £139,000 needs to be taken up by next April. HDC has written to Broughton Astley Parish Council about this delay in getting a project ready to apply for these sums to be released. HDC does not want to be in the position of handing back these funds to the developers. If members can do their bit to encourage their parishes or town council to make applications to help fund projects that would be much appreciated.

Meeting with Lutterworth Town Council and other Parish Councils

I met with Lutterworth Town Council, together with our joint chief executives, to talk through issues in the town. I have also attended a Parish Council meeting at Willoughby Waterleys to discuss the Whetstone Pastures proposal. I would like to get across the District and engage with other Parish Councils. I have recently written to the clerks of the Parish Councils at Fleckney, Great Glen, Lubenham and Scraftoft to ask if they are willing to meet to discuss any issues relating to HDC. I would be happy to come to their community.

Magna Park

The appeal by Gazeley has now been issued. The appeal hearing is likely to take some two weeks. No notification is yet known as to when this may take place but it is unlikely to be this year. DB Symmetry's planning approval will not be called-in the by the Secretary of State and we wait and see how this is to progress.

Centrebus service 58

I welcome the County Council stepping in to save the no.58 service for the next year. This is a vital link, not just for the towns of Market Harborough and Lutterworth, but all the communities along the route. Parish Councils, the District Council and the local MPs all spoke out against the closure of the service so I am grateful to the County Council for their help. I look forward to engaging with the County Council and other partners in establishing a public transport partnership to establish a proper strategy for all the public transport needs for the District.

Events in the District

It has been a joy to see all the events across the District that have been held recently. These are well supported and no doubt the very good weather we have been enjoying has helped a lot. For example, the Classic Car Show was a huge success with nearly 200 classic cars being showcased in Market Harborough bringing in many visitors to the town. I thank not just the residents for supporting all these great events but particularly want to thank the scores of volunteers that have made these events such a success.

Sanderson Transport

The Leader was proud to announce that a local firm Sanderson Transport has been awarded the accolade of UK Haulier of the year..

Comments on the Leaders report

With regard to the Unitary authority members asked that all Councillors be given the opportunity to look at what is beneficial to all of the County and that parish /town councils be encouraged to engage in the process

On Section 106 uptake of outstanding monies Councillors requested that information be circulated to the relevant Councillors where there were outstanding 106 monies in their ward. The leader confirmed that this was already done. It was confirmed that there would be a statement shortly from Broughton Astley Parish Council on their outstanding project.

In response to the news about the bus service (Centrebus 58),the local community were thanked for their support of a petition. Over 3,000 signatures had been collected in support of saving the bus service.

In relation to the information about events in the District, the Leader was asked if a report could be prepared on how the showground in Market Harborough was being used and the economic impact on the town of its success.

Members joined the Leader in congratulating Sanderson Transport and commented on how community –minded the company was.

QUESTIONS SUBMITTED BY THE PUBLIC

There were none.

QUESTIONS SUBMITTED BY MEMBERS

There were none.

RECOMMENDATIONS FROM THE CONSTITUTIONAL REVIEW COMMITTEE

A) PROPOSED AMENDMENTS TO THE COUNCIL'S SCHEME OF DELEGATION – PLANNING FUNCTIONS

The Council has to ensure that it has in place a robust Constitution. In order for this to be the case it should be reviewed regularly in order to ensure that all decisions are taken effectively and efficiently within the principles of open and accountable local government. The proposals put forward within the report are the result of an independent review of the existing provisions to ensure that the Constitution remains operationally effective.

As part of review of the Constitution, a revised Scheme of Delegation to the Development Planning Manager was approved by Council in September 2017. The main operational change was an increase in the number of counter representations required to remove the officer delegation to determine a planning application. However the increase from 5 to 7 had not made a tangible improvement to the numbers of applications being presented to Planning Committee. In addition following the recent Local Government Association Peer Challenge, their report ("The Report") has recommended that the Council's Scheme of Delegation be amended to provide a more efficient and streamlined Committee process which is focussed on strategic issues across the District rather than the smaller, more "every day" applications.

The Report also concluded that the Council should finalise the 'Constitutional Review', and ensure that the Scheme of Delegation is fit for purpose providing members with the confidence to make timely decisions." Furthermore, at Appendix 3 of The Report (Signposting), it was recommended that Mendip District Council's (MDC) Constitution and Scheme of Delegation to Officers was a good example to follow in this process

In line with this recommendation, MDC's Scheme of Delegation has been considered and Officers have developed a proposed revised new Scheme of Delegation for Planning based on this model. This is attached to this report at Appendix A. The proposed Scheme of Delegation removes the current triggers based on the number of counter representations or the size/scale of the application and introduces a greater reliance upon Member Call In's based on sound Planning grounds. As set out above, the increase in the current call in trigger from 5 to 7 has not made a tangible difference to the numbers of applications being presented to Planning Committee. Furthermore, it is not considered that an additional increase in the call in trigger to a much greater threshold (i.e. 25 letters) would have any tangible impacts due to the influence of social media and easy access to the internet. The suggested Scheme of Delegation also removes certain types of application from the exceptions to delegated powers.

Members considered the proposals , with regard to the increase in applications for 10 or above being changed to 25 or more dwellings, some members expressed concerns that 10 dwellings could have a huge impact on a small community. There were concerns that planning applicants wanted to see their application debated by the Committee. The Chairman of Planning Committee considered that the planning committee needed to move forward , Too many applications were ending up at Committee

unnecessarily. There would be a greater role for members to engage in the process. Applicants would still have a democratic right to engage with the Council and their ward members.

It was moved by Cllr King and seconded by Cllr Rickman

RESOLVED:

- (i) that proposed changes to Part 3, Section B, 1.3 of the Constitution, as set out in Appendix A to these minutes, be approved and adopted; and
- (ii) that proposed amendments to the Scheme of Delegation to Officers, as set out in Appendix B to these minutes, be approved and adopted.

At the request of 5 members there was a recorded vote:

For the motion

Cllrs Ackerley, Bannister, Bateman, Bilbie, Champion, Dann, Hadkiss, Hall, Hallam, Holyoak, King, Modha, Nunn, Rickman, Robinson, Rook, Tomlin, Wood (18)

Against the Motion

Cllrs Burrell, Dunton, Elliott, Galton, Hill, Johnson, Knowles, Mrs Simpson (8)

Abstentions

Cllr Bowles (Chairman of Council) and Cllr Page

The Council then considered the implementation date of the amendments to the Constitution. Members asked that Parish Councils and the public be made aware of the changes to the Constitution. A suggestion was made regarding the implementation date as ordinarily it would come into effect straight away. The need for good communication to parishes and members of the public was emphasised.

It was moved by Cllr King and seconded by Cllr Rickman that any new applications received from 31 July 2018 would operate under the newly changed Constitution . Any applications already in the planning system would operate under the Constitution in place on 30 July 2018.. The changes would be brought in with immediate effect which would mean that Planning Committee of 4 September 2018 would operate under these rules.

As an amendment it was moved by Cllr Knowles and seconded by Cllr Dunton that the implementation should be 1 September 2018 allowing a 28 day notice.

On being put to the vote the amendment was lost.

It was moved by Cllr King, seconded by Cllr Rickman and

RESOLVED that any new applications received from 31 July 2018 would operate under the newly changed Constitution. Any applications already in the planning system would operate under the Constitution in place on 30 July 2018.

B) PROPOSED AMENDMENTS TO THE COUNCIL'S PROCEDURE FOR SPEAKING AT PLANNING COMMITTEE

It was reported that in 2013 a comprehensive review of the operation of the Development Management Service was carried out by an external consultant. One of the recommendations from that review was that consideration should be given to amending the current scheme of public speaking to create a more equitable position between proposers/supporters and objectors to a planning application which is reported to Planning Committee. The current scheme of a public speaking allows for an unlimited number of speakers and regularly results in an imbalance of representations being made to Planning Committee. At its meetings in July and November 2017, the Committee had considered a number of proposals to amend the current public speaking arrangements to take into account the consultant's recommendations. Members requested that further work be carried out on the proposals and that a further report be brought back to the Committee for consideration.

More recently, the Local Government Association has carried out a Peer Challenge at the Council which included a review of the Councils governance arrangements. In line with the 2013 recommendations, the Peer Challenge report stated that "...public engagement at Planning Committee is not currently equitable, and is weighted more towards objectors than applicants. This means that planning committee members, and the public who attend the committee, will not always have balanced views on applications.....". Furthermore, the Peer Challenge Report recommended particular Councils' schemes as examples of good practice.

Members considered the proposals. There were some concerns expressed about reducing the list of speakers. Some members considered that unlimited speakers meant there was a tendency to repetitiveness which was not helpful to the efficient running of the committee. There was concern expressed about the reduction to three speakers in favour and three objectors.

It was moved by Cllr King and seconded by Cllr Rickman that

' the proposed amendments to the Public Speaking Policy, as set out in the Appendix to these minutes, be approved and adopted.'

As an amendment it was moved by Cllr Hill, seconded by Cllr Dunton that the proposed speaking arrangements should allow for 5 speakers in favour and 5 speakers objecting

On being put to the vote the amendment was lost

The substantive motion being put to the Council, it was

RESOLVED that the proposed amendments to the Public Speaking Policy, as set out in the Appendix to these minutes, be approved and adopted.

The Council then considered the implementation date for the amended public speaking scheme.

It was moved by Cllr King and seconded by Cllr Rickman that

'New applications received from 31 July should be dealt with under the new Constitutional arrangements. Existing applications would be dealt with under the previous Constitutional arrangements'

As an amendment it was moved by Cllr Knowles and seconded by Cllr Dunton that the implementation date should be 28 days ie 1 September 2018.

On being put to the vote the amendment was lost.

The substantive motion being put again to the Council, it was

RESOLVED that new applications received from 31 July should be dealt with under the new Constitutional arrangements. Existing applications would be dealt with under the previous Constitutional arrangements.

REPORTS FROM COMMITTEE CHAIRMEN

There were none.

REPORTS ON THE BUSINESS OF JOINT ARRANGEMENTS AND EXTERNAL ORGANISATIONS

There were none.

REPORT OF THE CHAIRMAN OF THE SCRUTINY COMMISSION

Councillor Dann presented his report, as set out below:

Since my last report, the first cycle of Scrutiny meetings for 2018/19 has been completed:

- Scrutiny Commission – 7th June
- Performance Scrutiny Panel – 21st June
- Communities Scrutiny Panel – 28th June

Some of the main outcomes were:

Scrutiny Commission:

The Commission met to agree the Scrutiny Workplan for the forthcoming year. The full Workplan is available in the Public Documents section on CMIS here

Once again, the workplan is quite challenging and during the course of the year, I will consider using the flexibility in the structure for Scrutiny meetings to move items between Panels and the Commission to help distributing the workload as evenly as possible.

The Commission also received the usual end of year Performance update and raised a number of issues, including the queuing of calls for the Contact Centre and the transfer of tickets between HDC car parks..

Performance:

Cllr Mrs Page was elected as Chairman of the Panel.

The Panel received reports covering:

- The Symington Building: members scrutinised the operation and finances of the building, including the outcomes of the refurbishment and its use as a community facility. The recent Peer Challenge had been positive in its comments on the building and members had the opportunity at this meeting to ask a wide range of questions about the project and current operation.
- Corporate Risk and Opportunity Register Q4 – 2017/18: the background to the reporting system was outlined and the current risks to the Council were noted. Members of the Panel asked a number of questions of officers relating to the report.
- Regulation of Investigatory Powers Act (RIPA): it was noted that the Council has not yet invoked RIPA powers.

Communities:

Cllr Nunn was elected as Chairman of the Panel.

The Panel received reports covering:

- Assets of Community Value: the Panel commented on revised guidance notes and noted the revised policies on compensation claims for asset owners and arrangements for future revision of the policy.
- Annual Review - Community Safety Partnership: the Panel was able to ask questions of the Council's partners.
- Health, Wellbeing and Leisure Commissioning: The Panel received a report introducing the Council's approach to this subject and the steps taken to focus resources in this area and to ensure synergies between the new Leisure Centre Procurement and Physical Activity Commissioning from public health.

Future Scrutiny Events

The following meetings have been scheduled:

- 06/09//2018 Scrutiny Commission
- 20/09/2018 Performance Scrutiny Panel
- 27/09/2018 Communities Scrutiny Panel

MARKET HARBOROUGH FAIRTRADE TOWN RENEWAL

It was reported that Market Harborough as Fairtrade Town needs to demonstrate support from the Council for Fairtrade activity within the town, in order to renew its status as a Fairtrade Town. The Council have demonstrated support through incorporating Fairtrade requirements in procurement policies and offering Fairtrade refreshments at all meetings. It was moved by Cllr Bateman, seconded by Cllr Knowles and

RESOLVED that

- i) the Council's commitment to Fairtrade procurement be confirmed
- ii) the support be endorsed for the renewal application for Market Harborough to retain status as a Fairtrade town

Summary of Reasons

Market Harborough became a Fairtrade town in 2006; the first town to do so in Leicestershire. This status has to be renewed roughly every two years. The last renewal was in 2015/16. The Market Harborough Fairtrade Town Group will be applying for renewal in the summer of 2018. Any Fairtrade Town group has to demonstrate local council support for their promotion of Fairtrade, in order to achieve renewal.

Market Harborough Fair Trade Town Group promotes Fairtrade throughout the year. There is a particular focus on Fairtrade Fortnight from the end of February to the Middle of March. There are a number of activities, including a annual schools baking competition and recently a Fairtrade Coffee loyalty card supported by local cafes. The Group also take part in other activities including holding a cake stall in Movember, participating in the Town Carnival and other local events. Fairtrade is well supported in the Town, with all of the local places of worship actively involved and a large number of cafes and retailers selling fair trade produce and advertising the fact with window stickers. Food, clothes, craft items and homewares are available in around 30 independent and national stores.

There is also a local company, Lanka Kade, which imports traditional wooden toys from Sri Lanka under fair trade conditions.

Harborough District Council has shown its commitment to Fairtrade adopting policies to ensure that wherever possible Fairtrade goods are sourced through any relevant procurement process.

Fairtrade refreshments are served at all meetings in the Council's offices. In addition there have been a variety of promotions in the council offices with staff, including free fair trade tastings in Fairtrade Fortnight and at other times such as bike week linking with the healthy eating agenda.

PLANNING COMMITTEE MEMBERSHIP

Consideration was given to the size of the Planning Committee

It was moved by Cllr King. seconded by Cllr Rickman that

- i) 'the membership of the Planning Committee be reduced from twelve to 9 members; and
- ii) the quorum for meetings of the Planning Committee is at least 5; and
- iii) the changes are implemented on 31 July 2018; and
- iv) The Monitoring Officer be authorised to amend the Constitution to reflect the change in membership and quoracy of the Planning Committee as approved.'

As an amendment it was moved by Cllr Knowles, seconded by Cllr Elliott that the report should stand referred until after the next Annual Council in May 2019.

On being put to the vote the amendment was lost

The substantive motion being put again to the Council it was

RESOLVED that

- i) 'the membership of the Planning Committee be reduced from twelve to 9 members; and
- ii) the quorum for meetings of the Planning Committee is at least 5; and
- iii) the changes are implemented on 31 July 2018; and
- iv) the Monitoring Officer be authorised to amend the Constitution to reflect the change in membership and quoracy of the Planning Committee as approved.'

Summary of Reasons

Following discussions with the Chairman of the Planning Committee and the Leader and the Portfolio holder, it has been suggested that the Council should consider reducing the size of the Planning Committee in readiness for the reduction in the number of councillors next year, whilst at the same time ensuring that there is an appropriate number of members to call upon, who are fully trained and conversant with the responsibilities of the Planning Committee, which will retain public confidence in its operation. Currently the Planning Committee is the largest committee of the Council (along with Licensing and Regulatory). The membership of the Ethical Governance Committee and Constitutional Review Committee were reduced from 12 to 7 in May 2016, and whilst the Licensing and Regulatory Committee remains at 12 it meets on an irregular basis.

REVIEW OF THE CONSTITUTION

Following the conclusion of the previous review of the Constitution, a revised copy of the Constitution has been provided to all members and has been published on the website. During the collation of the revised constitution it became apparent that three recommendations from the Constitutional Review Committee had not been referred to Council for consideration.

At its meeting on 27 January 2015 the Constitutional Review Committee recommended changes to Financial Procedure Rule 11 in relation to the financial thresholds for write offs by the Chief Finance Officer (Section 151 Officer). The existing delegation is limited to debts to the value of £1,000. It is recommended by the Constitutional Review Committee that the level is increased to £10,000 which is in line with the officer delegations in place for the other authorities within the Revenues and Benefits Partnership. If the delegation is amended the Executive will continue to receive regular reports regarding the exercise of the delegated authority as well as reports dealing with amounts in excess of £10,000. The revised Financial Procedure Rule is attached as Appendix A.

At its meeting 23 July 2015 the Constitutional Review Committee recommended that an Introduction to the principles of delegation be included as an introduction to Part 3 of the Constitution. This is attached as Appendix B. Members will note that the reference to Corporate Director has been amended to Joint Chief Executive following the decision of Council on 18 June 2018.

At its meeting on 26 April 2016 the Constitutional Review Committee considered the delegations in Part 3 (Responsibility for Functions) Section B.10.1, C1.-9 which deal with the functions relating to community governance and what onward delegation would be appropriate.

It was recommended that the current items 1, 3-6 and 9 should be “no onward delegation” and therefore remain the responsibility of Council. Items 2, 7 and 8 which relate more to the publication and administration around community governance should be delegated to the Electoral Registration Officer. The proposed amendments are set out in Appendix C

SECTION 100A LOCAL GOVERNMENT ACT 1972

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

SURPLUS PROPERTY

Consideration was given to the sale of land at Maino Crescent Lutterworth.

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

RESOLVED that

- i) the offer for the land at Maino Crescent, Lutterworth edged red in Appendix A to the report be accepted.
- ii) Authority be delegated to the Joint Chief Executive (BJ) in consultation with the Head of Legal and Democratic Services to complete the sale.

Summary of Reasons

To satisfy draft Corporate Delivery Plan 2017/18 Objective CA9 “Ensure financial and other assets are maximised and managed efficiently” and to further good asset/property management of the Councils assets.

To allow the sale to be completed.

URGENT ITEM – POLITICAL BALANCE CALCULATIONS AND APPOINTMENT ALLOCATIONS

Following a change in membership of the political groups, the Council considered a report in accordance with Section 15 of Part 1 of Chapter 42 of the Local Government and Housing Act, 1989, that set out the Political Balance calculations and appointment allocations for the remainder of the 2018/19 year.

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

RESOLVED that the Committee allocations, made in line with the overall political balance of Harborough District Council for the remainder of the 2018/19 year, be received and noted.

The Meeting ended at 8.50 p.m.