



MEETING OF THE
COUNCIL OF THE BOROUGH OF MELTON

PARKSIDE, STATION APPROACH, BURTON STREET, MELTON MOWBRAY

25 FEBRUARY 2015

PRESENT

Councillor J. Wyatt (Mayor)
P. Baguley; G.E. Botterill, G. Bush, P.M. Chandler,
P. Cumbers, R. de Burle, J.M. Douglas, A. Freer-Jones,
M. M. Gordon, M.C.R. Graham MBE, E. Holmes, E. Hutchison,
J. Illingworth, S. Lumley, V. J. Manderson, J. Moulding,
M. O'Callaghan, J.T. Orson, P. Posnett,
J.B. Rhodes, M. Sheldon, J. Simpson, N. Slater,
M.N. Twitney, D.R. Wright

Chief Executive,
Strategic Director (CM), Strategic Director (KA),
Head of Central Services, Head of Regulatory Services,
Solicitor to the Council & Deputy Monitoring Officer,
Democracy & Involvement Officer

Mr John Cade, Chair of the Welland Independent Remuneration Panel

Young Mayor (Tara Dudhia); Deputy Young Mayor (Rebecca Smedley)

The Reverend Kevin Ashby offered prayers

CO73. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Barnes and Horton.

CO74. MINUTES

Councillor Rhodes moved and Councillor Posnett seconded acceptance of the minutes of the last meeting.

Councillor Simpson

- (a) asked that the last sentence on the first paragraph at the top of page 78 be amended to read: *"In view of her concerns regarding the **second** part of the recommendation, the Member requested that each part of the recommendation be voted upon separately."*

(b) requested that her dismay that the second point of order that was raised regarding the three options for village envelopes which had attracted at least 30% support each and where the Mayor had stated none of these represented a majority had not been reflected in the minutes under minute CO72 on page 78.

Councillor Holmes referred to the same minute and made the request through the chair that when Members' hands were raised to speak, they be permitted to do so without moving straight to the vote.

Subject to the points raised by Councillor Simpson, the minutes of the meeting held on 4 February 2015 were confirmed as a correct record and authorised to be signed by the Mayor:

CO75. DECLARATIONS OF INTEREST

Councillors Orson, Posnett, and Rhodes each declared a personal interest in any matters relating to the Leicestershire County Council due to their roles as County Councillors.

Councillor O'Callaghan declared a personal and pecuniary interest in item 9(b), recommendation 2.1 on the agenda concerning the recommendation to amend the membership of the Staff Joint Working Group having regard to his membership of the Labour Party GMB Union.

Councillor Gordon declared personal and pecuniary interests in minutes C46, C47, C48, and C49 from the meeting of the CSA Committee on 21 January 2015 due to her being a Council house tenant and in receipt of Council Tax Support.

Councillor Slater declared personal and pecuniary interests in minutes C46, C47, C48, and C49 from the meeting of the CSA Committee on 21 January 2015 due to him being a Council house tenant and in receipt of Council Tax Support.

Councillor Twitney declared a personal and pecuniary interest in item 14 on the agenda relating to the Melton Local Plan - SHLAA as his employer was a land owner. He indicated he would leave the room when this item was under consideration.

Councillor Holmes declared a personal and pecuniary interest in item 14 on the agenda relating to the Melton Local Plan – SHLAA as she was a land owner.

CO76. MAYOR'S ANNOUNCEMENTS

The Mayor stated that since the last meeting earlier in the month he

- (1) attended the Annual Meeting of the University Court in Leicester with the Deputy Mayor as the Borough Council's joint representatives;
- (2) had been interviewed at the local radio station 103 The Eye about the role of Mayor and to record a radio advert for the Mayor's Awards. He had been asked to welcome delegates at last Saturday's Community Radio Network event which

was held here at Parkside. The event is the first of its kind and 103 The Eye had organised it, in this, its tenth year of broadcasting, to provide an opportunity for those who run community stations to meet up in order to network, exchange ideas, make new contacts and share good practice. The organisers had reported that the delegates were very impressed with the facilities here at Parkside and the smooth running of the premises management;

- (3) recently attended the RAVC Community Project Celebration at the Melton Carnegie Museum, a tour of Everard's Brewery in Leicester hosted by the Chairman of Blaby District Council and the Chairman of Harborough District Council's Charity Dinner;
- (4) was asked to perform the welcome at the East Midlands in Bloom Seminar 2015 also held at Parkside. The Mayor reminded Members Melton Mowbray has been proudly represented in the East Midlands in Bloom competition for many years, thanks to the consistent drive and passion of the Melton in Bloom group.

The Young Mayor (Tara Dudhia) reported on her recent activities, which included:

- she had recently been working with people at the local leisure centre in connection with sports and activities for young people in the summer holidays;
- taking part in the British Youth Council in Leicester where young people from 15 to 19 years of age come along to share their views about what they feel should be happening in Leicestershire. It had been a good experience and amazing to see so many other young people getting involved in their Council, taking part and trying to change their towns and cities;
- requesting that if anyone was organising any events that she or her Deputy, Rebecca, could take part in, please bear them in mind as they were trying to promote their roles as Young Mayor and Deputy Young Mayor.

The Deputy Young Mayor (Rebecca Smedley) reported that she had recently met with local students from Melton Vale College and Rutland College, which she attended, and a number had been interested in the Clean Up Melton campaign. They were keen to be a part of this project as it would benefit the people of the town and the rest of the Borough. They were also interested in the biological environment around the Melton Country Park as they felt it was not quite achieving the potential it had as a park.

Councillor Posnett added that on 31 March there was a Keep Britain Tidy event and there would be activities in the Melton Country Park. She undertook to pass on further details to Members.

CO77. LEADER'S ANNOUNCEMENTS

The Leader, Councillor Rhodes introduced his report and covered the following matters:

- (1) Award of Certificate of Excellence: following a submission to the Improvement & Efficiency Social Enterprise (iESE), a national organisation which worked with public sector bodies to help them answer questions around the efficient delivery of outcomes at lower cost, the Council had been awarded a Certificate of Excellence for its submission under the category “Shared Economy – working together to Transform the Borough”. The iESE Panel considered the Council’s submission was a very strong candidate with a clear strategy for community prosperity, with clear steps to deliver change. Representatives of the Panel expressed the wish to visit Parkside to hear more about the activities of the Council to assist with future submissions;
- (2) Play Equipment: as a result of Health & Safety concerns, play equipment at three sites in Melton Mowbray had been removed on ten days’ notice. This had caused concern in the community but officers had started consultation with local people to design new play sites. Funding had been allocated and a report would be made to the PFA Committee in April to update the position;
- (3) Melton Mowbray Transport and New Development Position Statement: the second report into the traffic congestion problems in Melton Mowbray commissioned by the Borough and County Council became available this week. It built on the first report released in November 2014 which had since been adopted by this Council as a material document for the emerging Local Plan and current applications. The report took into account the internal traffic movements in the town as well as the through traffic previously evaluated, and some additional evidence on the effects of developments taking place in Grantham and North West Leicestershire. In the latter case, the proposed Midlands Gateway is shown to produce an increase in HGV traffic taking alternative route to the East Coast ports. The conclusion reached was that to resolve the issues and allow Melton Mowbray to grow in the next few decades “the scale of transport measures required might exceed that which could reasonably be funded by developer contributions alone.” The report did not specify the nature of the measures. These were expected to be set out in the third report currently being prepared for release in late spring. The Leader advised his interpretation of all this was that the case for a bypass or ring road was now about to be accepted by the Highways Authorities just as Councillors and residents had been saying for years.

The Leader’s report on the town’s traffic congestion problems prompted a number of Members to welcome the news but also refer to previous statements about Melton getting a bypass that had been made over a number of decades. The hope was expressed that some progress could be made as the people of Melton deserved nothing less than getting this bypass at last. A Member also referred to the use of the A607 through Waltham by heavy goods vehicles on route to the east coast and welcomed the restriction that had been implemented that meant this traffic now used the A52 to the A1.

Councillor Twitney pointed out that his interest declared at the start of the meeting on the Local Plan was in the context of the location of housing not a bypass for the town.

CO78. PUBLIC QUESTION TIME

There were no questions received.

CO79. PETITIONS

There were no petitions received.

CO80. WELLAND INDEPENDENT REMUNERATION PANEL – PAYMENT FOR PARISH REPRESENTATIVES WHEN DEALING WITH PARISH COUNCILLOR COMPLAINTS

The Mayor welcomed Mr. John Cade, Chair of the Welland Independent Remuneration Panel, who had attended the meeting to present the recommendations of the Panel regarding an allowance for the Parish Representatives when they were involved in a Governance Sub Committee meeting. The Panel's report was annexed to a covering report prepared by the Head of Communications (as previously circulated with the agenda).

Mr Cade set out the background to the legal requirement for a Parish Representative to be present when considering allegations made against a Parish Councillor and explain the rationale behind the Panel's conclusions and resultant recommendations.

Councillor Graham thanked Mr Cade and the Panel for producing a very clear report and so moved the recommendations contained therein. In seconding the recommendations, Councillor Manderson stated that the role of the Parish Representative was invaluable and of great importance to the Governance Sub Committee in reaching its conclusions.

Several Members spoke in support of this allowance, commenting on what could be an onerous duty. In response to a request for clarification, Mr Cade confirmed that the allowance would be payable to all three Parish Representatives as they each accepted the responsibility and it was important that the Council had confidence in all three Representatives.

Following a vote, it was

RESOLVED:

- (1) To accept the Welland Independent Remuneration Panel's recommendations that Parish Representatives required to be involved in considering allegations of inappropriate behaviour by a Parish Councillor receive an annual allowance of £300 and this allowance be payable with immediate effect and be index linked to the NJC Pay Award;
- (2) A one-off payment of £300 be made to the Parish Councillor who has been involved in three Governance Sub Committees to date;
- (3) To thank the Panel for its work.

CO81. RECOMMENDATIONS AND REPORTS FROM COMMITTEES

Governance Committee: 11 February

The Chairman of the Governance Committee, Councillor Graham indicated he would submit each of the Committee's recommendations separately.

Councillor Graham moved and Councillor Manderson seconded the recommendation to approve the revised Whistleblowing Policy as re-circulated with the Council agenda. A vote was taken and it was accordingly

RESOLVED: (unanimously) to approve the revised Whistleblowing Policy.

In moving the recommendations regarding the Constitution Update, Councillor Graham highlighted the proposed Calendar of Meetings for 2015-16 and in particular the scheduled meeting of the PFA Committee on 1 December 2015. He had made the recommendation at the PFA Committee and reiterated it at this meeting that the minutes of the December meeting be made available for consideration at the 16 December 2015 Full Council meeting as too much time would have elapsed for Members to be aware of the decisions by the early February Full Council meeting. Councillor Manderson seconded the recommendations.

Councillor Gordon raised a question and received a response on whether there could be just one representative from each Union on the Staff Joint Working Group and whether a representative of non union staff could be included on the Group if they had been properly elected. Councillor Graham stated that if the Council was approached by a member of staff who had been accepted to represent non union employees then as the Constitution was a living document, this could be considered.

Councillor Twitney referred to the allowance paid to the Chairman of the Appeals Committee. The allowance was £1,800 per annum but the Committee had not met during the life of this Council. This represented over £7,000 which had been paid from the Council's resources and noting that the allowance scheme was not for consideration at this meeting, asked that this allowance be reconsidered after the election as to whether it could be justified. Councillor Cumbers stated this was an issue which had been raised before but in support of the payment, she stated that the Chair of this Committee was required to undergo training and has to be ready if an appeal came up. Councillor Lumley, as the current Chair of the Appeal Committee, stated that he had been advised that if an appeal arose it would involve a considerable amount of work.

A vote was then taken on the recommendations for updating the Constitution.

RESOLVED:

- (1) To agree that the membership of the Staff Joint Working Group at Part 3 of the Constitution be amended to remove reference to the MPO member and the non Union representatives and GMB to have 2 places, therefore the membership be amended to read as follows :-

STAFF JOINT WORKING GROUP

MEMBERSHIP: 7 members (politically balanced)

3 UNISON representatives

2 GMB representatives

Quorum: 2 Members and 2 Staff

The Chair to alternate annually between employers and staff side unless agreed otherwise by the Group

- (2) To note the revised Members' Allowances Scheme following the NJC Pay Award of 2.2 % as set out at Appendix A to the report to the Governance Committee on 11 February 2015;
- (3) To agree the proposed Calendar of Meetings for 2015-16 as set out at Appendix B to the report to the Governance Committee on 11 February 2015 subject to any change to the budget setting process for 2015-16 being approved at Full Council on 4 February 2015 which may bring forward the PFA Committee meeting date in Cycle 4;
- (4) To agree updating the Contract Procedure Rules under the heading of 'General Exceptions from Contract Procedure Rules' (page 112 Appendix A) to include the Strategic Directors and Head of Regulatory Services to be able to approve over £25,000 in an emergency. The changes proposed are in italics :-

'General Exceptions from Contract Procedure Rules

(c) Works or services procured in an emergency because of a need to respond to events that were beyond the control of the Council (e.g. natural disasters such as flooding or fires) as long as any expenditure in excess of £25,000 is first approved by the Chief Executive, *Strategic Director or the Head of Regulatory Services*. Any contract entered into by the Council under this Exemption must not be for a term of more than 6 months.'

CO82. QUESTIONS FROM MEMBERS

(a) In accordance with Council Procedure Rule 10.5(a), the following question was received from Councillor J.T. Orson on 16 February 2015::

"Defending our planning decisions in the appeal process is a significant aspect of our planning team's work. Appeals are an integral part of the system however, the appeal process brings with it the danger of an award of costs. Costs are incurred where we have got it wrong – you don't get them just for losing an argument, it is when you have no case or no evidence to back up your reasons. I am aware we have had costs awarded against us and ask if the Leader can set out the extent of these costs and the staff time involved in this process for the past 5 years

The Leader stated he was happy to respond but it would be a lengthy reply:

"Appeals are an integral part of the planning system and one we have no option but to participate in. In terms of internal resources it is estimated that they demand

around 20% of the total we spend on planning applications – that's around £120,000 each year.

However a very significant appeal can impose hugely on our resources, colleagues will be aware that successfully defending our position on the major windfarm proposals at Asfordby and Normanton cost in excess of £100,000. They are also very demanding of our staff because the administrative, preparation and attendance requirements are significant and impact substantially on our core business and service delivery.

The award of costs however is a very different matter. Despite recent changes to legislation that make them more prevalent, costs are entirely avoidable because they only occur where a decision is unreasonable – as the question states, if we have no case or can't back up our reasons with evidence.

I am advised that costs have been awarded against us 7 times in the last 5 years, but it is also worth noting that we have successfully defended claims against us on a further 10 occasions and we ourselves have succeeded in a claim for costs on 2 occasions. These decisions have accumulated to £27,000 which would be far better spent on services to our residents than compensating developers and their advisors for unnecessary work.

Decision making in planning is fraught with danger with the rules constantly changing, how the NPPF gets interpreted and the pressures the Planning Committee is under from residents who don't want or don't see the benefits of development near to them, and it has to be said that Planning Inspectors are not infallible either! The Committee and their advisors are constantly facing a challenge to keep up with all these changes and do so with regular training and discussion. Just last week the planning committee received training from the Highway Authority following concerns about road safety and last autumn there were sessions on decision making and awards of costs specifically. Members take each decision carefully and have to base it on the evidence they are presented with, even if it is an unpopular result. We try to learn the lessons from the appeal decisions we receive and by doing this and acting accordingly, hopefully will minimise our exposure to costs in the future."

Councillor Orson thanked the Leader for his comprehensive answer which he said had answered his question in full.

There then followed comments by two members on the challenges the Planning Committee faced and cited two past cases where the Council had the Ombudsman rule against it or had lost following an appeal. Councillor Orson responded that his question had been for information only and was not designed to criticise the Planning Committee.

(b) In accordance with Procedure Rule 10.1, the Chairmen of Committees were to respond to any questions upon items of reports of Committees when those items were received or were under consideration by the Council as follows :-

Planning Committee
Policy, Finance & Administration Committee
Planning Committee

27 November 2014
2 December 2014
18 December 2014

Rural, Economic & Environmental Affairs
Committee
Community & Social Affairs Committee
Policy, Finance & Administration Committee
Planning Committee

7 January 2015

21 January 2015

27 January 2015

29 January 2015

- (c) Councillor Graham referred to the minutes of the Planning Committee on 27 November 2014 and expressed concern that these had not been presented sooner particularly since they contained an important item on the leisure vision. He asked that minutes be brought before Full Council at the earliest opportunity;
- (d) Councillor Gordon referred to minute P.37 of the PFA Committee dated 2 December 2014 concerning the Pay Award 2014-16, specifically the extension of the pay award to the Council's apprenticeship scheme. She expressed her opposition to the principle that the pay award be given to those on apprentice contracts. The Leader stated that Councillor Gordon was a member of the PFA Committee and had been present at that meeting yet no votes against the motion had been recorded. Councillor Gordon stated she had voted for the motion but as the report had only been circulated at the meeting she had not had an opportunity to fully consider its contents and had since reconsidered and was now against it.

CO83. MOTIONS ON NOTICE

There were no motions on notice received.

CO84. COUNCIL TAX 2015-16

Members had before them a report prepared by the Head of Central Services to enable the Council to calculate and set the Council Tax for 2015/16 as required under the Local Government Finance Act 1992.

The Leader, Councillor Rhodes stated that the Leicestershire County Council had sets it Council Tax on 18 February 2015 and therefore the amounts in the report were confirmed. The law now required this Council to set the amounts as detailed in the schedule which was attached at Appendix C to the report.

Councillor Rhodes moved the recommendation contained in the report and this was seconded by Councillor Posnett.

In accordance with Procedure Rule 15.5 (b) a recorded vote was then taken:

No.	Councillor	For	Against	Abstain	Absent
1.	Baguley	√			
2.	Barnes				A
3.	Botterill	√			

No.	Councillor	For	Against	Abstain	Absent
4.	Bush			√	
5.	Chandler	√			
6.	Cumbers	√			
7.	De Burle	√			
8.	Douglas	√			
9.	Freer-Jones			√	
10.	Gordon	√			
11.	Graham	√			
12.	Holmes			√	
13.	Horton				A
14.	Hutchison	√			A
15.	Illingworth	√			
16.	Lumley	√			
17.	Manderson	√			
18.	J. Moulding			√	
19.	O'Callaghan			√	
20.	Orson	√			
21.	Posnett	√			
22.	Rhodes	√			
23.	Sheldon	√			
24.	Simpson	√			
25.	Slater	√			
26.	Twitney	√			
27.	Wright	√			
28.	Wyatt	√			
	Totals	21	0	5	2

RESOLVED: That the Council note the calculations and set the Council Tax for the year 2015/16 made in accordance with regulations set out in the Local Government Finance Act 1992.

CO85. PAY POLICY

Members had before them a report by the Head of Communications appended to which was the Annual Pay Policy Statement for approval.

In moving approval of the policy, the Leader explained that the approval was a requirement of the Localism Act 2011. Councillor Posnett seconded the motion and following a vote, it was

RESOLVED: (unanimously) that the Pay Policy Statement for 2015/16 be approved.

[Councillor Graham declared a personal and pecuniary interest in the following item as a Trustee of the John Smedley Trust which owned land. He here left the meeting at 7.25pm.

Councillor Twitney sought advice from the Deputy Monitoring Officer on whether he should declare an interest. The Deputy Monitoring Officer advised that the item was a strategic plan and suggested not but that it was a matter for the individual Member to decide.

Councillors Holmes and Twitney left the meeting at this point.]

Councillor Orson declared he had made no submissions to the SHLAA process and there was no land he owned identified within it.

Councillor Chandler also confirmed that land under her ownership was not in the SHLAA.

CO86. MELTON LOCAL PLAN – STRATEGIC HOUSING LAND AVAILABILITY ASSESSMENT (SHLAA) 2014/15 UPDATE AND CONSIDERATION OF ALTERNATIVE SITES

In a report previously circulated, the Head of Regulatory Services had provided Members with a summary of the findings and sought approval of the Strategic Housing Land Availability Assessment (SHLAA) 2014/15 update.

Councillor Wright, in presenting the report, stated that the SHLAA looked forward to the Local Plan Preferred Options (Draft Local Plan) and explained how the SHLAA would be used and developed to assist with the consideration of alternative development sites for allocation through the Local Plan process. Since the last SHLAA 68 new sites had been submitted and these needed to be assessed. The report set out an approach to assessing alternative sites. Councillor Wright said he was aware of concerns about the SHLAA sites but stressed these were only a 'menu' from which sites would be selected and moved the recommendations contained in the report. The motion was seconded by Councillor Chandler.

Councillor made reference to a specific site in the SHLAA update at Swale Close, Melton Mowbray. She mentioned that soil from other developments was now over six foot high on the site and was clearly visible at the rear of Dove Close. She asked if this could be looked into.

Councillor Freer-Jones raised a question on the plan period for Gypsy and Traveller sites to which Councillor Wright confirmed that the plan period was the same as the Local Plan. Councillor Freer-Jones sought clarification on the number of sites required to be identified as she understood the Council had to find more than at least one stated in the report. Councillor Wright replied that there could be one to three plots and a report would be brought before the CSA Committee in due course. Councillor Chandler added there was not going to be the pressure on Melton to find the number of sites first thought; Harborough and other districts would be required to identify more sites.

Upon being put to the vote, it was

RESOLVED: (unanimously)

- (1) To note the information contained in the report;
- (2) To approve the SHLAA 2014/15 update as technical evidence to inform the Local Plan;
- (3) To inform interested parties about the new sites submitted and explain the role of the SHLAA 2014/15 in the Local Plan process;
- (4) To provide the strategic direction that officers follow the approach set out in section 6 of the report for the purposes of site selection.

[Councillors Graham, Holmes, and Twitney returned to the meeting at 7.37pm.]

CO87. MELTON LOCAL PLAN – STRATEGIC DISTRIBUTION STUDY

Members had before them a report previously circulated by the Head of Regulatory Services the purpose of which was to update the Council on the Leicestershire Strategic Distribution Study which was commissioned jointly by all Leicestershire Planning Authorities and the County Council under the “Duty to Co-operate” arrangements (as overseen by the Members Advisory Group).

In moving the recommendation contain in the report, Councillor Wright explained that the Study was a material consideration and as such would be used to inform decision making on planning applications, and forms part of the evidence base to assist in the development of the Melton Local Plan. Councillor Chandler seconded the motion. A vote was then taken.

RESOLVED: (unanimously) to note the information contained in the report is a material consideration in determining planning applications for relevant development, and to approve it as evidence to inform the Melton Local Plan.

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: that the Public be excluded during consideration of the following items of business in accordance with Part 1 of Schedule 12A of the Local Government Act 1972 (Access to Information: Exempt Information) under paragraph 3.

[The audio recording of the meeting was terminated at this point.]

CO88. ICT DELEGATED SERVICE

In a report previously circulated to Members, the Solicitor to the Council set out the background and key issues concerning the delegation of the Council's ICT service provision and sought approval for the extension of that service under the terms and conditions detailed in the report.

The Leader commended the report to Members and moved the recommendations contained therein. This was seconded by Councillor Posnett. Upon being put to the vote, it was

RESOLVED: (unanimously)

- (1) To approve the extension of the existing delegation of the ICT service provision as set out in paragraph 3 of the report;
- (2) That delegated authority be granted to the Solicitor to the Council in consultation with the Head of Central Services to update the current delegation agreement with Hinckley & Bosworth Borough Council to reflect for the provision of IT services in line with paragraph 3.

[Councillor Twitney declared a personal and pecuniary interest in the following item as he was a member of the sports centre at the King Edward VII site.]

CO89. POLICY, FINANCE & ADMINISTRATION COMMITTEE EXEMPT MINUTE P.34 – LEISURE VISION

Councillor Freer-Jones sought and received clarification from the Leader on the latest position with regard to the Leisure Vision project. As Lead Member for the Project, Councillor Posnett also responded to further questions raised by Members.

The Chief Executive referred to the press release about the leisure vision issued on 5 December 2014 and undertook to circulate this to Members.

The update and explanation provided by the Chief Executive was noted.

The meeting, which commenced at 6.30 p.m., closed at 7.55 p.m.

Mayor