

**CABINET**  
**19TH JANUARY 2012**

PRESENT: The Leader (Councillor Slater)  
The Deputy Leader (Councillor Hampson)  
Councillors Barkley, Blain, Bokor, Fryer, Harley, J. Hunt and Snartt.

Councillors Capleton, Morgan and Vardy (Cabinet Support Members) were also in attendance.

83. DISCLOSURES OF PERSONAL INTERESTS

No disclosures of personal interests were made.

84. LEADER'S ANNOUNCEMENTS

No announcements were made.

85. MINUTES

The minutes of the meeting held on 22nd December 2011 were confirmed as a true record and signed.

86. QUESTIONS UNDER COUNCIL PROCEDURE RULES 29(ii) AND 39

No questions had been submitted.

87. TREASURY MANAGEMENT STRATEGY STATEMENT, ANNUAL INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION STRATEGY FOR 2012-13

Considered a report of the Head of Finance and Property Services, detailing the Treasury Management Strategy Statement, the Annual Investment Strategy and the Minimum Revenue Provision Strategy (item 6 on the agenda filed with these minutes).

**RESOLVED that it be recommended to Council**

1. that the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Strategy, as shown in Appendices 1 to 4 of the report filed with these minutes, be approved; and
2. that the Prudential and Treasury Indicators, as set out in sections 2 and 3 of Appendix 1 of the report filed with these minutes, be approved.

Reasons

1. To ensure that the Council's governance and management procedures for Treasury Management reflect best practice and comply with the CIPFA

Treasury Management in the Public Services Code of Practice, Guidance Notes and Treasury Management Policy Statement.

2. To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment is only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.

88. COUNCIL TAX BASE 2012/13 & SPECIAL EXPENSES

Considered a report of the Head of Revenues & Benefits and Customer Service detailing proposed Council Tax Bases for 2012/13 and determination of Special Expenses in Loughborough (item 7 on the agenda filed with these minutes).

**RESOLVED that it be recommended to Council**

1. that in accordance with the Local Authorities (Calculation of Tax Base) Regulations 1992, the amounts calculated by Charnwood Borough Council as its Council Tax Bases for the year 2012/13 shall be as detailed in the Appendix to the report filed with these minutes; and
2. that the expenses incurred by the Council in performing in Loughborough a function performed elsewhere in its area by a parish council or the chairman of a parish meeting be treated as special expenses for the purposes of Section 35 of the Local Government Finance Act 1992.

Reasons

1. To set the Council's 2012/13 Council Tax Base.
2. To determine Special Expenses in Loughborough.

89. WRITE OFF REPORT FOR BUSINESS RATE PROPERTIES

Considered a report of the Head of Revenues & Benefits and Customer Service seeking approval to write off irrecoverable debts in line with Financial Procedure Rules (item 8 on the agenda filed with these minutes).

**RESOLVED** that the following debts be written off:

- 1) £14,179.42 owed by Franchisees Linehaul Services Ltd;
- 2) £10,150.77 owed by The Wards End Tavern Ltd; and
- 3) £18,019.16 owed by Eco Windows Ltd.

## Reason

The normal enforcement / recovery and tracing of these debts have been exhausted and Write Off is now the only alternative. The Council's financial procedures require any debt over £10,000 be approved by Cabinet.

### 90. MEMBERSHIP OF THE MULTI AGENCY TRAVELLER UNIT (MATU)

A report of the Head of Neighbourhood Services seeking approval to become members of the countywide Multi Agency Traveller Unit (MATU) Agreement and for the MATU Team to act on behalf of the Council to manage unauthorised encampments and other traveller related issues in line with the Code of Practice for travellers adopted by all Local Authorities in Leicestershire (item 9 on the agenda filed with these minutes).

A report of the Overview Scrutiny Group was also considered (filed with these minutes). In accordance with Council Procedure Rule 8(d), Councillor Harper-Davies, as Chair of Overview Scrutiny Group, addressed Cabinet.

## **RESOLVED**

1. that approval be given for Charnwood Borough Council to become a member of the countywide MATU Agreement;
2. that approval be given for the MATU Team (hosted by Leicestershire County Council) to act on behalf of the Council to manage unauthorised encampments and other traveller related issues in line with the Code of Practice for Travellers adopted by all Local Authorities in Leicestershire;
3. that the authority for discharging the following legal functions relating to unauthorised Traveller encampments, including possession of land and eviction, be delegated to the Executive of Leicestershire County Council:
  - To institute, defend or settle legal proceedings for possession and eviction of Travellers on behalf of the Council;
  - To take immediate legal action in respect of unauthorised Traveller encampments to enforce rights or obligations where it is considered to be in the interests of the area or the inhabitants of the area to do so;
  - To negotiate and settle potential possession claims relating to Traveller encampments without recourse to court proceedings; and
4. that the report of the Overview Scrutiny Group be noted, that it be acknowledged that the Group supported the recommendations in the report of the Head of Neighbourhood Services, filed with these minutes, and that the contribution of the Travelling Community Strategy Scrutiny Panel be noted.

## Reasons

1. The Council does not have a designated and appropriately trained Traveller Liaison Officer. Joining the countywide MATU Agreement will allow the Council to provide for the provision of a service on traveller related matters, including dealing with unauthorised encampments.
2. To provide an appropriate and consistent response in relation to enforcement of unauthorised encampments.
3. To enable arrangements for taking legal action on the Council's behalf, requiring the delegation of functions, to be implemented in accordance with Section 19 of the Local Government Act 2000.
4. To acknowledge the views of the Overview Scrutiny Group and the work of the Travelling Community Strategy Scrutiny Panel.

## 91. RESPONSE TO THE GOVERNMENT'S CONSULTATION ON THE GREEN DEAL AND ENERGY COMPANY OBLIGATION

Considered a report of the Head of Planning and Regeneration Services seeking endorsement of the comments submitted to Government on the Green Deal and Energy Company Obligation Consultation (item 10 on the agenda filed with these minutes).

A report of the Overview Scrutiny Group was also considered (filed with these minutes). In accordance with Council Procedure Rule 8(d), Councillor Harper-Davies, as Chair of Overview Scrutiny Group, addressed Cabinet.

### **RESOLVED**

1. that the comments sent to Government in response to the Green Deal and Energy Company Obligation Consultation, as set out in the Appendix to the report filed with these minutes, be endorsed;
2. that the report of the Overview Scrutiny Group be noted and that it be acknowledged that the Group supported the recommendations in the report of the Head of Planning and Regeneration Services, filed with these minutes; and
3. that, as per recommendation 2 of the Overview Scrutiny Group report filed with these minutes, the Head of Planning and Regeneration Services submit an additional response, if permitted by Government, to be added to the previously submitted consultation response, stating that it was important to have a well structured and organised administrative process in order to ensure that the scheme worked effectively and was credible, which all Green Deal Providers must sign up to.

### Reasons

1. To acknowledge the views submitted on behalf of the Council and set the context for any future activity by the Council on the Green Deal.
2. To acknowledge the views of the Overview Scrutiny Group.
3. To act upon the recommendation of the Overview Scrutiny Group that an additional response be added to the consultation response.

## 92. CHARGING FOR STREET NAMING AND NUMBERING APPLICATIONS

Considered a report of the Head of Planning and Regeneration Services seeking approval to introduce a charging schedule for the provision of the Council's non-statutory Street Naming and Numbering service (item 11 on the agenda filed with these minutes).

### **RESOLVED**

1. that notice of intention to adopt the provisions of Sections 17 to 19 of the Public Health Act 1925 for the whole of Charnwood be given in accordance with paragraph 25(5) of Schedule 14 of the Local Government Act 1972;
2. that Delegated Authority be granted to the Head of Planning and Regeneration Services in conjunction with the Lead Member for Planning Services to formally adopt the provisions detailed in resolution 92.1, above, following publication of the notice of intention for the whole of Charnwood;
3. that subject to adoption of the provisions detailed in resolution 92.1, above, the charges as set out in the Appendix to the report filed with these minutes be agreed;
4. that Delegated Authority be granted to the Head of Planning and Regeneration Services, in consultation with the Lead Member for Planning, to review the charges annually; and

### Reasons

1. To ensure the appropriate legislation is adopted by the council to enable it to carry out its duties in respect of street naming and numbering and to also charge for its non-statutory street naming and numbering service.
2. To ensure consideration is given to comments received following publication of the notice.
3. To ensure that the cost of providing the Street Naming and Numbering service is

recovered as set out in Appendix I of the report filed with these minutes.

4. To enable the impact of the charge on service users to be reviewed.

93. CHARGING FOR PRE-APPLICATION PLANNING ENQUIRIES

Considered a report of the Head of Planning and Regeneration Services, seeking approval to introduce a charging schedule for the provision of pre-application advice (item 12 on the agenda filed with these minutes).

**RESOLVED**

1. that, in accordance with the charging schedule and exemptions detailed in the Appendix to the report filed with these minutes, a charge for the provision of pre-application advice be implemented on 2nd April 2012; and
2. that the policy be reviewed regularly and that Delegated Authority be given to the Head of Planning and Regeneration Services in consultation with the Lead Member for Planning, to withdraw the charge if necessary or to amend the charging schedule.

Reasons

1. To ensure that the cost of providing pre-application advice is recovered, subject to the exemptions as set out in the Appendix to the report filed with these minutes.
2. To enable the impact of the charge on service users to be reviewed and to comply with the duty under section 93(3) of the Local Government Act 2003 to ensure that the income from charges does not exceed the cost of provision.

94. HEALTH & SAFETY POLICY

Considered a report of the Head of Strategic Support seeking approval of an updated corporate Health & Safety Policy Statement and Policy (item 13 on the agenda filed with these minutes).

**RESOLVED**

1. that the Health & Safety Policy Statement, attached as Appendix 1 to the report filed with these minutes, be approved; and
2. that the Health & Safety Policy, attached as Appendix 2 to the report filed with these minutes, be approved.

### Reasons

1 & 2. To ensure that Member level approval is obtained for the Council's corporate Health & Safety policies.

95. REGULATION OF INVESTIGATORY POWERS ACT: POLICY AND REVIEW OF USE DURING 2011

Considered a report of the Head of Strategic Support seeking approval of an updated Regulation of Investigatory Powers Act (RIPA) Policy and detailing a summary of the use of RIPA during 2011 (item 14 on the agenda filed with these minutes).

### **RESOLVED**

1. that the updated RIPA Policy for 2012, as set out in Appendix to the report filed with these minutes, be approved;
2. that it be noted that there was no use of RIPA by the Council during the calendar year 2011; and
3. that Audit Committee continues its responsibility for receiving a quarterly report on the use of RIPA, and that any concerns arising from those reports that may indicate that the use of RIPA is not consistent with the Policy or that the Policy may not be fit for purpose be reported to Cabinet.

### Reasons

- 1 & 2. To ensure compliance with the requirements of the Home Office's revised 'Code Practice – Covert Surveillance and Property Interference' relating to the involvement of elected Members in approving the RIPA policy and reviewing the Council's use of the RIPA on at least an annual basis.
3. To ensure compliance with the requirements of the Home Office's revised 'Code Practice – Covert Surveillance and Property Interference' relating to elected Members considering reports on the use of RIPA on at least a quarterly basis to ensure that it is being used consistently with the policy and the policy remains fit for purpose.

### Notes

1. The decisions in these minutes, which are not in the form of recommendations to Council, will come into effect at noon on Friday 27th January 2012 unless called in under Overview and Scrutiny Procedure Rule 13.
2. No reference may be made to these minutes at Council on 27th February 2012 unless notice to that effect is given to the Team Leader – Democratic

Services and Mayoralty by five members of the Council by no later than noon on Friday 27th January 2012.

3. These minutes are subject to confirmation as a correct record at the next meeting of Cabinet on 16th February 2012.