

CABINET
16TH FEBRUARY 2017

PRESENT: The Leader (Councillor Slater)
Councillors Barkley, Fryer, Harper-Davies, Hayes, Mercer,
Poland and Vardy

Councillor Miah – Chair of the Budget Scrutiny Panel
Councillor Smidowicz – Chair of the Overview Scrutiny Group

Chief Executive
Section 151 Officer
Monitoring Officer/Head of Strategic Support
Head of Finance and Property Services
Democratic Services Manager

APOLOGIES: Councillor Morgan

83. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

The following disclosure was made:

- (i) Councillor Fryer – a personal interest leading to bias in item 12 on the agenda (Compulsory Purchase of Land for a Burial Ground on behalf of Barrow Upon Soar Parish Council) as a member of Barrow Upon Soar Parish Council. Councillor Fryer stated that she had sat on the Parish Council committee that had considered the matter.

84. LEADER'S ANNOUNCEMENTS

The Leader made the following announcement.

"I am sad to announce that Honorary Alderman, and former Councillor, Freda Hurst passed away at the weekend. Freda served on the Borough Council from 1983 until 2003 and was an Honorary Alderman of the Borough from 27th October 2003. The awarding of the title of Honorary Alderman to Freda was as a result of her many years of dedicated service to the Council and the Borough, and I know it was a role that she took seriously and kept a link with the Council that was important to her. I am sure that all our thoughts and best wishes are with her family and friends at this time."

85. MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 19th January 2017 were confirmed as a correct record and signed.

86. QUESTIONS UNDER CABINET PROCEDURE 10.7

No questions had been submitted.

87. BUDGET SCRUTINY PANEL

Considered a report of the Scrutiny Management Board setting out the Budget Scrutiny Panel's recommendations and observations, together with officer advice in response to those (item 6 on the agenda filed with these minutes).

In accordance with Scrutiny Committee Procedure 11.12(a), Councillor Miah, Chair of the Scrutiny Management Board and the Budget Scrutiny Panel, presented the Panel's report and recommendations.

The Section 151 Officer also assisted with consideration of the report.

RESOLVED

1. that the Panel's support for the following items, that they are affordable and are included in the proposed revenue budget be noted:
 - proposal for ongoing funding for the Voluntary and Community Sector Development Officer post to be included in the budget for 2017/18 and that the funding be split between Loughborough Special Expenses (75%) and the General Fund (25%) (Panel recommendation 1);
 - proposal for ongoing funding of an additional £20,000 for Loughborough Community Grants to be included in the budget for 2017/18 to be funded from Loughborough Special Expenses (Panel recommendation 2);
 - proposal for the following suggestions put forward by Loughborough councillors to be included in the budget for 2017/18 to be funded from Loughborough Special Expenses: (i) contribution to a Charnwood Forest Canal Heritage Plaque and (ii) Funding for Heritage and Conservation via recruitment of additional staffing resources (Panel recommendation 3);
2. that the Panel's recommendation that the process for developing the Medium Term Financial Strategy and the budget and for their scrutiny be reviewed, so that they begin earlier and incorporate a number of matters as set out, be noted, including that the Scrutiny Management Board had resolved to consider this recommendation at its meeting on 29th March 2017 as part of agreeing the process for scrutiny of the Council's budget for 2018/19;
3. that the Panel's observations not requiring further action be noted.

Reasons

- 1.&2. To acknowledge the Budget Scrutiny Panel's recommendations and how they will be taken forward.
3. To acknowledge the observations made by the Budget Scrutiny Panel.

88. GENERAL FUND AND HRA BUDGETS 2017/18

Considered a report of the Head of Finance and Property Services setting out the proposed General Fund and Housing Revenue Account (HRA) Revenue Budgets for 2017/18, incorporating the proposed Council Tax levy, and the 2017/18 proposals to change rent and service charges within the ring fenced Housing Revenue Account, for recommendation to Council (item 7 on the agenda filed with these minutes).

The Head of Finance and Property Services assisted with consideration of the report. The Head of Finance and Property Services stated that since the publication of the agenda further information in respect of National Non-Domestic Rates and the Collection Fund had been received. This would affect the figures that would be submitted to Council. Confirmation of the final settlement from the Government and the Leicestershire County Council precept were still awaited. The Cabinet was therefore recommended to give delegated authority to the Section 151 Officer, in conjunction with the Lead Member for Finance and Revenues and Benefits, to amend the report for Council in line with the final settlement and updated NNDR figures.

RESOLVED that it be recommended to Council:

1. to approve the Original General Fund Revenue Budget for 2017/18 at £15,824,879;
2. to set a base Council Tax at £112.09 at Band D, an increase of £5 on the 2016/17 rate;
3. to set the Loughborough Special Levy at £74.97, no increase on 2016/17 rate;
4. to add or extend the following items to the Loughborough Special Levy:
 - (i) continuation of funding for partial costs of a post graduate student to carry out work on Houses of Multiple Occupation (HMOs) for a final year, £7.5K;
 - (ii) funding for 75% of the costs of a Voluntary & Community Sector Development Officer, ongoing item of £32.6K;
 - (iii) extension of funding for the costs of opening Biggin Street, Loughborough, toilets on a Friday for an additional one year, £4K;
 - (iv) funding for Voluntary and Community Grants within Loughborough as a one off item, £20K;
 - (v) to provide additional resource for Heritage and Conservation project work in Loughborough for one year; £35K;
 - (vi) to fund the Charnwood Forest Canal heritage plaque, from within the existing Loughborough Special budget, £400;
 - (vii) contribution towards Open Spaces grounds maintenance work in Loughborough, to be reviewed each year, £117.9K;

5. to approve the Original HRA Budget for 2017/18 as set out in Appendix 5 to the report of the Head of Finance and Property Services;
6. to amend the HRA weekly rents in line with the Department of Communities and Local Government (CLG) guidance;
7. to approve the HRA service charges in accordance with the CLG Guidance;
8. to approve the increases to shops rents by 1%;
9. that garage rents are increased by 22p a week (48 week collection);
10. that the Leasehold Management and Administration charge increases to £106.35 per annum;
11. that it be determined that the basic amount of Council Tax for 2017/18 was not excessive according to the principles set out by the Secretary of State;
12. that delegated authority be given to the s151 Officer, in conjunction with the Lead Member for Finance and Revenues and Benefits, to amend this report for Council in line with the final settlement and updated NNDR figures.

Reasons

1. So that the necessary finance is approved to carry out services in 2017/18.
2. So that the Council Tax can be set in accordance with legal and statutory requirements.
3. So that a Loughborough Special Levy can be set in accordance with legal and statutory requirements.
4. To enable items to be added to the Loughborough Special Rate in order to:
 - (i) carry out a study into HMOs in Loughborough;
 - (ii) provide assistance to third sector bodies to enable them to be more self-sufficient and sustainable;
 - (iii) open Biggin Street toilets (Loughborough) on a Friday;
 - (iv) continue funding for Voluntary and Community Grants within Loughborough;
 - (iv) provide specific Heritage and Conservation project work in Loughborough;
 - (v) fund the purchase of Charnwood Forest Canal heritage plaque in Loughborough;

- (vi) contribute towards costs for Open Spaces grounds maintenance work in Loughborough.
- 5. To ensure sufficient funding for the Housing Revenue Account in 2017/18.
- 6. To comply with social housing rents guidance which, for 2017/18, is a 1% reduction.
- 7. To ensure the correct alignment of costs and service charges for tenants in accordance with best practice.
- 8. So that shop rents are increased in line with CPI as at September 2016, the month where HRA rent and charges uplifts are calculated via CLG guidance.
- 9. To increase the rent generated for this asset.
- 10. So that there is sufficient recovery of the costs associated with operating the leasehold flat and shop services.
- 11. To comply with the requirements of section 52ZB of the Local Government Finance Act 1992.
- 12. To update the budget report in line with final settlement figures once these are received.

89. TREASURY MANAGEMENT STRATEGY STATEMENT, ANNUAL INVESTMENT STRATEGY AND MINIMUM REVENUE PROVISION STRATEGY FOR 2017-18

Considered a report of the Head of Finance and Property Services setting out the Treasury Management Strategy Statement and the Annual Investment Strategy and Minimum Revenue Provision Strategy for 2017/18, for recommendation to Council (item 8 on the agenda filed with these minutes).

Councillor Smidowicz, Chair of the Overview Scrutiny Group, presented a report detailing the Group's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Finance and Property Services assisted with consideration of the report.

RESOLVED

- 1. **that it be recommended to Council:**
 - (i) that the Treasury Management Strategy Statement, Annual Investment Strategy and Minimum Revenue Provision Strategy

as set out in the appendix to the report of the Head of Finance and Property Services be approved;

- (ii) that the Prudential and Treasury Indicators set out in sections 2 and 3 of the Strategy be approved;

2. that the report of the Overview Scrutiny Group be noted.

Reasons

- 1. (i) 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.
 - (ii) To ensure that funding of capital expenditure is taken within the totality of the Council's financial position and that borrowing and investment are only carried out with proper regard to the Prudential Code for Capital Finance in Local Authorities.
2. To acknowledge the work undertaken by and the views of the Overview Scrutiny Group.

90. MANAGING STUDENT OCCUPANCY UPDATE

Listed on the agenda for this meeting had been a report of the Head of Strategic and Private Sector Housing providing an update on the potential to implement a Loughborough Accreditation Scheme in partnership with the Loughborough Students Union and, following the submission and evaluation of complaints data from the Loughborough Student Advisory Service, to consider whether there is sufficient evidence to warrant introducing Additional or Selective Licensing (item 9 on the agenda filed with these minutes).

The Leader stated that the item had subsequently been withdrawn from the agenda pending the receipt of further information.

91. ANNUAL REVIEW OF THE COUNCIL'S CONSTITUTION

Considered a report of the Monitoring Officer setting out amendments to the Constitution following the annual review for recommendation to Council (item 10 on the agenda filed with these minutes).

The Monitoring Officer assisted with consideration of the report.

RESOLVED that it be recommended to Council that:

- (i) the changes to the Constitution set out in the appendix to the report of the Monitoring Officer be made;

- (ii) the implementation dates for the changes be as follows:
- item I, in respect of variations to conditions and Section 106 Agreements, for applications received on or after 28th February 2017;
 - item II, in respect of planning applications by current and former councillors and officers, for applications received on or after 28th February 2017;
 - item III, in respect of the Annual Statement of Accounts, from 28th February 2017;
 - item IV, in respect of the discharge of planning conditions, for applications received on or after 28th February 2017.

Reason

To ensure the Constitution is kept up to date and fulfils its intended purposes.

92. REGULATION OF INVESTIGATORY POWERS ACT – POLICY AND REVIEW OF USE

Considered a report of the Head of Strategic Support setting out a Regulation of Investigatory Powers Act (RIPA) Policy and a summary of the use of RIPA during 2016 (item 11 on the agenda filed with these minutes).

The Head of Strategic Support assisted with consideration of the report.

RESOLVED

1. that it be noted that there has been no use of RIPA by the Council during the calendar year 2016;
2. that the Audit Committee be requested to continue its responsibility for receiving a quarterly report on the use of RIPA, and to report to Cabinet 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.

Reasons

1. To ensure compliance with the requirements of the Home Office's current 'Code of 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 RIPA on at least an annual basis.
2. To ensure compliance with the requirements of the Home Office's latest 'Code of 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.

93. COMPULSORY PURCHASE OF LAND FOR A BURIAL GROUND ON BEHALF OF BARROW UPON SOAR PARISH COUNCIL

Having disclosed a personal interest leading to bias, Councillor Fryer left the meeting during the consideration of the item.

Considered a report of the Head of Strategic Support setting out a request that the Council exercise its compulsory purchase order (CPO) making powers on behalf of Barrow upon Soar Parish Council to acquire land to extend an existing cemetery in Barrow upon Soar (item 12 on the agenda filed with these minutes).

Councillor Smidowicz, Chair of the Overview Scrutiny Group, presented a report detailing the Group's pre-decision scrutiny of the matter and recommendation (copy filed with these minutes).

The Head of Strategic Support assisted with consideration of the report.

RESOLVED

1. that the use of the Borough Council's compulsory purchase making powers pursuant to section 121 Local Government Act 1972 be authorised to acquire land on behalf of the Parish Council to allow for an extension to the Cemetery;
2. that authority be delegated to the Head of Strategic Support to:
 - (i) take all necessary steps to secure the making, confirmation and implementation of the CPO, including the publication and service of all relevant notices and to support the presentation of the Parish Council's case at any local public inquiry;
 - (ii) serve a requisition for information (in accordance with section 16 Local Government Act 1972) on the reputed owner and other parties that may have an interest in the land as part of the preparatory steps associated with the making and promotion of a CPO;
 - (iii) approve terms for the acquisition of legal interests by agreement, either on behalf of the Council or in conjunction with the Parish Council, including for the purposes of resolving any objections to the CPO;
 - (iv) take all necessary steps to resolve any compulsory purchase compensation claims, including, if necessary, by way of making (or responding to) a reference to the Upper Tribunal (Lands Chamber);

- (v) enter into a suitable agreement with the Parish Council regarding any costs incurred by the Borough Council assuming the CPO does not proceed to completion;
 - (vi) transfer the relevant land to the Parish Council if the CPO proceeds to completion, subject to reimbursement of purchase costs and all other relevant expenses;
3. that the report of the Overview Scrutiny Group be noted.

Reasons

1. To support the Parish Council in the process to purchase the land required to extend the Cemetery.
2. To allow the CPO process to proceed expediently.
3. To acknowledge the work undertaken by and the views of the Overview Scrutiny Group.

Notes

1. The decisions in these minutes not in the form of recommendations to Council will come into effect at noon on Friday, 24th February 2017 unless called in under Scrutiny Committee Procedure Rule 11.7.
2. No reference may be made to these minutes at the Council meeting on 24th April 2017 unless notice to that effect is given to the Democratic Services Manager by five members of the Council by noon on Friday, 24th February 2017.
3. These minutes are subject to confirmation as a correct record at the next meeting of the Cabinet.