

MINUTES OF A MEETING OF THE POLICY, FINANCE AND DEVELOPMENT COMMITTEE
HELD AT THE COUNCIL OFFICES, STATION ROAD, WIGSTON ON TUESDAY, 19 JULY
2016 COMMENCING AT 7.00 PM

<u>IN ATTENDANCE:</u>		
Chair - Councillor Mrs S B Morris Vice-Chair - Councillor Mrs L Eaton		
<u>COUNCILLORS (8):</u>		
G S Atwal E Barr L A Bentley	G A Boulter J W Boyce M L Darr	J Kaufman K J Loydall
<u>OFFICERS IN ATTENDANCE (4):</u>		
S J Ball Mrs A E Court	M Hone D Lingard	
<u>OTHERS IN ATTENDANCE (3):</u>		
A Persaud	Ms Y Geen	T Railton

Min Ref.	Narrative	Officer Resp.
1.	<u>APOLOGIES FOR ABSENCE</u> An apology for absence was received from Councillors R Fahey, D A Gamble and R E R Morris.	
2.	<u>APPOINTMENT OF SUBSTITUTES</u> RESOLVED THAT: Councillor Mrs L Eaton substitute for Councillor D A Gamble as Vice Chair for the duration of this meeting.	
3.	<u>DECLARATIONS OF INTEREST</u> None.	
4.	<u>MINUTES OF THE PREVIOUS MEETING HELD ON 29 MARCH 2016</u> RESOLVED THAT: The minutes of the previous meeting of the Committee held on 29 March 2016 be taken as read, confirmed and signed.	
5.	<u>ACTION LIST ARISING FROM THE MEETING HELD ON 29 MARCH 2016</u> RESOLVED THAT: The Action List be noted by Members.	
6.	<u>PETITIONS AND DEPUTATIONS</u>	

	<p>None.</p> <p>In accordance with Rule 7.3 of Part 4 of the Constitution, the Chair moved for the order of business to be altered and taken in the order as reflected in the minutes.</p> <p>RESOLVED THAT:</p> <p>The order of business be altered, accordingly.</p>	
7.	<p><u>CONTAMINATION LAND INCIDENT (BY ASBESTOS CONTAINING MATERIALS) - PART I</u></p> <p>The Committee gave consideration to the report (at pages 182 - 183) as delivered and summarised by the Community Safety and Environment Manager which should be read together with these minutes as a composite document.</p> <p>The Chair moved and amended the substantive recommendation at paragraph 2 of the report (at page 182) substituting 'the Chair of this Committee' with '<i>the Vice-Chair of this Committee</i>' (emphasis added).</p> <p>Councillor J W Boyce seconded the recommendation as amended.</p> <p>Councillor J W Boyce enquired as to whether: (i) the legal basis in paragraphs 3.2 and 3.3 of the report (at pages 182 - 183) were correct; (ii) any delay in action taken had compounded the situation; (iii) the associated-costs in respect of assessing the impact to the privately-owned residential properties were to be recovered; (iv) if Severn Trent Water and Network Rail had been duly informed about the potential of land contamination; (v) if the value of the land carriages had been ascertained to ensure the viability of any land charges subsisting against the land; (vi) if the re-sealing of the roof formed part of the clear-up process.</p> <p>The Community Safety and Environment Manager advised that: (i) the correct legal basis had been identified upon expert advice for a potential prosecution on a full cost-recovery basis; (ii) that rain water in the interim period may have dispersed and, or, washed away the asbestos containing material (ACM) crystallites; (iii) the Council was working closely with the polluter, Public Health England (PHE), The Environment Agency (EA) and the Health and Safety Executive (HSE) to ensure all necessary action is/was being and to be taken; (iv) costs could not be recovered in respect of the assessment; (v) the land carriages were deemed viable and the polluter was considered to be solvent; and (vi) the re-sealing of the roof has been completed.</p> <p>Councillor L A Bentley enquired as to whether there is/was a sufficient quantity of ACM pollutant in a crystallite air-borne form to pose a risk to public health and, therefore, to justify the allocation and spending of the proposed budget.</p> <p>The Director of Services/Monitoring Officer and Community Safety and Environment Manager jointly-advised that PHE and the EA had agreed that a health risk did exist to the affected residential properties and that essential testing of the soil was to be undertaken imminently and the land returned to its former position. They advised that the costs were wholly contingent on a full return of the assessment and that the polluter was, at law, responsible</p>	

	<p>for the clear-up and costs thereof. It was said that the recommendation contained in the report sought to put the Council in a position to mitigate and, or take over the clear-up should the polluter be unwilling or unable to do so as is the incumbent responsibility upon local authorities for land contaminations.</p> <p>The Chair enquired as to whether the land to the rear of the incident site has been assessed.</p> <p>The Community Safety and Environment Manager advised that the land in question had been assessed and identified as a potentially contaminated site, accordingly.</p> <p>RESOLVED THAT:</p> <p>Members delegate authority to the Community Safety and Environment Manager in conjunction with the Chief Finance Officer and Vice-Chair of this Committee to appoint a licensing specialist asbestos removal expert to undertake clear-up operations to contaminated land to an agreed budget of not more than £100,000 (one-hundred thousand pounds) should this be necessary.</p> <p>Votes For 9 Votes Against 0 Abstentions 1</p>	
8.	<p><u>EXCLUSION OF THE PRESS AND PUBLIC</u></p> <p>RESOLVED THAT:</p> <p>The press and public be excluded in accordance with section 100(A)(4) of the Local Government Act 1972 (Exempt Information) during consideration of the item below on the grounds that it involved the likely disclosure of exempt information, as defined in the respective paragraph(s) 1, 2, 3 and 7 of Part 1 of Schedule 12A of the Act and that in all the circumstances, the public interest in maintaining the exempt item outweighed the public interest in disclosing the information.</p>	
9.	<p><u>CONTAMINATION LAND INCIDENT (BY ASBESTOS CONTAINING MATERIALS) - PART II (EXEMPT)</u></p> <p>The Committee gave consideration to the exempt report (at pages 184 - 185) as delivered and summarised by the Community Safety and Environment Manager.</p> <p>Members had an <i>in camera</i> discussion regarding the contents of the exempt report.</p> <p>RESOLVED THAT:</p> <p>The information provided within the report be noted by Members.</p>	
10.	<p><u>OVERALL PROVISIONAL BUDGET OUTTURN REPORT 2015/16</u></p> <p>The Committee gave consideration to the report and appendices (at pages 11 - 18) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a</p>	

	<p>composite document.</p> <p>The Interim Chief Finance Officer added that the overall Council position was within budget denoting a strong performance in terms of service delivery and a realisation of overarching Council objectives in line with the current Medium-Term Financial Strategy (MTFS).</p> <p>The Chair moved the recommendations <i>en bloc</i> as set out at paragraphs 2.1 and 2.2 of the report (at page 11).</p> <p>Councillor J W Boyce seconded the recommendations.</p> <p>Councillor J W Boyce opined that a net deficit of £18,000 within a total General Fund Budget of £6.5m was considered acceptable. He stated that the Council had not yet discussed the finer implications of the Government's 4-year settlement which, in consultation with the Chair of this Committee, he hoped could be brought forward in time for October with any regulatory governance issues to be brought back to a subsequent meeting of this Committee.</p> <p>The Interim Chief Finance Officer stated that he had not yet had sight of the settlement's format but this would amount to a concise document demonstrating a robust revised MTFS that could be completed within a short turnaround time.</p> <p>Councillor J Kaufman enquired as to whether any impact assessments had been undertaken in view of the recent referendum upon the United Kingdom's membership of the European Union.</p> <p>The Interim Chief Financial Officer stated that large components of the Budget Outturn (viz. salaries) were unaffected and that all treasury management was regulated and completed in pound sterling (GBP). He advised that the costs of services and suppliers may well increase beyond that currently envisaged by the MTFS and that impact of withdrawal from the European Union was to be revisited at the next meeting of this Committee.</p> <p>RESOLVED THAT:</p> <p>(i) The report and overall provisional outturn positions for both the General Fund (Appendix 1) and the Housing Revenue Account 2015/16 (Appendix 2) be noted by Members; and</p> <p>(ii) The requested revenue and capital carry forwards for both the General Fund and Housing Revenue Account (as set out in Appendix 3) be approved.</p> <p>Votes For 9 Votes Against 0 Abstentions 1</p>	MHo CR
11.	<p><u>PROVISIONAL COMMITTEE OUTTURN 2015/16</u></p> <p>The Committee gave consideration to the report and appendices (at pages 19 - 23) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a composite document.</p> <p>The Interim Chief Finance Officer added that the staffing costs variances</p>	

	<p>were to be addressed at a meeting of the Change Management Committee on Thursday 21 July 2016 and that real progress was being made in respect of driving down costs this financial year without damaging essential service delivery.</p> <p>With reference to the 'Public Realm' Scheme in Appendix 3 (at page 23), Councillor G A Boulter stated that, to his understanding, the works under this Scheme had been completed.</p> <p>The Interim Chief Financial Officer advised that clarification upon the same would be provided to Members outside the meeting in due course.</p> <p>RESOLVED THAT:</p> <p>The information provided within the report be noted by Members.</p>	<p>MHo CR</p>
12.	<p><u>RESIDENT FORUM OUTTURN BUDGET POSITION AND ALLOCATION REQUESTS</u></p> <p>The Committee gave consideration to the report and appendices (at pages 24 - 28) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a composite document.</p> <p>The Interim Chief Finance Officer added that, since the writing of the report, two allocation requests were awarded at the Wigston Residents' Forum meeting on Tuesday 12 July 2016, namely: (i) the installation of a litterbin at Horsewell Lane, Wigston (£400) and; (ii) the refurbishment of Marrome Square, Wigston (Max. £5,000). In respect of the later request, it was said that quotes were to be gathered.</p> <p>Councillor J W Boyce moved the recommendations <i>en bloc</i> as set out at paragraphs 2.1 to 2.3 of the report (at page 24).</p> <p>The Chair seconded the recommendations.</p> <p>The Chair requested that the allocation request from 'St Thomas' Church' be amended to the 'Step-Out Project' at paragraph 3.2(ii) of the report (at page 24).</p> <p>Councillor G A Boulter stated that the aforementioned grant was provided on the condition that the sum could not be funded through the Housing Revenue Account.</p> <p>Councillor J W Boyce requested that the allocation requests system be reviewed and regularised to distinguish between capital and project-based schemes and that the budgets be revised to take account of the renewed financial position from the start of the Council's lifecycle.</p> <p>RESOLVED THAT:</p> <p>(i) The position of the Forums' budget be noted by Members;</p> <p>(ii) The allocation requested by the Forums (as set out in the report and foregoing minutes as a verbal update) be approved; and</p> <p>(iii) Any ongoing Forum scheme's budgets carried forward for completion in 2016/17 be approved.</p>	<p>MHo CR</p> <p>MHo CR</p>

	<p>Votes For 9</p> <p>Votes Against 0</p> <p>Abstentions 1</p>	
13.	<p><u>REVIEW OF THE COUNCIL'S FINANCIAL REGULATIONS</u></p> <p>The Committee gave consideration to the report and appendix (at pages 29 - 61) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a composite document.</p> <p>Councillor J W Boyce requested that 'Opportunity Risk' be added to the Strategic Risk Register and the options to maximise the use of deposit monies, including borrowings and investments, be investigated to provide a more balanced portfolio.</p> <p>With reference to 'Virement Authorisation Limits' at paragraph 6.3 of the Appendix (at page 40), Councillor G S Atwal questioned the omission of the figures from '(a) within a cost centre'.</p> <p>The Interim Chief Finance Officer advised that no figures were required any proposed re-allocations operated from within the same budget area.</p> <p>RESOLVED THAT:</p> <p>The draft Financial Regulations (as set out in the Appendix) be considered and recommended to Council that they be adopted.</p> <p>Votes For 9</p> <p>Votes Against 0</p> <p>Abstentions 1</p>	MHo CR
14.	<p><u>COLLECTION AND WRITE-OFF OF MISCELLANEOUS DEBTORS</u></p> <p>The Committee gave consideration to the report (at pages 62 - 63) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a composite document.</p> <p>The Chair moved the recommendations <i>en bloc</i> as set out at paragraphs 2.1 and 2.2 of the report (at page 62).</p> <p>Councillor J W Boyce seconded the recommendations.</p> <p>Councillor J W Boyce stated that it was not acceptable to write-off invoices from the same offending supplier (i.e. paper recycling company) and sought assurances that same procedure would not be followed in the future that had resulted in both a loss of income and a debt. The Member further raised concerns regarding risk assessments undertaken in respect of unpaid invoices and the efficiency of the debt-recovery process. He further invited Officers to consult the Register of Electors to ascertain the re-emergence of any debtors within the Borough following the recent referendum.</p> <p>The Interim Chief Finance Officer reported that initial assurances were given by the supplier in question as to a "minor cash flow" issue and that the amount represented a four-month period which was being actively pursued, with the first unpaid invoice being passed over for legal recourse. He stated</p>	

	<p>that when awarding contracts, due diligence is/was exercised to ensure that suppliers were solvent, reputable and <i>bona fide</i> and that the same rigour was to be applied in the future for similar contracts awarded: it was said that had the supplier in this instance accepted, and informed the Council of, its poor financial standing, the situation may well have been mitigated.</p> <p>The Chair requested that the feasibility of escrow arrangements be investigated.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>(i) The contents of the report be noted by Members; and (ii) The write off of sundry debts (as listed in section 3.3 of the report) be approved.</p>	<p>MHo CR</p>
15.	<p><u>DRAFT ANNUAL GOVERNANCE STATEMENT 2015/16</u></p> <p>The Committee gave consideration to the report and appendix (at pages 64 - 85) as delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) which should be read together with these minutes as a composite document.</p> <p>Councillor J W Boyce moved the recommendation as set out at paragraph 2 of the report (at page 64).</p> <p>The Chair seconded the recommendation.</p> <p>Councillor G A Boulter commended the finding of no cases of maladministration against the Council by the Local Government Ombudsman during 2015-16 (at page 79).</p> <p>Councillor J W Boyce stated that the report demonstrated this Council's dealing of an issue in the most open and transparent way possible, as reflected in the Annual Governance Statement, which was shared with the external auditors at the earliest opportunity together with Members being continually updated upon the same.</p> <p>RESOLVED THAT:</p> <p>The Annual Governance Statement 2015/16 (as set out in Appendix 1) be approved and referred to the Leader of the Council and Chief Executive for formal certification.</p> <p>Votes For 9 Votes Against 0 Abstentions 1</p>	
16.	<p><u>INTERNAL AUDIT ANNUAL REPORT 2015/16</u></p> <p>The Committee gave consideration to the report and appendix (at pages 86 - 100) as jointly-delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) and Audit Manager at CW Audit Services, Mr Anand Persaud, which should be read together with these minutes as a composite document.</p> <p>The Audit Manager reported that overall significant levels of assurance had been awarded to most individual audit assignments for 2015-2016 for which</p>	

	<p>work had been finalised and that affirmative action was otherwise being taken to address the outstanding assignment areas in an open and transparent manner.</p> <p>With reference to 'Individual Audit Assignments' (at page 97), Councillor J Kaufman sought clarification as to limited level of assurance awarded to Building Control.</p> <p>The Director of Services / Monitoring Officer and Audit Manager jointly-advised that in recent years, as a result of commercial competition and the recent downturn in local building activity, the service had not been running on a cost-recovery basis. As a result, it was said that the Senior Management Team had since reviewed the basis for calculating and allocating costs within the various Building Control budgets and that a report was due to be brought before the Development Control Committee on Thursday 28 July 2016 to revise Building Control's Scale of Fees and Charges and address the same.</p> <p>RESOLVED THAT:</p> <ul style="list-style-type: none"> (i) The report included on the audit opinion and the adequacy and effectiveness of the Council's arrangements for governance, risk management and internal control be noted by Members; and (ii) The conclusion that the Council has an effective internal audit service be supported by Members. <p>Votes For 9 Votes Against 0 Abstentions 1</p> <p>Councillor K J Loydall left the Chamber at 08:33 pm.</p>	
17.	<p><u>KMPG TECHNICAL UPDATE</u></p> <p>The Committee gave consideration to the report and appendix (at pages 101 - 127) as jointly-delivered and summarised by the Interim Chief Finance Officer (Section 151 Officer) and Team Manager at KMPG, Ms Yola Geen, which should be read together with these minutes as a composite document.</p> <p>With reference to 'Cities and Local Government Devolution Act 2016' (at page 123) and the 'External Audit Progress Report' in respect of the capital expenditure on the Borough's newly-built leisure centres (at page 106), Councillor J W Boyce sought further clarification as to the technical opinion of the Team Manager, respectively.</p> <p>In respect of the Local Government Devolution Act 2016, the Team Manager advised that the enabling legislation allowed for the the joining-up of local authorities in a geopolitical area in order to attract more money and devolved powers from the Government to deliver shared-services and provide greater resilience and economies of scales, citing the Greater Manchester Authority as a notable example of the Council-driven initiative. In respect of the capital expenditure on the Borough's leisure centres, the Team Manager advised that the risk related to the requirement of the Council to adhere to proscribed accounting practices on the removal, de-recognition and replacement of its assets to ensure no duplication in financial records.</p>	

	<p>With reference to '2016/17 Work Programme and Scale of Fees' (at page 123), Councillor G A Boulter queried the omission of the Scale of Fees from the Appendix.</p> <p>The Team Manager advised that the Scale of Fees for 2016/17 were previously set out in a report to this Committee on Tuesday 29 March 2016. She noted that there had been a reduction of 5% in audit fees over the years and reported that all local authorities were to be given the opportunity to appoint their own external auditors from 2017/18 onwards.</p> <p>RESOLVED THAT:</p> <p>The information provided within the report be noted by Members</p>	
18.	<p><u>LEICESTER AND LEICESTERSHIRE STRATEGIC GROWTH PLAN - STRATEGIC GROWTH STATEMENT</u></p> <p>The Committee gave consideration to the report and appendix (at pages 128 - 170) as delivered and summarised by the Leader of the Council, Councillor J W Boyce, which should be read together with these minutes as a composite document.</p> <p>The Member stated that the Strategic Growth Statement (SGS) was the subject of a Members' Briefing Session on Tuesday 14 June 2016. It was said that the draft of the SGS was to go out to consultation and had already been agreed by the remaining seven local authorities in Leicester and Leicestershire.</p> <p>Councillor J W Boyce moved the recommendations <i>en bloc</i> as set out at paragraphs 2(a) and 2(b) of the report (at page 128).</p> <p>The Chair seconded the recommendations.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <ul style="list-style-type: none"> (i) The Strategic Growth Statement be approved for consultation subject to the below; and (ii) The Chief Executive in agreement with the Leader of the Council and Chair of this Committee be authorised to make minor changes to the draft Strategic Growth Statement prior to consultation including any amendments arising from its consideration by the Member Advisory Group and partner authorities. 	
19.	<p><u>REVISION OF THE BOROUGH OF OADBY AND WIGSTON (OFF-STREET PARKING PLACES) ORDER 2015</u></p> <p>The Committee gave consideration to the report and appendix (at pages 171 - 191) as delivered and summarised by the Director of Services/Monitoring Officer which should be read together with these minutes as a composite document.</p> <p>Councillor J W Boyce moved for a monitoring period to be undertaken over the next two months (i.e. during non-term time) to ascertain the impact of the students' use of the car park on Blaby Park Road, South Wigston.</p> <p>Councillor G A Boulter seconded Councillor J W Boyce's motion.</p>	

	<p>Councillor L A Bentley opined that all reasonable action had hitherto been taken to resolve the complained-about abuse at the car park and that the process to amend the Parking Order ought to be resolved without further delay. He stated that any proposed monitoring period could be concurrently undertaken alongside the amendment process.</p> <p>Councillor J Kaufman requested that the options for an 'all-day' parking provision in the South Wigston Town Centre be investigated.</p> <p>Councillor J W Boyce stated that a monitoring period was the most prudent option to avoid any accusation of improperly revising the Parking Order on an ill-informed basis.</p> <p>RESOLVED THAT:</p> <p>A monitoring period be undertaken over the next two months to ascertain the impact of the students' use of the car park on Blaby Park Road, South Wigston.</p> <p>Votes For 6 Votes Against 2 Abstentions 1</p> <p>Councillor M L Darr left the Chamber at 08:52 pm.</p>	<p>AC MS</p>
20.	<p><u>REFURBISHMENT AND POTENTIAL SPONSORSHIP OF BOROUGH ENTRY SIGNS</u></p> <p>The Committee gave consideration to the report (at pages 179 - 181) as delivered and summarised by the Director of Services/Monitoring Officer which should be read together with these minutes as a composite document.</p> <p>Councillor J Kaufman moved and amended the substantive recommendations <i>en bloc</i> at paragraph 2 of the report (at page 179) requesting the retention of the twinning information and reference to the 'Greening of the Borough'.</p> <p>The Chair seconded the recommendations as amended.</p> <p>UNANIMOUSLY RESOLVED THAT:</p> <p>(i) £2,850 be allocated from the Greening of the Borough reserves to allow Priority 1 signs to be re-furbished in year 1; (ii) No signage, other than relating to sponsorship, be attached to or stuck to the Borough entry signs in future; (iii) Box hedging be installed at appropriate locations (as detailed in the report); (iv) The twinning information and reference to the 'Greening of the Borough' be retained; (v) Sponsorship be sought, where appropriate, at a rate of £400 per year for five years; and (vi) Where appropriate, sculptures relating to local distinctiveness, be sponsored and installed adjacent to the Borough entry signs.</p>	

THE MEETING CLOSED AT 8.52 PM



CHAIR

TUESDAY, 20 SEPTEMBER 2016