

# Public Document Pack



**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
*Chief Executive*

Date: 21 June 2016

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**To: Members of the Executive**

Mr MA Hall (Chairman)  
Mr K Morrell (Vice-Chairman)  
Mr CW Boothby  
Mr C Ladkin

Mr M Nickerson  
Mr SL Rooney  
Mrs MJ Surtees  
Ms AV Wright

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **EXECUTIVE** in the De Montfort Suite - Hub on **WEDNESDAY, 29 JUNE 2016 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'R Owen'.

Rebecca Owen  
Democratic Services Officer

**EXECUTIVE - 29 JUNE 2016**

**A G E N D A**

1. APOLOGIES

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 9<sup>th</sup> March.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. ISSUES ARISING FROM OVERVIEW & SCRUTINY

(If any)

7. FIXED PENALTY NOTICES FOR FLY TIPPING (Pages 5 - 8)

To advise on the introduction of The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force on 9th May 2016. These regulations introduce new powers for local authorities to issue Fixed Penalty Notices for small scale fly tipping, providing an alternative to prosecution.

8. TENANT EVALUATION ACTION PLAN (Pages 9 - 12)

To provide background on tenant regulation and to seek endorsement from the Executive for review projects to be conducted by the Tenant Evaluation Team during 2016/17.

9. LOCAL LETTINGS POLICY FOR MARTINSHAW LANE (Pages 13 - 18)

To inform the Executive of the development of new council housing at Martinshaw Lane, Groby and to request a local lettings policy be introduced for allocation of these properties.

10. HINCKLEY MARKETS PROCUREMENT (Pages 19 - 22)

To seek Executive's approval to formally undertake procurement exercise in relation to the operation of Hinckley Markets.

11. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### EXECUTIVE

9 MARCH 2016 AT 6.30 PM

PRESENT: Mr MA Hall - Chairman  
Mr K Morrell – Vice-Chairman  
Mr C Ladkin, Mr M Nickerson, Mr RB Roberts, Mrs MJ Surtees and Ms AV Wright

Members in attendance: Councillors Mr DC Bill MBE, Mrs MA Cook, Mrs J Kirby and Mr SL Rooney

Officers in attendance: Craig Allison, Steve Atkinson, Simon D Jones, Julie Kenny, Rebecca Owen, Rob Parkinson, Caroline Roffey and Sharon Stacey

#### 431 APOLOGIES

Apologies for absence were submitted on behalf of Councillor Boothby.

#### 432 MINUTES

It was moved by Councillor Morrell, seconded by Councillor Surtees and

RESOLVED – the minutes of the meeting held on 16 December be approved and signed by the Leader.

#### 433 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 434 PLANNING ENFORCEMENT PROTOCOL

The updated Planning Enforcement Protocol was presented to the Executive. Members welcomed the report and updated protocol. It was moved by Councillor Morrell, seconded by Councillor Hall and

RESOLVED – the Planning Enforcement Protocol be approved.

#### 435 PRIVATE SECTOR HOUSING - VIREMENT REQUEST

Members received a report requesting a virement from the Private Sector Housing minor works budget to the major works budget. A member asked if the reason for the virement was because the cost of minor works had increased to push them over the £5,000 threshold to be classed as major, or if most minor works had been completed and more major works were now being identified. In response it was noted that both of these were the case. It was moved by Councillor Morrell, seconded by Councillor Surtees and

RESOLVED – the virement of £30,000 from the minor works to major works budgets be approved.

#### 436 WHEELED BIN & CONTAINER POLICY

The Executive received a report proposing amendments to the council's Wheeled Bin and Container Policy. It was moved by Councillor Morrell, seconded by Councillor Nickerson and

RESOLVED – the revised Wheeled Bin and Container Policy be approved.

437 WRITE-OFFS

A report was presented which sought approval for write-off of debts over £10,000 in respect of outstanding business rates. A member felt that, had they been given more information, they could have assisted in locating the debtors. In response it was explained that, aside from the data protection reasons for not providing the information, these were not debts due to being unable to trace the debtors, but were those that could not be recovered, for example due to the business being in liquidation.

A member asked whether attempts were made to recover debts before they reached a crucial stage, and in response it was explained that a strict process was followed and attempts were made as soon as the debt was accrued.

It was moved by Councillor Ladkin, seconded by Councillor Wright and

RESOLVED – the six business rate write-offs detailed in the report be approved.

438 INFORMATION GOVERNANCE

Members received the draft Records Management and Freedom of Information policies, alongside the overarching Information Governance Framework. It was moved by Councillor Morrell, seconded by Councillor Wright and

RESOLVED – the Records Management Policy, Freedom of Information Policy and Information Governance Framework be approved.

439 MARKETS - SUPPLEMENTARY BUDGET REQUEST

The Executive gave consideration to a report which proposed ways to improve the Hinckley markets and requested a supplementary budget. Members emphasised the importance of linking with other council services and priorities, for example youth work. It was acknowledged that it was disappointing to have to request a supplementary budget but members hoped that the national trend of diminishing markets could be reversed in Hinckley. It was moved by Councillor Wright, seconded by Councillor Ladkin and

RESOLVED –

- (i) Proposals for interventions aimed at driving the market forward be acknowledged;
- (ii) All options for improvement / development, including undertaking soft market discussions in relation to what the private sector may be able to offer, be explored within the next three months;

- (iii) A further report be brought to the Executive following the abovementioned discussions and exploration;
- (iv) The supplementary budget of £47,235 be approved.

(The Meeting closed at 6.45 pm)

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CHAIRMAN

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## EXECUTIVE – 29 JUNE 2016

### FIXED PENALTY NOTICES FOR FLYTIPPING REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

#### WARDS AFFECTED: ALL

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#### 1. PURPOSE OF REPORT

- 1.1 To advise on the introduction of The Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016 which came into force on 9th May 2016. These regulations introduce new powers for local authorities to issue Fixed Penalty Notices for small scale fly tipping, providing an alternative to prosecution.

#### 2. RECOMMENDATION

- 2.1 That small scale fly tips are dealt with by way of a Fixed Penalty Notice.
- 2.2 That the Fixed Penalty Notice be set at £200.00 or if paid early within 10 days the fine would be reduced to £125.00.
- 2.3 That authority be delegated to the Lead Member for Neighbourhood Services and the Chief Officer (Environmental Health) to set the criteria for small scale fly tipping as an amendment to the Clean Neighbourhood Policy pending review by Executive later this year.
- 2.4 That the Chief Officer (Environmental Health) authorise suitable officers to issue Fixed Penalty Notices for fly tipping.

#### 3. BACKGROUND TO THE REPORT

- 3.1 Under the Environmental Protection Act 1990 unauthorised deposit of waste (fly tipping) have been previously dealt with by way of prosecution which is both costly and time consuming to the Authority. Under the new amendment 33ZA, persons committing the offence of unauthorised waste disposal can be dealt with by way of a Fixed Penalty Notice. The fine amount can be set at no less than £150 and not more than £400, and if the Council adopts an early payment agreement, the fine can be no less than £120.
- 3.2 The Council currently deals with around 40 to 50 fly tips per month some of which may only be small scale waste deposits. The Council has been dealing with these small scale fly tips by use of a Littering Fixed Penalty Notice of £80.00. Within the financial year 2015/16 the Council has received payment for 15 Fixed Penalty Notices for small scale fly tips, 8 fines are already pending payment for 2016/17. We expect this increasing trend to continue
- 3.3 It is recommended that only small scale fly tips are dealt with by the Fixed Penalty Notice (to be determined by the volume of waste deposited and its hazardous nature. Offences committed by business, hazardous material, and larger deposits of waste should be dealt with by way of prosecution. A clear definition will be set out within the Clean Neighbourhood Policy on what types of deposits will warrant the use of the Fixed Penalty and which will go straight forward for prosecution. Failure to pay a Fixed Penalty Notice will result in the offender being prosecuted under the Environmental Protection Act in accordance with the Corporate Enforcement Policy.

#### 4. FINANCIAL IMPLICATIONS (CS)

4.1 Amendments to fixed penalty books to include new legislation and fine amounts. Total cost £70. These costs will be met from existing Street Scene budgets.

4.2 It is difficult to predict the level of additional income this change will generate. However, it is anticipated that income from small scale fly tips will go from by £900 to £1875. These figures are based on offenders paying at the lower FPN amount.

#### 5. LEGAL IMPLICATIONS (AR )

5.1 As set out within the body of this report Section 33 of the Environmental Protection Act 1990 has been amended with effect from the 9<sup>th</sup> May 2016.

5.2 This amendment is appropriate for small scale fly tipping offences. The Council will continue to be able to prosecute large-scale or repeat offences.

#### 6. CORPORATE PLAN IMPLICATIONS

6.1 The introduction of the Fixed Penalty Notice for Unauthorised waste disposal will contribute to the corporate plan aims of:-

- Clean neighbourhoods
- Protecting and improving our parks and open spaces
- Protecting the community by creating a safer place.
- Encourage responsible citizenship

#### 7. CONSULTATION

7.1 No public consultation is required.

#### 8. RISK IMPLICATIONS

8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Increasing fly tipping causes unsightly and potentially dangerous accumulations and adverse publicity for HBBC	Active enforcement of tipping and publicity to promote and deter	Caroline Roffey

#### 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 Fly tipping is a problem particularly in our rural areas affecting farmers and other land owners. Any initiative which simplifies the enforcement of environmental legislation will assist in these areas.



10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

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Background papers: None

Contact Officer: Lisa Kirby/Caroline Roffey x5971

Executive Member: Cllr Nickerson, Executive Member for Neighbourhood Services

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EXECUTIVE 29<sup>TH</sup> JUNE 2016

TITLE: TENANT EVALUATION TEAM REVIEW PROJECTS.  
REPORT OF DEPUTY CHIEF EXECUTIVE COMMUNITY DIRECTION  
WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth  
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## 1. PURPOSE OF REPORT

- 1.1 To provide background on tenant regulation and to seek endorsement from the Executive for review projects to be conducted by the Tenant Evaluation Team during 2016/17.

## 2. RECOMMENDATION

The Executive

- 2.1 Endorse the proposed areas for evaluation by the Tenant Evaluation Team outlined in 4.2 and 4.3.

## 3. BACKGROUND TO THE REPORT

- 3.1 Under the Housing and Regeneration Act 2008 (as amended by the Localism Act 2011), responsibility for social housing regulation passed to the Homes and Communities Agency (HCA) Regulation Committee from 1st April 2012. Prior to 1st April 2012, the regulator was the Tenant Services Authority.
- 3.2 Tenant Involvement and Empowerment is one of the consumer standards set out in the Regulatory Framework for Social Housing in England clearly stating that registered providers shall ensure that tenants are given a wide range of opportunities to influence and be involved in the scrutiny of their landlord's performance and the making of recommendations to their landlord about how performance might be improved.
- 3.3 Housing providers' boards and Councillors are responsible for ensuring their organisation meets the consumer standards. The regulator's role is limited to setting the consumer standards and intervening only where failure of the standard could lead to risk of serious harm to tenants (the 'serious detriment test')
- 3.4 The co-regulatory principles underpin the regulatory approach. One of the key principles of co-regulation is that tenants should have opportunities to shape service delivery and to hold the responsible boards and Councillors to account.
- 3.5 A Tenant Scrutiny Panel is one function that would enable the council to meet the regulatory standards set out above. At a Tenant Scrutiny workshop held in September 2012 tenants confirmed that a Tenant Scrutiny Panel is their preferred choice. In discussion with tenants the name of the Tenant Scrutiny Panel was changed to the Tenant Evaluation team.
- 3.6 The Tenant Evaluation team was appointed in December 2013, following endorsement of the project by the Council Executive in January 2013. The team is tasked with evaluating HRA council house services and conducting reviews to recommend improvements. Agreement for the project included the need for Executive endorsement of proposed projects.
- 3.7 The Resident Involvement Strategy 2015-18, approved by the Council in September 2015, also sets out plans to enable residents to get actively involved in improving and

developing high quality housing services by providing opportunities for them to scrutinise and inspect services.

- 3.8 Following recruitment and training, the Tenant Evaluation team completed a pilot project on methods of obtaining customer satisfaction by the repairs team in December 2015. The group made a series of recommendations, and an action plan has been approved with Managers. The Tenant Evaluation team comprises eight tenant members supported by the Resident Involvement Officer who acts as the liaison officer for the project.

#### 4. PROPOSED REVIEWS FOR 2016/17

- 4.1 The Tenant Evaluation team are proposing two reviews for this period. The first is to look at why Sheltered Housing takes longer to let than other properties. The second is to investigate the number of return visits for repairs jobs conducted by the in-house team.

- 4.2 The review of sheltered housing re-let times will take place from June-December 2016 and will include:

A scheme by scheme analysis to identify specific and common issues;  
Consideration of marketing and advertising opportunities;  
Consideration of financial criteria;  
Consideration of allocations criteria.

- 4.3 An investigation into return visits for jobs completed by the in-house team will take place from December 2016-April 2017. It will include:

Consideration of current performance relating to Right First Time and First time fix.  
An analysis of the number of return visits made after a job has been signed off.  
Investigate the reasons for these return visits and identify opportunities for reducing these, if relevant.

- 4.4 A more detailed scope for both of the above projects will be agreed with the relevant Managers before the project is taken forward. This will ensure that staff are able to consider the requirements for the project and ensure that the relevant information and staff time can be allocated. Appropriate officers will be involved in the reviews which take place.

- 4.5 Finance and Performance Scrutiny have been asked to comment on the proposed areas for review at their meeting on the 20<sup>th</sup> June 2016 and the Executive will be updated with any comments received.

#### 5. FINANCIAL IMPLICATIONS (TF)

- 5.1 All costs for this project will be met by existing budgets.

#### 6. LEGAL IMPLICATIONS (AR)

- 6.1 As set out above regulation is governed by the Homes Community Agency in accordance with the statutory powers granted within the Housing and Regeneration Act 2008 ("the Act").

- 6.2 The regulatory and enforcement powers are set out within the Act and can only be exercised if there are reasonable grounds to suspect that the failure has resulted in a serious detriment to tenants and potential tenants; or there is significant risk, that if no action is taken by the Homes Community Agency, the failure will result in a serious detriment to the tenants or potential tenants.

6.3 The legal test within 5.2 is what is known as the 'serious detriment test' and requires a high burden in order to justify regulatory intervention.

6.4 The enforcement powers granted to the Homes Community Agency includes the awarding of financial compensation to aggrieved parties.

## 7. CORPORATE PLAN IMPLICATIONS

7.1 The work of the Evaluation Team supports the following corporate aims:

### **Empowering communities**

### **Providing value for money and pro-active services**

## 8. CONSULTATION

8.1 Members of Together for Tenants and Repairs Working Group  
Executive Member Housing Community Safety & Partnerships  
Team Managers – Housing Community Safety & Partnerships, Housing Repairs.

## 9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The Evaluation team works for the benefit of all individual tenants and residents and strives to ensure that no group or individual will be disadvantaged as a consequence of its activities. Positions were advertised in a mail-out to all tenants and the meetings are held in the evening and ensure disabled access. Adjustments are made where necessary to enable participation. Questions regarding equality and diversity are asked at interview and members are required to sign a Equality and Diversity commitment and undertake training.

## 10. CORPORATE IMPLICATIONS

Recommendations arising from the Evaluation Team, if endorsed, may require a reconfiguration of existing resources, and/or additional resources.

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Background papers: Evaluation Team Pilot report  
COB report of 29<sup>th</sup> March and minutes  
Evaluation Team terms of reference  
Resident Involvement Strategy 2015-18

Contact Officer: Clive Taylor – 01455 255890  
Executive Member: Councillor Chris Boothby

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EXECUTIVE 29<sup>TH</sup> JUNE 2016

LOCAL LETTINGS POLICY FOR MARTINSHAW LANE, GROBY.  
REPORT OF DEPUTY CHIEF EXECUTIVE COMMUNITY DIRECTION

WARDS AFFECTED: GROBY

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1. PURPOSE OF REPORT

- 1.1 To inform the Executive of the development of new council housing at Martinshaw Lane, Groby and to request a local lettings policy be introduced for allocation of these properties.

2. RECOMMENDATION

- 2.1 That the Executive approve the adoption of a local lettings policy for the bungalows at Martinshaw Lane, Groby to give applicants with a connection to Groby priority for
- 100% of new build properties
  - 50% of relet properties
- for an initial period of one year.

3. BACKGROUND TO THE REPORT

- 3.1 The Housing Act 1996 allows local authorities to introduce local lettings policies in their areas as an important part of Council's ability to respond to local need. It applies to a defined geographical area and is usually applied for a limited time. This gives flexibility within the allocations system to respond to a specific set of circumstances. It is commonly used to address areas suffering from high levels of anti social behaviour but is also an important tool to assist in ensuring developments achieve a balanced community, or to allow local residents to remain within their community as their housing needs change.
- 3.2 However there is an obligation on councils to ensure that overall, preference for allocations should be to people in the reasonable preference categories and that local lettings policies do not discriminate directly or indirectly, on racial or other equality grounds. Therefore they can only be applied to a limited part of the local authority's stock.
- 3.3 A local lettings policy works within the local authority's existing allocations policy, usually by adding an extra requirement to the existing criteria in the policy. In this instance, it is proposed that a local lettings policy will be introduced to include a requirement to allocate 100% of the bungalows at Martinshaw Lane to people with a local connection to Groby for the first lettings and 50% of all subsequent lettings to seek applicants with a local connection. If no qualifying applicants can be found, the properties may then be let to applicants with a connection to the Borough of Hinckley and Bosworth. This policy to be implemented for a period of 1 year and reviewed at the end of that period.

**4 Martinshaw Lane, Groby**

- 4.1 This site is owned by Hinckley and Bosworth Borough Council and is currently being developed to provide 5 x 1 bedroomed bungalows and 4 x 2 bedroomed bungalows to rent. The properties will become part of the Council's housing stock. Under Hinckley and Bosworth Borough Council's Allocations Policy, bungalows are normally prioritised for elderly people, or people with a medical or support need.

4.2 On 1 April 2016 the Housing Register had 56 applicants who state they have a local connection to Groby. The Allocations Policy defines a local connection to a village as:

- I have lived in the village for the last 5 years
- I work permanently in the village (at least 15 hours a week)
- I was born in the village or previously lived in the village for 10 years or more
- I have close relatives who have lived in the village for at least five years (Close relatives are parents, siblings, grandparents or grandchildren)
- I need to move to the parish to be close to a relative or other person in order to provide or receive significant amounts of care and support.

The applicants are eligible for the following types of accommodation:

1 bed properties	26
2 bed properties	22
3 bed properties	4
4 bed properties	4
Total	56

Of these applicants, 17 are over 60 and would qualify for properties designated for older people.

A copy of the local lettings policy proposed for Martinshaw Lane is attached as appendix A.

## 5. FINANCIAL IMPLICATIONS [IB]

- 5.1 Once the properties have been built rent levels will be set based on the social housing rents formula.
- 5.2 The table below shows typical current average rents, for 1 and 2 bedroom HRA properties in the Borough.

Property type	Weekly rent
1 bed bungalow	71.50
2 bed bungalow	80.54

## 5. LEGAL IMPLICATIONS [AR]

The Council needs to ensure that the local letting policy is introduced in accordance with the requirements of Part 6 of the Housing Act 1996 and associated legislation and guidance. The Local Lettings Policy is intended to assist with the allocation of new properties in the borough as above and, as such, needs to be compliant with the relevant statutory provisions.

## 6. CORPORATE PLAN IMPLICATIONS

- 6.1 The delivery of affordable housing supports the following aims of the Corporate Plan 2013 – 2016:
- Provide decent and affordable homes.

## 7. CONSULTATION



7.1 There is a statutory requirement that prior to adopting an allocation scheme a copy of the draft scheme is sent to every registered provider of social housing and registered social landlords with which the Council has nomination arrangements.

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
A local lettings policy may exclude people in housing need who do not have a connection to Groby from being rehoused in the village	A local lettings policy is introduced for a finite period only and is monitored throughout the timeframe. A cascade forms part of the local lettings policy so that if no qualifying people bid for the properties they can be allocated to people on the general housing register.	Sharon Stacey

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 This report is concerned with ensuring that a supply of affordable housing is available in the Borough for people in the greatest need. This includes consideration of people from vulnerable groups, and those living in rural areas.

10. CORPORATE IMPLICATIONS

10.1 By submitting this report, the report author has taken the following into account:

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers:

Contact Officer: Valerie Bunting x5612  
 Executive Member: Councillor Chris Boothby

## LOCAL LETTINGS POLICY – NEW BUILD DEVELOPMENT

<b>Development</b>	<b>Martinshaw Lane Groby</b>
<b>Local Lettings Policy period</b>	1 year
<b>Total number of properties</b>	5 x 1 bedroomed bungalows 2 x 2 bedroomed bungalows 2 x 2 bedroomed bungalows wheelchair adapted.
<b>Number of properties included in the Local Lettings Policy</b>	100% of new build properties 50% of relet properties
<b>Specific criteria</b>	<p>Properties let under the Local Lettings Policy will have priority given to people who meet the following criteria:</p> <ul style="list-style-type: none"> <li>• have lived in the village for the last 5 years</li> <li>• work permanently in the village (at least 15 hours a week)</li> <li>• were born in the village or previously lived in the village for 10 years or more</li> <li>• have close relatives who have lived in the village for at least five years (Close relatives are parents, siblings, grandparents or grandchildren)</li> <li>• need to move to the parish to be close to a relative or other person in order to provide or receive significant amounts of care and support.</li> </ul> <p>The properties will be advertised through the Choice Based lettings process giving preference for people who meet the local connection criteria. After the first bidding cycle, successful applicants who meet the qualifying criteria will be considered and allocated the property where they are eligible. If there are no applicants with a qualifying local connection identified in the first bidding cycle the Local Authority will advertise the property again. In total, the Local Authority will advertise through 2 lettings cycles to find a suitable applicant with a qualifying local connection. Where no-one with a local connection can be found, applicants with a borough connection who bid on the first letting cycle will be considered and allocated where they are eligible. If a suitable applicant can still not be found, the Local Authority will advertise again for people with a borough connection until the properties are let.</p>
<b>Reasons for the Local Lettings Policy</b>	To allow local people to remain in or return to their community as their housing needs change due to age or disability.
<b>Date of review</b>	1 year after the first property is let
<b>Eligibility information</b>	In order to be allocated the property applicants need to meet BOTH the local lettings criteria AND the council's criteria for bungalows as set out in the adopted Allocations Policy. This means that people

	<p>with a connection to Groby will also have to meet any age and / or medical criteria applied to bungalows or wheelchair adapted properties set out in the Allocations Policy. If no such suitable applicants are found, applicants with a connection to the Borough who meet the eligibility criteria in the Allocations Policy will be sought.</p>
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Hinckley & Bosworth  
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## FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Executive 29 June 2016

WARDS AFFECTED: All Wards

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### Hinckley Markets Procurement

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#### Report of Bill Cullen, Deputy Chief Executive

##### 1. PURPOSE OF REPORT

- 1.1 To seek Executive's approval to formally undertake procurement exercise in relation to the operation of Hinckley Markets.

##### 2. RECOMMENDATION

- 2.1 That Executive approves the commencement of the procurement process as detailed within section 3.

##### 3. BACKGROUND TO THE REPORT

- 3.1 Following a report presented to Executive 9<sup>th</sup> March 2016, it was agreed that Officers explore all options for improvement/development of Hinckley's Market, including undertaking soft market discussions, to understand what the private sector can potentially offer.

- 3.2 The outcome of the procurement process will allow the Authority to make an informed decision as to the future management and operational delivery arrangements. The following key aims will be achieved:

- Enhance the quantity of traders and stalls
- Improve the overall 'offer' to the public
- Increase the number of specialist markets
- Assist in wider economic vitality of the town centre
- Improve the financial position for the Authority
- Investment into markets infra-structure
- Focus on long-term sustainability of the markets
- Develop a strong partnership with operator

- 3.3 During the last 3 months, Officers, Members and representatives from the Market Development Group have held productive discussions with Private sector

representatives and have concluded it would be beneficial for the Authority to formally test the market.

- 3.4 The specification will be developed on the basis that an external company would manage the market operation, including set up, day-to-day operations, staffing arrangements, marketing, income collection and would be responsible for the overall development of the market.
- 3.5 The contract period would be 5 years with annual breakout clauses based on performance.
- 3.6 As with other Council contracts, the principal of the contract will be to find a partner that the Local Authority, and its close stakeholders, can work effectively and openly with, to enhance the markets.
- 3.7 It is proposed that in accordance with financial and procurement procedures, Officers commence a formal tender process. Indicative timescales are as follows:

July –August 2016	Draft tender specification
September 2016	Issue advert
November 2016	Tender submission deadline
Dec 2016 – Jan 2017	Review submissions
Feb 2017	Confirm preferred bidder
April 2017	Commencement of contract

- 3.8 The well established Markets Development Group will be fully engaged throughout each stage of the procurement process.

#### 4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 Not applicable

#### 5. FINANCIAL IMPLICATIONS [DW]

- 5.1 The full financial implications relating to any proposed contract would need to be considered before the contract is let to minimise any risk to the council and to demonstrate that value for money is being achieved. The award of any contract would be subject to the normal procurement rules and financial standing orders.

- 5.2 An additional report will therefore be needed once the contract is awarded which would set out in detail the potential financial impact. As a guide the direct costs associated with the market based on current year budget is £122,000 and primarily consist of staff wages, NNDR and contract cleaning. The total costs of the service including support costs are £158,000.

#### 6. LEGAL IMPLICATIONS AR

- 6.1 As set out above a full OJEU procurement process will be undertaken. Once the procurement process has been completed, the contract may be awarded to the highest scoring tenderers. In deciding whether to appoint the selected contractors the Council should be satisfied as to the competence of the chosen tenderers and that the tender prices represents value for money for the Council.

## 7. CORPORATE PLAN IMPLICATIONS

7.1 Markets Development relates directly to the Borough Council's Corporate Plan in particular:

- Thriving economy

## 8. CONSULTATION

8.1 When drafting the tender specification representatives from the following groups will be engaged:

- Executive Lead for Town Centres
- Market Trader representative
- Town Centre Partnership & BID
- Chamber of Trade
- HBBC Street Scene
- HBBC Depot

Officers will need to ensure the existing traders are consulted on this matter.

8.2 The council will ask our public what they expect or desire from the market. Ultimately, its success depends on their support. This will be carried out during the summer. The results will feed into the tender specification.

8.3 As there are potential TUPE transfer considerations, UNISON will be engaged at an early stage.

## 9. RISK IMPLICATIONS

9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 No significant risks are associated with this report. A risk log for this procurement stage of the process will developed in due course. Full risk implications will be articulated as part of the tender review stage, prior to any future Executive decision.

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 Any equalities duties will pass to the preferred private operator. The council will oversee this element as part of the procurement process.

## 11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Environmental implications
- ICT implications
- Asset Management implications
- Procurement implications

- Human Resources implications, in particular any potential TUPE arrangements
  - Planning implications
- 

Background papers: Internal audit report – 2010  
Internal audit report – 2013  
Executive 26th March 2014 – Markets subsidy  
Executive 9<sup>th</sup> March 2016 – Development Plan

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Councillor Chris Ladkin, Executive Member for Town & Urban communities