

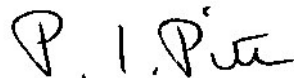
**Steve Atkinson** MA(Oxon) MBA MloD FRSA  
*Chief Executive*

**Date: 3 December 2007**

Dear Sir/Madam

I hereby summon you to attend a meeting of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL** in the Council Chamber at these offices on **TUESDAY, 11 DECEMBER 2007 at 6.30 pm.**

Yours faithfully



Pat Pitt (Mrs)  
Corporate Governance Officer

### **AGENDA**

1. Apologies.
2. To confirm the minutes of the meeting held on 30 October 2007 attached marked C46.
3. To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. 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. To receive such communications as the Mayor may decide to lay before the Council.
6. To receive petitions presented in accordance with Council Procedure Rule number 10.11.

7. To deal with questions under Council Procedure Rule number 11.1.
8. To receive, for information only, the minutes of the Scrutiny Commission meetings held on 6 September, 11 October and 28 November (attached marked C47, C48 and C49).
9. Position Statement. The Leader of the Council will give a brief presentation.
10. To consider the following reports:
  - (a) Licensing Act 2003 – Statement of Licensing Policy. Attached marked C50. (Pages 1-25)
  - (b) Gambling Act 2005 – Temporary Use Notice fees. Attached marked C51. (Pages 26-28)
  - (c) Request for Supplementary Budget for New Concessionary Travel Scheme Set Up Costs. Attached marked C52. (Pages 29-31)
  - (d) Amendments to the Constitution. Attached marked C53. (Pages 32-84)
  - (e) CPA Recategorisation. Attached marked C54. (Pages 85-115)
11. To consider the following motions, notice of which have been received from the members named in accordance with Council Procedure Rule Number 12.
  - (a) From Mr. J.C. Bown

“Hinckley & Bosworth Borough Council request that H.S.B.C. reconsider its decision to close its Earl Shilton branch on 1<sup>st</sup> February 2008. With the proposed 2,000 new houses in Earl Shilton it will be a rapidly growing town. The decision to close the bank will not be beneficial to the town’s future since a thriving community needs amenities such as this.”
  - (b) From Mr. S.L. Bray

"This Council deplores the recent announcement by the Post Office that it intends to close the sub post offices at Higham-on-the-Hill and Bagworth. This follows the closure of all the other sub post offices which has so obviously been to the detriment of local communities and the intended displacement of the main Station Road post office and sorting facilities which is clearly going to cause problems for Station Road traders.

It requests the Chief Executive to make representations as appropriate in the strongest terms."

To: All Members of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
(other recipients for information).

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**30 OCTOBER 2007 AT 6.30 P.M.**

**PRESENT:** MR. K.W.P. LYNCH - MAYOR  
MR. J.G. BANNISTER - DEPUTY MAYOR

Mr. P.R. Batty, Mr. P.S. Bessant, Mr. D.C. Bill, Mr. J.C. Bown, Mr. S.L. Bray, Mrs. R. Camamile, Mr. M.B. Cartwright, Mr. D.S. Cope, Mr. W.J. Crooks, Mrs. S. Francks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P. Hall, Mr. D.W. Inman, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. R. Mayne, Dr. J.R. Moore, Ms. W.A. Moore, Mr. K. Morrell, Mr. K. Nichols, Mr. L.J.P. O'Shea, Mrs. J. Richards, Mr. A.J. Smith, Mr. B.E. Sutton, Mr. R. Ward and Mr. D.O. Wright.

Also in attendance: Mr. R. Birch, Chairman of the Standards Committee.

Officers in attendance: Mr. S. Atkinson, Mr. P.F. Cash, Mr. B. Cullen, Mr. M. Evans, Miss L. Horton, Mrs. B. Imison, Mr. S. Jones, Mr. S. Kohli, Mrs. P.I. Pitt and Mr. T.M. Prowse.

300 **PRAYER**

Prayer was offered by the Reverend Canon F.D. Jennings.

301 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs. M. Aldridge and Messrs. C.W. Boothby, J.D. Cort, M.R. Lay and T. McClure.

302 **MINUTES (C34)**

An amendment was moved by Mr. Ward, and seconded by Mr. Batty, that minute no. 214 (Future of the Council offices, Argents Mead) be extended to include reference to the fact that a structural survey had been called for. This amendment being **CARRIED** it was then moved by Mr. Bill, seconded by Mr. Bray and

**RESOLVED** - subject to the amendment referred to above, the minutes of the meeting held on 11 September 2007 be confirmed and signed by the Mayor.

303 **DECLARATIONS OF INTEREST**

Councillor Mrs. Hall declared a personal interest in Report No. C39 on the grounds that she was a member of Burbage Parish Council.

304 **MAYOR'S COMMUNICATIONS**

The Mayor announced a very successful visit recently by a delegation from Le Grand Quevilly.

The Mayor referred to the recent death of Miss Molly Badham, the co-founder of Twycross Zoo, and indicated that he had sent a letter of condolence to the Zoo's Chief Executive.

The Mayor then referred to the very generous donation of £1,000 to Mencap from Mr. and Mrs. Swain, the licensees of "New Plough", who to date had raised some £40,000 for charity.

A curry evening was to be held at the Balti Raj, Coventry Road, Coventry Road, Hinckley, on 15 November, cost £15 per head. Anyone interested should contact Councillor Mayne.

Finally the Mayor indicated that invitations would shortly be sent out for the Members' Christmas Buffet to be held following the 11 December Council meeting. A prompt response was requested with definite numbers required for catering purposes.

### 305 QUESTIONS

The following questions and replies were received in accordance with Council procedure rule 11.1.

(a) Question raised by Mr. P.R. Batty and addressed to Mr. D.C. Bill

"I would please like to ask the Executive Member for Finance if he could confirm the amount of Capital Reserves that the current Administration inherited from the Conservatives in May 2007 and the annual rate of interest that would be earned on this amount and how this compares to the amount of Capital reserves inherited by the Conservatives in May 2003 and the annual interest earned on that amount.

In view of the Administration's Press Release in the Hinckley Times referring to "their most ambitious and progressive programme for years" and "placing emphasis on the Council living within its means and not overspending as raising Council Tax is not an option", could the Executive Member for Finance please advise Councillors and residents of the Borough as to how long this extremely healthy financial position that his administration has been fortunate enough to inherit will be maintained or are we to assume that his "most ambitious and progressive programme for years" is actually going to be paid for by most if not all of the Capital Reserves accrued by an efficient Conservative Administration and the effective Fiscal Controls that were developed under that Administration."

Response from Mr. D.C. Bill

"As Councillor Batty is fully aware, Capital Receipts are generated by the sale of surplus Council assets and, subject to strict Government limits regarding the use of receipts generated by the sale of some Housing Assets, can be used to finance future Capital Expenditure.

The level of Capital Receipts and reserves will fluctuate according to the ability of the Council to dispose of assets, relative to its need to use those assets and the use of those receipts for capital expenditure. The interest earned will also fluctuate, depending on the rates applicable at any one time. Bearing in mind those significant caveats, the level of reserves in April 2003 was £699,000 and in April 2007 was £8,386,000. The significant difference was due to the sale of one piece of land in Earl Shilton for some £8m.

Successive Administrations have always maintained the finance of this Council in a healthy state. I trust that this aim is shared by everybody here and that this will continue to be the case in years to come.

In February 2007 the Council approved a Capital Programme for the years 2006/07 revised to 2009/10 of £24.3m. However, the Programme did not include provision for any new Leisure Centre or replacement of the Council Offices. Information on the financial implications of these initiatives only became apparent at the end of the financial year when feasibility studies were submitted. These studies estimated costs as

*	a new Leisure Centre	£26m
*	a replacement Council Offices	£11m

As a result, the Capital Programme was reviewed in July of this year. Taking into account the existing programme plus new projects, it was concluded that the Programme could not be defended with these costs added. We could not allow such a Programme to proceed, as this would have resulted in the Council being forced to undertake a level of borrowing that was not affordable or sustainable.

A scheme for a replacement Leisure Centre has been included in the Draft Capital Programme with the cost capped at £10m, and £2m has been included to allow for major refurbishment of the Argents Mead offices to extend the useful life of that building.

The Programme has prioritised these initiatives which will be of more direct and immediate benefit to our communities, both urban and rural, but has ensured that schemes are affordable and deliverable.

Nobody is standing in the wings waiting to bail us out as if we are a bank that has borrowed too much and cannot keep up the payments. Nor, despite your claims, is anyone ready and waiting to build a Leisure Centre for nothing. Erroneous and inflammatory comments about the state of the current building do not help matters. We stand on our own two feet and live within our means, hence the decisions we have taken on the Leisure Centre and the Council Offices.

The Programme, at £35m, is "the most ambitious and progressive for years" and will deliver community priorities without severely damaging (or indeed destroying) the finances of this Council."

Following a supplementary question from Mr. Batty, Mr. Bill indicated that he had supplied information in accordance with the question asked.

Mr. Bessant entered the meeting at 6.43 p.m.

(b) Question raised by Mr. D.W. Inman and addressed to Mr. D.C. Bill

"The rail service to Hinckley which was greatly reduced about three years ago will from next month be operated by a new franchisee, Arriva Cross Country, who replace Central Trains. Arriva has announced that they will operate the existing timetable until December 2008 but that they are consulting about future changes. Has the Council been consulted by Arriva? If so what has been the Council's response? If not, will the Executive discuss this and make the strongest possible representations to require dramatic improvements to the present abysmal service. The Executive should also encourage its various partners and local rail users to make similar representations."

Response from Mr. D.C. Bill

"I thank Councillor Inman for this question which, as many of you will know, is on a subject dear to my heart.

A number of representations have been made to this Council about railway services in Hinckley which I can summarise as:

- \* a significant loss in passenger services since 2004
- \* an impoverished service during the day
- \* only limited concessions during peak periods
- \* the need for a twice-hourly service
- \* poor connection times at Nuneaton and Leicester

We seem to be facing further deterioration from December 2008 onwards, illustrated by the proposed cutting of services at Nuneaton with its direct connections to both London and the North-West. We have not been consulted directly, but we will make it our business to make representation to the train operating companies, Network Rail and the County Council, and will work with all those who recognise that travelling by rail is still the best form of transport despite the best efforts of successive governments and others to prove otherwise."

In response to a supplementary question from Mr. Inman, Mr. Bill indicated that he was aware of two areas of consultation relating to rail services locally and would ensure that web site details were circulated to all Members.

(c) Question raised by Mrs. J. Richards and addressed to Mr. D.C. Bill

"Would the Leader of the Council agree that the current trend towards establishing a seemingly endless array of 'Working' Groups, Forums, Partnerships and other disparate bodies has the potential to distract the Authority from undertaking its key work on behalf of local residents

and to divert focus from the organisation's core aims as well as overburdening both members and officers with ever more meetings that are of questionable benefit to the people we are all here to serve?"

Response by Mr. D.C. Bill

"Can I thank Councillor Richards for her question. The number of and time spent in meetings is a concern to all Members of the Council and I have asked the Chief Executive to prepare a paper reviewing all the meetings (other than the external bodies on which individuals represent this Council), so that consideration can be given to the effectiveness of the various bodies and the use of Members' time. I will report back on this review shortly.

My view is that we need to spend as much time as possible listening and talking to the people we represent and thus need to keep the number of meetings we attend to a minimum.

Having said that, it is important that the Council does engage with external partners at both Member and officer level, to ensure that all those operating in Hinckley and Bosworth make the most effective collective contribution to the quality of life of our communities. The local working groups and forums are genuinely aimed at ensuring there is Member input into developing strategies, as some Members have expressed concerns previously about potential 'exclusion'. I want the review from the Chief Executive to focus on effective use of time in such groups and will ask that he take your comments into account."

(d) Question raised by Mr. R. Ward and addressed to Mr. W.J. Crooks

"Would the Executive Member confirm the successful Parish Forum is to be 'diluted' to incorporate the Community Forum and therefore reduce local democracy?"

Response by Mr. W.J. Crooks

"The Council can be proud of its extremely successful Parish Forum initiative which has been operating now for over three years. It provides an opportunity for all Parishes to come together on a quarterly basis to discuss topical issues with the Council and to receive presentations from key partner agencies on issues that matter to them.

In response to proposals by the County Council last year to roll out Community Forums within each District of Leicestershire, the Hinckley and Bosworth Local Strategic Partnership and Executive agreed to support the initiative on a pilot basis only. This was subject to the Community Forums dovetailing with our existing engagement arrangements with the Parishes.

Following discussion with the Parish Forum on 18 January 2007, it was agreed to secure Parish Council representation to each Community Forum within the defined localities of each Forum. This would allow the pilot to test if such arrangements provided a greater opportunity for Parishes to focus on issues that were geographically more relevant to

them. It was agreed that a further review would take place following the first round of meetings in October / November 2007.

I am keen, as Executive Lead for Rural Issues, to ensure we sustain and build on our good relationships and engagement with Parishes in this Borough. I will therefore be monitoring very carefully the impact that the pilot initiative has and will be seeking continuous feedback via the Parish Forum during this period.

I will wish to review the impact that the Community Forums have on our engagements with Parishes and, if necessary, ask the Council to consider actions following the conclusion of the first set of Community Forum meetings.”

(e) Question raised by Mr. R. Ward and addressed to Mr. S.L. Bray

“Can the Executive Member justify the decision to place a Community Police Officer in Earl Shilton at Tax Payers’ expense when Burbage pays for its own and give an indication as to the cost involved and whether the arrangement is a permanent one?”

Response from Mr. S.L. Bray

“The member is mistaken in his perception that a Community Police Officer is to be appointed in Earl Shilton, this is not the case.

Perhaps the member is confused with the fact that a part time Neighbourhood Watch Co-ordinator is to be appointed by the Earl Shilton Town Council to introduce and develop a Neighbourhood Watch Plus scheme in Earl Shilton. The scheme is to be based on the successful model already in place in Burbage that is supported and funded by the Burbage Parish Council.

External funding of £4,000 has been provided through the Hinckley and Bosworth Community Safety Partnership to “prime start” the Earl Shilton project. This will provide a part time post for 6 months. The Town Council is committed to this project and have indicated that they would “main stream” the post after April 2008 once an evaluation report has provided evidence of success and value for money.

The post is to be housed at the Earl Shilton Community House Project as a focal point for community engagement.

This project has come about as a result of consultation by the newly formed Earl Shilton Neighbourhood Action Team as well as the findings of community perceptions undertaken during an Earl Shilton Action week held in September. The revitalisation of Neighbourhood Watch in intervention areas in Earl Shilton is seen as a priority for the Neighbourhood Action Team.

This will be a valuable resource for this priority neighbourhood and will enable effective response to local community needs.”



(f) Question raised by Mr. R. Ward and addressed to Mrs. S. Francks

“The Executive Member will, I am sure, be able to explain why the lowering of standards for public conveniences in Earl Shilton is helping to contribute to the abolishment of Hinckley town centre’s public toilet charges. Will the Executive Member agree with me that Earl Shilton people are entitled to enjoy the same standards as apply within Hinckley town centre?”

Response from Mrs. S. Francks

“Before answering Councillor Ward’s specific question, I am sure that he will agree with me, as the former Portfolio Holder for Finance, that it is important in considering the services we provide for the community or any part of the community that we consider value for money and particularly the demand for those services before spending council taxpayers’ money.

The current public conveniences provided in Wood Street, Earl Shilton are coming to the end of their expected life.

The unit was installed in July 1993 on a 15 year term and it is now becoming increasingly more difficult to maintain. The cost of the unit is £26,900 per annum and the unit was used by only 1325 customers in 2006/07 (i.e. £20-30 per visitor). A recent review of public conveniences has recommended that a single, unisex unit be provided in place of the existing toilets as a reasonable level of provision in that location, a recommendation with which I agree. It is true that the proposed unit will be less expensive than the current one, although it is of a type which is seen in many locations throughout the country.

Councillor Ward will recall that it was the Conservative administration that introduced the 20p charge to the Station Road, Hinckley public conveniences. Before its introduction, these facilities were used by an estimated 150,000 customers per year, compared to an estimated 68,250 in the current financial year. The running costs of the Hinckley facility is £55,680 (excluding income) or less than £1.00 per customer.

Finally, whilst I do not agree with Councillor Ward that residents in all areas should be provided with the same level of service, I would state that all areas should be provided with services, which are appropriate to their needs and feel that the provision of public conveniences made by this Council in Hinckley and Earl Shilton is appropriate. Of course, if it is the wish of others that a higher standard of provision should be made we would be pleased to work in partnership with them, provided that the contribution from the Council taxpayers of Hinckley and Bosworth Borough Council does not exceed any agreed level. Indeed, Members will be interested to know, that following a representation by one of the Councillors for Earl Shilton, the Executive agreed at their meeting on 24 September that Officers should open discussions with the local supermarket to explore whether they would be willing to work with this Council to deliver a higher standard of public convenience than is proposed.”

(N.B. Subsequent to the Council meeting, it was observed by officers that the date of the Executive meeting referred to above should read 24 October).

306 MINUTES OF SCRUTINY COMMISSION MEETING 30 AUGUST 2007 (C35)

Following her presentation of these, Mrs. Camamile moved, Mr. Nichols seconded and it was

RESOLVED - the minutes of the Scrutiny Commission meeting held on 30 August 2007 be noted.

307 POSITION STATEMENT BY THE LEADER OF THE COUNCIL

Although the protocol relating to position statements was due for debate later at this meeting, the Mayor indicated that he would allow one question to the Leader per Member.

In presenting this Statement, the Leader of the Council highlighted the recent visit by delegates from Le Grand Quevilly and paid tribute to Mr. Wright for his assistance during that visit. In answer to a Member's question regarding the involvement of the Youth Council in Town Twinning arrangements, the Leader indicated that there was communication between the members of the Youth Council and their French counterparts.

308 THE PLANNING DELIVERY GRANT (C36)

Arising from the proposed allocation of outstanding and new planning delivery grant funds, the Council was called upon to agree the most appropriate way of using these monies in improving the planning service within this Authority. Members were reminded that this award reflected the Council's position in the top quartile for planning application performance. Officers were commended on their achievements but the view was expressed that the Planning Committee should take the lead in the determination of applications, whilst not compromising expediency to the detriment of thoroughness.

On the motion of Mr. Bray, seconded by Mr. Bill, it was

RESOLVED -

- (i) the proposed use of planning delivery grant income be approved;
- (ii) a supplementary estimate of £155,973 for the proposed initiatives, to be funded by planning delivery grant, be approved; and
- (iii) the second provisional allocation of planning delivery grant of £220,443 for 2007/08 be noted.

309 SHOPPING AND SHOP FRONTS SUPPLEMENTARY PLANNING DOCUMENT (C37)

A copy of this document was circulated at the meeting.

Ms. Moore left the meeting at 7.26 p.m., returning at 7.28 p.m.

Although some reservations were expressed with regard to wording within the document which might be perceived as stipulations and involve shopkeepers in additional expenditure, Members were generally supportive of the document. This guidance, whilst providing a framework, would afford shopkeepers the flexibility to provide a unique character to their premises.

On the motion of Mr. Cope, seconded by Mr. Bray it was

RESOLVED - the shopping and shop fronts supplementary planning document (Appendix 1 to the Report of the Deputy Chief Executive) be adopted as a local development document as part of the Council's local development framework.

310 GAMBLING ACT 2005 - SMALL LOTTERY SOCIETIES (C38)

Approval having been sought for the delegation from Council to the Licensing Committee the responsibility to determine applications for small lottery registrations under the provisions of the above legislation, it was moved by Mrs. Francks, seconded by Mr. Bray and

RESOLVED - the determination of applications for small society lottery registrations under the provisions of Schedule 11 of the Gambling Act 2005 be delegated by virtue of section 101 of the Local Government Act 1972 from Council to the Licensing Committee.

311 BIG LOTTERY BID FOR PLAY (C39)

In the light of feedback received relating to funding for the school play zone projects, included in this Authority's approved bid, Members were advised of a revision to the original bid which, due to time constraints, had been submitted by Officers.

On the motion of Ms. Moore, seconded by Mr. Crooks it was

RESOLVED -

- (i) the contents of the report of the Head of Health and Environment be noted and approval given to the changes in Big Lottery bids; and
- (ii) the Head of Health and Environment and the Executive Member for Parks and Open Spaces be delegated the authority to make further amendments to this lottery bid, if required.

312 TRANSFER OF SERVICES TO BARWELL PARISH COUNCIL (C40)

Although originally indicated that the target date for the transfer of assets from this Council to Barwell Parish Council was 31 October, it was anticipated that, in view of the wide diversity of assets and services and associated legal considerations, the transfer would instead take place within the next month.

It was moved by Mr. Bill, seconded by Mr. Nichols and

RESOLVED -

- (i) the contents of the report of the Head of Health and Environment be noted; and
- (ii) authority be delegated to the Head of Finance and ICT and the Executive Member for Finance and ICT to transfer assets and services to Barwell Parish Council.

313 ASSET MANAGEMENT STRATEGY 2007-2008 (C43)

This document having been presented to Members for consideration, it was moved by Mr. Bill, seconded by Mr. Bray and

RESOLVED - the contents of the Asset Management Strategy 2007/08 be formally adopted.

314 CUSTOMER SERVICE STRATEGY 2007 (C44)

The above having been presented to Council for approval, it was moved by Mr. Bill, seconded by Mr. Nichols and

RESOLVED - the Council's Customer Service Strategy and Customer Access Strategy be approved.

315 AMENDMENT TO CONSTITUTION - POSITION STATEMENT (C41)

Further to minute no. 147 of 7 August 2007, approval was sought to a revision to the Constitution to provide for within the Council Procedure Rules, the presentation and consideration of position statements by the Leader of the Council. Members were mindful of the need to regularise the arrangements which had applied informally at Council meetings since August but were of the view that individual Members should be afforded the same right to ask questions or make comments as the Opposition Group Leaders. It was moved by Mr. Nichols, seconded by Mr. Crooks that recommendation (2) of the report of the Head of Corporate and Scrutiny Services be amended to reflect this. This was fully supported. Following discussion on the circulation of position statements, the Executive Member for Corporate and Scrutiny Services indicated that the current arrangements would remain. On the motion of Mr. Wright, seconded by Mrs. Francks it was

RESOLVED -

The following additions to the Constitution within Council Procedural Rules be approved:-

Position Statements

1. A position statement may be presented to each ordinary meeting of the Council by the Leader in such form as the person presenting the position may determine.
2. A position statement may be followed by a question or comment by the Opposition Group Leaders, followed by an individual member - no motion or amendment shall be moved during that discussion.
3. The discussion of any Position Statement shall not exceed twenty minutes but the Chairman, at his discretion, may permit an extension of such length he considers appropriate.

316 POLLING DISTRICT AND POLLING PLACE REVIEW 2007 (C42)

In consequence of the need to conduct a full review by 31 December 2007 and then at least every four years thereafter, approval was sought to the above document prior to publication. The final report had been produced following an extensive consultation exercise which included a working party to which were invited one member from each political group.

Tribute was paid to the staff involved in the production of the review, following which it was moved by Mr. Wright, seconded by Mr. Mayne and

RESOLVED - the Polling District and Polling Place Review 2007 be agreed.

317 CORPORATE EQUALITY STANDARD (C45)

Following confirmation of support from the reconvened Corporate Equalities Steering Group that the Council be recommended to accept that the Authority had achieved Level 2 of the Equality Standard, it was moved by Mr. Wright, seconded by Mr. Bray and

RESOLVED - the Council confirms that it is satisfied that it has achieved Level 2 of the Equality Standard for Local Government with effect from 31 October 2007.

(The meeting closed at 8.17 p.m.)

**HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
**SCRUTINY COMMISSION**  
**6 SEPTEMBER 2007 AT 6.30 PM**

**PRESENT:** Mr MR Lay - Chairman  
Mr KWP Lynch - Joint Vice-Chairman

Mr JG Bannister, Mr PR Batty, Mr PS Bessant, Mrs A Hall, Mr P Hall, Mr C Ladkin, Mr T McClure, Dr JR Moore, Mr K Nichols, Mr AJ Smith and Mr R Ward.

In accordance with Council Procedure Rule 4.4, Mr DC Bill, Mr WJ Crooks, Mr DW Inman, Mr R Mayne and Mrs J Richards also attended the meeting.

Officers in attendance: Mr S Atkinson, Mr C Bellavia, Mr Michael Brymer, Mr M Evans, Mr S Jones, Mr S Kohli, Miss L Horton, Miss R Owen and Mr R Palmer.

198 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Camamile, Mr Gould and Mr Morrell with the substitution of Mr Ward for Mrs Camamile and Mr Hall for Mr Gould authorised in accordance with Council Procedure Rule 4.3.

199 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

200 **QUESTIONS AND PETITIONS**

The following question and reply was received in accordance with Council Procedure Rule 10.

**Question submitted by Mr NBL Davis**

“Could the Chairman please comment as to what enquiries and responses the consultants MACE made and received from potential Public / Private Initiative operators such as Cannons, Fitness First, Leisure Connection, Parkwood Health and Fitness and Virginactive with regard to the Hinckley Leisure Centre in its current or future format. This project including contingency fees and VAT must be approximately £20 million”.

**Response from Mr MR Lay, Chairman of the Scrutiny Commission**

At this stage of the project, no Public/Private Initiative operators have been contacted. No assumptions have been made with regards to potential contributions via the Private sector.

Subject to Full Council, it is proposed that a cross party Working Group be established to oversee the development of this project. The procurement options will be fully considered by this Group.

## 201 COUNCIL OFFICES

The Scrutiny Commission received a presentation on options for the future of the Council Offices. It was noted that the Donaldson report had recommended option 3c. Members were asked to give an indication of which option they would support and how much money they would recommend allocating from the capital programme to this scheme.

Members expressed concern that there appeared to be no definite costings for any of the options, and in response officers suggested that it had not been appropriate to get a detailed structural survey of the current building and therefore the exact cost of refurbishment was not known.

A Member suggested that more information on costs was needed before a final recommendation could be made, and suggested that £2 million be allocated in the capital programme subject to a full report being brought before Members early next year after the results of the full structural surveys were known. This suggestion did not receive full support of the Commission.

Mr Lynch, seconded by Dr Moore, proposed that a full structural survey of the Council Offices be obtained in order to assess the costs of refurbishment, but that moving the offices to a new building be not supported. Upon being put to the vote this proposal was declared CARRIED.

### RECOMMENDED –

- (i) a full structural survey of the Council Offices be obtained;
- (ii) moving the offices to a new building be not supported.

## 202 RETAIL CAPACITY STUDY (SC43)

Mr Bill left the meeting at 7.42pm.

Members were advised of the findings of the Retail Capacity Study produced by consultants on behalf of Hinckley & Bosworth Borough Council.

RECOMMENDED – Council adopt the Retail Capacity Study to be used as an evidence document for the emerging Local Development Framework and as evidence for determining planning applications.

Mr Bill returned at 7.50pm.

203 LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTIONS CONSULTATION (SC44)

Members received a report which advised them of the need to consult upon the Hinckley Town Centre Area Action Plan Preferred Options paper and Sustainability Appraisal.

RECOMMENDED – a six-week period of consultation on the Preferred Options document for the Hinckley Town Centre Area Action Plan and Sustainability Appraisal from Monday 24 September to Monday 5 November inclusive be undertaken.

204 LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY PREFERRED OPTIONS (SC45)

Members were advised of the need to consult upon the Core Strategy Preferred Options and Sustainability Appraisal.

Dr Moore left the meeting at 8.00pm and returned at 8.05pm. Messrs Inman and Mayne arrived at 8.05pm. Mr Ward left at 8.12pm and returned at 8.15pm.

It was noted that more detailed proposals would be brought before Members when the results of the consultation had been received.

RECOMMENDED –

- (i) a six-week period of consultation on the Core Strategy Preferred Options document and Sustainability Appraisal from Monday 24 September to Monday 5 November inclusive be undertaken;
- (ii) the Directions of Growth Study (2007) and Hinckley Core Strategy Transport Review (2007) be used as evidence base for the Core Strategy Preferred Options.

Mr Bill left at 8.22pm.

205 HINCKLEY LEISURE CENTRE FEASIBILITY STUDY (SC46)

The Scrutiny Commission received a report which updated them on a proposed strategic way forward as to the future development of the Hinckley Leisure Centre. It was noted that the Feasibility Study completed by MACE suggested that 'option 1' was the best option, with a new leisure centre being built on a site off the A47 with a 25m pool. Officers stated that there was not sufficient funding for this scheme if other priorities in the Capital Programme were to be achieved, therefore Members were asked to consider a strategic way forward by agreeing a sum of money to be allocated in the capital programme. This would then allow the opportunity to produce options on the best use of the allocated money.



A Member expressed concerns with regard to moving the leisure facilities out of the town centre due to the possible reduction in footfall in the town centre and difficulties in accessing the proposed A47 site by public transport.

Members expressed concerns with regard to the suggestion to refurbish the current leisure centre, due to the high costs involved and the length of closure of the facilities that would be necessary to enable the refurbishment.

Messrs Bill, Inman and Mayne left the meeting at 8.59pm.

A Member asked if private investment had been considered, which would mean that a private operator would build and run the leisure facilities, rather than the Council making the provision. In response it was agreed that this had been considered and could be looked into separately.

RECOMMENDED –

- (i) the A47 Leicester Road site be re-affirmed as the preferred location for the Leisure Centre;
- (ii) the strategic direction as outlined in section 5 of the report be supported;
- (iii) a cross-party working group be established to oversee the development of this project.

(The meeting closed at 9.05 pm)

**HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
**SCRUTINY COMMISSION**  
**6 SEPTEMBER 2007 AT 6.30 PM**

**PRESENT:** Mr MR Lay - Chairman  
Mr KWP Lynch - Joint Vice-Chairman

Mr JG Bannister, Mr PR Batty, Mr PS Bessant, Mrs A Hall, Mr P Hall, Mr C Ladkin, Mr T McClure, Dr JR Moore, Mr K Nichols, Mr AJ Smith and Mr R Ward.

In accordance with Council Procedure Rule 4.4, Mr DC Bill, Mr WJ Crooks, Mr DW Inman, Mr R Mayne and Mrs J Richards also attended the meeting.

Officers in attendance: Mr S Atkinson, Mr C Bellavia, Mr Michael Brymer, Mr M Evans, Mr S Jones, Mr S Kohli, Miss L Horton, Miss R Owen and Mr R Palmer.

198 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Camamile, Mr Gould and Mr Morrell with the substitution of Mr Ward for Mrs Camamile and Mr Hall for Mr Gould authorised in accordance with Council Procedure Rule 4.3.

199 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

200 **QUESTIONS AND PETITIONS**

The following question and reply was received in accordance with Council Procedure Rule 10.

**Question submitted by Mr NBL Davis**

“Could the Chairman please comment as to what enquiries and responses the consultants MACE made and received from potential Public / Private Initiative operators such as Cannons, Fitness First, Leisure Connection, Parkwood Health and Fitness and Virginactive with regard to the Hinckley Leisure Centre in its current or future format. This project including contingency fees and VAT must be approximately £20 million”.

**Response from Mr MR Lay, Chairman of the Scrutiny Commission**

At this stage of the project, no Public/Private Initiative operators have been contacted. No assumptions have been made with regards to potential contributions via the Private sector.

Subject to Full Council, it is proposed that a cross party Working Group be established to oversee the development of this project. The procurement options will be fully considered by this Group.

## 201 COUNCIL OFFICES

The Scrutiny Commission received a presentation on options for the future of the Council Offices. It was noted that the Donaldson report had recommended option 3c. Members were asked to give an indication of which option they would support and how much money they would recommend allocating from the capital programme to this scheme.

Members expressed concern that there appeared to be no definite costings for any of the options, and in response officers suggested that it had not been appropriate to get a detailed structural survey of the current building and therefore the exact cost of refurbishment was not known.

A Member suggested that more information on costs was needed before a final recommendation could be made, and suggested that £2 million be allocated in the capital programme subject to a full report being brought before Members early next year after the results of the full structural surveys were known. This suggestion did not receive full support of the Commission.

Mr Lynch, seconded by Dr Moore, proposed that a full structural survey of the Council Offices be obtained in order to assess the costs of refurbishment, but that moving the offices to a new building be not supported. Upon being put to the vote this proposal was declared CARRIED.

### RECOMMENDED –

- (i) a full structural survey of the Council Offices be obtained;
- (ii) moving the offices to a new building be not supported.

## 202 RETAIL CAPACITY STUDY (SC43)

Mr Bill left the meeting at 7.42pm.

Members were advised of the findings of the Retail Capacity Study produced by consultants on behalf of Hinckley & Bosworth Borough Council.

RECOMMENDED – Council adopt the Retail Capacity Study to be used as an evidence document for the emerging Local Development Framework and as evidence for determining planning applications.

Mr Bill returned at 7.50pm.

203 LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT - PREFERRED OPTIONS CONSULTATION (SC44)

Members received a report which advised them of the need to consult upon the Hinckley Town Centre Area Action Plan Preferred Options paper and Sustainability Appraisal.

RECOMMENDED – a six-week period of consultation on the Preferred Options document for the Hinckley Town Centre Area Action Plan and Sustainability Appraisal from Monday 24 September to Monday 5 November inclusive be undertaken.

204 LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY PREFERRED OPTIONS (SC45)

Members were advised of the need to consult upon the Core Strategy Preferred Options and Sustainability Appraisal.

Dr Moore left the meeting at 8.00pm and returned at 8.05pm. Messrs Inman and Mayne arrived at 8.05pm. Mr Ward left at 8.12pm and returned at 8.15pm.

It was noted that more detailed proposals would be brought before Members when the results of the consultation had been received.

RECOMMENDED –

- (i) a six-week period of consultation on the Core Strategy Preferred Options document and Sustainability Appraisal from Monday 24 September to Monday 5 November inclusive be undertaken;
- (ii) the Directions of Growth Study (2007) and Hinckley Core Strategy Transport Review (2007) be used as evidence base for the Core Strategy Preferred Options.

Mr Bill left at 8.22pm.

205 HINCKLEY LEISURE CENTRE FEASIBILITY STUDY (SC46)

The Scrutiny Commission received a report which updated them on a proposed strategic way forward as to the future development of the Hinckley Leisure Centre. It was noted that the Feasibility Study completed by MACE suggested that 'option 1' was the best option, with a new leisure centre being built on a site off the A47 with a 25m pool. Officers stated that there was not sufficient funding for this scheme if other priorities in the Capital Programme were to be achieved, therefore Members were asked to consider a strategic way forward by agreeing a sum of money to be allocated in the capital programme. This would then allow the opportunity to produce options on the best use of the allocated money.

A Member expressed concerns with regard to moving the leisure facilities out of the town centre due to the possible reduction in footfall in the town centre and difficulties in accessing the proposed A47 site by public transport.

Members expressed concerns with regard to the suggestion to refurbish the current leisure centre, due to the high costs involved and the length of closure of the facilities that would be necessary to enable the refurbishment.

Messrs Bill, Inman and Mayne left the meeting at 8.59pm.

A Member asked if private investment had been considered, which would mean that a private operator would build and run the leisure facilities, rather than the Council making the provision. In response it was agreed that this had been considered and could be looked into separately.

RECOMMENDED –

- (i) the A47 Leicester Road site be re-affirmed as the preferred location for the Leisure Centre;
- (ii) the strategic direction as outlined in section 5 of the report be supported;
- (iii) a cross-party working group be established to oversee the development of this project.

(The meeting closed at 9.05 pm)

**HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
**SCRUTINY COMMISSION**  
**11 OCTOBER 2007 AT 6.30 PM**

**PRESENT:** Mr MR Lay - Chairman  
Mr KWP Lynch - Joint Vice-Chairman

Mr JG Bannister, Mr PS Bessant, Mr DM Gould, Mr C Ladkin, Dr  
JR Moore, Mr K Nichols and Mr AJ Smith.

In accordance with Council Procedure Rule 4.4, Mr DC Bill also attended the meeting.

Officers in attendance: Mr S Atkinson, Mr Michael Brymer, Mr P Cash, Mr B Cullen, Mr M Evans, Mr S Jones, Mr S Kohli, Miss R Owen, Mr TM Prowse and Mrs J Puffett.

253 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Batty, Mr Cort and Mrs Hall.

254 **MINUTES (SC28)**

**RESOLVED** – the minutes of the meetings held on 30 August and 6 September 2007 be confirmed and signed by the Chairman.

255 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

256 **LOCAL STRATEGIC PARTNERSHIP (LSP) SCRUTINY REVIEW: INTERVIEW OF WITNESSES**

The Chairman introduced Greg Drozd; Sue Langley; Andy Robinson, Deputy Chief Executive of Leicestershire County Council; David Sprason, Leader of Leicestershire County Council and Mandy Warden.

Members of the Scrutiny Commission asked questions of all witnesses to assist them in their review of the LSP.

It was agreed that a report would now be compiled and recommendations made as a result of the review.

RESOLVED – a report be compiled summarising the interview of witnesses for the Scrutiny Commission’s review of the LSP.

257 HINCKLEY CLUB FOR YOUNG PEOPLE PROJECT (SC49)

Members were updated on progress of the scheme to relocate Hinckley Club for Young People. The Executive Member responsible for Culture and Development had been invited to the meeting but had sent his apologies.

Concern was expressed with regard to the accuracy of the estimated costs and information for example the number of active members of the club. It was requested that the Finance & Audit Services Select Committee have the opportunity to look at the business plan and costings before any further work is done on the scheme.

RESOLVED – the business plan and costings be presented to the Finance & Audit Services Select Committee before any further work is undertaken on the scheme.

258 ASSET MANAGEMENT STRATEGY 2007/08 (SC50)

Members were presented with the 2007/08 Asset Management Strategy.

RESOLVED – the Strategy be endorsed.

259 TOWN CENTRE BUSINESS DEVELOPMENT MANAGER (SC51)

Members received a report which asked them to support the request for supplementary estimates for within the Economic Development revenue budget to reflect the total costs of the post of Town Centre Business Development Manager.

Members asked if other town centres within the Borough could be considered as Business Improvement Districts. It was confirmed that the post under discussion was a temporary task and finish post for Hinckley Town Centre, and that if successful consideration may be given to rolling it out elsewhere.

RESOLVED –

- (i) the supplementary estimates be supported;
- (ii) lessons learned from this scheme be shared for other potential schemes.

260 COMMUNICATIONS AND COMMUNITY ENGAGEMENT STRATEGY(SC52)

Members views were sought on the revised Communications and Community

Engagement Strategy 2007 - 2010. Members supported the Strategy.

RESOLVED – the Communications and Community Engagement Strategy be endorsed.

261 DIRECTION OF TRAVEL DRAFT SELF ASSESSMENT 2007 (SC53)

The Scrutiny Commission was provided with the Council's Direction of Travel Statement for 2007. It was reported that the Authority's rate of improvement was higher than the average for other Councils, and over half of the performance indicators were in the top quartile. Members were pleased with the improvement in performance, particularly given the Authority's comparatively low Council Tax.

RESOLVED – the report be endorsed.

262 OVERVIEW AND SCRUTINY WORK PROGRAMME 2007/2008 (SC54)

Members gave consideration to the Overview and Scrutiny Work Programme 2007/2008. It was agreed that the dates of the meetings scheduled for 22 November 2007 and 14 February 2008 be changed.

RESOLVED – the work programme be noted with additions as agreed at this meeting.

263 CABINET FORWARD PLAN (SC55)

Members received the Forward Plan of Cabinet and Council decisions and were given the opportunity to ask to scrutinise any of the reports listed.

RESOLVED – the Forward Plan be noted.

Mrs Camamile left the meeting at 8.43pm.

264 MINUTES OF SELECT COMMITTEES / SCRUTINY PANELS

RESOLVED – the following minutes be received:

- (i) Finance & Audit Services Select Committee – 13 August and 24 September 2007 (SC56 and SC57);
- (ii) Housing Task Group – 14 August 2007 (SC58);
- (iii) Council Services Select Committee - 16 August 2007 (SC59).

(The meeting closed at 8.13 pm)



**HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
**SCRUTINY COMMISSION**  
**28 NOVEMBER 2007 AT 6.30 PM**

**PRESENT:** Mr MR Lay - Chairman  
Mrs R Camamile - Joint Vice-Chairman  
Mr KWP Lynch - Joint Vice-Chairman

Mr DM Gould, Mrs A Hall, Mr C Ladkin, Mr K Morrell and Mr K Nichols.

In accordance with Council Procedure Rule 4.4, Mr R Ward also attended the meeting.

Officers in attendance: Mr S Atkinson, Mr C Bellavia, Mr Michael Brymer, Miss L Horton, Miss R Owen and Mrs S Stacey.

Mr Allan Watson, JBA Consulting, was present for report no SC61 'Strategic Flood Risk Assessment'.

328 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Messrs Bannister and McClure. It was noted that Mr WJ Crooks had been invited for item 7 on the agenda 'Rural Areas Review – Update on Implementation' as Executive Member for Rural Issues, but had submitted his apologies due to a prior engagement.

329 **MINUTES (SC60)**

It was noted that Mrs Camamile had sent apologies but these were not recorded in the minutes. It was moved by Mr Nichols, seconded by Mr Lynch and

**RESOLVED** – the minutes of the meetings held on 11 October 2007 be confirmed subject to the above amendment and signed by the Chairman.

330 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

331 **STRATEGIC FLOOD RISK ASSESSMENT (SFRA) FINAL REPORT (SC61)**

Allan Watson, Senior Analyst from JBA Consulting, gave a presentation on the Strategic Flood Risk Assessment, outlining high risk areas and those that would be suitable for development. Members expressed concern with regard to the role of the local water authority and the apparent lack of responsibility taken by them for many issues.

RESOLVED

- (i) the findings of the report be noted;
- (ii) adoption of the report as part of the evidence base in the production of the Local Development Framework be supported.

332 RURAL AREAS REVIEW – UPDATE ON IMPLEMENTATION (SC62)

Members were updated on progress of the implementation of the Rural Areas Review undertaken by the Scrutiny Commission on 2005/06 and 2006/07. Members reiterated that the review had been worthwhile and there had been progress as a result.

Concern was expressed with regard to the allocation of monies from the Parish Initiative Fund, and in response it was stated that there had not been many applications for funding during the previous year. It was felt that this may be due to lack of publicity amongst Parish Councils, which was being addressed.

With regard to rural housing and in response to a Members' question, it was stated that discussions were being resumed with Twycross Parish Council to commence a housing needs survey. Mr Morrell asked whether an 'Affordable Homes Champion' had been appointed, and whether his name could be put forward if this had not yet been agreed.

Members requested that a further progress report on the implementation of outcomes from the Rural Areas Review be brought to the Commission in 12 months' time.

RESOLVED

- (i) Mr Morrell be put forward as 'Affordable Housing Champion' if this has not yet been agreed;
- (ii) A further report be brought to the Scrutiny Commission in 12 months' time;
- (iii) Progress made to date be noted and future planned actions be endorsed;
- (iv) The Executive Member be asked to produce an annual report.

333 LOCAL STRATEGIC PARTNERSHIP (LSP) REVIEW – INTERIM REPORT (SC63)

Members received a report which outlined comments made by Partners of the Local Strategic Partnership from the interview of witnesses at the previous meeting of the Commission. Generally Members felt that although the answers and information provided was positive, further evidence of tangible outcomes was required. Members felt that they still required further information with regard to how the LSP spends its money. Examples of outcomes delivered were the Community Transport Scheme and the evaluation of the 'What's Going Down' activities.

RESOLVED

- (i) A breakdown of expenditure of the LSP be requested;
- (ii) A further report be received in January.

334 SHELTERED HOUSING REVIEW (SC71)

The Scrutiny Commission received a report which advised of the Housing Task Group's preferred option for the reconfiguration of the Council's Sheltered Housing Service. It was noted that they had supported Flexible Option 2, as detailed in 5.2 and 5.3 of the report.

The Scrutiny Commission wished to express their thanks to the Housing Task Group and the officers for their hard work, and felt that although they still had some concerns with regard to the scheme, the option recommended was the most suitable for all concerned and offered flexibility for future development of the service.

RECOMMENDED – the Executive agrees to Flexible Option 2 as the preferred option.

335 PERFORMANCE MANAGEMENT FRAMEWORK (SC64)

Members were provided with the Council's performance position for the first six months of 2007/08 and an update on the Council's future planning arrangements. It was noted that there had been continued improvement, although the sickness absence figures had increased slightly in October.

Concern was expressed with regard to time taken to re-let housing and it was agreed that a report be brought to the Council Services Select Committee to allow Members to look at possible reasons for this including any changes in regulations which may be a mitigating factor.

RESOLVED

- (i) The Council's continued improvement be acknowledged;
- (ii) A report on time taken to re-let housing be provided to the Council Services Select Committee.

336 RISK MANAGEMENT FRAMEWORK – 6 MONTHLY REPORT (SC65)

A report was presented to Members which advised on progress to manage strategic and operational risks and the development of the Council's risk management arrangements.

The Chairman of the Finance & Audit Services Select Committee reported that he had requested that risk management reports be supplied on a six-monthly basis. The Scrutiny Commission agreed the recommendations without further debate.

RESOLVED

- (i) The report and recommendations contained therein be endorsed;
- (ii) Future reports be submitted on a 6-monthly basis.

337 DEVELOPING THE WORK PROGRAMME (SC66)

Members received a report which informed them of the latest publication from the Centre for Public Scrutiny on how Overview and Scrutiny could help local authorities meet their equalities duties.

RESOLVED – the Scrutiny Commission

- (i) addresses equality issues within its work programme;
- (ii) includes equalities implications in respect of items/topics on the its agenda and reports on progress of its progress to monitor equality schemes in the annual report;
- (iii) reviews the Council's progress on equalities as part of the Work Programme.

338 OVERVIEW AND SCRUTINY WORK PROGRAMME 2007/2008 (SC67)

Members gave consideration to the Overview and Scrutiny Work Programme 2007/2008. It was agreed that the meeting in February be held on the 19 February 2008.

RESOLVED – the work programme be noted with additions as agreed at this meeting.

339 CABINET FORWARD PLAN (SC68)

Members received the Forward Plan of Cabinet and Council decisions and were given the opportunity to ask to scrutinise any of the reports listed.

RESOLVED – the Forward Plan be noted.

340 MINUTES OF SELECT COMMITTEES / SCRUTINY PANELS

RESOLVED – the following minutes be received:

- (i) Council Services Select Committee – 27 September 2007 (SC69);
- (ii) Housing Task Group – 25 October 2007 (SC70).

(The meeting closed at 7.47pm)

**COUNCIL – 11 DECEMBER 2007**

**REPORT OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY**

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**1. PURPOSE OF REPORT**

- 1.1 To seek Members approval for revised Statement of Licensing Policy.
- 1.2 Section 5 of the Licensing Act 2003 requires a Licensing Authority to prepare and publish a statement of its licensing policy every three years. The statement of Licensing policy must be published before the 7th January 2008, enabling the Licensing Authority to then carry out its functions in respect of individual applications made under the terms of the 2003 Act.
- 1.3 It is a further requirement of the Act that the revised Policy must be adopted at a meeting of the full Council.

**2. RECOMMENDATION**

- 2.1 That the Council adopts this statement of Licensing Policy (Appendix A) as the primary document on which it will make decisions on licences issued within its area having regard to the Licensing Act 2003 and the Guidance issued under section 182.

**3. BACKGROUND TO THE REPORT**

- 3.1 The Licensing Act 2003 came into force on 24<sup>th</sup> November 2005, and has four main objectives:
- The prevention of crime and disorder
  - The prevention of public nuisance
  - Public safety
  - The protection of children from harm
- 3.2 The Act introduced a completely new licensing system that integrated liquor licences formally issued by the Magistrates Court, and public entertainment licences issued by local authorities into a single system that the Local Authority now administer.
- 3.3 Under the provisions of the Act the Council is the licensing authority for the administration and enforcement of licensing activities. The Council is responsible for the issue of all licences that include any form of regulated entertainment or alcohol.

- 3.4 Essentially there are four types of licence:
- a) A premises licence will authorise the sale of alcohol, the provision of public entertainment (including plays, films, music and dancing) and the provision of refreshment throughout the night. Such a licence would have appropriate conditions attached to it.
  - b) A personal licence for the sale and supply of alcohol would be issued for ten years to those applicants aged over 18 who do not have a relevant criminal record and pass a test of knowledge of licensing law and social responsibility.
  - c) Temporary events notice (for events with maximum occupancy of 499). This licence applies to any premises or piece of land that does not have a premises licence, or to a premises that requires additional hours or activities for a one off event.
  - d) A club premises certificate that applies to premises such as workingmen's clubs, cricket clubs, etc.
- 3.5 The Licensing Act 2003 removed set permitted hours and strengthened the power of the Police and other responsible authorities e.g. Environmental Health to deal with problems. Residents are now able to call for a review of Premises or Club Premises Certificate if specific problems are encountered.
- 3.6 Section 5 of the Licensing Act 2003 requires that a licensing authority prepares and publishes a Statement of Licensing Policy every three years. The purpose of the policy is to establish the framework for dealing with licence applications. This includes the principles that will be applied to ensure compliance with the Act. The Statement of Licensing Policy must be published before the beginning of the period and a policy must be drawn up for each subsequent three-year period.
- 3.7 The first Statement of Licensing Policy was approved by the Council on 7<sup>th</sup> December 2004. The Borough Council's Statement of Licensing Policy is therefore due for renewal.
- 3.8 Members may be aware that senior officers of all Leicestershire Licensing Authorities have been meeting to secure a co-ordinated approach to the legislation. Considerable work has been undertaken by inter-authority groups to produce core documents common to the districts, which reflect the statutory guidance. The draft revised licensing statement reflects the co-operation between the Leicestershire authorities.
- 3.9 The consultation process is now complete and the final draft of the policy incorporates valid recommendations from responsible authorities, licensing trade, licensing solicitors and representatives of the community.

#### 4. **FINANCIAL IMPLICATIONS [HF]**

4.1 The implementation of the policy can be achieved from existing resources.

#### 5. **LEGAL IMPLICATIONS [LH]**

5.1 Contained in the body of the report.

#### 6. **CORPORATE PLAN IMPLICATIONS [MB]**

6.1 Objective 7 – To secure a healthy, safe and attractive environment.  
Objective 8 – Promote the safety and ensure the wellbeing of our community.

6.2 The Licensing Authority is bound by the provisions of the Act, the statutory guidance issued by the Secretary of State and its own Statement of Licensing Policy in its administration of the licensing regime and in determining licensing issues. The integrity of the policy therefore has the potential to directly impact upon the Authority's determination of applications under the Act.

#### 7. **CONSULTATION [MB]**

7.1 Before determining this Licensing Policy, the licensing authority must and did consult with the following persons listed in section 5(3) of the 2003 Act. These are:

- (a) The Chief Officer of Police for the area;
- (b) The fire authority for the area;
- (c) Persons/bodies representative of local holders of premises licences;
- (d) Persons/bodies representative of local holders of club premises certificates;
- (e) Persons/bodies representative of local holders of personal licences; and
- (f) Persons/bodies representative of businesses and residents in its area.

#### 8. **RISK IMPLICATIONS [MB]**

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 have been identified, assessed and that controls are in place to manage them effectively.

8.3 The significant risks associated with this report were identified from the assessment as follows:

<b>Management of Significant Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Failure to review and publish a revised Statement of Licensing policy would constitute a contravention of the Licensing Act. In such circumstances, the Council would be unable to fulfil its statutory licensing responsibilities.	Procedures have been put in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published in accordance with the statutory timetable.	Mark Brymer

## 9. **RURAL IMPLICATIONS**

9.1 The Licensing Act 2003 will have equal impact on all areas of the Borough.

## 10. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications      A robust Policy will support and have a positive impact on supporting the reduction of alcohol related crime, disorder and anti-social behaviour in the Borough.
- Environmental Implications      -      None
- ICT Implications      -      None
- Asset Management Implications      -      None
- Human Resources Implications      -      None

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Background Papers:      Licensing Act 2003,  
Revised Guidance issued under Section 182  
Licensing Act 2003

Contact Officer:      Mark Brymer ext. 5645

Executive Member:      Mrs. S.A. Francks





**Hinckley & Bosworth  
Borough Council**

*A Borough to be proud of*

***Draft Statement of  
Licensing Policy***

**(As required by section 5 of the  
Licensing Act 2003)**

**Intended to be  
Adopted by the Council on 11<sup>th</sup> December, 2007**

# **STATEMENT OF LICENSING POLICY**

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### **APPENDIX A**

MAP OF CUMULATIVE IMPACT AREA IN TOWN CENTRE

## 1.0 OVERVIEW

### 1.1 Introduction

- 1.1.1 The Borough of Hinckley & Bosworth Borough is situated in the south of Leicestershire, which contains nine authorities. The Borough has a population of 101,500 the vast majority live within the south-east of the Borough, living in the larger urban settlements of Hinckley, Burbage, Earl Shilton and Barwell.
- 1.1.2 Hinckley & Bosworth Borough Council (the Council) is the Licensing Authority, as defined by section 3(1) of the Licensing Act 2003, for the Borough.
- 1.1.3 The aim of this policy is to promote the Licensing Objectives as set out in the Licensing Act 2003 (the Act). These are:
- Prevention of crime and disorder
  - Public safety
  - Prevention of public nuisance
  - Protection of children from harm.

### 1.2 Overview of licensing

- 1.2.1 The Act makes provision for the licensing of individuals for the retail sale of alcohol (**personal licences**) and regulated entertainment or late night refreshment (**premises licences**). The supply of alcohol or the provision of regulated entertainment in certain clubs (**club premises certificates**) and the permitting of certain licensable activities on a temporary basis (**temporary event notices**).
- 1.2.2 Hinckley & Bosworth Borough Council has responsibility under the Licensing Act 2003 for licensing any premises for licensable activities. Under this legislation there will be more local consultation and elected representatives (Councillors) will decide all applications where relevant representations are made, with rights of appeal for applicants and any party who feels aggrieved by the Licensing Authorities decision to Hinckley Magistrates Court.

### 1.3 Licensable activities

- 1.3.1 Any premises where the following activities are carried out will require a premises licence:
- the retail sale of alcohol
  - the supply of alcohol by or on behalf of a club, or to the order of a member of the club
  - The provision of late night refreshment (hot food or drink between 11 p.m. and 5 a.m.)
  - the provision of "regulated entertainment"
- 1.3.2 "Regulated entertainment" requires a licence when it is performed in front of an audience, and includes the following:
- a performance of a play
  - an exhibition of a film
  - an indoor sporting event
  - a boxing or wrestling entertainment (indoors and outdoors)
  - a performance of live music (but not incidental music such as a piano and pianist in a restaurant)
  - any playing of recorded music (but not incidental background music)
  - a performance of dance
  - Or entertainment of a similar description to live music, recorded music or dance.

## 1.4 Policy

- 1.4.1 The Act requires the Licensing Authority to publish a licensing policy statement after consultation with responsible authorities and interested parties and must review the policy every three years.
- 1.4.2 The purpose of this document, being the Licensing Authority's licensing policy statement is to set out the policies the Licensing Authority will normally apply to meet the licensing objectives when making decisions on any licence application under the Act.
- 1.4.3 In general, unless otherwise stated, a reference in this policy to a licence will also include a club premises certificate and/or a temporary event notice. Unless the context clearly requires to the contrary, the term "licensee" means the holder of a premises licence, club premises certificate, provisional statement or interim authority. The term "applicant" should be similarly construed.
- 1.4.4 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Licensing Act 2003 to make regulations (Sec. 5) and issue guidance (Sec. 182).
- 1.4.5 This policy must be read in conjunction with the Licensing Act 2003, the various statutory instruments issued under the Act and the national guidance issued under section 182. These other documents are not reproduced in full here and any summary of the law in this policy statement should not be taken as definitive.
- 1.4.6 While this policy will be used as local guidance, any policy must allow for exceptions. All licensing decisions will be made on the merits of the individual case, having regard to this policy, statutory guidance, and the Act.

## 1.5 Purpose of the policy

- 1.5.1 This policy deals with how the Licensing Authority will promote each of the four fundamental licensing objectives and how it will deal with the other key themes such as flexible licensing hours and the cumulative impact of a concentration of licensed premises in an area.
- 1.5.2 This Statement of Licensing Policy is designed to provide guidance for everyone who is involved in or affected by the licensing of alcohol, regulated entertainment and late night refreshment in the Licensing Authority's area. This includes:
- **applicants for all types of licence** (premises/personal) - to help applicants to understand the process, the considerations to be taken into account and what the Licensing Authority is trying to achieve.
  - **applicants for premises licences** - to help applicants to draft an appropriate operating schedule with conditions and measures which the Licensing Authority is likely to find acceptable
  - **organisations or individuals planning events** - to indicate whether a licence is likely to be needed and how to go about obtaining one
  - **statutory agencies** (police, fire, relevant council departments etc.) - to indicate how the Licensing Authority and the other statutory agencies will co-operate to achieve their respective objectives in areas of common concern, particularly in the areas of prevention, monitoring and enforcement; to indicate which of the agencies will "lead" on each of the four fundamental licensing objectives.
  - **residents and businesses in the neighbourhood** of premises which have an existing licence or require a licence, and their **representatives** (e.g. ward councillors) - to inform local people of their rights to be consulted, to make representations, to apply for reviews of existing licences; to indicate those types of representations which are likely to be relevant and those which are not; to explain how the Licensing Authority and the other relevant statutory agencies will work together on licensing issues for the benefit of the local community, and to outline the limits of the licensing regime.

- **licensing decision-makers** - to provide guidance to all the relevant Council officers dealing with applications and to the Licensing Committee and Licensing Sub Committees deciding contentious applications; to provide guidance to the courts in dealing with any appeal from a decision of the Licensing Authority.

## **1.6 Consultation about this policy**

1.6.1 The Licensing Authority is required by law to consult with the following organisations before adopting a Statement of Licensing Policy (and on any review of the policy):

- the police
- the fire authority
- bodies representing local holders of premises licences
- bodies representing local holders of club premises certificates
- bodies representing local holders of personal licences
- bodies representing businesses and residents in the area
- any other groups that the Licensing Authority considers appropriate

## **1.7**

### **Revision & Review**

1.7.1 The Statement of Licensing Policy is valid for a three-year period from 7th January 2008. During that period, the Licensing Authority will keep the policy under review and may make such changes, as it thinks appropriate. Before making any changes, the Licensing Authority will carry out consultation in accordance with paragraph 1.6.1 above (the organisations may differ from the previous consultation).

## **PART 2 – KEY THEMES**

### **2.0 PREVENTION OF PUBLIC NUISANCE**

- 2.1.1 The Licensing Authority is committed to minimising the loss of “personal amenity” in the Borough by working in close partnership with Leicestershire Police, Environmental Health and licensees.
- 2.1.2 The Licensing Authority intends to interpret “loss of amenity” in its widest sense, and takes it to include such issues as noise, light, odour, and litter and anti-social behaviour. Where these matters impact on those living, working or otherwise engaged in normal activity in an area, with particular regard to noise-sensitive areas, e.g. nursing homes, hospitals or places of worship, the Licensing Authority may apply such additional conditions as necessary only if representations are made.
- 2.1.3 The Licensing Authority will seek to protect the reasonable rights of residents and businesses in the vicinity of licensed premises from disturbance arising from licensable activities– ‘Vicinity’ being the area around the licensed premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the courts may ultimately decide the question. In determining such applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.
- 2.1.4 The Licensing Authority considers that a risk assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises. Advice and assistance in undertaking this task should be sought from Environmental Health Officers.  
Steps which may be appropriate to prevent public nuisance include:
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
  - Measures to reduce noise and vibration emissions from premises
  - Measures to prevent noxious smells
  - Measures to reduce light pollution
  - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
  - Stricter controls will be supported in areas in closer proximity to residential accommodation.
- 2.1.5 The Licensing Authority will need to be satisfied that the type of Regulated Entertainment provided will be suitable for the location in which the premises is situated.
- 2.1.6 Any change to the categories of entertainment to be provided at a premise will require a formal variation of the licence.
- 2.1.7 In considering an application, the Licensing Authority may take into account previous noise and nuisance complaints, but will consider all applications on their own merits.
- 2.1.8 Where applicable, following a representation and hearing in order to control access to and egress from the premises, the Licensing Authority may attach a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority.
- 2.1.9 Where applications are received that ask for unusual operating hours (opening times or times for carrying out a licensable activity), the Licensing Authority may limit the operating times if the application conflicts with any of the licensing objectives and relevant representations are made. In this context, operating hours will be considered “unusual” if they are to be requested beyond the latest time then considered appropriate for the locality of the application site. Each application will be judged on its own merits.

### **3.0 PREVENTION OF CRIME & DISORDER**

3.1.1 The Licensing Authority is committed to reducing crime and disorder across the Borough through its statutory duty under section 17 of the Crime and Disorder Act 1998.

3.1.2 The Licensing Authority and Leicestershire Police through their Community Safety Partnership will regularly monitor and review crime statistics within the Borough and their association with alcohol.

3.1.3 The Licensing Authority will work in partnership with any local Pub and Drug Watch Schemes in supporting licence holders to actively prevent crime and disorder issues and to form strategies to reduce current levels by attending the local pubwatch meetings as necessary. The strategies seek to address matters such as under age sales, problems associated with drunken individuals, prevention of use of drugs and violent and anti-social behaviour.

### **3.2 CCTV**

3.2.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. CCTV systems should be installed and maintained on the advice of the Leicestershire Police Crime Prevention Officer.

### **3.3 Irresponsible Drinks Promotions**

3.3.1 The Licensing Authority will support an approach to the marketing of alcohol and the management of licensed premises that promotes responsibility in the consumption of alcohol.

3.3.2 Determining whether a drinks promotion is irresponsible or not will require a subjective judgement. The sale of alcohol to persons who are already drunk is an offence under the Act.

### **3.4 Dance Venues**

3.4.1 The culture of dance venues requires that special consideration be given to the steps required to prevent crime and disorder and promote public safety. It is recommended that operators of night clubs providing facilities for dancing are aware of the detailed guidance provided in the "Safer Clubbing Guide" published by the Government.

3.4.2 The local authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provides dance facilities as per the Home Office Safer Clubbing Guide. Other pubs and clubs, depending on circumstances, may also benefit from these steps:

- Searching of customers before entry in accordance with the Leicestershire Constabulary Code of Practice on Searching and Licensed Premises. This will be aimed at preventing drugs and offensive weapons being brought into premises.
- Making drinking water freely available at drinking fountains, or in freely available plastic containers, to help prevent dehydration and overheating.

### **3.5 Other Steps to Promote the Prevention of Crime and Disorder**

3.5.1 There is a wide range of other steps which may be appropriate in particular circumstances including:

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of text pagers to connect premises supervisors in town and city centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.

## **4.0 PUBLIC SAFETY**

- 4.1.1 Members of the public have the right to expect when visiting licensed premises that due consideration has been taken of needs with respect to public safety. Licensees, as providers of premises for the sale of alcohol or regulated entertainment, must be able to demonstrate that they have considered and put into effect measures to protect members of the public and the commercial interests of neighbouring premises.
- 4.1.2 The Licensing Authority is committed to ensuring public safety across the Borough, by working in close partnership with Leicestershire Police, Fire and Rescue, Licensees, CCTV control centre and local pub-watch schemes. The Licensing Authority strongly recommends membership of the pub-watch and/or retail radio schemes by licence holders.
- 4.1.3 Where applicable, e.g. large-capacity premises remaining open after midnight, the Licensing Authority will consider the attachment of a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority to control the access and egress from the premises during events to ensure public safety, following a relevant written representation and a licensing hearing.
- 4.1.4 Premises licensed for regulated entertainment, including cinemas and theatres, are subject to a range of legislative requirements and regulatory regimes such as the Health and Safety at Work Act etc Act 1974 and fire safety legislation, aimed at protecting public safety. The Licensing Authority does not intend to duplicate requirements of existing statutory provisions. However, premises will be expected to ensure a level of compliance that promotes public safety.
- 4.1.5 Premises providing regulated entertainment have particular safety issues associated with their ability to attract significant numbers of people to a venue. The Licensing Authority will support measures designed to promote public safety in this context. This will include:
- Setting of a capacity limits for all, or separate parts, of the premises.
  - The provision of staff to control admission and to control customers inside premises and at outdoor events.



## **5.0 PROTECTION OF CHILDREN**

### **5.1 General**

5.1.1 Protecting children from harm is one of the fundamental licensing objectives. As such, the Licensing Authority will endeavour to ensure that issues relating to the protection of children are fully taken into consideration by all parties involved in the licensing system. "Children" for these purposes means anyone under the age of 16.

5.1.2 Leicestershire Constabulary are the lead authority for child protection issues acting as gatekeeper for Leicestershire's Local Safeguarding Children's Board. Consultees should not rely on other responsible authorities to put forward representations, if they have concerns. Unless a relevant representation is made, the Licensing Authority cannot go beyond what the applicant himself puts forward in the operating schedule.

5.1.3 Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-away, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The licensing authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.

5.1.4 Areas that may give rise to particular concern in respect of children include premises:

- (a) where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed (the Portman Group's code is particularly commended to applicants for premises licences/ club registration certificates);
- (b) with a known association with drug taking or dealing;
- (c) where there is a strong element of gambling on the premises;
- (d) where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).

5.1.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:

- (a) limitations on the hours when children may be present;
- (b) limitations or exclusions when certain activities are taking place;
- (c) restrictions or exclusions in respect of parts of premises;
- (d) requirements for an accompanying adult;
- (e) full exclusion of people under 18 from the premises when any licensable activities of an adult nature are taking place.

5.1.6 The Council cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

### **5.2 Licensing for Alcohol on the Premises and Unaccompanied Children on the Premises**

5.2.1 It is an offence to permit children under the age of 16 who are not accompanied by an adult to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It is also an offence to permit the presence between midnight and 5 a.m. of children under 16 who are not accompanied by an adult at any premises supplying alcohol for consumption on the premises.

### **5.3 Children and Cinemas**

5.3.1 Licence holders will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification or other film classification board approved by the licensing authority. Children will not be permitted to view uncertified films.

## **5.4 Children and Regulated Entertainment**

- 5.4.1 The licensing authority will expect that where a significant number of unaccompanied children will be present during a public entertainment event, the licence holder should have a Child Protection Policy in place to carry out suitable checks on staff before they take up employment. In addition, they will ensure that an adequate number of adult staff are present to control the access, egress and safety in and around the premises.
- 5.4.2 The number of staff required should be assessed by the licence holder, taking into account the number of children to be present, the type of entertainment, the characteristics of the premises and any other relevant factor. Any premises which have Internet access facilities must have adequate control settings put in place so that web sites which are not suitable for use by children are permanently blocked.

## **5.5 Proof of Age Cards**

- 5.5.1 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. It recommends that any premises licensed to sell alcohol adopts a policy of requiring proof of age from any person where there is any doubt as to whether they are 18 years or over. The authority would suggest as best practice, that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS) launched in January 2003 by the British Retail Consortium.

## **5.6 The Portman Group Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks**

- 5.6.1 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks. It will seek to ensure that premises licensed for the sale of alcohol comply with the code.

## **6.0 LICENSING HOURS**

### **6.1 General**

- 6.1.1 In making decisions about the hours for which a premise is licensed, consideration will be given in particular to the licensing objectives of the prevention of crime and disorder and the prevention of public nuisance. Each case will be decided on its individual merits.
- 6.1.2 It is recognised that varied licensing hours is important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. The Licensing Authority will aim to reduce these concentrations and to achieve a more gradual dispersal through a policy of flexible opening hours, i.e. The Council will not fix pre-determined closing times for particular areas.
- 6.1.3 In relation to shops and other retail outlets supplying alcohol for consumption off the premises, the general policy will be to allow sales of alcohol at all times that the premises is open for business.

### **6.2 Representations**

- 6.2.1 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, and the police as well as the applicant. Residents of one particular area will not be treated any more or less favourably than residents of another area, except that:
- (a) the Licensing Authority will take into account the density of residential accommodation in an area;
  - (b) the Licensing Authority will have regard to any local premises whose users are particularly vulnerable to noise and disturbance, e.g. a hospital or residential home for the elderly;
  - (c) when deciding whether or not to adopt, amend or remove a saturation policy, the Licensing Authority may treat residents of the area subject to the policy differently from other areas;
  - (d) when a saturation policy is in force, the general policy of treating areas equally will read as being subject to the saturation policy, which by definition will treat areas differently.

## **7.0 CUMULATIVE IMPACT**

### **7.1 Adopting a special saturation policy**

7.1.1 In certain situations the number, type and density of premises selling alcohol may be associated with serious problems of crime and disorder. Where the impact on surrounding areas of customers taken together may be greater than the usual impact of customers from individual areas the licensing authority may consider that an area has become saturated. In these circumstances, where representations are made from a responsible authority such as the police or interested party, such as local residents, the licensing authority may consider whether the grant of any further premises licences or club premises certificates would undermine one of the licensing objectives. If this is the case it may adopt a special saturation policy, which would allow it to refuse new licences because the area in question is already saturated with licensed premises.

### **7.2 Representations**

7.2.1 The Licensing Authority has received a representation from the Leicestershire Constabulary that the circumstances described above exist in relation to parts of Hinckley town centre, and that the grant of further premises licences or club premises certificates would undermine the crime prevention objective.

In response to this representation the Licensing Authority has:

- Considered evidence about the extent of the problem of crime and disorder;
- Considered evidence about the likely association of the problem with the number and density of licensed premises in the town centre;
- Consulted on the proposal for a special policy in relation to new licences and variations to existing ones within the town centre;
- Considered the outcome of that consultation; and
- Resolved to declare the special policy described in section 7.4.1

### **7.3 Other mechanisms available**

7.3.1 The authority recognises that once away from licensed premises, there is always a risk that a minority of consumers will behave badly and unlawfully. In these circumstances, there are other mechanisms available for addressing such issues, including:

- (a) Planning law controls
- (b) Banning consumption of alcohol in public places
- (c) Police enforcement of existing laws on anti-social behaviour
- (d) Confiscation of alcohol by police officers in designated alcohol free zones
- (e) Police powers to close licensed premises for up to 24 hours on grounds of disorder, likely disorder or excessive noise
- (f) Powers to seek review of premises licence

### **7.4 Special Saturation Policy**

7.4.1 The Licensing Authority will continue adopt a special policy on cumulative impact in relation to the area of the Hinckley Town Centre:

bounded by Trinity Lane to the junction with Mansion Street, Mansion Street, Lower Bond Street to the junction with Baines Lane, Baines Lane to the junction with Stockwell Head, Stockwell Head, to the junction with The Borough, The Borough, Station Road to the junction with Brunel Road, Brunel Road to the junction with Rugby Road, Rugby Road to the junction with Trinity Lane Including the junction of Coventry Road).

Including both sides of the streets bounding the area, including Regent Street, Station Road, Horsefair, King Street, Waterloo Road, Lancaster Road, Market Place and George Street within the area.

7.4.2 The area of the special policy is marked on the map attached (**Appendix A – W24**).

- 7.4.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. In the event of a relevant representation the application will be determined by the Licensing Committee.
- 7.4.4 The effect of this special policy will be to create a rebuttable presumption that application for a new premises licence or club premises certificate or material variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedule. Where no representation is received the application must be granted.
- 7.4.5 The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 7.4.6 The authority will review the special policy every 18 months and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 7.4.7 The special policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
  - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
  - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

## **8.0 DETERMINING APPLICATIONS**

The following matters will be determined by either the Licensing Committee or one of its sub-committees:

- Application for a personal licence where there are relevant unspent convictions;
- The review of a premises licence or club premises certificate;
- Decision to object when the local authority is the consultee and not the relevant authority considering the application;
- Determination of a police objection to a temporary event notice.

The following matters will be determined by either the Licensing Committee or one of its sub-committees where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated premises supervisor;
- Application for transfer of a premises licence
- Application for interim authority
- Determination of a temporary event notice.

### **8.1 Personal Licences**

- 8.1.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to hold a relevant qualification and not have any unspent relevant convictions that would indicate their unsuitability.
- 8.1.2 There is no discretion to refuse an application for a personal licence made in accordance with the Act, except where the applicant has been convicted of a relevant or foreign offence, as defined by law. The list of relevant offences is maintained by the Secretary of State, and a foreign offence will be taken into account if it is similar in nature to one of the specified "relevant offences". Convictions which are "spent" under the Rehabilitation of Offenders Act 1974 cannot be taken into account.
- 8.1.3 Every sale of alcohol at a licensed premise is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a monthly basis, and to be available on the premises whenever possible to deal with circumstances requiring their expertise and authority.
- 8.1.4 Where no relevant representations have been received and the application for a personal licence has been properly made, the licence must be granted. The Licensing Authority will therefore expect Leicestershire Constabulary, to make representation upon being notified that the applicant has an unspent conviction.
- 8.1.5 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

## 8.2 Premises Licences & Club Premises Certificates

8.2.1 'Relevant representations' are representations:

- a) About the likely effect of the Premise Licence on the promotion of the licensing objectives;
- b) Are made by an interested party or a responsible Authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Licensing Authority's opinion frivolous or vexatious

8.2.2 'Interested Party' means any of the following:

- a) A person living in the vicinity of the premises;
- b) A body representing persons who live in that vicinity;
- c) A person involved in a business in that vicinity; or
- d) A body representing persons involved in such a business.

8.2.3 **Frivolous, Vexatious and Repetitious Requests** The Licensing Act 2003 provides that where the Licensing Authority receives representations in respect of an application, then it must normally arrange a hearing unless the Authority considers those representations or requests to be frivolous or vexatious. There are similar provisions relating to requests for review of a premises licence or club registration certificate. In addition the Licensing Authority can reject requests for review if they consider them to be a repetition.

8.2.4 The Council is confident that most members of the public will exercise their rights to make representations and requests sensibly and responsibly. However, it is recognised that there is a risk that some individuals - and perhaps some organisations - may seek to abuse these rights with requests which are manifestly unreasonable and which would impose substantial burdens on applicants, licence holders and the licensing authority. Such cases may well arise in connection with a grievance or complaint which an individual is pursuing against the applicant, licence holder or the authority.

8.2.5 The Council considers that the exception in the Act for frivolous and vexatious and repeated representations and requests is important in order to prevent the licensing function being used to pursue non licensing issues and to ensure that unjustified expenditure is not incurred or unnecessary burdens imposed as a result of or in dealing with such representations/requests.

8.2.6 The Council does however emphasise that it will not conclude that a representation or request is frivolous, vexatious or repeated unless there are sound grounds for such a decision, and interested parties will be notified of the grounds for any such decision.

8.2.7 Where no relevant representations have been received and the application for a premises licence or Club Premises Certificate has been properly made, the licence must be granted.

8.2.8 If relevant representations are made about an application the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has made representations agrees that the hearing is not necessary. While it is the right of any party involved to require a hearing, the Licensing Authority will generally encourage those involved to agree to uncomplicated cases being dealt with "on paper" to avoid unnecessary cost to the public purse.

8.2.9 Where relevant representations have been made and a hearing is held, the Licensing Authority has greater powers to refuse a licence or grant it with conditions. The licence or Certificate could alternatively be granted so that certain activities or areas of the premises are excluded.

### **8.3 Temporary Event Notices**

- 8.3.1 The Licensing Authority will not seek to attach any terms; limitations or restrictions on such events other than those set down in the legislation. Part 5 of the Licensing Act allows licensing activities to be carried out in specified circumstances on a temporary basis, subject to a temporary event notice being served on the Licensing Authority, with a copy to the Chief Officer of Police, ten working days before the event. The Chief Officer of Police may object to the event if he is satisfied that the crime prevention objective would be undermined.
- 8.3.2 The possibility of Police intervention is another reason why event organisers are encouraged by the Licensing Authority not to rely on giving the minimum amount of notice and to contact local Force Licensing Officers at the earliest possible opportunity about their proposals.
- 8.3.3 The Licensing Authority, on receiving temporary event notices, will also check that other requirements of the Act are met. For example, a temporary event notice would be void unless there is a minimum of 24 hours between events notified by the premises user in respect of the same premises. This is to prevent evasion of the 96-hour limit on such events, and emphasise the need to obtain full premises licence for more major events.

### **8.4 Provisional Statements**

- 8.4.1 To avoid difficulties facing those who wish to invest in a new venture but do not have the security of knowing that a premises licence will be granted, the Act provides for the making of an application for a 'provisional statement'.
- 8.4.2 The basis of the application is that premises are being, or are about to be, constructed for the purpose of being used for one or more licensable activities, or are being, or are about to be, altered or extended for the same purposes (whether or not they are being used for a licensing purpose already).
- 8.4.2 If:
- (a) a Provisional Statement has been issued, and
  - (b) the person subsequently applies for a Premises Licence in respect of the premises, a part of them or premises which are substantially the same as the relevant premises (or part of them) and
  - (c) the application is in the same form as the Licence described in the schedule of works accompanying the application for the provisional statement and
  - (d) the work described in the schedule of works accompanying the provisional statement has been satisfactorily completed
  - (e) then any representations made by a person shall not be taken into account if:
    - given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and
    - there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

### **8.5 Variations of Premises Licences & Club Premises Certificates**

- 8.5.1 Applications to vary a Premise Licence will be dealt with in a similar manner to applications for a new Premise Licence. If relevant representations are not received the application for variation will be granted.
- 8.5.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, modify the conditions of the Licence or reject the whole or part of the application.

### **8.6 Transfer of a Premises Licence**

- 8.6.1 If the Police consider the granting of the transfer application would undermine the crime prevention objective the Licensing Authority will consider their reasons for that view and will reject the application if the Licensing Authority consider it necessary for the promotion of the crime prevention objective to do so.



## **8.7 Interim Authorities**

- 8.7.1 Following the death or other incapacity of the premises licence holder, an application can be made for an interim authority to continue the business. The applicant must be either the personal representative, in the case of the death of the former licence holder, or have an enduring power of attorney, or be an insolvency practitioner, or have a prescribed interest in the premises.
- 8.7.2 Interim Authority Notices must be served on the Licensing Authority and also on the Police. If the Police consider that the grant of an Interim Authority Notice would undermine the prevention of crime objective the Licensing Authority will arrange a hearing to consider the Notice.

## **8.8 Reviews of Premises Licences & Club Premises Certificates**

- 8.8.1 'Relevant representations' are representations:
- (a) About the effect of the Premise Licence or Club Premises Certificate on the promotion of the licensing objectives;
  - (b) Which lay an evidentiary basis for the allegations; and
  - (c) Are made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Licensing Authority's opinion frivolous or vexatious or repetitious.
- 8.8.2 'Interested Party' means any of the following:
- (a) A person living in the vicinity of the premises;
  - (b) A body representing persons who live in that vicinity ( e.g. Parish Council)
  - (c) A person involved in a business in that vicinity; or
  - (d) A body representing persons involved in such a business.( e.g. Chamber of Trade)
- 8.8.3 The licensing authority cannot, of its own motion, instigate the review of a premises licence or club premises certificate, and will rely on the responsible authorities such as the Police and Environment Health to be proactive in seeking a review where they consider it appropriate. Requests by responsible authorities will not be treated as vexatious or frivolous.

## **PART III – INTEGRATING STRATEGIES**

### **9.0 INTEGRATING STRATEGIES**

The Licensing Authority will seek to achieve integration with the strategies set out below and will consult with the appropriate organisations to achieve this.

#### **9.1 Community Safety**

9.1.1 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Hinckley & Bosworth Borough a safe and attractive area in which to live, work, study and socialise.

9.1.2 The Council has a duty under section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the borough.

9.1.3 In exercising its functions, the Licensing Authority will consider the key themes of Hinckley & Bosworth Borough Councils Crime & Disorder, Drugs Strategy.

#### **9.2 Planning**

9.2.1 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency.

9.2.2 Any premises that apply for a licence or a variation of a licence may also need planning permission.

#### **9.3 Cultural Strategy**

9.3.1 Hinckley & Bosworth Borough Council is committed to the Cultural Strategy Partnership.

9.3.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.

9.3.3 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of the cultural Strategy is “to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity”.

9.3.4 This licensing policy will operate in the spirit of the Cultural Strategy and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

#### **9.4 Promotion of Equality**

9.4.1 In developing this strategy, the Licensing Authority has recognised its responsibility under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports and is supported by the Councils Race Equality Scheme.

- 9.4.2 The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.
- 9.4.3 The Licensing Authority will implement the following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance:
- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
  - Multi-language sections may be included in all leaflets upon request.
  - The licensing objective of protecting children from harm will be promoted.
  - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
  - Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
  - Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
  - Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.
- 9.4.4 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

## **9.5 Disabled Access**

- 9.5.1 The guidance supporting the Licensing Act 2003 advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. This includes a duty that any person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the service by a reasonable alternative means.

## **9.6 Tourism & Local Economy**

- 9.6.1 The Licensing Committee will receive copies of reports concerning the local tourist economy and the cultural strategy for the Borough whenever the relevant executive portfolio holder presents them to the Licensing Committee. The Licensing Authority will ensure that when it considers applications for licences for entertainment involving live music, dancing, theatre, circuses and street arts it will act so as to promote the licensing objective of preventing public nuisance.
- 9.6.2 The Licensing Authority recognises that there is a need to encourage and promote a broad range of entertainment, particularly those activities identified above, because of the wider cultural benefits to communities. The potential for limited disturbance will therefore be balanced against these wider benefits. The Council as landowner (not as Licensing Authority) has applied for premises licences in its own name for appropriate community facilities in its ownership, to reduce the burden on others who wish to make use of community facilities for licensable events. The Council will encourage other public and voluntary sector landowners of community facilities (e.g. parish councils, the County Council) to adopt a similar approach.

- 9.6.3 As per paragraph 9.6.2 this could include, green spaces, parks, town centre etc. Performers and entertainers would require permission from the Council, as the premises licence holder, to use these spaces for regulated entertainment.

## **9.7 Transport**

- 9.7.1 Transport Strategy is set out in the Local Transport Plan (LTP) under Leicestershire County Council procedures; local highway authorities prepare a five-year plan integrating strategies that links all modes of urban and rural transport and currently runs until 2011. It is proposed to monitor the plans through annual progress reports to ensure they deliver the aims and objectives of regional planning guidance and Leicestershire's structure plan.
- 9.7.2 The LTP policies seek to ensure that alternatives to the use of the private car are available; these alternatives include walking, cycling and public transport (bus, rail and taxi). They are operated in conjunction with land use policies to seek to ensure that development takes place in locations where these alternatives can be best provided; the Town Centre is naturally one of these locations, particularly with regard to public transport.
- 9.7.3 Taxis provide a key role in transporting people, particularly at times when bus services are not well provided. Taxi ranks are provided where demand is identified, and include both 24-hour ranks and ones, which operate only at night. The Council's Transport Strategy will continue to seek to ensure that the demand for rank provision is satisfied and that their locations are amended as demand alters, subject to competing demands for use of kerbside space.

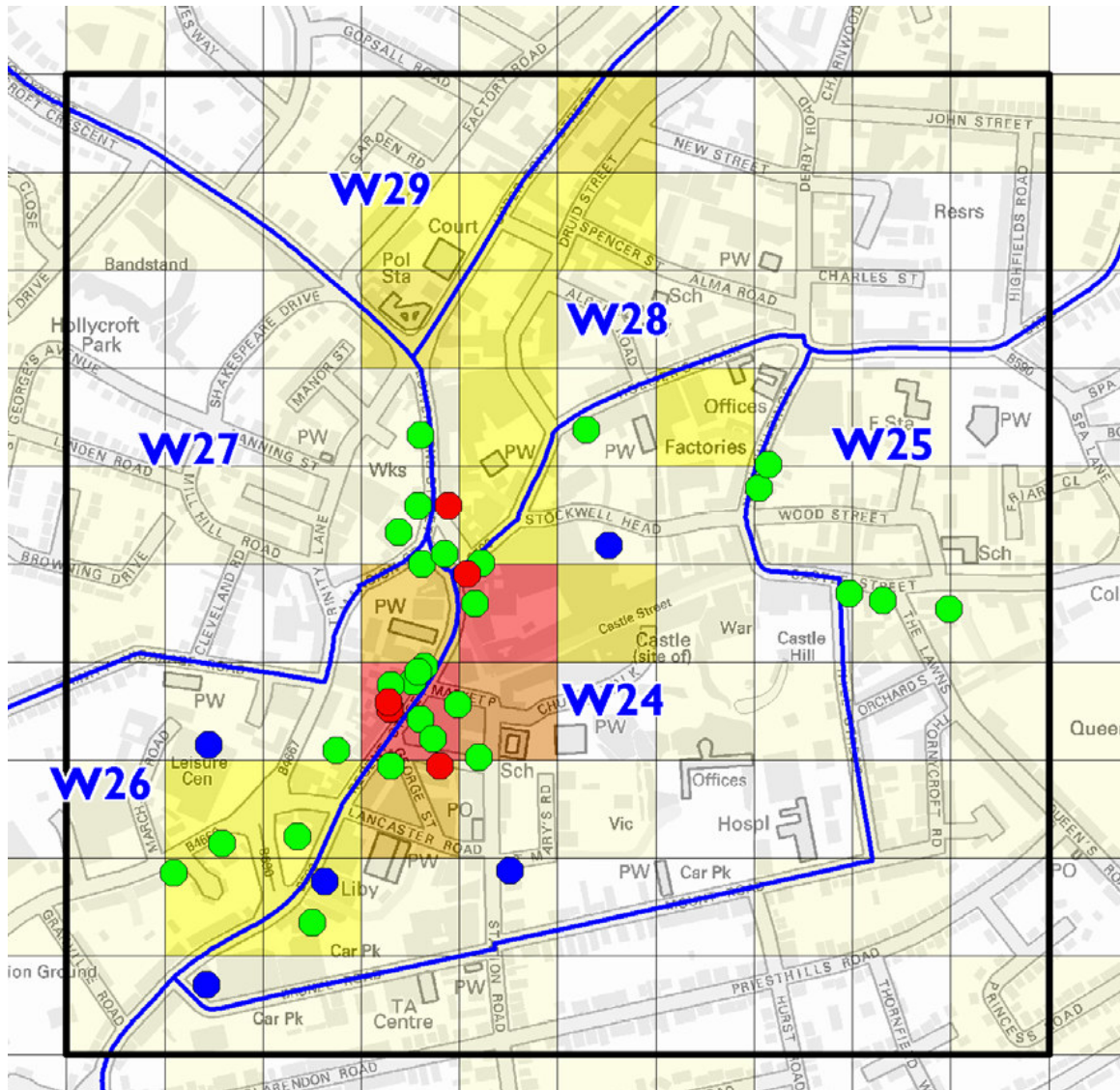
## **10.0 Enforcement**

- 10.1.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Licensing Enforcement Protocol as agreed between Leicestershire Police, the Council, Leicestershire Fire Service and other Responsible Authorities.
- 10.1.2 The protocol reflects the need for a more efficient deployment of Police, Fire and Local Authority staff commonly engaged in licensing law and the inspection of licensed premises. A copy of the protocol is available on the Council's website [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk).
- 10.1.3 Inspections of premises will be on a risk assessed basis, to be undertaken when and if judged necessary by the relevant authority. All inspections will observe the principles set out in the Hampton review.

## **11.0 Further Information**

- 11.1.1 The Licensing Authority can only offer advice on the process for and progress of applications and as to whether particular activities fall to be licensed. If you require detailed advice on the requirements of the legislation and how it will affect your premises you may wish to seek your own independent legal advice.
- 11.1.2 Application forms and guidance documents and links to relevant legislation can be found on the Council's website [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk) under Services, Licensing.

# APPENDIX A



The above Map shows the area defined (W24) in the Special Saturation Policy by section 7.4.1. The full report from Leicestershire Constabulary and the statistics produced by the County Council research team are available upon request.

**COUNCIL – 11 DECEMBER 2007**

**REPORT OF DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: GAMBLING ACT 2005 – TEMPORARY USE NOTICE FEES**

---

**1. PURPOSE OF REPORT**

- 1.1 To seek Members approval on the proposed fee for Temporary Use Notices (TUN) under the Gambling Act 2005.

**2. RECOMMENDATION**

- 2.1 That Members approve the proposed fees for the grant and replacement of Temporary Use Notices under the Gambling Act 2005 as shown in section 3.5.

**3. BACKGROUND TO THE REPORT**

- 3.1 Temporary Use Notices (TUN) under the Gambling Act 2005 allow the use of premises for gambling where there is no gambling premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a TUN would include hotels, conference centres and sporting venues.
- 3.2 A Temporary Use Notice may only be granted to a person or company holding a relevant operating licence from the Gambling Commission. For example, the holder of a casino operating licence could apply to provide a casino themed night in a hotel.
- 3.3 A TUN must be lodged with the Licensing Authority not less than three months and one day before the day on which the gambling event will begin. The application must be copied to:
- The Gambling Commission;
  - The Police;
  - HM Commissioners for Revenue and Customs; and
  - If applicable, any other Licensing Authority in whose area the premises are situated.
- 3.4 Each of the above parties, including this Licensing Authority, will then have 14 days from the date of the TUN to decide whether they wish to give a notice of objection. Therefore, the Licensing Authority may raise an objection to the Notice at its own instigation without the need for representations from any of the above parties. The Licensing Authority may raise an objection if there are any particular concerns in relation to the premises that the Temporary Use Notice relates to based on evidence from previous inspections or complaints.

3.5 The Gambling Act 2005 (Temporary Use Notice) Regulations 2007 allow the Licensing Authority to determine the fee payable on giving a TUN. This fee must not exceed £500. The setting of the fee is based on full cost recovery of administrating a TUN application and must be justifiable. On this basis, the proposed fee is calculated at £275.00. Member approval is also sought to charge £25.00 for the replacement of a damaged, lost or stolen TUN application.

4. **FINANCIAL IMPLICATIONS [MD]**

4.1 The proposed fee will fully cover all costs associated with the granting of a TUN. It is not anticipated that any significant additional net income will be generated from the fee.

5. **LEGAL IMPLICATIONS [LH]**

5.1 Contained in the body of the report.

6. **CORPORATE PLAN IMPLICATIONS [MB]**

6.1 Objective 7 – To secure a healthy, safe and attractive environment.

6.2 To ensure that the Authority meets its statutory obligations under the Gambling Act, to issue, renew and enforce premise licences, permits and notices to ensure licence holders comply with the licensing objectives.

7. **CONSULTATION [MB]**

7.1 None Applicable.

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 have been identified, assessed and that controls are in place to manage them effectively.

8.3 The significant risks associated with this report were identified from the assessment as follows.

<b>Management of Significant Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Challenge by the Gambling Industry on fee levels.	Ensuring that fee levels are set to allow cost recovery only.	Mark Brymer
Reputation	Ensuring that fee levels are set to allow cost recovery.	Mark Brymer

9. **RURAL IMPLICATIONS [SC]**

9.1 The Gambling Act 2005 will have equal impact on all areas of the Borough.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications - None **[RG]**
- Environmental Implications - None **[RP]**
- ICT Implications - None **[PL]**
- Asset Management Implications - None **[ME]**
- Human Resources Implications - None

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Background Papers: The Gambling Act 2005 (Temporary Use Notices)  
Regulations 2007

Contact Officer: Mark Brymer ext. 5645

Executive Member: Cllr S. A. Francks

(71C11Dec07)  
MB/jw



**COUNCIL - 11 DECEMBER 2007**

**REPORT OF DIRECTOR OF FINANCE**  
**RE: REQUEST FOR SUPPLEMENTARY BUDGET FOR**  
**NEW CONCESSIONARY TRAVEL SCHEME SET UP COSTS**

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1. **PURPOSE OF REPORT**

To seek approval of a Supplementary Budget to cover the cost of implementing the new Concessionary Travel Scheme coming into operation on 1 April 2008.

2. **RECOMMENDATION**

That Council approve a Supplementary Budget in the sum of £58,400 to meet the cost of implementing the new Concessionary Travel Scheme coming into operation on 1 April 2008. (This will be funded from Central Government Grant Funding).

3. **BACKGROUND TO THE REPORT**

Members will be aware that a new national Concessionary Travel Scheme will come into effect from 1 April 2008. This will require Concessionary Travel Authorities (CTA's) to reissue all passes so that they comply with national standards. CTA's will also have to meet the cost of local publicity as regards the new system.

Hinckley and Bosworth Borough Council is part of a group of 6 of the District and Borough Councils in Leicestershire who provide Concessionary Travel in partnership. The scheme is administered by the County Council on behalf of the Partnership and they will be responsible for the issue of passes and the associated publicity. The District Councils will however be responsible for the cost of this work.

The County Council have estimated that the implementation costs for Hinckley and Bosworth Borough Council will be £58,400. Nothing has been included in the budget for this item and therefore a supplementary budget in this sum will be required. It should be noted that Central Government has agreed to pay a specific non ring fenced grant to authorities to meet the cost of this work. Hinckley & Bosworth Borough Council has received a total of £76,420 by way of grant.

4. **FINANCIAL IMPLICATIONS (DB)**

Provision for this item was not included in the 2007/08 budget and therefore a supplementary budget is required. This expenditure can be funded from the grant paid by Central Government for this purpose and has no impact on balances.

5. **LEGAL IMPLICATIONS (LH)**

None arising directly from the report.

6. **CORPORATE PLAN IMPLICATIONS**

This report supports our Corporate Aim of being proud of our Reliability in Partnership Working.

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

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

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.

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

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
That Hinckley and Bosworth Borough Council is not ready for the commencement of the new Concessionary Travel Scheme on 1 April 2008.	Work with the other members of the partnership and the County Council to ensure that the timetable is met.	D Bunker

9. **RURAL IMPLICATIONS**

Concessionary Travel is available throughout the District including the Rural Areas.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications
- Environmental Implications
- ICT Implications
- Asset Management Implications
- Human Resources Implications

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Background Papers: Budget prepared by Leicestershire County Council

Contact Officer: David Bunker ext 5609

Executive Member: Cllr D C Bill

(70C11Dec07)  
DB/jw 29.11.07

**COUNCIL - 11 DECEMBER 2007**

**REPORT OF HEAD OF CORPORATE AND SCRUTINY SERVICES /  
MONITORING OFFICER  
RE: AMENDMENTS TO THE CONSTITUTION**

---

1. **PURPOSE OF REPORT**

To update Members on the revisions made to the Constitution during the period May 2007 to date and to recommend further changes to reflect changes in Licensing legislation and the operational staffing arrangements as we move through the transitional arrangements and into the new structure.

2. **RECOMMENDATION**

That Council:

- 2.1 Confirm the amendments made to date detailed in 3.3.
- 2.2 Approve the changes proposed in 3.4 and 3.5.
- 2.3 Approve the amended Financial Procedure Rules at appendix A.

3. **BACKGROUND TO THE REPORT**

- 3.1 The Constitution sets out the roles and responsibilities of the Council, Executive and individual committees, it identifies powers and duties and fully particularises the scheme of delegation for decision making across the organisation. The functions of the full Council are contained in Article 4, the responsibilities of Council are listed in this section as items which are reserved for the Council to approve as opposed to the Executive or a Committee. It is essential in order for decision making to be robust that the appropriate decision making body makes the decisions in accordance with the responsibilities within the Constitution.
- 3.2 One of the functions of the Council is to adopt and change the Constitution. It is Council policy to review its Constitution on an annual basis, for amendment and approval during the Annual Council. It is recognised that periodic alterations are required during the year, and as such reports will be taken to full Council during the year to effect such change, allowing continuity of service which can then be integrated into the Constitution at the next appropriate revision.
- 3.3 The following have been agreed by Council during the last six months:  
  
Game Regulatory Reform Order 2007 - Removal of delegated authority as the Council no longer undertakes the function.

High Hedges Legislation - Delegating the function to deal with complaints under the legislation to the Chief Executive and Head of Culture and Development.

Position Statements - Amendment to Council Procedure Rules permitting position statements to be presented and questions asked by Members.

- 3.3 A new Management Structure has recently been approved by Council, and we are currently in a transitional phase to put the structure into place, as such and to ensure continuity of service the following changes to the Constitution are required:

That references to:

Head of Finance and ICT are changed to Director of Finance

Head of Health and Environment are changed to Director of Community and Planning Services

Head of Corporate Services are changed to Head of Corporate and Scrutiny Services

Law and Governance Manager are changed to Head of Corporate and Scrutiny Services

Deputy Head of Finance and ICT are changed to Head of Revenues and Benefits

Community Housing Manager are changed to Head of Community Services (Housing)

Environmental Health Manager (Pollution) are changed to Head of Community Services (Environment)

Corporate Performance and Strategy Manager are changed to Head of Business and Streetscene Services

Planning and Building Control Manager changed to Development Services and Policy Manager

Please note that where authority and onward delegation are to the Monitoring Officer or s151 Officer, these are the Head of Corporate and Scrutiny Services and Director of Finance respectively.

In consequence of the new structure it should be recognised that officers' roles and responsibilities will change between now and 1<sup>st</sup> April and will be reflected in the Constitution at the completion of the transition. Note that where delegated authority is to a Head of Service or Manager the delegation will be to the relevant Director, Head of Service or Manager as appropriate under the new structure to ensure continuity of service.

- 3.4 The following are amendments which Council are asked to approve in relation to Licensing Committee functions:

That the power to determine small society registrations under the Gambling Act 2005 be delegated to the Principal Licensing Officer.

That the Power to suspend or revoke hackney carriage and private hire driver, vehicle and operators licences Local Government (Miscellaneous Provisions) Act 1976 sections 60, 61 (as extended by section 52 of the Road Safety Act 2006) and 62 be delegated to the Director of Community and Planning Services and Principal Licensing Officer.

That the power to grant licences, transfers and variations where no objection or representation are received, and to grant a private hire/hackney carriage driver's licence where the applicant's driving licence has not been endorsed with six or more points or a Court has not awarded points which take the number of points on the licence to or over six, be delegated to the Director of Community and Planning Services and the Principal Licensing Officer.

That the power to grant licences, transfers and variations in light of a driving licence endorsement expiring close to the renewal date, such that the total number of points after the endorsement has expired would be less than 6, be delegated to the Director of Community and Planning Services / Principal Licensing Officer in consultation with the Chairman / Vice-Chairman of the Licensing Committee.

That the power to determine where there is legal/default action be delegated to Licensing Committee.

- 3.5 The Director of Finance has amended the Financial Procedure Rules to take into account the changes to the financial management system and the new management structure, these are attached at appendix A. Council is asked to approve the revised Financial Procedure Rules.

4. **FINANCIAL IMPLICATIONS**

None

5. **LEGAL IMPLICATIONS (LH)**

Contained within the report.

6. **CORPORATE PLAN IMPLICATIONS**

This report contributes to the Corporate Aim of Probity and Honesty in Governance and Management, by allowing more opportunities for discussions during Council meetings which may not arise on the agenda.

7. **CONSULTATION**

The issues raised have been requested by particular officers and have already received member approval. The consultation on the new management structure has also received approval.

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

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.

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

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to incorporate amendments into the Constitution could result in a challenge to procedure	Approval by Council and subsequent amendment	L Horton

9. **RURAL IMPLICATIONS**

This applies across the Borough.

10. **CORPORATE IMPLICATIONS**

None

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Background Papers: None

Contact Officer: Louisa Horton x5859

Executive Member: Councillor D O Wright

(69C11Dec07)  
LH/jw 28.11.07

# CONTRACT PROCEDURE RULES

## 1. GENERAL

- 1.1 The following contract procedure rules form part of the Council's Constitution and set out the procedures by which the Council will enter into contracts for the provision of goods, services, materials and work. Every contract made by or on behalf of the Council shall comply with these procedure rules and no exception from any of the provisions shall be made otherwise than by direction of the Council or under Rule 4.2.
- 1.2 The Rules do not apply to contracts for the sale or purchase of land or buildings. Every contract relating to the sale or purchase of any land or buildings shall be in writing and be signed on behalf of the Council by the appropriate Head of Service. Purchase of land should not be above the current market value as determined by the Council's valuer and sales of land should not be below the current market value as determined by the Council's valuer. Where this is not the case a report should be made to Executive or Council as appropriate. For further direction refer to section 7 of the Council's Financial Procedure Rules.
- 1.3 Every contract made by or on behalf of the Council shall comply with
- 1.3.1 these Contract Procedure Rules
  - 1.3.2 the Council's Financial Procedure Rules
  - 1.3.3 the Council's Constitution
  - 1.3.4 all relevant statutory provisions including any relevant E.C. directive
  - 1.3.5 any direction by the Council, Executive, Committee, Sub-Committee or other group having appropriate delegated authority.
- 1.4 These Contract Procedure Rules shall not apply or may be varied where or to the extent that:
- 1.4.1 the Council so resolves
  - 1.4.2 statute or subordinate legislation prescribes otherwise
- 1.5 Within these rules the term "Chief Officer" shall be deemed to include the Chief Executive and all members of the Strategic Leadership Board (SLB). A Head of Service is a member of the Operations Board.

## 2 DELEGATED AUTHORITY TO ENTER INTO CONTRACTS

- 2.1 Every Chief Officer in relation to the work of his/her Department shall have power to accept tenders (where required) and to enter into contracts on behalf of the Council.

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### 3 **CONTRACTS OF UP TO £50,000**

Tenders need not be invited for contracts estimated to have a value of £50,000 or less but quotations shall be obtained in accordance with the Council's Financial Procedure Rules. Dependant upon risk, a formal contract may be required with procurements of less than £50,000.

### 4 **REQUIREMENTS FOR TENDER**

4.1 Subject to the exceptions in Rule 4.2 below, tenders shall be invited where the contract sum is estimated to be £50,001 and above.

4.2 Notwithstanding compliance with EC Public Procurement Rules, Tenders need not be invited where

- i) the appropriate Head of Service in consultation with the appropriate Chief Officer is of the opinion that the goods or services are supplied only at a fixed price and no reasonably satisfactory alternative is available. Such instances must be brought to the attention of the Director of Finance.
- ii) there would be no genuine competition on account of the uniquely specialised nature of the goods/services (sole supplier). Such instances must be brought to the attention of the Director of Finance.
- iii) the appropriate Head of Service is of the opinion that the goods/services consist of repairs/supply of parts to an existing proprietary machinery/plant
- iv) the contract consists of goods/services the same as currently in use by the Council, which are required in the interest of standardisation for maintenance or for other special reasons. In such a case a report should be prepared and presented to SLB stating such reasons.
- v) the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract and the proposed extension is at a value not greater than the original contract sum plus RPI and it is considered by the relevant Chief Officer that, taking into account the cost of re-tendering, the Council is unlikely to benefit from a reduced contract sum. The relevant Chief Officer must obtain Executive approval by submitting a report to Executive setting out his/her proposal.
- vi) the Chief Officer, in consultation with the Head of Service, certifies on a form, approved by the Chief Executive and the Director of Finance, that work, goods, materials or services are required so urgently that there is not time to invite tenders, or where compliance would mean that less favourable terms or conditions would have to be accepted; and subsequently submits the certificate to the next meeting of the Executive and the Executive accordingly approves the exception.
- vii) goods purchased at public auction.

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- viii) where purchases are made as a consequence of an existing in-house contract.
- ix) where purchases are made as a consequence of a contract made by another local authority (e.g. ESPO), the benefits of which the Council obtain as a result of participation in a consortium.
- x) where the Council enters into a contract jointly with one or more other local authorities or partners, one of whom is the “lead authority” for that contract subject to the Chief Executive being satisfied that the Council’s interests will not be adversely affected.

4.3 Where tenders are required the Council’s Procurement Manager must be notified and one of the following methods shall be used:

- 4.3.1 Open competitive tender (Rule 5)
- 4.3.2 Ad hoc approved list (Rule 6)
- 4.3.3 Standing approved list (Rule 7)
- 4.3.4 Pre-vetted company list (Rule 8)
- 4.3.5 Established procurement specialist (Rule 9)

## 5 OPEN COMPETITIVE TENDERS

5.1 Tenders shall be invited after giving at least 14 days public notice in at least one local newspaper circulating in the area of the Authority and in such trade journals as the Chief Officer has considered appropriate stating the nature and purpose of the contract, inviting tenders and stating the last date when tenders will be accepted. However, when a tender falls under the scope of EC Public Procurement Rules, their timescales and advertising requirements shall apply (seek advice from the Council’s Procurement Manager).

## 6 AD HOC APPROVED LIST

6.1 Tenders shall be invited after giving notice in the manner set out in Rule 5 seeking applications to be placed on a list from which selected contractors will be invited to submit tenders. However, when a tender falls under the scope of EC Public Procurement Rules, their timescales and advertising requirements shall apply (seek advice from the Council’s Procurement Manager).

## 7 STANDING APPROVED LIST

- 7.1 Tenders shall be invited from persons included in a list approved by the Council for the supply of goods or materials of specified categories, values or amounts or for the carrying out of specified categories of work
- 7.2 The list shall be compiled in the following manner:

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7.2.1 Notices inviting applications for inclusion in the list shall be published not less than 28 days before the list is compiled in at least one local newspaper and one trade journal.

7.2.2 No person shall be included in the list unless, at the time of compilation of the list, the Director of Finance is satisfied as to his or her financial status and general suitability.

7.2.3 The approved list may be amended as required from time to time by the Council and shall be reviewed at intervals not exceeding two years.

## **8 PRE-VETTED COMPANY LIST**

8.1 Tenders may be invited from companies held on a pre-vetted companies list, for example Constructionline, ESPO. However, when a tender falls under the scope of EC Procurement Public Rules, their timescales and advertising requirements shall apply (seek advice from the Council's Procurement Manager).

## **9 ESTABLISHED PROCUREMENT SPECIALIST**

9.1 Where large, high value, tender exercises take place in areas in which the Council have limited expertise, it may be necessary to engage the use of established procurement specialists. These specialists will undertake the tender process on behalf of the Council. At all times, such specialists shall comply with the Council's Financial and Contract Procedure Rules.

## **10 SELECTION OF TENDERERS OR INVITEES**

10.1 The selection of persons from whom tenders shall be invited shall be delegated to the appropriate Chief Officer or his/her nominated representative.

10.2 In inviting applications for inclusion in a list of tenderers or in selecting persons from whom tenders are to be invited, steps shall be taken to ensure fair competition.

## **11 FORM OF INVITATION TO TENDER AND SUBMISSION OF TENDERS**

11.1 All tenders shall be required to be submitted on a Form of Tender approved by the Director of Finance or his nominated representative. This Form shall include a statement that the Council will not be bound to accept any tender and reserves the right to accept a tender other than the one which is the most favourable or not to accept any tender at all.

11.2 The invitations to tender shall state that no tender will be considered unless contained in a unmarked plain sealed envelope and endorsed "Tender" followed by the subject to which it relates.

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11.3 Every tender shall be addressed to the Director of Finance and the tender shall remain in his custody, or that of his nominated representative, until the time appointed for its opening.

## 12 EXTENSION OF TIME

12.1 Where the appropriate Head of Service considers it to be in the best interests of the Council the time within which tenders must be received may be extended after giving notice of such extension of time in the following manner. Such extensions should be given following consultation with the Council's Procurement Manager

12.1.1 **Open competitive tenders** - in accordance with paragraph 5.

12.1.2 **Ad hoc approved list/Pre-vetted company list/ Established procurement specialist** - by giving written notice to each of the selected contractors.

12.1.3 **Standing approved list** - by giving written notice to each of the relevant persons on the list.

## 13 OPENING OF TENDERS

13.1 All tenders for a contract shall be opened at the same time and within a maximum period of two hours after the closing time for the acceptance of tenders. The tenders will be opened in the presence of the Director of Finance and another Chief Officer, Head of Service or any such Officer(s) designated for the purpose.

13.2 The Director of Finance or his duly authorised representative shall prepare and maintain a register of tenders received and shall record in that register the following particulars:

13.2.1 the last date and time for the receipt of tenders

13.2.2 the date and time the tender was actually received

13.2.3 the name of the tenderer and the amount of the tender

13.2.4 the date and time they were opened.

13.2.5 the signature of the officer to whom the tenders were handed after opening.

13.3 All persons required to be present at the opening of tenders shall immediately sign against the relevant particulars in the register and shall also sign the tender as evidence of such tenders having been opened by them or in their presence.

13.4 Following the opening of tenders invited in accordance with Rules 6 or 7 the Chief Officer or their designated representative shall write to all persons who were invited to tender but who failed to tender to ascertain the reasons for that failure.

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14 **LATE TENDERS**

- 14.1 Any tender received late will be returned promptly to the tenderer by the Chief Officer or Head of Service concerned.
- 14.2 A late tender which has been received, subject to Rule 14.1 above, may be opened in the presence of the Director of Finance and another Chief Officer, Head of Service or such Officer(s) designated for the purpose, to ascertain the name and address of the tenderer but no details of the tender shall be disclosed.

15 **ALTERATIONS TO TENDERS**

- 15.1 Where the tender reveals errors or discrepancies, which would affect the tender figure in an otherwise successful, tender, the tenderer shall be told of the errors and discrepancies and given an opportunity of confirming, correcting or withdrawing the offer.

16 **ACCEPTANCE OF TENDERS**

- 16.1 In accepting a tender, consideration will be given to price and quality. A suitable pre-determined price-quality model (Evaluation Model) will be devised by the appropriate Head of Service in conjunction with the Council's Procurement Manager. Selection of the best tender will be based on this evaluation.

17 **CONTRACTS TO BE IN WRITING**

- 17.1 Every contract shall be in writing in a form approved by the Head of Corporate and Scrutiny Services or his/her nominated representative.
- 17.2 Every contract shall specify, amongst other things:
  - 17.2.1 the goods, materials, works, matters, or things, to be furnished, supplied or done (including any appropriate technical specifications)
  - 17.2.2 the price to be paid with a statement of discount or other deductions
  - 17.2.3 where applicable, the time or times that the contract is to be performed
  - 17.2.4 how the contractor will be accountable for performance, and any information or reports that he will be required to submit.
- 17.3 The appropriate Chief Officer shall sign every contract not required to be made under seal on behalf of the Council.
- 17.4 The Proper Officers shall seal every contract required or intended to be made under seal on behalf of the Council.

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## 18 ASSIGNMENT

- 18.1 In every written contract for the execution of work or the supply of goods or materials, the following clause shall be inserted:
- 18.2 "The contractor shall be prohibited from transferring or assigning directly or indirectly, to any person or persons whatever, any portion of the contract without the written permission of the Council. Sub-letting of any part(s) of the work, except to the extent permitted in writing by the officer concerned, shall be prohibited"
- 18.3 This requirement may be waived by the Head of Service in consultation with the Director of Finance

## 19 LIQUIDATED DAMAGES

- 19.1 Every contract that exceeds £50,000 shall, where considered appropriate by the appropriate Chief Officer, provide for liquidated damages to be paid by the contractor in case the terms of the contract are not duly performed. The amount to be specified in each such contract shall be determined in consultation with the Chief Officer concerned and the Director of Finance.
- 19.2 This requirement may be waived by the Head of Service in consultation with the Director of Finance

## 20 PERFORMANCE BONDS

- 20.1 Where a contract is estimated to exceed £150,000 in value and is for the execution of the works, or for the supply of goods or materials by a particular date or series of dates, the Chief Officer concerned in consultation with the Director of Finance shall consider whether the Council should require security for its due performance and shall either certify that no such security is necessary or shall specify in the conditions of tender the nature and amount of any security to be given. In the latter event, the Council shall require and will take a bond or other sufficient security for the due performance of the contract.
- 20.2 This requirement may be waived by the Head of Service in consultation with the Director of Finance

## 21 RETENTION

- 21.1 Works contracts, which are estimated to exceed £50,000 in value, will be subject to a defects period. The Council will retain a percentage of the monies due to the contractor for a period that the relevant Chief Officer deems appropriate, having regard to the current practice in the relevant industry and to the circumstances of the contract.

## 22 AGENCY WORK

- 22.1 Where goods or materials are to be used by the Council or services provided to the Council in connection with works carried out by the Council under an

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agency agreement, then Rule 4.3. shall be deemed to have been complied with if the Principal has approved the Standing Approved List or Ad hoc List.

## 23 CANCELLATION

- 23.1 Every contract will include a clause allowing the Council to cancel the contract and to recover costs if the contractor has offered, or given, any gift or consideration whatsoever as an inducement or reward to obtain the contract, or any other contract with the Council. This will include acts by any contractor which represent an offence under the Prevention of Corruption Acts 1989 to 1916 or any fee or reward, the receipt of which is an offence under Section 117 of the Local Government Act 1972

## 24 NOMINATED SUB-CONTRACTORS

- 24.1 Subject to 18.2, where a sub-contractor or supplier is to be nominated to a main contractor the following provisions shall have effect.
- 24.2 Where the estimated amount of a sub-contract exceeds £50,000 then, unless the appropriate Head of Service certifies that it is not reasonably practicable to obtain competitive tenders, tenders for the nomination shall be invited and dealt with in accordance with these Contract Procedure Rules as if they were for a contract with the Council.
- 24.3 A nominated sub-contractor must be willing to enter into a contract with the main contractor on terms which indemnify the main contractor against his own obligations under the main contract in relation to the work or goods included in the sub-contract.
- 24.4 These requirements may only be waived by the Head of Service in consultation with the Director of Finance.

## 25 COMPLIANCE WITH RULES

- 25.1 Each Chief Officer, Head of Service and budget holder will ensure that contract rules are complied with, that the Council obtains value for money and that the goods, services, materials or works required are necessary and appropriate

## 26 BREACHES OF RULES

- 26.1 Where a Chief Officer discovers that there has been a breach of Rules in his/her Service Area then he/she will consult the Director of Finance and instigate appropriate action. This may include, following consultation with the Head of Corporate & Scrutiny Services, consideration of invoking the Council's disciplinary procedure and reporting to Executive as necessary.

## 27 REVIEW OF FINANCIAL LIMITS

- 27.1 The Council shall review the financial limits annually.

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# Financial Procedure Rules



# Financial Procedure Rules

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# 1. SUMMARY OF MAIN LIMITS IN THE PROCEDURE RULES

## **CAPITAL PROGRAMME**

### **Tenders & Quotes**

- Variations causing the **scheme budget** to increase by at least 5% (min £10,000) must be reported to Executive immediately, **and**
- show possible compensating savings in the project, **or**
- Compensating adjustments in other projects, **or**
- Ask Council for supplementary budget.

### **Overspends up to £25,000**

- Chief Executive, Deputy Chief Executive or Director of Finance approve virement.
- Chief Executive in consultation with Director of Finance may approve supplementary budget.

### **Overspends £25,001 to £50,000**

- Request to Executive for virement or supplementary budget.

### **Overspends £50,001 and above**

- Request to Council for virement or supplementary budget.

## **CONTRACTS**

### **Variations must be in writing specifying**

- Rates of charge
- Cost of measured work
- Estimated cost
- Basis of charge

### **Report to Executive any projected increase of more than 5% on contract (min £10,000)**

## **INCOME**

### **Write Off of Debts**

- **Up to £5,000:** All members of the Strategic Leadership Board (SLB) may give approval to write off general debts that are proven to be unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.
- **Between £5,001 and £25,000:** Chief Executive or Director of Finance approval required.
- **Between £25,001 and £50,000:** Executive approval.
- **Over £50,000:** Council approval.

### **Miscellaneous Sales**

- SLB members can decide, if the estimated income is **up to £5,000**.
- Offers must be invited if the estimated income is **£5,001 and above**.

## **SALE OF OBSOLETE EQUIPMENT / STOCK**

- **Up to £5,000** : SLB Member may approve.
- **Over £5,000** : SLB Member may approve but offers must be sought.

## **PAYMENTS**

- **Over £20,001** : Approval of Chief Executive; Deputy Chief Executive, Director of Finance or other SLB member required.
- **£5,001 to £20,000** : Signature of Chief Executive, SLB Member, Operational Board Member or a Manager reporting directly to a Head of Service.
- **Up to £5,000 : Operational Board** must compile a list of officers authorised to sign orders. The list must include the approval limit and specimen signature for each authorised Officer. The list must be sent to the Director of Finance and reviewed annually.
- Petty Cash : **Limit is £150.**

## **REVENUE BUDGETS**

### **Variations**

- **20% but less than £10,000** : Director of Finance can approve virement.
- **Variations between £10,001 and £25,000:** Chief Executive in consultation with Director of Finance can approve virement.
- **Variations up to £10,000** : Chief Executive in consultation with Director of Finance can approve a supplementary budget.
- **Variations between £10,001 and £25,000 requiring a supplementary estimate** : Can only be approved by the Chief Executive after he has been reassured that all necessary steps have been taken by the SLB Member to achieve compensating savings and in consultation with the Director of Finance.
- **Between £25,001 and £50,000** : Executive approve virement or supplementary budget.

- **£50,001 and above** : Council approve virement or supplementary budget.

## **ORDERS FOR WORKS, GOODS AND SERVICES**

### **Authorisation**

Over £50,000, normal tendering procedures as set out in Contract Procedure Rules will apply.

- **Between £25,001 and £50,000:** SLB Members must approve
- **Between £10,001 and £25,000:** Operations Board Members must approve.
- **Between £5,001 and £10,000** : Orders to be signed by officers authorised by SLB Members in consultation with Operational Board as per orders up to £5,000.
- **Up to £5,000:** SLB Members must compile a list of officers authorised to sign orders. The list must include the approval limit and specimen signature for each authorised Officer. The list must be sent to the Director of Finance and reviewed annually.

### **Ordering Procedure**

- The current Contract Procedure Rules and Financial Procedure Rules regarding revenue and capital budgets must be strictly observed.
- **No splitting of orders to avoid the relevant procedure!**
- Orders for more than one year and/or more than one department must be for the **total value over the full period**.  
Before proceeding to raise an order/enter into a new contract for the supply of goods, works or services, the procuring officer should first ensure that there are:
  - No current in-house arrangements in existence.
  - No current ESPO/OGC arrangements in place.
  - No current Corporate Contracts in place.

The following limits apply:

- **Orders up to £5,000:** Informal prices.
- **£5,001 to £20,000** : 2 written quotations.
- **£20,001 to £50,000** : 3 written quotations on the basis of a detailed specification.
- **£50,001 +** : The formal tendering procedure, set out in Contract Procedure Rules must be used. **Where the Council is a lead Authority in procuring goods or services for a number of authorities, it is the gross value of the order that will determine the level of authorisation.**

## 2. INTRODUCTION

- A. The control and co-ordination of the finances of the Borough Council is the responsibility of the Council. Financial Procedure Rules provide the framework within which the Council's financial affairs are to be managed.
- B. The Director of Finance is the designated officer responsible, under the terms of Section 151 of the Local Government Act 1972, for the proper administration of the financial affairs of Hinckley and Bosworth Borough Council. The Accountancy Manager will deputise as S151 Officer in the absence of the Director of Finance.
- C. Any reference to the Director of Finance will include those officers in that Service Area undertaking delegated duties.
- D. Within financial procedures the term "Chief Officers" shall be deemed to include the Chief Executive and the Strategic Leadership Board (SLB)
- E. Any references made to "Finance Officers" include the Accountancy Manager, Group Accountants, Senior Accountants and Accountants.
- F. The Corporate Property Officer (CPO) is the Estates and Assets Manager.
- G. A Head of Service is a member of the officers' Operational Board.
- H. The Chief Executive, SLB and Operational Board members are responsible for ensuring that all Financial Rules, Financial Procedures and any other financial instructions which the Director of Finance may issue from time to time are complied with by all their staff in order to ensure that the Council obtains value for money and that the goods, materials, works and services required are necessary and appropriate.
- I. Where a Chief Officer discovers that there has been a breach of Rules in his/her service area then he/she will consult the Director of Finance and instigate appropriate action. This may include, following consultation with the Head of Corporate Services, consideration of invoking the Council's disciplinary procedure and reporting to Executive as necessary.
- J. The Financial Procedure Rules are rules that members and officers must apply to ensure good financial management. They give the detail to the general strategy contained in Part 4 of the Constitution. They must be used in the context set out in Rules of Procedure (Part 4 of the Constitution of the Council) and Codes and Protocols (Part 5 of the Constitution of the Council) and must be adhered to at all times.
- K. Financial Procedure Rules must be reviewed annually and Council must approve any amendments.
- L. Any questions about the use or scope of the financial procedure rules should be addressed to the Director of Finance or to Finance Officers.

### 3. ACCOUNTING PROCEDURES

- ◆ The **Director of Finance** will decide on all accounting procedures within the Borough Council and on the records to be kept.
- ◆ **All accounts and accounting records** will be compiled under the direction of the Director of Finance.
- ◆ The following **principles** will apply in **allocating accounting duties** :
  - **the calculation, checking and provision of information** on sums due to or from the Borough Council must be separated from actual collection or payment of those sums.
  - the **staff checking** cash transactions **must not** have been involved in those transactions.
- ◆ The **Director of Finance** is responsible for **providing all financial management information** to Council, Executive, Scrutiny Committees, SLB and service areas, as frequently as may reasonably be required.
- ◆ **By 30 June of each year the Director of Finance must :**
  - report to Executive the **out-turn details** for the previous financial year,
  - draw attention to any significant **over or under spending** against budget,
  - present a **financial statement** of the Borough Council finances at the end of the last financial year.
- ◆ The **Director of Finance** shall prepare a report to Council, under the requirements of **Section 114 of the Local Government Finance Act 1988** if it appears that the Authority or an officer:
  - has made or is about to make a decision which involves or would involve the authority incurring expenditure which is unlawful,
  - has taken or is about to take a course of action which if pursued to its conclusion, would be unlawful and likely to cause a loss or deficiency on the part of the authority,
  - is about to enter an item of account the entry of which is unlawful, or
  - has incurred expenditure, or proposes to incur expenditure, in a financial year in excess of the total resources (including sums borrowed) available to it to meet that expenditure.
- ◆ The **Director of Finance** is responsible for **submitting the Council's Statement of Accounts to the External Auditor.**
- ◆ A "**Key Decision**" is defined as a decision which:
  - involves expenditure (or a reduction in income) over £50,000 on any particular scheme/project (totalled across financial years); or
  - involves the adoption of a policy or strategy which the Executive has power to adopt; or
  - involves the adoption or amendment of the Scale of Fees and Charges; or
  - is one which affects the whole of the Borough and is one which the residents of Hinckley & Bosworth would normally expect to be notified or consulted
- ◆ Officers are required to immediately inform the Monitoring Officer of any key decision for inclusion in the Forward Plan.

#### 4. ASSET REGISTER

- ◆ The **Corporate Property Officer** in consultation with the Corporate Asset Management Group, will undertake all required developments in asset management.
- ◆ The **Corporate Property Officer** will be responsible for maintaining an Asset Register of all significant assets owned by the Council.
- ◆ The **Director of Finance** will verify the asset register on a twice yearly basis to the corporate land terrier record, maintained by the Head of Corporate Services.
- ◆ The **Corporate Property Officer** will provide guidance to SLB members on the requirement to update the Asset Register.

## 5. BANKING ARRANGEMENTS

- A. The Director of Finance is responsible for all arrangements with the Council's bankers.
- B. No officer shall be permitted to open bank accounts without prior approval of the Director of Finance.
- C. Bank accounts will be in the name of "Hinckley and Bosworth Borough Council".
- D. All cheques and banking stationery must be ordered by the Director of Finance, who must arrange for their safe custody and control.
- E. The Director of Finance has discretion to arrange overdraft facilities.
- F. Cheques on the Council's bank account will:
  - Bear the facsimile signature of the Chief Executive or the Director of Finance, or
  - Be signed by the Chief Executive or the Director of Finance, or
  - Be signed by any other officer so authorised by the Chief Executive and the Director of Finance.
  - Two signatures are required for cheques over £50,000.
- G. The Director of Finance must arrange:
  - Monthly reconciliations of the Council's bank accounts with the cash book.

## 6. CAPITAL PROGRAMME (CREATION)

- A. For the purpose of these procedure rules “capital expenditure” means the acquisition of land or buildings, the erection of buildings, the erection of permanent works, the purchase of vehicles, plant, machinery, equipment and furniture and any related fees, which are not financed from the Revenue budget.
- B. Items or groups of items under the value of £5,000 would not normally be classified as capital expenditure.
- C. The Director of Finance, will prepare a Capital Programme in the annual budget cycle, showing the projects for the next four years.
- D. The Officer Capital Forum Group will review the Capital Programme with the Asset Management Plan in order to ensure that the Council’s corporate objectives are being met and that there is consistency between the capital programme and the Asset Management Plan. The Officer Capital Forum Group will report progress on the Capital Programme to the Heads of Service on the Operations Board.
- E. The Director of Finance will collate the submissions of the Heads of Service and report to the Executive.
- F. The Council will receive the recommendations of the Executive, review the overall expenditure, capital resources and revenue implications and set a capital budget.
- G. The Capital Programme will include total capital costs and the proposed capital expenditure on each scheme for each year of the programme.
- H. The Procedure for inclusion in the Capital programme is as follows:
- An initial project appraisal must be submitted to the Head of Service.
  - The project will then be presented to the Officer Capital Forum Group and if agreed a report will be presented to the Director of Finance and to SLB.
  - Once approved by SLB a Project Officer will be assigned who will be responsible to the lead officer in charge of the project budget.
  - An outline report will then be presented to Executive/Council for noting
  - Council as part of the next revenue budget review cycle will consider the project and give approval as appropriate

It is the Project Officer’s responsibility to ensure:-

- A full financial appraisal will be prepared by the technical officer in conjunction with the Director of Finance and will include:
- Detailed estimates of the capital costs of the proposed scheme.
- Detailed estimates of the annual running costs and income.
- Estimated annual capital charges resulting from the additional asset.
- Any consequences of not proceeding with the project.
- Any compensating savings in other services after completion of the project.

- I. In exceptional circumstances, a project may need to be inserted in the programme when it cannot fulfil the normal programming timetable. The report proposing the project must include:
- A full financial appraisal.
  - An explanation of how the project can be fitted into the programme.
  - The explanation will identify the necessary savings or the project(s), which will be deferred to accommodate the new project.
- J. The Director of Finance will advise SLB and the Executive of funding the Capital Programme. This will include consideration of affordability and sustainability in accordance with the Prudential Code and disposal of Council assets in accordance with the Council's Disposals Policy as outlined in section 8.



## 7. LAND AND PROPERTY ACQUISITION

Unless there are exceptional circumstances, the Council will only acquire land or property for the following reasons:

- To contribute towards the provision of Council's services
- Economic Development purposes
- Improving service delivery and in turn providing revenue income generation
- Strategic acquisition for redevelopment purposes

A financial appraisal will be carried out to establish the financial/budgetary implications of acquiring the property at the quoted asking price. The advice of the Director of Finance will be sought regarding current rates of interest on capital invested, to enable the opportunity cost of the acquisition to be fully assessed. The financial appraisal will take into account the following matters:

- The capital cost of acquisition
- The opportunity cost of acquisition
- Any revenue, or potential revenue, generated from the property, both short and long term
- Availability of external funding sources
- Possibility of joint ventures
- The cost, in Asset Management terms, of owning the property, including:
  - Immediate maintenance/refurbishment requirements
  - Demolition costs, if appropriate
  - Ongoing maintenance/life cycle costings
  - National non-domestic rates
  - Services within the property
  - Insurance
  - The overall effect of the expenditure on the Council's budgetary position.

Where the acquisition is to be by way of a long lease, the Director of Finance will be consulted to assess the implications regarding VAT, Capital Controls and accounting conventions.

Once the financial appraisal has been undertaken, a report will be prepared seeking appropriate approval for the proposed course of action.

Detailed guidance on land and property acquisition can be found in the Council's adopted acquisition policy.

## **8. LAND AND PROPERTY DISPOSALS**

Section 123 of the Local Government Act 1972, provides guidance on a definition to the effect that disposal of property can be considered to be a disposal if it consists of -

- a) a freehold transfer; or
- b) a grant of a term exceeding seven years; or
- c) the assignment of a term which, at the date of the assignment, has more than seven years to run.

### **Minor Disposals**

A minor disposal generally arises when an application is received from adjacent or neighbouring owner(s) to purchase the freehold or leasehold interest of a small or inconsequential area of land in the Council's ownership. If the land is surplus to requirements as identified in the Acquisition and Disposal Strategy, has no development value or open market opportunity and has a market value of less than £5000, it is permissible in these cases with the agreement of the Director of Finance to open 'confined' negotiations with the adjacent or neighbouring owner in order to achieve the most advantageous financial or economic result e.g. if the land is 'landlocked' or is difficult or expensive to maintain. In the case of minor disposals, the Estates and Asset Management Service is responsible for the disposal of its property assets in accordance with this policy.

### **Major Disposals**

A major disposal is any disposal not covered by the minor disposal definition above.

When a property has been identified as surplus to the requirements of the CPO should be notified. If the Asset is not identified as a key disposal under the Acquisition and Disposal Strategy it should be processed by the Asset Management Service to ascertain the value of sale. On successful completion of this process CPO may seek Executive approval to it being declared surplus and add the record to the acquisition and disposal strategy for an appropriate programmed sale.

Detailed guidance on land and property disposal can be found in the Councils adopted disposal policy.

## **9. DELEGATED POWERS OF DISPOSAL**

Delegated powers of disposal are considered separately and are subject to the Councils Constitution

## 10. CAPITAL PROGRAMME (CONTROL)

### BUDGET MONITORING

- A. Heads of Service and their Managers will monitor the progress of all capital schemes in line with the relevant financial instructions issued by the Director of Finance.
- B. The Middle Managers Capital Forum Group will monitor progress of all capital projects at least quarterly.

### ACCEPTANCE OF TENDERS

- A. Chief Officers must report to Executive, where tenders/quotations cause the scheme budget to be exceeded by more than 5% (minimum reporting level £10,000) indicating whether:
  - Amendments can be made to the project specification to ensure that the budget is not exceeded, or
  - Compensating adjustments can be made to other capital projects within the programme. Such adjustments require the approval of Executive, or
  - Executive can be requested to approve a supplementary budget up to a maximum of £500,000 per year in aggregate, with a limit per individual supplementary of £50,000, where no savings are possible.
  - Council can be requested to approve a supplementary budget beyond £50,000, up to a maximum of £500,000 where no savings are possible.

### BUDGET REPORTING

- A. The Capital Forum Group will report to the Operational Board, at least quarterly, on progress of the capital programme.
- B. The Operational Board will report to SLB at least quarterly on progress of the Capital Programme.
- C. Executive shall hold SLB members to account for their performance on implementing the capital programme and for their use of capital resources.
- D. The Director of Finance will report twice yearly to Council on the overall financial position in relation to over/under-spends and anticipated slippage.
- E. The Director of Finance shall report outturn expenditure to Executive and to Council.

### SUPPLEMENTARY APPROVAL / VIREMENT

- A. Overspend up to £25,000 on a capital project
  - The Chief Executive, Deputy Chief Executive or Director of Finance will be authorised to vire across budget heads up to a maximum of £250,000 per year in aggregate, with a limit per individual virement of £25,000. All such proposals must be reported to the Accountancy section.
  - The Chief Executive, in consultation with the Director of Finance is authorised to approve supplementary estimates up to a maximum of £250,000 per year in aggregate, with a limit per individual supplementary estimate of £25,000.
- B. Overspend between £25,001 and £50,000 on a capital project.

- Executive will be authorised to vire across budget heads up to a maximum of £500,000 per year in aggregate, with a limit per individual virement of £50,000.
- Executive will be authorised to approve an individual supplementary estimate of £50,000 up to a maximum of £500,000 per annum in aggregate.

C. Overspend greater than £50,000 on a capital project.

- Council will be authorised to approve a virement across budget heads above £50,000 per individual virement.
- Council will be authorised to approve an individual supplementary estimate above £50,000.

### **CAPITAL PROGRAMME CONTROL**

- A. Chief Officers and Heads of Service must ensure all Borough Council employees and external organisations are aware of and comply with Constitution of the Council Contract Procedure Rules and Financial Procedure Rules.
- B. The Director of Finance may carry out an audit of any capital project, either while it is in progress or after completion.
- C. The Director of Finance will make an annual report, to Executive, listing those projects, which became financially complete in the previous financial year and comparing the final cost with the scheme budget.

## 11. CONTRACTS

- A. All contracts for works, goods and services must comply with the Council's Contract Procedure Rules.
- B. Chief Officers and Heads of Service entering into contracts for the supply of goods and services must notify the Director of Finance immediately and he or she must be supplied with financial details of the contract.
- C. Before any contract is completed with a contractor:
  - The Director of Finance may make any enquiries necessary to establish the financial competence of the contractor to carry out the works.
  - The Director of Finance may make any enquiries necessary to establish evidence to ensure that appropriate insurances and bonds are in place.

### WORKS CONTRACT

- D. For contracts for the supply of works on a retention basis, the Director of Finance must keep a works contracts register showing:
  - The state of account of each contract
  - The payments to each contractor
  - Retentions
  - Associated professional fees
- E. Payments on Account to contractors must be made only on a certificate authorised by a Head of Service or other authorised supervising officer.
- F. The Certificate will show:
  - The total amount of the contract
  - The value of work carried out to date
  - Authorised variations
  - Retention money
  - The amount paid to date
  - The amount now due for payment

### **VARIATIONS**

- A. All variations, additions and omissions, must be authorised in writing by the supervising officer under the terms of the contract.
- B. The notification must specify:
  - The individual rates of charge
  - The total cost of measured work
  - The estimated cost
  - The basis of charge
- C. A copy of each notification is to be sent to the Director of Finance.
- D. The Head of Service, on behalf of the supervising officer, must report immediately to Executive any variation or addition which will cause the accepted tender or quote to increase by more than 5% (with a minimum reporting level of £10,000). All variations must be notified to the Director of Finance at the earliest possible opportunity and be reported in accordance with normal budget monitoring process.

- E. The Heads of Service have discretion to withhold payments claimed to be due, until the contractor has complied with the terms of the contract.
- F. Any claim by the contractor on a matter not clearly within the terms of a contract must be referred to the Head of Corporate Services and the Director of Finance for assessment of the legal liability and financial implications before any settlement is reached.
- G. The Chief Officer, on behalf of Contract Officer, must report any delay in a contract, which will significantly affect the final completion date to Executive. The report must include details of any remedial action.
- H. The Head of Service in consultation with the Chief Officer is responsible for examining the agreed final account and any supporting documents before the final certificate for payment is issued.
- I. The Contract Officer must inform the Director of Finance, when the maintenance period in the contract has been completed satisfactorily, so that retention monies may be released.
- J. Where the Borough Council has appointed a consultant to supervise a contract, the terms of appointment must require the consultant to satisfy the same financial procedure rules that apply to an officer of the Council.
- K. The terms of appointment must also ensure that the Council retains all accounts, vouchers and documents until the External Auditor has audited the Council's accounts.

## 12. INCOME

### RESPONSIBILITY

- A. The Director of Finance is responsible for the collection and safe custody of all money due to the Borough Council.
- B. Heads of Service are responsible for raising debtor invoices in their own service areas and report on collection rates to the respective Chief Officer at least quarterly.

### IDENTIFICATION OF SOURCES OF INCOME

Heads of Service must raise debtors' invoices promptly. Heads of Service must notify the Chief Officer and Director of Finance when any contract, lease or arrangement is made, whose terms provide that the Council should receive money.

The Director of Finance has the right to inspect any documents relating to such matters.

The Director of Finance must maintain a Periodical Income Records identifying regular receipts.

### GRANTS

- A. Heads of Service should ensure that all grants and external funding income is promptly claimed and proper records and working papers are retained to justify claims.
- B. Heads of Service should ensure that all claims are validated by a Finance Officer before submission to the accountable body/funding agency
- C. Heads of Service must inform the Chief Officer and Director of Finance of any new bids for grant application, provide copies of grant applications and letters of acceptance to the Director of Finance.
- D. The Director of Finance will retain a central grants register which will be monitored and updated.

### FEES AND CHARGES

Heads of Service in consultation with the Chief Officer will ensure that all rents, fees and charges are reviewed at least annually at the time of the preparation of the budget. Rents should be reviewed in accordance with the terms of the agreement.

Where it is proposed to introduce, revise, or discontinue a scale of fees and charges, the Director of Finance should be consulted before the proposal is progressed.

The Director of Finance will produce an annual report and Fees and Charges book to Executive for approval.

## **PROCEDURE FOR RECEIPTS**

A. Any money received by an officer must immediately:

- Be paid to the Director of Finance or,
- Be paid into the Council's bank account or,
- Be sent direct to any other body or person entitled to receive it.

B. No deduction must be made from receipts unless specifically authorised by the Director of Finance.

C. All officers receiving cash must give an official receipt.

All receipts and deposits must be recorded clearly, accurately and in date order in records acceptable to the Director of Finance.

Each officer receiving money on behalf of the Council must record on a paying-in slip or directly into the computer system:

- A reference such as the debtor's name
- The receipt number, so that the debt or reason for the payment can be easily identified

On the back of each cheque the following details must be entered:

- Account number
- Cashier's reference
- Date accepted
- Receipt number

No third party cheques are to be accepted.

Personal cheques must not be cashed out of Council money.

The receiving officer must sign transfers of Council money from one employee to another.

## **DEBT RECOVERY**

- ◆ The Director of Finance must ensure that robust debt recovery procedures are in operation and comply with the Council's Debt Management Policy.

## **DEBT WRITE OFF**

A. Up to £5,000

- All Members of the Operational Board may give approval to write off general debts that are proven to be unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.

B. Between £5,001 and £10,000

All members of SLB may give approval to write off general debts that are proven unrecoverable (including where the debtor is bankrupt or being wound up) or raised in error.

C. Between £10,001 and £25,000

- The Chief Executive and Director of Finance have delegated authority to write off such debts.



- They must submit reports to Executive, at six monthly intervals, summarising those debts written off.

D. Between £25,001 and £50,000

- Executive must approve the write off.

E. Over £50,000

- Council must approve the write off.

### 13. INTERNAL AUDIT

- A. The Director of Finance is authorised, under the terms of regulation 6 of the Accounts and Audit Regulations 2003, to arrange the internal audit of the financial affairs of Hinckley and Bosworth Borough Council.
- B. Internal Audit will:
- Ensure, by continuous review and appraisal, that systems of internal control are sound throughout the organisation.
  - Ensure compliance with established policies.
  - Promote the efficient use of resources to improve operations.
  - Assist in the protection of Council assets.
  - Strive to detect and prevent fraud and error.
- C. The Director of Finance or his/her authorised representative has the authority to:
- Enter, at all reasonable times, any Council owned or managed premises and land.
  - Have access to records, documents and correspondence relating to transactions of and agency operations on behalf of the Council.
  - Require and receive explanations concerning any matter under consideration.
  - Require any employee to produce any cash, stock or other Council property under his control.
- D. Chief Officers and Heads of Service must notify the Director of Finance immediately of any possible financial irregularity.
- E. The Director of Finance will decide what report or action is required.
- F. The Director of Finance will advise Executive where there are staffing implications.
- G. Any matter revealed during a routine audit must be reported to and considered by the Head of Service for a Management response.
- H. Audit recommendations will be reported to Executive and Scrutiny Commission and Executive will approve an Annual Audit Report.
- I. Chief Officers and Heads of Service will be responsible for considering and taking appropriate action on matters drawn to their attention by audit reports.

## 14. INVENTORIES, EQUIPMENT AND STOCKS OF OFFICE SUPPLIES

All Heads of Service must prepare an inventory, in a form agreed with the Director of Finance, keep it up to date by annual review at 31<sup>st</sup> March each year and send a certified copy (certified by the Chief Officer and the Head of Service) to the Director of Finance. All Council property must be clearly marked as belonging to the Council.

Each Head of Service shall be responsible for carrying out an annual check of all items on the inventory.

The inventory will record a proper description of:

- All moveable furniture
- Office machinery
- Any similar property belonging to the Council

The Director of Finance will prepare an inventory of ICT equipment and software, keep it up to date and carry out a formal review at the 31<sup>st</sup> March each year.

The Corporate Property Officer will prepare an inventory of works of art, civic regalia and other civic valuables, keep it up to date and carry out a formal review at the 31<sup>st</sup> March each year.

Heads of Service are responsible for the physical control of office supplies :

- Stock levels must be reasonable
- Levels must be reviewed annually

Council property can only be used on council business, unless the relevant Chief Officer has given specific approval to the contrary.

### **MISCELLANEOUS SALES**

- A. Disposal of all ICT equipment must be in accordance with the ICT Equipment Disposal Policy.
- B. Heads of Service have authority to arrange the sale of non ICT surplus materials (to external customers), without offers, when expected income is not greater than £1,000.
- C. Heads of Service have authority to arrange the sale of non ICT surplus materials (to external customers), when expected income is not greater than £5,000 provided they have first sought informal evidence of the appropriate value of the item to be sold.
- D. When expected income is greater than £5,000, offers for the items must be invited.
- E. Payment is to be made in cash before the goods are released, unless the Director of Finance has agreed otherwise.

## 15. INVESTMENTS, BORROWING AND TRUST FUNDS

- A. The Council has adopted the 2001 CIPFA'S Treasury Management in Public Services: Code of Practice (the Code) as described in Section 4 of that code.
- B. The Council will create and maintain:
- A Treasury Management Policy statement, stating the policies and objectives of its treasury management activities
  - Suitable Treasury Management Practices (TMP's) setting out the manner in which the Borough Council will seek to achieve those policies and objectives, prescribing how it will manage and control those activities.
- C. The Council will approve the Treasury Management Policy.
- D. The Council delegates responsibility for the implementation and monitoring of its treasury management policies and practices to Executive and for the execution and administration of treasury management decisions to the Director of Finance, who will act in accordance with the Council's policy statement and Treasury Management Policies (TMPs) and CIPFA's Standard of Professional Practice on Treasury Management.
- E. Executive will receive reports on its Treasury Management Policies, practices and activities, including as a minimum an annual strategy and plan in advance of the year, and an annual report after its close, in the form prescribed in its TMPs
- F. All money in the hands of the Council shall be under the control of the Director of Finance.
- G. All funds are to be aggregated for the purposes of treasury management.
- H. All investments must be in the name of the Council or in the names of nominees approved by the Council.
- I. The Director of Finance must keep all securities for property in the Council or approved nominees safe.
- J. The Director of Finance is the Council's registrar for all stocks, bonds and mortgages.
- K. The Director of Finance keeps the record of all Council borrowing.
- L. All trust funds must be in the name of the Council, wherever possible.
- M. Officers, acting as trustees because of the official position, must deposit all securities, relating to the trust, with the Director of Finance, unless forbidden by the trust deed.

## 16. ORDERS FOR WORK, GOODS AND SERVICES

### AUTHORISATION

Orders will be authorised electronically using the Procurement Module of the Civica Authority Financials package

- A. Orders up to £10,000
- Strategic Leadership Board Members may delegate authority for the approval of orders.
  - Strategic Leadership Board Members in consultation with the appropriate Operational Board Member must compile a schedule of authorised approvers and their approval limits of either up to £5,000 or up to £10,000.
  - The schedules must be submitted to the Director of Finance.
  - The Director of Finance must be notified immediately of any changes.
  - The schedules must be reviewed annually and submitted to the Director of Finance.
- B. Orders between £10,001 and £25,000.
- Must be approved by a member of the Operational Board
- C. Orders between £25,001 and £50,000
- Must be approved by the Chief Executive, Deputy Chief Executive or by a Strategic Leadership Board Member.
- D. Orders over £50,000
- For orders over £50,000 a Chief Officer must authorise the order having been provided with evidence that the rules stipulated under the Council's Contract Procedures have been applied.

*Where the Council is the lead Authority in procuring goods or services for a number of Authorities it is the gross value of the order that will determine the level of the authorisation required and not the net cost to Hinckley and Bosworth Borough Council.*

*Similarly, where external grant funding is to be received, it will be the gross expenditure (and gross funding) that will determine the level of authorisation required.*

### ORDERS

- A. Orders for work, goods and services must not be placed unless the expenditure to be incurred is in accordance with the Financial Procedure Rules.
- B. All orders for work, goods and services must be made either by the Council's official order or by formal contract.
- C. Where urgent orders are given orally they must be confirmed by an official order not later than the next working day following the day in which the oral order is given. Confirmation orders should be clearly marked as confirmation only.
- D. Orders must state clearly:
- The nature and quantity of work, goods or services
  - Any agreed prices or contract
  - An expenditure code
  - An estimated value for commitment purposes
- E. The Operations Board member/Manager must ensure that orders for goods and services are proper expenditure and are covered by an approved budget.

## CORPORATE PURCHASING

- A. The Head of Service who is the major user of any goods or services, is responsible for obtaining annual contracts for the supply of these items to service areas. Examples would include supplies such as IT equipment, mobile telephones, leased vans and general stationery.
- B. Orders must be placed under the terms of these contracts.

## PROCEDURE

- A. The current Contract Procedure Rules and Financial Procedure Rules regarding revenue and capital budgets must be strictly observed.
- B. Orders must not be split to reduce the value below quotation/ tendering limits.
- C. Orders for more than one year and/or more than one service area must be for the total value over the full period, e.g. an order for goods valued at £2,000 per year for 3 service areas for 5 years is a £30,000 order.

*Where the Council is the lead Authority in procuring goods or services for a number of Authorities it is the gross value of the order that will determine the level of the authorisation required and not the net cost to Hinckley and Bosworth Borough Council.*

*Similarly, where external grant funding is to be received, it will be the gross expenditure (and gross funding) that will determine the level of authorisation required.*

## INITIAL CONSIDERATIONS

Before proceeding to raise an order/enter into a new contract for the supply of goods, works or services, the procuring officer should first ensure that there are:

- ◆ No current in-house arrangements in existence
- ◆ No current ESPO / OGC arrangements in place
- ◆ No current Corporate Contracts in place

If there are such existing arrangements in place, then they should be used wherever possible provided such arrangements provide value for money. Where the procuring officer seeks to utilise alternatives, the Council's Procurement Manager should be consulted. Where the purchase cannot be made utilising these arrangements, the following limits shall apply:

## LIMITS

- A. Up to £5,000
  - Obtain prices informally to demonstrate value for money.
- B. £5,001 to £20,000
  - Obtain two written quotations.
- C. £20,001 to £50,000
  - Obtain three written quotations based on a detailed specification.
- D. £50,001 and above
  - The normal tendering procedure set out in Contract Procedure Rules applies.

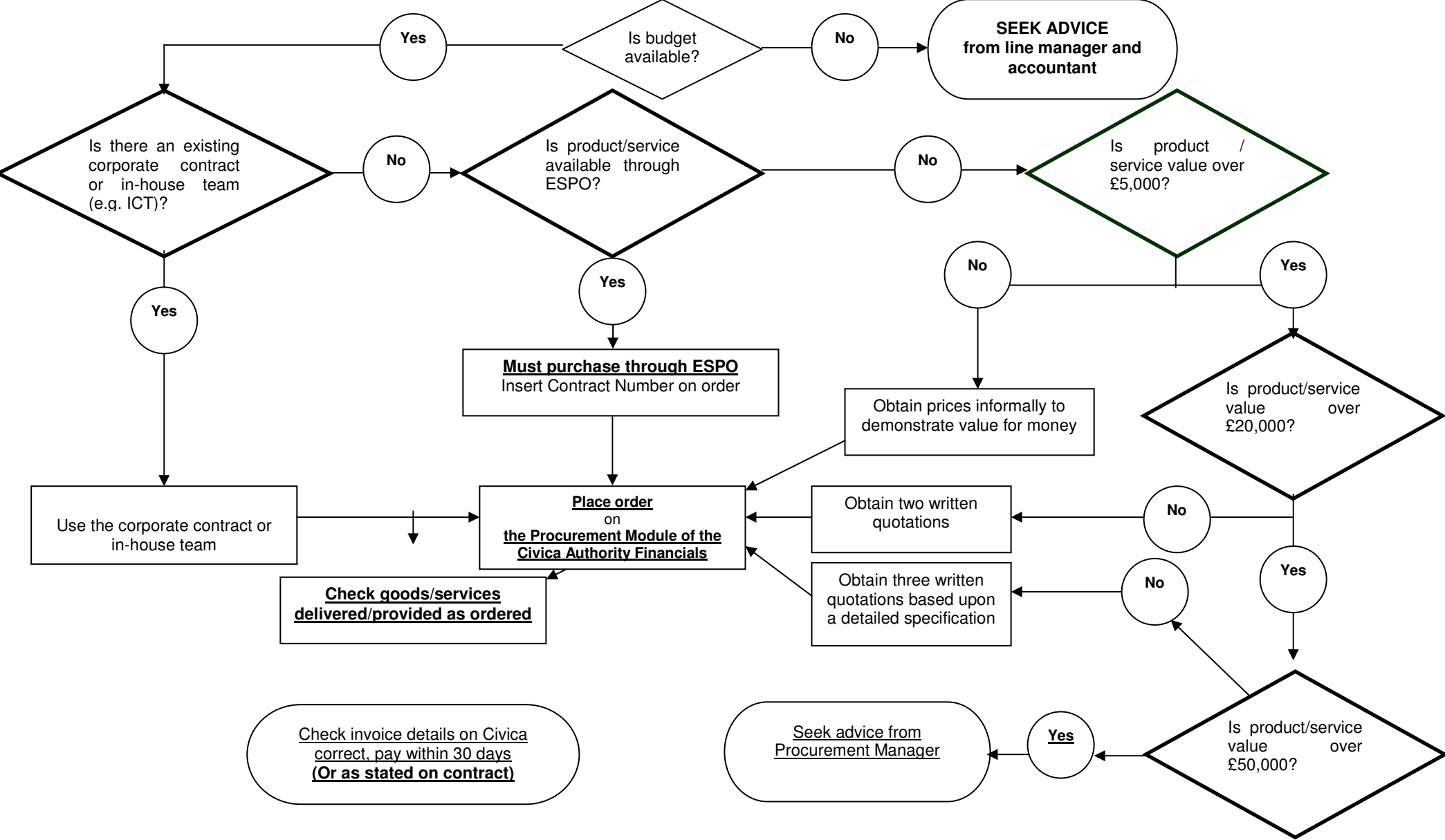
- E. The most economically advantageous tender where procurement rules provide. If there are exceptional reasons why this should not happen, Executive must be advised of those reasons, under the scheme of delegation.

## **EXCEPTIONS**

The Chief Officer, after consulting the Director of Finance, may waive the regulations on annual contracts and order limits in the following circumstances.

- a) the appropriate Chief Officer is of the opinion that the goods or services are supplied only at a fixed price and no reasonably satisfactory alternative is available
- b) there would be no genuine competition on account of the uniquely specialised nature of the goods/services (sole supplier).
- c) the appropriate Chief Officer is of the opinion that the goods/services consist of repairs/supply of parts to an existing proprietary machinery/plant
- d) the contract consists of goods/services the same as currently in use by the Council, which are required in the interest of standardisation for maintenance or for other special reasons
- e) the work to be executed or the goods or materials to be supplied constitute an extension of an existing contract and the proposed extension is at a value not greater than the original contract sum plus RPI and it is considered by the relevant Chief Officer that, taking into account the cost of re-tendering, the Council is unlikely to benefit from a reduced contract sum. The relevant Chief Officer must obtain Executive approval by submitting a report to Executive setting out his/her proposal.
- f) the Chief Officer certifies on a form, approved by the Chief Executive and the Director of Finance, that work, goods, materials or services are required so urgently that there is not time to invite quotations/tenders, or where compliance would mean that less favourable terms or conditions would have to be accepted.
- g) goods purchased at public auction.
- h) where purchases are made as a consequence of an existing in-house contract.
- i) where purchases are made as a consequence of a contract made by another local authority (e.g. ESPO), the benefits of which the Council obtain as a result of participation in a consortium.
- j) Where the Council enters into a contract jointly with one or more other local authorities or partners, one of whom is the "lead authority" for that contract subject to the Chief Executive being satisfied that the Council's interests will not be adversely affected.

**PURCHASING FLOWCHART**  
Standard goods, services or minor works (eg: stationery, furniture, catering, other supplies)





## 17. PARTNERSHIPS

- A. A partner is defined as an organisation (private or public) undertaking part funding or participating as a beneficiary in a project.
- B. The Chief Executive or Deputy Chief Executive will advise on the key elements of partnership, including:
- Effective controls that ensure that resources are not wasted.
  - A scheme appraisal for financial viability in both the current and future years.
  - Financial risk appraisal and management.
  - Resourcing, including taxation issues.
  - Audit, security and control requirements.
  - Carry-forward arrangements.
  - Satisfactory accounting arrangements.
- C. The Director of Finance in consultation with the Deputy Chief Executive or Chief Executive will ensure that:
- All funding notified by external bodies is received and properly recorded in the authority's accounts.
  - The match-funding requirements are considered prior to entering into the agreements and that future revenue budgets reflect these requirements.
  - Audit requirements are met.
- D. Chief Officers are responsible for:
- Ensuring that a register of all contracts entered into with external bodies in accordance with procedures specified by the Corporate Services.
  - Ensuring that before entering into agreements with external bodies, a risk management appraisal has been prepared for the Strategic Leadership Board.
  - Ensuring that such agreements and arrangements do not impact adversely upon the services provided by the authority.
  - Ensuring that all agreements and arrangements are properly documented.
  - Providing appropriate information to the Director of Finance for the Statement of Accounts.
  - Ensuring that all claims for funds are made by the due date.
  - Ensuring that the project progresses in accordance with the agreed plan and that all expenditure is properly incurred and recorded.

## 18. ENGAGEMENT OF CONSULTANTS

Where the Borough Council has appointed a consultant to supervise a contract, the terms of appointment must require the consultant to satisfy the same financial procedure rules that apply to an officer of the Council.

## 19. PAYMENT OF ACCOUNTS

- ◆ The Director of Finance is responsible for the payment of accounts.
- ◆ The payment of accounts (except petty cash) is made by BACS or by cheque.
- ◆ Chief Officers are responsible for examining, verifying and approving all invoices and other payments coming from their service areas/teams.

## **AUTHORISATION**

Invoices will be authorised electronically on the Civica Authority Financials System using the creditors module by officers with an appropriate level of authority.

### A. Payments up to £5,000

- Must be authorised by the Chief Officer, Operational Board Member or delegated officer.
- Chief Officers in consultation with Operational Board Members must compile a schedule of approved authorisers.
- The schedules must be submitted annually to the Director of Finance.
- The Director of Finance must be notified of any changes immediately.

### B. Payments £5,001 to £20,000

- Must be authorised by the Chief Officer, Operational Board Member or a manager reporting directly to a Chief Officer.
- SLB Members in consultation with Operational Board Members must compile a schedule of approved authorisers.
- The Schedules must be submitted annually to the Director of Finance .
- The Director of Finance must be notified of any changes immediately.

### C. Payments over £20,000.

- Must be authorised by the Director of Finance or Chief Officer.

## **PAYMENTS**

- A. The Director of Finance decides when and how accounts are to be submitted for payment.
- B. Before authorising an account, the approving officer must be satisfied that :
- The work, goods or services have been received, examined and approved.
  - Prices, extensions, calculations, trade discounts, other allowances, credits and tax are correct.
  - The expenditure is proper and covered by a current budget.
  - Appropriate entries have been made in inventories or stock records.
  - The account has not previously been paid.
  - The expenditure code is correct.

## **PAYMENT OF ACCOUNTS**

Invoices will be received centrally by the Director of Finance and must be approved for payment by authorising managers in a timely manner.

The Director of Finance is entitled to request any information or explanation, which he/she deems necessary.

Officers must not add items to a supplier's invoice.

Any amendments to an invoice must be in ink, initialled and accompanied by a detailed explanation.

Where no external invoice exists (e.g. grant payments) a cheque or bank credit can only be drawn with the agreement of the Director of Finance and using an appropriately approved voucher.

Chief Officers must ensure that all valid accounts are paid within 30 days or other agreed terms if shorter.

Managers must ensure that the Director of Finance is informed promptly of any invoice that is in dispute.

The Director of Finance must cancel each paid account and retain all paid invoices and certificates.

Chief Officers must submit to the Director of Finance, by the date specified by the Director of Finance, details of any outstanding previous year commitments, where goods have been received but no payment has been made.

## 20. PETTY CASH

- A. The Director of Finance may provide petty cash floats for minor expenses. The arrangements for administering such floats must be approved by the Director of Finance.
- B. The Director of Finance Heads Of Service are responsible for making arrangements for the safe keeping and proper use of all petty cash floats.
- C. Petty cash should only be used for small transactions where it is quicker and more efficient to buy goods locally rather than by official order.
- D. All petty cash claims must be correctly coded and be accompanied by an official receipt.
- E. The Director of Finance and Chief Officers must ensure that there are monthly reconciliations of the petty cash records to the actual cash held.
- F. The imprest form of accounts must be used for these advances.
- G. Income must not be paid into an imprest account.
- H. Payments from an imprest account:
  - Are restricted to minor items of expenditure not exceeding £150
  - Are other items specifically approved by the Director of Finance
  - Claims must be supported by a voucher and VAT receipt
- I. Certification must be by the Chief Officer, head of Service or delegated officer.
- J. An officer responsible for an imprest account must :
  - Give the Director of Finance, on request, a certificate as to the state of the account.
  - Clear all outstanding claims before the close of business on the last working day in March.
  - Make a full reconciliation as at the end of March to assist in the closure of the Council's accounts.
  - Provide the Director of Finance with a final reconciliation of the account before leaving the Council's employment.
  - Ensure that the float is returned to Accountancy before leaving the post for which the account was given.

## **21. PROPERTY**

- A. The Head of Corporate and Scrutiny Services will maintain a terrier of all land and property owned by the Borough Council.
- B. The terrier will show the following :
- The purpose for which land is held
  - Its location, extent and plan reference
  - The holding service
  - The nature of the interest
  - Rents payable
  - Details of tenancies granted
  - Purchase agreement terms
- C. The Head of Corporate and Scrutiny Services (as proper officer) will have custody of all title deeds and documents and make proper arrangements for their security.

## **22. REVENUE BUDGET (CREATION)**

- A. The Director of Finance at the start of the budget process will prepare a budget strategy each year.
- B. The budget strategy will be consistent with the Medium Term Financial Strategy and will provide the framework for next years budget.
- C. Executive will approve the budget strategy prior to the preparation of detailed budgets.
- D. The Director of Finance will decide the form of the detailed revenue budget in line with the policies approved by Executive.
- E. The Director of Finance will liaise with the Strategic Leadership Board, the Operational Board and all budget holders in order to compile a proposed budget for the next financial year.
- F. Heads of Service will rigorously review the fees and charges for their services, in accordance with guidelines approved by Executive. They will then submit proposed revised charges to SLB and Executive.
- G. The report to Executive revising the charges will include both the current charges and the proposed revised charges.
- H. Executive will agree the scale of fees and charges and any amendments.
- I. The Director of Finance (in consultation with SLB) will compile the budgets after taking account of :
  - Staffing and other resources requirements
  - Approved service plans
  - The Capital Programme
  - Any central government limitations
  - The revision of rents, fees and charges
- J. Proposed budgets must be reported to Council (with Executive recommendations) during the February/March period.
- K. Council must have decided on an approved budget before 11<sup>th</sup> March each year, in order to set the council tax.

## 23. REVENUE BUDGET (CONTROL)

- ◆ For control purposes, an income or expenditure budget represents a budget line (known as the budget head) in the Capital and Revenue Estimates Book.
  - **Variations of more than 20% but up to £10,000:**  
**Director of Finance** can approve virement or supplementary budget to a maximum of £200,000 per year in aggregate
  - **Variations between £10,001 and £25,000:**  
Chief Executive in consultation with Director of Finance can approve virement or supplementary budget to a maximum of £500,000 per year in aggregate
  - **Between £25,001 and £50,000:**  
Executive can approve virement or supplementary budget to a maximum of £500,000 per year in aggregate
  - **£50,000 and over:**  
Request to Council for virement or supplementary budget.

### VARIATIONS

- Before approval the Chief Executive will require assurance from the relevant SLB Member that all necessary steps to achieve compensating savings have been taken.
- If the annual limit in each of the above cases is reached then the variation for which approval is sought will be accelerated to the next level.



## **BUDGET MONITORING**

- A. The Director of Finance and appropriate officers will supply the Chief Officers with monthly comparative statements of income and expenditure to budget. Heads of Service and delegated officers are responsible for ensuring that controllable budget lines for which they are responsible are not overspent.
- B. The Director of Finance will ensure that each Head of Service and appropriate officer will receive adequate training to enable them to control those parts of the budget for which they are responsible.

## **BUDGET REPORTING**

- A. Operationally, responsibility for budgets and adherence to Financial Procedures rests with the Chief Officers and the Heads of Service and not the Director of Finance.
- B. The Director of Finance will submit at least quarterly summaries to SLB and Executive, comparing actual expenditure and income to budget.

## **24. RISK AND INSURANCES**

- A. The Chief Executive and Director of Finance should have due regard to operational and financial risks and liabilities when considering alternative policies. They also need to consider potential physical risks to persons and assets.
- B. The Director of Finance is responsible for arranging all insurance cover and negotiating all claims in consultation with other officers where necessary.
- C. Heads of Service must notify the Director of Finance and the Corporate Performance and Risk Manager immediately, in writing, of :
  - All new risks
  - New properties, plant, equipment or vehicles
  - Any other alterations, which may affect existing insurances
  - Any loss, liability or damage
  - Any event, which could possibly result in a claim
- D. Each Head of Service must keep records and ensure that engineering plant is inspected within the limits defined in the Factories Act.
- E. The Director of Finance must be notified immediately of any failure by the insurance company to adhere to the proper inspection period.
- F. The Director of Finance must consult Chief Officers and Heads of Service when renewing the Fidelity Guarantee insurance, to ensure that all appropriate employees are included.
- G. The Director of Finance must consult Chief Officers and the Corporate Performance and Risk Manager in a regular review of all insurances.
- H. Chief Officers must consult the Director of Finance and the Head of Corporate and Scrutiny Services and /or Law and Governance Manager on the terms of any indemnity requested of the Council.

## 25. SALARIES, WAGES AND PENSIONS

- A. The Head of Corporate Services is responsible for the payment to all current and former employees of :
- Salaries
  - Wages
  - Pensions
  - Compensation
  - Other emoluments
- B. Chief Officers and Heads of Service must notify the Head of Corporate and Scrutiny Services immediately, of any matters affecting the payment of employees, including:
- Commencement of employment, resignation, dismissal, suspension, secondment or transfer.
  - Absence from duty for sickness or other reason (excluding approved leave).
  - Regrading
- C. Heads of Service are responsible for the accuracy of :
- Records of attendance
  - Holiday entitlement
  - Absence
- D. Records must be certified by:
- The Head of Service or,
  - An officer authorised by the Head of Service
- E. A schedule of authorised officers with specimen signatures must be prepared by Heads of Service in consultation with the Chief Officers and updated annually.
- F. Copies of the schedules must be sent to the Head of Corporate Services.
- G. Employees must be appointed in accordance with the regulations of the Council and the approved establishment, grades and pay rates.
- H. Heads of Service must provide the Head of Corporate Services with all the information necessary to maintain proper records of service, pension, income tax and national insurance.
- I. Overtime and travel expense claims must be certified by any two of:
- Line Manager
  - Head of Service
  - Chief Officer.
- J. Time sheets must be certified by any one of:
- Line Manager
  - Head of Service
  - Chief Officer.
- K. Salary or wages will only be paid in advance if an employee is leaving the Council before the day on which his salary would normally be paid.

- L. The Head of Corporate Services is authorised to apply any salary or wage award, expense or other approved allowance.

## 26. SECURITY

- A. Each Head of Service is responsible for controlling in their service area, the security of the following:
- Buildings
  - Stocks
  - Furniture
  - Equipment
  - Cash
- B. Chief Officers and Heads of Service must consult the Director of Finance and the Corporate Property Officer, if they suspect that security may be defective or that special arrangements may be needed.
- C. After consulting Chief Officers and/or Heads of Service, the Director of Finance will set maximum limits for cash holdings and these must not be exceeded without express permission.
- D. Keys to safes, secure Cabinets etc. must be kept secured by the person responsible at all times.
- E. Loss of keys must be reported immediately to the Director of Finance and the Corporate Property Officer, who may notify the police.
- F. It is the responsibility of the Director of Finance to maintain proper security and privacy, in connection with the computer installation and its use.
- G. All officers must be issued with an appropriate form of identification.
- H. Officers working away from council establishments must have an additional form of identification which specifies:
- The officer's powers of entry, search or seizure.
  - The duties that can be carried out by the officer.

## **27. STAFFING CHANGES**

- A. Chief Officers must inform the Head of Corporate Services of all approved staffing re-grading and changes to staffing establishment.
- B. Heads of Service will be responsible for ensuring that ongoing budgets are available for all staffing establishment changes where there is a financial implication.
- C. Each month the Director of Finance will report to the Strategic Leadership Board on the employee expenditure budget and spend to date.
- D. Heads of Service will be responsible for reporting on staffing variances and provide reasons for such variances.

## **28. TRAVELLING, SUBSISTENCE AND FINANCIAL LOSS ALLOWANCES**

- A. The Head of Corporate Services is responsible for all reimbursement of expenses to officers and members.
- B. All claims by staff must be submitted on the form provided by the Head of Corporate Services for:
- Car Allowances
  - Subsistence Allowances
  - Travelling
  - Incidental expenses
- C. All such monthly claims must be properly certified and submitted to the Head of Corporate Services no later than the 13<sup>th</sup> of the next month.
- D. Claims must be certified by any two from :
- Chief Officer
  - Head of Service
  - Line Manager
- E. A schedule of officers authorised to certify claims (with specimen signatures) must be sent by the Chief Officer or the Head of Service to the Head of Corporate and Scrutiny Services (with a copy to the Director of Finance), who must be notified immediately of any changes.
- F. A complete review of the schedule must be carried out annually.
- G. A certification means that the certifying officer is satisfied that :
- The journeys authorised are reasonable
  - The expenses were properly and necessarily incurred
  - The allowances are payable by the Council
- H. Any officer's claim submitted more than two months after the expenses were incurred will only be paid with the express approval of the Head of Corporate Services.
- I. Members (including co-opted members) of the Council or its committees wishing to claim travelling or other allowances must make their claim on the appropriate form to the Head of Corporate Services.
- J. All claims are to be submitted promptly and within two months of the event being claimed.

## 29. GLOSSARY OF COMMON FINANCIAL TERMS

- **ACCRUAL** : The inclusion of expenditure or income in the old financial year when the goods or services have been received, but the invoicing and actual payment does not take place until the new financial year.
- **BACS** : Banks Automated Clearing System
- **BOND** : A security obtained by a contractor, usually with an insurance company or bank. If the contractor fails to complete the contract, any extra costs incurred by the Borough Council, in getting the contract completed, can be claimed against the bond.
- **BUDGET OR BUDGET HEAD** : For the purposes of the Financial Procedure Rules a budget or budget head is a single line in the Borough Council's Capital and Revenue Estimates Booklet
- **CAPITAL** : **Expenditure** on acquiring or improving assets, which provide a benefit lasting more than one year. The making of grants or loans to assist them to obtain or improve an asset. **Income** from the sale of assets or the repayment of capital grants or loans.
- **FIDELITY GUARANTEE** : A type of insurance, which protects the Borough Council from losses arising from theft by or fraud of employees.
- **IMPREST** : An account of a set value, which is used to meet frequent, usually small value expenses. When the balance runs low a reimbursement is requested to top it up to the set value.
- **I.T.** : Information Technology
- **QUOTATION** : The price, provided by a supplier of goods or services, which is not controlled by the strict procedures of the tender system.
- **REVENUE** : The day to day, recurring income and expenditure necessary to provide Council services.
- **SUPPLEMENTARY ESTIMATE**: This is either an addition to an existing budget or an entirely new budget, which is not part of the published budget.
- **TENDER** : The bids for a contract, which must be submitted according to a strict procedure laid out in the Council's Procedure Rules and which must all be opened at the same time.
- **TREASURY MANAGEMENT** : The process of managing the cash flow, investment and borrowing.
- **TREASURY MANAGEMENT POLICY** : This is a statement stating the policies and objectives of the Treasury Management activities.
- **TREASURY MANAGEMENT PRACTICES (TMP's)** : Sets out the manner in which the Borough Council will seek to achieve those policies and objectives, prescribing how it will manage and control those activities.
- **VIREMENT** : The transfer of all or part of one budget to another budget heading.
- **VOUCHER** : A form generally used as a substitute for an invoice.



**COUNCIL – 11 DECEMBER 2007**

**REPORT OF CHIEF EXECUTIVE RE: CORPORATE PEER REVIEW**

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**1. PURPOSE OF REPORT**

- 1.1 To acknowledge the findings of the Peer Review of the Council undertaken by the IDeA, at the request of the Council, and to agree the actions to be taken arising from that review.

**2. RECOMMENDATIONS**

That Council:

- 2.1 Acknowledge and accepts the findings of the Peer Review, as set out in the attached report.
- 2.2 Agree the Action Plan to address the recommendations and “issue for consideration” highlighted in the report.

**3. BACKGROUND**

- 3.1 Council had previously (7 August 2007) agreed that a Peer Review be undertaken with the Council during September, to identify progress to date on improvement since the initial Comprehensive Performance Assessment (CPA) in 2005 and to support preparation of an application to the Audit Commission for CPA re-categorisation from ‘fair’ in February 2008.
- 3.2 The IDeA led team conducted its on-site visit in September 2007 and the final report from the Team is attached to this report (Appendix A). The final report is set out to address the ‘key lines of enquiry’ which the Audit Commission will follow if it agrees to undertake a review in 2008 as requested.
- 3.3 As Members will see, the report is generally very positive and has identified a number of strengths in relation to regeneration, partnership working prioritisation/non-prioritisation, service and financial planning, internal relations, internal management and communication, performance management (very strong) and community achievements. Strikingly, it highlights that “staff are committed to the Borough and proud of their work and display a ‘can do’ attitude”. We must all welcome that observation.

3.4 Nevertheless, as we asked that the team provide serious and constructive challenge, the report, in addition to the six main recommendations it makes on page 4, it identifies a number of 'issues for consideration', under each of the six CPA themes'. It is these 'issues' and the six recommendations which the attached Action Plan (Appendix B) seeks to address.

#### **4. FINANCIAL IMPLICATIONS**

4.1 There are no financial implications, other than a need for Strategic Leadership Board to reallocate central resources or make recommendations to do so, if the levels fall outside the recently delegated limits in the Financial Procedure rules.

#### **5. LEGAL IMPLICATIONS**

5.1 None arising from this report.

#### **6. RISK IMPLICATIONS**

6.1 None arising from this report.

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Background Papers:      Appendix A  
   Appendix B

Contact Officer:              Steve Atkinson

Portfolio Holder:

(72C11Dec07)  
SA/jw 3.12.07

## **FINAL REPORT**

Hinckley & Bosworth Borough Council – September 2007

### **Peer Review**

A report from the Improvement and Development Agency for local government

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## **Appendices**

Appendix A – List of interviewees

## 1. Executive summary

At Hinckley & Bosworth we found a council which enjoys a high level of commitment from its staff – who feel valued by the organisation and enjoy working for the Council. Relations among members and between officers and members were good, constructive and respectful – a significant improvement on the situation described in the CPA feedback just a few years ago. Senior management is well regarded by both members and staff and the Strategic Leadership Board (SLB) has provided effective, corporate managerial leadership which has been key to strengthening capacity and improving service performance.

Partnership working appears to be a real strength for the Council. Partners were complimentary about the authority. The Local Strategic Partnership (LSP) is regarded as effective and helpful in shaping priorities across partners and its performance management arrangements are becoming more useful in managing progress towards these. The Council is proactive in a number of partnerships intended to promote joint or shared working, such as the Leicestershire waste management partnership, the legal services partnership across Districts in Leicestershire and the Leicestershire and Rutland sub-regional improvement partnership. The Chief Executive has participated in the steering group for the Leicestershire LAA and the Children and Young People thematic group. The Council was said to be ‘punching above its weight’ in partnership working.

The Council has a sound approach to managing performance, integrated with risk and resource management through the quarterly SLB performance management meetings. It has improved performance across a number of key services. Robust improvement planning and resource reallocation has addressed poor performance in benefits processing times and in the determination of planning applications. Recycling rates are high and the Council is putting in place plans to extend the range of materials within the kerbside collection scheme. Its performance management arrangements should be further strengthened by the introduction of a new performance information system and the nomination of a member champion.

The Council is ambitious for Hinckley and Bosworth, perhaps best demonstrated by the Hinckley Town Centre regeneration scheme and its desire to maintain and improve open spaces. It has recently reviewed its capital programme to support delivery of this scheme. The Council consults extensively and uses the results to inform its priorities.

However, the Council’s ambitions could be more clearly expressed, so they can be better understood across the organisation and by its partners. There was a change of political control at the May 2007 local elections and it may take some time for the Council’s plans to reflect the priorities of a new administration. The administration and officers should complete the work to produce a clear statement of its vision for the Borough, as part of the review of Council priorities to inform the budget and other plans for 2008-09 onwards. This vision

should now be more outward-facing and strengthen links to the community strategy.

We believe that the Council's Executive should be prepared to provide clearer leadership – both within the Council and to the wider community – which the executive / scrutiny model of local governance is intended to facilitate. At present, a consensual and inclusive approach is emphasised. This may well help to underpin the much improved relations between members which the Council now enjoys, but may not always be appropriate (or remain robust) when the Council is faced with difficult decisions. The much enhanced effectiveness of scrutiny as a 'critical friend' and contributor to policy making is a strength. However, it now needs to be coupled with an Executive that takes on its full responsibilities as a community leader and decision-making body, within the budget and policy framework agreed by Council.

The Council has made significant progress with aspects of people management. It has concluded a single status agreement and has reversed adverse trends in sickness absence to date in 2007-08 through the application of its attendance management policy. However, it should make sure that it follows a more consistent and strategic approach to human resources. It needs to continue to closely manage revenue budgets across all services, to make sure that the steps it has taken to avoid previous under spending are effective, thus enabling more resources to be allocated to priority services.

In conclusion, through strong managerial leadership, much improved relations between members and with officers, significantly improved performance and its commitment to partnership working, the Council now enjoys a much improved reputation with other councils, partner organisations and stakeholders locally and in the region. It is in a good position to build on this with clearer political and community leadership and to use its enhanced capacity to deliver improved outcomes in the community in line with the Council's ambitions and priorities. It should in turn use its performance management arrangements to help it assess and report the difference it is making in the community.

## **Recommendations**

Our recommendations highlight the key issues we believe the Council needs to consider. The body of the report contains further suggestions for improvement.

### *Ambition*

- a) Complete the work to define and clarify a simple and clear vision for what the Council wants to achieve for the Borough, and make sure it is widely understood by staff, partners and the wider community

### *Prioritisation*

- b) Use the Council's updated strategic aims as the basis for continuing prioritisation and planning
- c) Make sure that the community strategy and corporate plan are coherent and consistent and clearly give effect to the Council's vision and ambition

### *Capacity*

- d) Strengthen the role of the Executive, ensuring it takes major decisions on behalf of the Council, so that it is fully accountable and provides strong community and political leadership
- e) Review the Council's constitution as necessary in support of the above to ensure clarity and transparency in decision making

### *Achievement and improvement*

- f) Make sure that the Council's achievements and improvements are clearly linked to its ambitions and priorities and that it effectively communicates the intended impact of these and its successes to the community.

## Background

1. Hinckley & Bosworth Borough Council was judged to be a fair council in 2004 by the Audit Commission, following its corporate assessment as part of the Comprehensive Performance Assessment – CPA process.
2. That assessment found that the Council had good quality staff and councillors; had improved most but not all services in an incremental manner and had generally realistic ambitions grounded in consultation with partners and its major communities.
3. However, the assessment also identified a number of areas of weakness. Working relationships at a senior level, including those between members and members and members and officers, needed significant improvement. A lack of clear and cohesive leadership, ineffective change management and a focus on activity rather than outcomes had hindered the pace of change. Internal governance and strategic capacity required strengthening, along with a strategic approach to people management and significant improvement to performance management.
4. Since that assessment was published, there have been changes in the political and managerial leadership of the Council. A new Chief Executive was appointed in February 2005 and the Council's management structures and a number of senior managers have changed. The Council has been working to address the issues identified above and recent Audit and Inspection letters have commented positively on the Council's direction of travel.
5. The external auditor has assessed the Council's use of resources as part of the CPA process and has scored these at 2 – meeting minimum requirements.
6. At the May 2007 local elections, control of the Council passed from the Conservatives to the Liberal Democrats and the Council gained a number high proportion of newly elected members (21 out of 34).
7. The Council believes it has made real progress since its last corporate assessment and asked the IDeA to undertake a peer review to provide external challenge and help it take stock of its current strengths and areas for improvement. Like other District Councils, Hinckley & Bosworth has the opportunity to apply for a corporate re-assessment by the Audit Commission if it can demonstrate significant improvement. It was giving serious consideration to this option at the time of the peer review.



## Context

8. Hinckley & Bosworth is a largely rural borough of 297 square kilometres in south-west Leicestershire. The majority of the 103,800 population (mid-2006) live in the main urban areas of Hinckley, Burbage, Barwell and Earl Shilton in the south-west of the Borough. There are also sizeable settlements near the Leicester fringe to the east and in the central and northern parts of the Borough.
9. Historically, the economy of the area has included a strong element of manufacturing, including family-owned hosiery, textiles and boot and shoe firms. These industries have been in decline, leaving behind a rich urban industrial heritage which complements historic rural settlements such as Market Bosworth. Until the 1980s, coal mining also made a major economic contribution - employing nearly 3500 in the immediate post-war years. Several of the former pit sites have now been redeveloped with housing and business uses. The economy today retains higher-than-average levels of manufacturing despite the decline of traditional industries. In recent years its central location and good links to the motorway and trunk road network have also encouraged a growth of warehousing and distribution – particularly around the A5 corridor.
10. The Borough as a whole has relatively low levels of deprivation: unemployment is 1.6%, average life expectancy is 78.1 years for men and 81.5 years for women (compared to averages of 76.6 and 80.9 across England) and the Government's Index of Multiple Deprivation ranks the area as only the 275th most deprived district out of 354. Behind these figures however, lie pockets of much higher deprivation. Lack of skills, low incomes, crime and a poor environment variously affect parts of the urban areas and the former coalfield. In contrast, isolation from local services is an issue in the rural areas - especially parts of the more sparsely populated west of the Borough.
11. In numerical terms, Hinckley & Bosworth's population is less diverse than some neighbouring areas and the small resident black and minority ethnic population (3.5%) is fairly dispersed. However a wide range of ethnic backgrounds is represented amongst the Borough's residents and workforce, including a significant number of travellers who live in the Borough for all or part of the year.
12. Farming continues to account for the vast majority of land use (79%) and remains one of the main factors shaping the character of the landscape and rural communities – in contrast to its declining role as an employer (1.5% of jobs). Alongside this, high levels of commuting of rural residents to jobs in Leicester, Nuneaton and other surrounding areas is a present day factor shaping the nature of many rural communities. This, and the physical isolation of some rural parts of the Borough, helps to explain its relatively high levels of car ownership and low levels of bus usage compared to other parts of the East Midlands.

13. Whilst the Borough's countryside does not attract tourism on the scale of some areas of the UK, it has several significant visitor attractions and areas of historic importance, including Twycross Zoo and Bosworth Battlefield. Day visits currently make up the backbone of the tourism industry. The inclusion of part of the National Forest in the north and east of the Borough has recently expanded recreational and tourism possibilities as well as opportunities for wildlife habitat.
14. Following the May 2007 elections, the Council comprised 19 Liberal Democrats, 13 Conservatives and 2 Labour members. From 2003, the Council had been controlled by the Conservatives (having been Liberal Democrat prior to that).
15. The Council has executive - scrutiny political management arrangements, with the Cabinet referred to as the Executive and a Scrutiny Commission with two principal committees – the Council Services Select Committee and Finance and Audit Select Committee. In addition there are the requisite regulatory committees, including a Standards Committee with an independent Chair.
16. In the period leading up to the review, the Council's management arrangements were based on a Strategic Leadership Board (SLB) chaired by the Chief Executive and including the Deputy Chief Executive, Head of Finance and ICT, Head of Corporate Services, Head of Culture and Development and Head of Health and Environment. The Strategic Housing, Performance and Partnerships function reported to the Deputy Chief Executive, with the Corporate Performance & Strategy Manager acting as an adviser to SLB. At the time of the review, the Chief Executive was bringing forward proposals to change the management structure, in particular to underpin the strategic role of SLB, and these were approved by the Council at its meeting on 11 September 2007.
17. The Council has a net revenue budget of £10.53 million in 2007-08. It has traditionally been a low tax and low spend authority, with the 11<sup>th</sup> lowest Council Tax base in the country. A 1% increase in Council Tax will yield about £36,000 to the Borough Council.

## Methodology

18. The Council wished to use the peer review to help it take stock of progress since its last corporate assessment, and help prepare for a potential re-assessment during 2008. It was agreed to adopt the CPA key lines of enquiry (KLOEs) for District corporate assessment as the benchmark for the review.
19. The review team comprised the following:
  - Martin Connor, Chief Executive, Selby DC (review team leader)
  - Councillor Carol Woods, Deputy Leader, Durham City Council
  - Huw Isaac, Head of Performance and Development, Vale of Glamorgan County Borough Council
  - Eamon Lally, Principal Consultant, IDeA
  - David Armin, Principal Consultant, IDeA (review manager)
20. The team was on-site at Hinckley & Bosworth from 10 to 13 September 2007. The team's approach was based upon a review of documentation provided by the Council, including a self-assessment against the KLOEs, and a range of meetings with internal and external stakeholders, discussion groups and observation of key meetings to help in identifying the Council's strengths and areas for further consideration and improvement.
21. Internal discussions included the Leader and Deputy Leader, other executive and non-executive members (including Scrutiny Chairs), the Chief Executive and Deputy Chief Executive, senior and middle managers and front line staff. Discussion with external and partner representatives included County and District councils in Leicestershire, Health, Police, voluntary and business sector and tenant representatives. A list of interviewees is provided at **Appendix A**.
22. Meetings observed were Full Council and the Executive on the 11 and 12 September respectively.
23. This report presents the review team's findings against the main elements of the CPA key lines of enquiry. We have focused our attention on Hinckley & Bosworth's strengths and areas for improvement - and have suggested some actions to address what we consider to be the most important of these in our recommendations to the Council.
24. Throughout the review, the team benefited from the hospitality of the Council and was made welcome by both members and officers and partner representatives. Everyone we met was open and willing to share information and experiences with us. In particular, we would like to thank the Corporate Performance & Strategy Manager and officers from his team for helping to plan and co-ordinate the review and providing us with information and other support.

## **FINDINGS**

### **Ambition**

#### *Strengths*

- Recognition of the need for significant regeneration schemes to secure the future of Hinckley
- Extensive consultation and willingness to use results to inform vision for the Borough
- Successful partnership working, enjoying top-level commitment from the Council.

#### *Issues for consideration*

- There is evidence of the Council's ambition but it needs to be clearly stated
  - There may be a lack of ambition in the community – therefore greater need for the Council to show community leadership
  - How to ensure the Council takes account of the needs of the whole Borough.
25. Evidence of the Council's ambition for the community comes from some of the major issues which both members and officers give significant attention to – in particular the regeneration of Hinckley town centre, the importance of which was acknowledged by a wide range of members and officers. At the time of the review, the Council was prioritising key projects within the capital programme to give effect to this. The new administration has also expressed its desire to support regeneration of disadvantaged areas outside of Hinckley, in particular Barwell and Earl Shilton. Leading members have also expressed their commitment to respond to public priorities – including community safety, street cleaning and the provision and maintenance of open spaces and recycling, while ensuring good value for the taxpayer.
26. The Council's Corporate Performance Plan 2007-12 has set some long term ambitions in support of its strategic aim to 'be proud of our achievements for the community'. These include:
- Economic regeneration - Hinckley town centre is revitalised following a regeneration programme by 2012
  - Industrial estates – 40 new business starter units operational by 2009<sup>1</sup>
27. These long term ambitions are supported by further, long term targets for the Council's priority services – refuse collection, recycling, street cleansing, community safety and statutory environmental services. These targets include some for open spaces.

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<sup>1</sup> (removed by Council on 11 September 2007 – see para. 35).

28. The Council's ambitions are underpinned by extensive consultation, not least through the Citizen's panel – such as the annual review of service priorities used to inform the budget process and medium term financial strategy. Engagement goes beyond simple surveys to include support to forums such as the Leicestershire Older Voices Forum, Business Forum, a Tenant's compact and a Rural Summit on the Council's Regeneration strategy, Facilities strategy and Local Development Framework (LDF). Organisationally, the Council has brought together responsibility for corporate planning (including input to the community strategy), planning policy and regeneration which should support joint consultation on the sustainable community strategy and the LDF.
29. The quality of the Council's partnership working emerged as a real strength during the review. Partners were complimentary about the Council's contribution. The Council's top-level commitment is demonstrated through the Leader's chairing of the Local Strategic Partnership (LSP) and the Deputy Leader chairs the Crime and Disorder Reduction Partnership (CDRP). Senior officers, including the Chief Executive, are also very committed and contribute to such partnerships. The Council has contributed to the development of the Leicestershire LAA, in particular the Children and Young People's block. The Deputy Chief Executive plays a leading regional role in cultural partnerships and the sub-regional improvement partnership.
30. Notwithstanding the above, the review team believe the Council's ambitions need to be more clearly stated and widely understood. We found that both members and officers were not readily able to articulate or summarise what the Council wants to achieve for the community, beyond immediate concerns such as decisions about the regeneration programme and other capital projects that need to be reviewed and prioritised – and the Council's continuing desire to be a low spending / low tax authority that makes good use of taxpayers' money.
31. It is recognised that the new administration has only been in office since May 2007, but we feel that a clearer ambition is needed to help the Council identify and deliver its real priorities within available resources, provide strong community leadership and exercise place-shaping (as emphasised in the white paper Strong and Prosperous Communities, October 2006) and enable staff to better understand the impact and difference they can make. The review of the Council's strategic aims and objectives, which we understand is now underway as the basis for the budget for 2008-09 onwards and to refresh the corporate plan, provides an ideal opportunity to do this.
32. Several members and officers reported that there is a lack of ambition in the wider community of Hinckley and Bosworth. Broadly, it was said they are happy with the way things are. If anything, this puts an even greater responsibility on the Council to provide that ambition and community leadership to secure the prosperity and quality of life of the Borough into the future.

33. Several members and some external stakeholders also noted the risk that the Council is perceived to be focused on Hinckley at the expense of the rest of the Borough. Most of the population is centred around Hinckley and Burbage and most council services and access to them are located there. The current administration has acknowledged the need to take account of the concerns of the rural areas and has appointed a cross-cutting portfolio holder for Rural affairs and wishes to promote the regeneration of Barwell and Earl Shilton.

## Prioritisation

### *Strengths*

- Priority given to key services which are under-performing
- Approach to resource and performance management enables resources to follow priorities
- There is some evidence that the Council is prepared to identify non-priority services – including use and response to public consultation
- The Council has demonstrated its ability to take difficult decisions on major projects – such as on the capital programme to ensure affordability
- Five year time horizon for financial and service planning.

### *Issues for consideration*

- Links between Community Plan and Council vision / aims and objectives in Corporate Performance Plan need to be clarified
  - Maintain focus when necessary, to ensure the continuing good performance of priority services and the most effective use of resources into the future.
34. The Council's priorities and its plans to address these are found in its Corporate Performance Plan 2007-12. It has five long term strategic aims, which are ...
- To be proud of our:
- Excellence in performance
  - Probity and honesty in governance and management
  - Value in service delivery and investment in people
  - Achievements for the community
  - Reliability in partnership working
35. The Plan then notes five priority services and long term ambitions, referred to in the previous section. It is a strength that the Council is prepared to plan over a five year horizon, provided it retains the flexibility to respond to changes in circumstances over that period. It has done so - for example, the Council removed its commitment to develop 40 new industrial units by 2009 to ensure affordability of the capital programme in September 2007. Service priorities have been informed by the results of public consultation. The Corporate Plan is underpinned by a comprehensive set of Business Delivery Plans for service areas to help establish the 'golden thread' from strategic objectives to service delivery.
36. The medium term financial strategy is used to allocate resources to priorities, such as recycling leading to significant achievement in terms of a 42% recycling rate in 2006-07. Similarly, resources have been directed to address

under-performance in the benefits service and development control. Opportunities are taken to move resources to priority and under-performing areas during the course of the year, in particular as areas of under spending emerge during the year. Strategic Leadership Board has programmed and dedicated performance meetings on a quarterly basis which review both performance and expenditure and consider resource movement as a standing item.

37. There is some evidence that the Council is prepared to identify low priority services. It was suggested that arts and arts development were such an area and that further investment was unlikely in these services. The Borough is not actively promoting itself as a tourist destination and, as a further example, the Council no longer provides a private drainage service itself. It appears that, at this stage, low priority services in the main do not benefit from additional resources rather than suffer active disinvestment.
38. The Council has demonstrated that it can take hard decisions around key priorities when necessary. A recent case in point concerns the capital programme necessary to deliver its regeneration ambitions. The draft programme included provision for Town Centre regeneration, a new Civic Centre (with implications for the regeneration scheme) a new leisure centre, and an eco-friendly business park. Having been initiated by the previous administration, these proposals had been a significant issue at the recent elections and taken together went beyond what the administration consider affordable for the Borough. The programme was debated at Full Council on 11 September, with the Council Leader taking a prominent role on behalf of the administration. It was decided that rather than build a new Civic Centre, the existing Centre should be refurbished, the business park deferred and revised and less expensive proposals for the leisure centre sought (incidentally, although in Hinckley, on a site allowing relatively easy access from outside the town). These decisions should enable the top priority of the Town Centre regeneration scheme to go ahead.
39. The Council has taken advantage of the opportunity to work with partners to help secure the re-location of the North Warwickshire and Hinckley College from its current premises in Nuneaton to a former hosiery factory (the Atkins site) in the Borough. This will support its regeneration priority. It should make sure that any associated risks of this and similar projects are managed through the corporate risk register.
40. The review team believe that the links between the Community Plan for the Borough and the Council's Corporate Performance Plan are not as clear as they could be, and this contributes to the lack of a clearly articulated ambition for the area noted in the previous section. The review team consider that the hierarchy of vision, strategic aims, long-term ambitions, values and strategic objectives included in the Corporate Plan may simply be too complex and gets in the way of a ready understanding of the Council's aims.



41. The Council has necessarily focused on addressing internal capacity and governance issues, whereas the Community Plan is much more outward looking in order to make a difference to the community. This may also make it more difficult to follow linkages across the two plans. The need to reflect the county-wide LAA in two tier areas adds to the complexity. The review of strategic aims now underway should address these links and provide the opportunity to ensure a more outward focus for the Corporate Performance Plan in support of the Community Strategy.
42. We found that prioritisation was not always consistent across plans and actions. For example, community safety is one of your five priority services and was also in the public's top priorities in a recent survey as part of the 2007-08 budget process. Yet important parts of this service remain dependant on time limited funding. We understand that the Council is considering how it can address this as part of the budget process for 2008-09 onwards.
43. Allied to the above should be a continuing recognition that the Council does not need to be excellent at everything. Once good performance is achieved across most services, it may not be necessary to continue to drive this up in all areas, especially if additional resources are required - which as a District with a limited resource base would not be sustainable. The Council does appreciate this, but a clearer statement of ambition and priorities would make this easier to explain and understand for a range of stakeholders.

## Capacity

### *Strengths*

- Staff are committed to the Borough and proud of their work – and display a ‘can do’ attitude
- Much improved member-member and officer-member relations – constructive and respectful
- Strategic Leadership Board has made a key contribution to driving improvement and providing a corporate approach
- Good internal communications – such as Chief Executive’s briefings and team meetings
- Successfully completed single status negotiations and making progress in reducing sickness absence
- Developing a range of partnerships / joint working arrangements to increase capacity – ‘punching above your weight’.
- Scrutiny function valued and provides effective critical friend challenge

### *Issues for consideration*

- The Executive needs to demonstrate clearer political and community leadership
  - Make sure that decisions are made at the appropriate committee – Executive or Council
  - Continue to give attention to revenue budgets – so that spending profiles match priorities and budgets
  - Despite evidence of effective HR practice, the Council needs to ensure a more consistent strategic approach
  - Continue the work begun to address equality and diversity in the context of the Borough.
44. The review team was struck by the positive attitude of staff towards the Council as a place to work and their evident pride in the Borough. There is a real desire to deliver good services. The quality of officers – both at the front line and in management positions – was acknowledged by members. Further evidence of good and constructive officer – member and member-member relations was demonstrated at both the Council and Executive meetings which we observed.
45. The role of Strategic Leadership Board (SLB) in providing managerial leadership and a corporate approach was recognised by middle managers and front line staff. The advice and contribution of SLB was also valued by members, and it has worked to support a smooth transition around the time of the May 2007 elections. At the time of the review, the Chief Executive had brought forward proposals to restructure senior management arrangements which were approved by Council. These will see a streamlined

SLB comprising the Chief and Deputy Chief Executives, and the newly created posts of Director of Community Services and Director of Finance. There will be a new Operational Board made up of Heads of Service. These new arrangements are intended to allow SLB to be properly strategic, while ensuring corporate co-ordination, customer focus and greater business orientation within the DSO and more generally.

46. Staff across the organisation also commented positively on communications. The regular Chief Executive's briefings, team meetings and briefings were valued and the Chief Executive's quarterly visits to operational services such as the depot were seen as demonstrating real commitment to keeping in touch with staff.
47. The Council has made progress in respect of some significant people management issues. It has concluded a single status agreement and made provision to meet the increased costs that will result. Sickness absence, previously at a high level, is being tackled and in the first four months of 2007-08 was the equivalent of 7.43 days per employee per year – into the current top performance quartile. The Council has introduced an attendance management policy that staff are aware of and support.
48. The Council is proactive in engaging with and establishing partnerships to increase its capacity. These include the Leicestershire waste management partnership (where it is participating in a pilot scheme for recycling kitchen waste), the Leicestershire cultural services partnership and leading on the county-wide housing market assessment. The Council is also exploring joint service provision – in legal services with other Leicestershire districts and with south Leicestershire districts for waste collection. Joint working can be particularly challenging in two tier areas and Hinckley & Bosworth is recognised as playing a leading role in the area to bring this about. The Council has entered a long-term partnership with Steria to meet its ICT needs.
49. The Scrutiny Commission is chaired by the leader of one of the minority parties, with a member from the ruling group and major opposition party chairing one of the two main select committees. Scrutiny is widely regarded as providing constructive challenge and advice to the Executive. Its reviews of the DSO improvement plan and CDRP have helped to inform subsequent actions. Many respondents believed that it makes a valuable contribution to decision making through pre-scrutiny of reports before they are considered by Council or the Executive. Scrutiny is considered to be much more effective than it was and its success is underpinned by the approach of the current Commission Chair.
50. The new administration and its leadership believe in a consensual and participative approach to decision making, looking to involve all members in decision making through Scrutiny and Council. For example, the future of Council office accommodation and the implications for Town Centre regeneration were determined by Council, following consideration by the

Scrutiny Commission and member working groups, rather than by the Executive.

51. This approach may well underpin and sustain (at least in the short term) the much improved climate of member relations. A proactive scrutiny function, contributing to policy development, is a strength which should be maintained. However, we believe the Executive needs to show clear political and community leadership, to give effect to its ambitions and provide strong direction to the Council. It should do this by making major decisions and through recommendations to Full Council where appropriate. This was the intention of the Local Government Act 2000 which introduced the executive – scrutiny split to most councils, and endorsed more recently by the Strong and Prosperous Communities white paper in October 2006.
52. There is also a risk of greater uncertainty being introduced into decision making if a large proportion of decisions are made in Council, which could otherwise be properly taken by the Executive within the Policy and Budget framework. Consensus will not always be possible where difficult decisions need to be taken and the Executive needs to be prepared to exercise leadership when necessary. The Council can provide transparency by ensuring members of adequate notice of decisions to be made by the Executive or Council.
53. In previous years, there has been some under spending across a number of budgets. For example, an underspend of £1.538 million occurred in 2006-07, which is significant relative to its net revenue budget. The Council reports that this was largely due to prudent assumptions regarding specific grants and income streams. The Council used these to build up reserves in anticipation of future needs and funding pressures such those arising from the Comprehensive Spending Review 2007.
54. Although it has systems to assign resources to other, priority areas during the year, such allocations are likely to be sub-optimal compared to allocation across all priorities at the beginning of the year. The Council has recognised this and, to put more pressure on running costs, supplies and services budgets have been curtailed by a reduction on baseline spending for the 2006-07 budget and a 0% inflation rate for 2007-08 in the medium term financial strategy. The Council needs to continue to monitor and address any evidence of significant under-spending, to ensure best use of its finite resources.
55. Notwithstanding the achievements made in some areas of people management, the Council still needs to demonstrate a more strategic approach to organisational development and human resources. For example, the HR strategy appears not to be fully rolled-out. There is no workforce plan and identification and recording of training and development needs, and action to address these, may be inconsistent across the organisation.

56. Equality and diversity issues – both in terms of employment and service access – may be less apparent in communities such as Hinckley and Bosworth than in some other areas. But they still exist, whether this is in terms of service access in rural areas, the needs of the travelling community and their relationships with other communities or the possibility of increasing numbers of migrant workers. The Council is aware of these issues and is now giving greater attention to them and should continue to do so. It intends to achieve Level 2 of the Equality Standard by October 2007.

## Performance management

### *Strengths*

- Good overall approach to performance management, drawing together both risk and resource management
- Commitment of Strategic Leadership Board and middle management to performance management and the Executive through the new 'member champion'
- Performance management in place in key partnerships such as LSP and being developed in others such as CDRP
- Benchmarking and quartile data used to inform target setting
- Performance information is available on Council website
- The Council has shown it can tackle under performance in key services

### *Issues for consideration*

- Make sure performance reports are available in a timely fashion – the new performance information system should help to do this.
57. The Council is developing an increasingly rigorous approach to performance management. On a quarterly basis, the Strategic Leadership Board has a meeting focused on performance management. Performance is compared to trend / target and the impact of action / improvement plans considered. Relevant Heads of Service are held to account for performance. Alongside performance, risk and resource management are also reviewed at this meeting. A performance improvement fund has been created to address issues of under-capacity and resource movement is a standing item on the agenda. This provides an opportunity to re-allocate resources between services in-year where this will lead to improved performance.
  58. The review team found that this commitment to performance management by senior managers was shared by middle managers. The profile of performance management is being raised in the member arena by the nomination of a member champion – the portfolio holder for Corporate Services - and performance is reported to both the Executive and Scrutiny. Performance management should be further strengthened by the implementation of the TEN performance information system to collect and disseminate data.
  59. Most partners felt that performance management was becoming well established within the Hinckley & Bosworth LSP and was helping to measure progress towards priorities. Although not as well established as in the LSP, performance management within the CDRP was also becoming stronger.
  60. The Council published its performance through a variety of media during the year, beyond reports to public committees. These include placing performance reports on its website (in addition to the intranet) – including

its quarterly review of the effectiveness of key partnerships – via plasma screens in public reception areas and in the Borough newsletter. Headline performance information is provided to staff through quarterly staff meetings and reinforced in the Chief Executive’s briefing notes. Performance is reported against the Council’s five strategic aims and the District indicators from the Leicestershire LAA (where data is available). Reporting is mainly against the statutory BVPIs, but a number of local indicators are also used.

61. Target setting over a three year period is informed by quartile data for District councils, in particular what is required to achieve top quartile performance. The Council has recognised that there is a time lag in the publication of audited top quartile data and participates in benchmarking with a family group of 16 Districts to share data in-year to get a more up to date picture of comparative performance. It also benchmarks service costs against other Leicestershire districts and value for money is considered at SLB performance management meetings.
62. The Council’s ability to focus on and address under performance in key services is demonstrated by the significant improvement in processing times for benefit claims, bringing these at or close to top quartile, as a result of implementing an improvement plan and resource reallocation. Similarly, time taken to determine planning applications achieved top quartile in 2006-07 and adverse trends in sickness absence have been addressed so far in 2007-08 through the attendance management policy.
63. There can be delays arising in the collection, collation and analysis of performance data so that, for example, performance in the first quarter of 2007-08 was not reported to members until September. The Council acknowledges that such delays in collection and reporting limits its ability to actively manage performance and will use the TEN information system to help it reduce such delays. It also intends to introduce dedicated Executive performance meetings.
64. Overall, the Council’s approach to performance management and improvement planning is strong and it now needs to maintain focus in this area.

## Achievement and improvement

### *Strengths*

- 75% of national PIs for 2006-07 improved over the previous year
- 65% of targets achieved in 2006-07, helping Council to drive improvement
- Improvements in key services such as Development Control and Revenues & Benefits
- 42% recycling rate achieved, with plans in place to extend materials covered by scheme
- Tenant representatives positive about the housing service
- Deliver generally well regarded services with low overall spending and tax levels.

### *Issues for consideration*

- Need to maintain a rounded view on performance – for example have regard to quality not just processing times
  - Some key measures of satisfaction in Hinckley remain below the national average – such as overall satisfaction, waste and re-cycling, despite good performance in these areas
  - Focus improvement priorities on making a difference in the community and communicate your resulting achievements more.
65. The Council identified 13 key indicators under the strategic aim 'Excellence in performance' (covering attendance, benefits, recycling and waste collection) and set the target of achieving top quartile performance by the end of 2006-07. This was achieved, with the exception of attendance management. More generally, the Council achieved 65% of the targets it set while 75% of its BVPIs improved in 2006-07. This suggests that the Council is making use of target setting to help stretch and improve its performance.
66. Over the previous two years, the Audit Commission has noted that it improved a basket of comparator PIs at a rate above the district average. Provisional data from the Commission for 2006-07 suggests the Council's PIs improved faster than most other councils. The Council's reports suggest that 45% of BVPIs were in the top quartile in 2006-07 (for the 58 indicators where 05-06 quartile data was available and comparable) and that 41% of its indicators from its benchmarking family were in the top quartile (from 34 indicators compared).
67. Specific achievements in terms of processing benefits claims and determining planning applications have been noted in the previous section. The achievement of a 42% recycling rate is largely derived from a composting rate of 24% which is well above the top quartile value. The Council is



looking to extend the range of materials included in the alternative weekly collection, including the kitchen waste pilot, which should raise the combined recycling rate further. Tenant representatives were very positive in their feedback to the review team about the Council as a landlord.

68. The Council reported that it has made lighting and pavement improvements to town centre alley ways and jitties in Hinckley, completed a restoration scheme within the Druid Quarter and made improvements to Market Bosworth market place. The review team noted the generally attractive appearance of the Argents Mead park and Hinckley town centre.
69. The Council has also achieved a number of external awards – for example a Green Apple award for its Neighbourhood Warden scheme and a further Green Apple award for implementation of its Green Space strategy, which has so far seen five new play areas completed. It has also received a gold award for clean air.
70. The Council has recently implemented a contact centre at the Argents Mead offices in Hinckley and intends to extend the range of services which can be accessed on a 'one stop shop' basis.
71. The Council's achievements should be placed in the context of being a low tax and spend authority, where residents want to see what they consider to be value for money from their taxes.
72. Although robberies and violent crimes have reduced over the past year, the rate of violent crime remains high compared to other Districts. The position in respect of domestic burglary and vehicle crime has deteriorated and both are high compared to other Districts. These are priority areas for the CDRP.
73. A higher proportion of appeals against planning decisions were allowed in 2006-07, 37.5% (above the Council's target of 29% and the top quartile value of 23.7%). The Council is providing training to members – especially new members – in planning matters and senior managers are reviewing delegated decisions. In general, the Council needs to be mindful of both process issues such as timeliness and quality in this and other aspects of its performance.
74. There was some evidence of deterioration in aspects of the Housing service in 2006-07, in part attributable to renewal of the Responsive repairs contract in September. This was anticipated and performance is now improving. However, there still appeared to be a mixed picture of performance in Housing for the first quarter of 2007-08 and the Council will want to continue to pay close attention to these important services.
75. Overall satisfaction with the way the Council runs things was 49% in 2006-07, below the District average of 55%. Satisfaction with some other services was below the District average too – for example waste collection and recycling, although satisfaction with housing and benefits was more favourable. Satisfaction measures are subject to a range of factors and perceptions. The Council is aware of this and is working to enhance its

reputation, along with improving service quality which should help to improve these ratings in future.

76. In determining priorities, setting targets and subsequently presenting its achievements, the Council needs to give greater prominence to the impact it wants to make in improving the quality of life for local people and realising its ambitions for the Borough. The Council has properly focused on enhancing its capacity and developing stronger partnerships to date, but is now in a position to move on to be much more outward facing and concerned with the difference it is making for the community. The Council may also want to consider the findings of the recent communications audit to see how it can present and promote its achievements most effectively.

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## Appendix A

### List of interviewees

The team is grateful to all interviewees – internal and external – for their contributions.

Leader of the Council / portfolio holder for Finance  
Deputy Leader of the Council / portfolio holder for Culture & Development  
Portfolio holder for Corporate Services  
Leader of the Opposition Group  
Chair, Scrutiny Commission  
Chair, Finance and Audit Select Committee / Mayor  
Discussion group – non executive members  
Chief Executive  
Deputy Chief Executive  
Head of Finance & ICT  
Head of Health & Environment  
Acting Head of Corporate Services  
Deputy Head of Finance & ICT (Revenues & Benefits)  
Corporate Performance & Strategy Manager  
Housing Manager  
Human Resources Manager  
Cultural Services Manager  
Community Safety Manager  
Development Services Manager  
Discussion group – Middle managers  
Discussion group – Front line staff  
Assistant Director of Public Health  
Partnerships Manager, Leicestershire Constabulary  
Assistant Chief Executive, Leicestershire CC  
Chief Executive, Melton BC  
Audit Commission, Relationship Manager  
Discussion group – partners (County Council, Chamber of Trade, VCS, Parish Councils, Town Centre Partnership)  
Tenants Panel representatives

## APPENDIX B

RECOMMENDATION/ISSUE	ACTION	BY WHOM	BY WHEN
<p><b><u>Recommendation</u></b></p> <p>a. Complete the work to define and clarify a simple and clear vision for what the Council wants to achieve for the Borough, and make sure it is widely understood by staff, partners and the wider community.</p>	<p>Draft Statement of Aims and Objectives circulated to staff in November 2007 for comment and feedback. Further discussion at staff meetings in January 2008.</p> <p>Public/Stakeholders surveyed via Borough Bulletin (November 2007), Citizens Panel, and separate survey.</p> <p>Final decision by Council – February 2008</p>	<p>Chief Executive</p> <p>Chief Executive</p> <p>Chief Executive</p>	<p>January 2008</p> <p>January 2008</p> <p>February 2008</p>
<p>b. Use the Council's updated strategic aims as the basis for continuing prioritisation and planning.</p>	<p>Already using the draft update as the basis for more outward-facing Business Delivery Plans for 2008/09 and beyond.</p>	<p>Deputy Chief Executive</p>	<p>February 2008</p>
<p>c. Make sure that the community strategy and corporate plan are coherent and consistent and clearly give effect to the Council's vision and ambition.</p>	<p>The revised/updated Aims and Objectives are linked directly to a number of sources:- LDF, Citizens Panel/Borough-wide surveys on priorities and the new Administration's manifesto. There links are made in the consultation and within the new Corporate Plan for 2008 onwards</p>	<p>Michael Brymer</p>	<p>March 2008</p>
<p>d. Strengthen the role of the Executive, ensuring it takes major decisions on behalf of the Council so that it is fully accountable and provides strong community and political leadership.</p>	<p>A more robust approach has already been taken to the balance of decision making. In the current cycle, the number of decisions by Council will be 4, whilst the Executive will make 10.</p>	<p>SLB</p>	<p>December 2007 and onwards</p>
<p>e. Review the Council's constitution as necessary in support of the above to ensure clarity and transparency in decision making.</p>	<p>The Constitution is reviewed annually, with the next full review in May 2008. However, the Monitoring Officer is undertaking an interim review to address the issues raised in the Peer Review Report.</p>	<p>Louisa Horton</p>	<p>December 2007 May 2008 and annually.</p>
			<p>February 2008</p>

RECOMMENDATION/ISSUE	ACTION	BY WHOM	BY WHEN
<p>f. Make sure that the Council's achievements and improvements are clearly linked to its ambitions and priorities and that it effectively communicates the intended impact of these and its successes to the community.</p>	<p>The achievements and improvements will be linked to ambitions and priorities through the Business Delivery Process (see action for (b) above).</p> <p>Communication of outcomes and achievements will be via the Borough Bulletin, Press Releases and Website.</p>	<p>Deputy Chief Executive/Michael Brymer</p> <p>Jacqueline Puffett</p>	<p>Ongoing</p>
<p><b><u>Issues</u></b></p> <p><b><i>Ambition</i></b></p> <p>◆ There is evidence of the Council's ambition but it needs to be clearly stated</p>	<p>To be addressed as an outcome of action to respond to recommendation (a) above.</p>	<p>Chief Executive</p>	<p>January 2008</p>
<p>◆ There may be a lack of ambition in the community – therefore greater need for the Council to show community leadership.</p>	<p>Clear Statement of Ambition to be linked to redraft and re-launch of new Aims and Objectives, with timescales for delivery. This to include clear statement or Capital Projects/Town Centre regeneration.</p>	<p>SLB/Chief Executive</p>	<p>January 2008</p>
<p>◆ How to ensure the Council takes account of the needs of the whole Borough.</p>	<p>Consultation through respective Citizens Panel/Borough Bulletin, Parishes Forum and Corporate Equalities Group.</p>	<p>Darren Moore</p>	<p>February 2008</p>
<p><b><i>Prioritisation</i></b></p> <p>◆ Links between Community Plan and Council visit/aims and objectives in Corporate Performance Plan need to be clarified.</p>	<p>To be addressed as an outcome of action to respond to recommendations a) and c).</p>	<p>Chief Executive /SLB</p>	<p>January 2008</p>
<p>Maintain focus when necessary, to ensure the continuing good performance of priority services and the most effective use of resources into the future.</p>	<p>Continue to address through the dedicated 'performance' meetings of SLB and of the Executive</p>	<p>SLB/Operations Board/Executive</p>	<p>January 2008 and onwards</p>

RECOMMENDATION/ISSUE	ACTION	BY WHOM	BY WHEN
<p><b>Capacity</b></p> <p>◆ The Executive needs to demonstrate clearer political and community leadership.</p>	<p>To be addressed by actions to respond to recommendation of (d) issues – Ambition and Prioritisation.</p>	<p>SLB/Executive</p>	<p>December 2007 and onwards</p>
<p>◆ Make sure that decisions are made at the appropriate committee – Executive or Council.</p>	<p>Address by immediate actions during November/December cycle and review of relevant part of Constitution.</p>	<p>Monitoring Officer SLB</p>	<p>November 2007 December 2007 and onwards</p>
<p>◆ Continue to give attention to revenue budgets – so that spending profiles match priorities and budgets.</p>	<p>Through revenue budget workshops with Members leading to budget preparation for 2008/09 and following.</p> <p>Through expenditure/budget management at dedicated ‘performance’ meetings of SLB/Executive.</p>	<p>SLB SLB/Operations Board/Executive</p>	<p>December 2007 Ongoing</p>
<p>◆ Despite evidence of effective HR practice, the Council needs to ensure a more consistent strategic approach.</p>	<p>Workforce Development Plan to be presented for appraisal to Members in January 2008.</p> <p>SLB to ensure progress of implementation of Plan via ‘performance’ meetings.</p>	<p>Julie Stay SLB/Operations Board</p>	<p>January 2008 January 2008 and onwards</p>
<p>◆ Continue the work begun to address equality and diversity in the context of the Borough.</p>	<p>Level 2 of Equalities Standard declared in October 2007.</p> <p>Programme agreed for declaration of Level 3 by April 2008 and Peer Review within next 12 months.</p>	<p>Chief Executive</p>	<p>Achieved March 2008 and March 2009</p>
<p><b>Performance Management</b></p> <p>◆ Make sure performance reports are available in a timely fashion – the new performance information system should help to do this.</p>	<p>Information available on intranet and Internet.</p> <p>Available via TEN Performance Management System.</p>	<p>Michael Brymer</p>	<p>Achieved December 2007</p>

RECOMMENDATION/ISSUE	ACTION	BY WHOM	BY WHEN
<p><b>Achievement and Improvement</b></p> <p>◆ Need to maintain a rounded view on performance – for example have regard to quality not just processing times.</p>	<p>To be addressed by dedicated ‘performance’ meetings and revised quarterly targets from April 2008.</p>	<p>Michael Brymer</p>	<p>April 2008</p>
<p>◆ Some key measures of satisfaction in Hinckley remain below the national average such as overall satisfaction, waste and re-cycling, despite good performance in these areas.</p>	<p>To concentrate on publicising and reinforcing high performance internally via media, on vehicles and Council publications/website.</p> <p>Undertake an annual satisfaction survey of citizens</p>	<p>Jacqueline Puffett</p> <p>Darren Moore</p>	<p>November 2007 and onwards</p> <p>January 2008 and onwards</p>
<p>◆ Focus improvement priorities on making a difference to the community and communicate your resulting achievements more.</p>	<p>Linked to response immediately above and also to action on recommendations a, b and c and ‘issues’ responses on Ambition and Priorities.</p>	<p>SLB/Operations Board/Executive</p>	<p>March 2008 and onwards</p>

The improvements will be achieved within the resources already agreed by the Council in 2007/08.