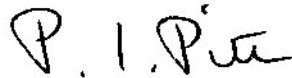


**Date: 7 September 2009**

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, 15 SEPTEMBER 2009 at 6.30 pm.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. I. Pitt', written in a cursive style.

Pat Pitt (Mrs)  
Corporate Governance Officer

### **AGENDA**

1. Apologies
2. To confirm the minutes of the meetings held on 29 July and 11 August 2009. Attached marked C22 and C23.
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. Position Statement. The Leader of the Council will give a presentation.
  9. To receive for information only the minutes of the Scrutiny Commission meeting held on 30 July 2009 attached marked C24.
  10. To consider the following reports:-
    - (a) Financial Outlook 2010/11 and Beyond. Attached marked C25. (Pages 1 - 3).
    - (b) Proposed Revision to the Hinckley and Bosworth Local Development Scheme. Attached marked C26. (Pages 4 - 16).
    - (d) Senior Management Review. Attached marked C27. (Pages 17 - 21).
    - (e) Renegotiating Financial Contributions Required for Infrastructure Improvements. Attached marked C28 (pages 22 - 27).
  11. Appointments to Committees/Outside Bodies. To consider, following a request by Dr. J.R. Moore, the filling of Committee places/outside bodies.
  12. Matter from Which the Public May be Excluded

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 10 of Schedule 12A of the 1972 Act.

    - (a) Deed of Variation. Attached marked C29. (Pages 28 - 32).
- To: All Members of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
(other recipients for information).

HINCKLEY AND BOSWORTH BOROUGH COUNCIL  
29 JULY 2009 AT 6.30 P.M.

PRESENT: MR. K. NICHOLS - MAYOR  
MRS. S. FRANCKS - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. J.G. Bannister, 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, Mr. D.M. Gould, Mrs. A. Hall, Mr. P.A.S. Hall, Mr. D.W. Inman, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. M. R. Lay, Mr. R. Mayne, Dr. J.R. Moore, Mr. K. Morrell, Mr. L.J.P. O'Shea, Mrs. J. Richards, Mr. A. J. Smith, Mrs. S. Sprason, Mr. B.E. Sutton, Mr. R. Ward, Ms. B.M. Witherford and Mr. D.O. Wright.

Officers in attendance: Mr. S.J. Atkinson, Ms. V. Bunting, Miss L. Horton, Mr. S. Kohli, Mrs. P.I. Pitt, Mr. T.M. Prowse, Ms. S.A. Smith and Mrs. S. Stacey.

104 SILENCE

A minute's silence was observed in memory of Mr. J.A. Davenport, a former member of this Authority, who had recently passed away.

105 PRAYERS

The Reverend Canon B. Davis offered prayer.

106 APOLOGIES

Apologies for absence was submitted on behalf of Messrs C.W. Boothby and K.W.P. Lynch and Ms. W.A. Moore.

107 MINUTES (C13)

It was moved by Mr. Bill seconded by Mr. Bray and

RESOLVED –the minutes of the meeting held on 23 June 2009 be confirmed and signed by the Mayor.

108 DECLARATIONS OF INTEREST

No interests were declared at this stage.

109 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. S. L. Bray

"I would like to ask the Executive Member for Green Spaces and Leisure whether it is good practice to inform Parish Councils and publicise the fact that the Borough Council's Sports Road Show will take place on Parks in

their Parish and then with barely 2 weeks notice, advise the Parish Council that the published event has been cancelled due to poor attendance in a previous year and the need for economies to be made but at the same time effectively pass the responsibility for any disappointment to local kids back to the Parish Council by offering a pitiful £200 donation for the Parish to organise their own replacement event with qualified coaches in less than 2 weeks. Would the Executive Member confirm whether this sort of action that will almost certainly disappoint a number of young children who have seen the Sports Road Show advertised can be considered to be consistent with that of a Council that prides itself with the Logo "A Borough To be Proud Of"? Could I also please ask the Executive Member to provide a list of the venues where the Summer Sports Road show will still be taking place this Summer and a list of last year's venues and attendances at each venue."

Response from Mr. S. L. Bray

"Councillor Batty will be aware of the difficult decisions that this council is having to make in order to deliver its services within budget. This applies equally to Cultural services as to all other services. It is regrettable that the level of provision of Sports Roadshows has had to be reduced.

Throughout June, Officers liaised with the Strategic Leadership Board and Executive Members with regards to provision of summer activities. Reviewing operational activity and aligning resources to where the need is required is ongoing.

Councillor Batty refers to '2 weeks notice' but I can confirm that Parishes were notified in writing on 19 June, four weeks prior to the start of the Roadshow.

Having reviewed last years activities, on average only 17 children and young people within your Parish participated in the Sports Roadshow. To offer the best possible service to young people from across the borough and within budgetary constraints, the Council is targeting its resources towards the Priority Neighbourhoods and those sessions in Parishes with high attendance figures.

Details of previous years' attendance figures, revised schedule for 2009 have been forwarded to the Groby Parish Clerk.

I would like to remind the Councillor that the LSP's What's Going Down brochure, issued to all young people in the Parish, details on page 28 sports courses for 5-11 year olds that are being held at Groby Community College. Therefore, there is existing local sports provision.

It is a shame, given the strong feelings on this matter, that Parish and Ward Councillors have not worked together and submitted a funding bid to provide additional activities for young people.

Please be assured that the Council is committed to working in partnership with Parish Councils and by empowering at a local level, opportunities for children and young people can be maximised. However, all activities of the Council must be managed within available budgets."

## Roadshow average numbers 2008

Roadshow	Ratby	7	Stopped
Roadshow	Hinckley	35	
Roadshow	Burbage	24	
Roadshow	Barwell	31	
Roadshow	Newbold Verdon	16	Stopped
<b>Roadshow</b>	<b>Groby</b>	<b>17</b>	<b>Stopped</b>
Roadshow	Clarendon	36	
Roadshow	Thornton	3	Stopped
Roadshow	Markfield	23	
Roadshow	Stoke G	35	
Roadshow	Witherley	9	Stopped

In response to a supplementary question from Mr. Batty Mr. Bray stated that he did not agree that insufficient notice had been given to Parish Councils of the cancellation of events.

(b) Question raised by Mr. P.R. Batty and addressed to Mr. D.O. Wright

“I would like to ask the Executive Member for Corporate Services as to who made the insensitive decision that now requires Elected Members to pay for their own Data Protection Registration necessary in respect of their role as elected Councillors. At a time when Members of Parliament are being accused of abusing their extremely generous expenses and media allegations that all Councillors are paying themselves generous salaries, how can the Council justify such “penny pinching” when Members of this Council already very much have to pay their own expenses relating to their duties such as phone bills, postage, stationary and IT costs. It is not the £35 additional expense that bothers me but it is the principle of the apparent discriminatory attitude by the Council towards elected members. Therefore, could the Executive Member please publicly state for the benefit of the media the amount of basic allowance that Elected Members of this Council receive before tax and confirm that this is among the lowest in the region, thus by enlarge providing excellent value for money to the Borough’s Council Tax payers in respect of the many hardworking Councillors in this Chamber, who unlike their counterparts in other Authorities are not provided with PC’s, the cost of internet connection or the reimbursement of other costs incurred in their duties. Finally, could the Executive Member in the light of the forthcoming introduction of the home-working policy confirm that the removal of duty related expenses will be consistently applied to both officers and elected members.”

Response from Mr. D.O. Wright

“Can I thank Councillor Batty for his questions.

Firstly with regard to the issue of Data Protection Registration, the decision was taken by the Head of Corporate and Scrutiny Services, who is also the Council’s Data Protection Officer with the agreement of the Chief Executive. The Cost to each individual Councillor is £35.00, however the cost to the authority is £1,500 inclusive of administration and officer time costs. In this time of having to account for every £ spent of tax payers money it was determined to be an appropriate action to discontinue covering the cost of notifications.

What is important to note is that Members only need to notify – pay the £35.00 if they hold information which IS NOT related to carrying out work relating to council business and IS NOT related to acting on behalf of a political party, as these areas are covered by the Councils notification and the Political Parties notification respectively. A letter and guidance on this has previously been issued to Councillors.

The basic allowance for elected members before tax is £272.92 paid monthly. With regard to others in the region, allowances vary as do additional benefits such as provision of IT equipment. Allowances for members are reviewed by an Independent Remuneration Panel who makes recommendations to Council for agreement. The ICT Scrutiny Panel is currently considering the provision of laptops and internet connections for all Members paid for by the Council.

With regard to Home Working, the Council has a Flexible Working Policy for its employees which deals with both time and location flexibility, promoting improvements in service delivery, staff retention and monetary savings. The Flexible Working Policy does not apply to elected Members.”

Following a supplementary question from Mr. Batty, Mr. Wright responded that he was confident that the letter to all Members giving guidance on notification was comprehensive and that his response today had fully addressed the issues raised by Mr. Batty.

Mr. Sutton left the meeting at 6.43 p.m.

#### 110 MAYOR'S COMMUNICATIONS

The Mayor highlighted some of his recent visits, as follows:-

- To local schools to attend various events
- The Proms in the Park Concert at Hollycroft Park
- The Wind in the Willows production at Hollycroft Park
- Attendance at an armed forces event at Ratby which had raised some £1,500 for 'Help for Heroes'
- The Royal Leicester Tigers Service at Tigers Wood, Bagworth

Messrs. Gould and Sutton entered the meeting at 6.46 p.m.

#### 111 LOCAL DEVELOPMENT FRAMEWORK: CORE STRATEGY DEVELOPMENT PLAN DOCUMENT – PROPOSED CHANGES TO POLICY 15 (C14)

In presenting this the Executive Member for Culture, Regeneration and Planning emphasised that Members' agreement was being sought solely to revisions to Policy 15 of the Core Strategy Submission Document. Concerns were raised by certain Members that affordable houses should be available to meet local needs and that the proposals now being put forward were not sustainable and did not properly address the needs of the Borough. The call was made that the six-week period of consultation on Policy 15 be doubled and the suggestion made that a working group be set up to look into the delivery of affordable homes. The Executive Member for Culture, Regeneration and Planning responded that the timetable had previously been agreed with the Planning Inspectorate and could not be amended but gave an assurance that the Council would seek to continue to maximise levels of affordable housing.

An amendment was moved by Mr. Bessant, seconded by Mr. O'Shea that the consultation period be extended from 6 to 12 weeks and that a cross-party working group be formed to consider Policy 15. Upon being put to a vote the amendment was defeated by 16 votes to 14. It was then moved by Mr. Bray, seconded by Mr. Cope that the following be agreed:

- (i) the undertaking of a 6-week period of consultation on Policy 15 only of the Core Strategy submission document and Sustainability Appraisal from 3 August to 14 September 2009 inclusive; and
- (ii) the revised Core Strategy Policy 15 be submitted for examination to the Secretary of State following analysis of the representations received during the 6-week consultation period.

A further vote was taken, again by way of a show of hands, with 16 Members voting for the Motion and 14 against. This Motion was declared carried.

## 112 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

Mr. Smith left the meeting at 7.12 p.m., returning at 7.14 p.m.

- a) It was moved by Mr. Bray, seconded by Mr. Mayne that:

“This Council notes with deep concern the proposed reduction of the number of firefighters at Hinckley Fire Station by 8. This is on top of the reduction of the number of fire engines from 2 to 1 a couple of years ago. This Council instructs the Chief Executive to write to the Fire Authority and urge them not to make further cuts in fire fighting provision at Hinckley.”

An amendment was then moved by Mrs. Camamile and seconded by Mrs. Richards that:

“This Council notes the concern at the proposed reduction of the number of fire fighters at Hinckley Fire Station and request the Chief Fire and Rescue Officer to visit the Council at the earliest possible date to present the case upon which he has recommended the changes to staffing levels at Hinckley Fire Station”.

Although all of those present were fully supportive of the need to raise concerns regarding the possible reduction in fire fighters at Hinckley Fire Station and were mindful that the consultation period regarding such proposals apparently ended on 1 August 2009 opinion was divided as to the form of wording which should accompany this Council's representations to the Fire and Rescue Service.

Mr. Ladkin left the meeting at 7.30 p.m.

Since it was acknowledged that both motions had merit it was agreed that a combined motion be drafted for Members' approval and in consequence at 7.37 p.m. Mr. Bray, Mrs. Camamile and the Chief Executive left the Chamber. A five minute adjournment followed and the meeting reconvened at 7.42 p.m. at which time the Chief Executive read out the following

“This Council expresses its deep concern at the proposed reduction of the number of fire fighters at Hinckley Fire Station by 8. This is on top of the

reduction of the number of fire engines from 2 to 1 a couple of years ago. This Council instructs the Chief Executive to write to the Fire Authority and urge them not to make further cuts in fire fighting provision at Hinckley.

The Council requests also that the Chief Fire and Rescue Officer and the Chair of the Fire Authority visit this Council at the earliest possible date to present the case upon which they have recommended the changes for staffing levels at Hinckley Fire Station”.

This motion was agreed unanimously.

- (b) Circulated at the meeting was a briefing note prepared by the Directors of Community and Planning Services and Finance on Local Authorities bidding for Social Housing Grant.

It was moved by Mr. Lay, seconded by Mr. Bown that:

“ This Council welcomes the recent moves by the government to support the building of new Council Houses.

We welcome the suggested moves to scrap the current negative housing subsidy regime which would free up millions of pounds for investment in the Borough Council housing stock.

Hinckley and Bosworth Borough Council apply for new government funding at the earliest opportunity and find suitable council owned land, to build new Council Houses here in the Borough and in doing so help families in desperate need of decent housing”.

Mr. Cope then moved the following amendment which was seconded by Mr. Crooks:

“That this Council through officer and lead member involvement considers the new government funding and produces a robust case taking into consideration all the current drivers on its finances and once the negative housing subsidy has either been scrapped or clearly identified as to its impact on this Council’s individual position, acquire and/or identify land for the provision of new council houses in this Borough, which will bring much needed help to families requiring decent social housing”.

Although acknowledging that the original motion was well-intentioned and there was merit in a scheme which might lead to the provision of new housing stock concerns were raised that there would be a significant impact on the Council’s Capital Programme should a bid to the Homes and Communities Agency for an allocation of funding be proceeded with. Following an extensive debate as to whether the Council should, having identified sites, bid for government funding Mr. Lay indicated that in view of the comments now made he would withdraw the second strand of his Motion.

The amendment by Mr. Cope to the original Motion was then voted upon by means of a show of hands with 12 voting in favour of the amendment ,14 against and with 3 Members abstaining. The original Motion of Mr. Lay was then put to the vote and a show of hands indicated that 19 Members had voted for that Motion, 2 against and 8 had abstained. It was thereupon



RESOLVED -

- (i) This Council welcomes the recent moves by the government to support the building of new Council homes, and;
- (ii) Hinckley and Bosworth Borough Council apply for new government funding at the earliest opportunity and find suitable council owned land, to build new Council Houses here in the Borough and in doing so help families in desperate need of decent housing.

On the subject of Motions generally the Leader of the Council urged that anyone wishing to propose amendments to Motions listed on the agenda notify these to the appropriate officers well in advance of the meeting and it was agreed that the Constitution should be amended to reflect this.

(The meeting closed at 8.20 p.m.)

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At the conclusion of the meeting the Mayor announced that he had agreed to the September meeting of the Council being brought forward by one week to 15 September 2009.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL  
11 AUGUST 2009 AT 6.30 P.M.

PRESENT: MR. K. NICHOLS - MAYOR  
MRS. S. FRANCKS - DEPUTY MAYOR

Mrs. M. Aldridge, Mr. J.G. Bannister, Mr. P.R. Batty, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. J.C. Bown, Mr. S.L. Bray, Mrs. R. Camamile, Mr. M.B. Cartwright, Mr. D.S. Cope, Mr. W.J. Crooks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P.A.S. Hall, Mr. D.W. Inman, Mr. C.G. Joyce, Mr. M. R. Lay, Mr. K.W.P. Lynch, Mr. R. Mayne, Dr. J.R. Moore, Ms. W.A. Moore, Mr. K. Morrell, Mr. L.J.P. O'Shea, Mrs. J. Richards, Mr. A. J. Smith, Mrs. S. Sprason, Mr. R. Ward, Ms. B.M. Witherford and Mr. D.O. Wright.

Officers in attendance: Mr. S.J. Atkinson, Mrs. R. Ball, Mr. A. Bottomley, Mr. D. Bunker, Mr. B. Cullen, Mr. S. Kohli, Mrs. P.I. Pitt and Mr. T.M. Prowse.

140 PRAYERS

The Reverend Dr. Anthony Thacker offered prayer.

141 APOLOGIES

Apologies for absence were submitted on behalf of Messrs P.S. Bessant, C. Ladkin and B.E. Sutton.

142 DECLARATIONS OF INTEREST

Mr. & Mrs. Hall both declared a personal interest in the item relating to the presentation by the Voluntary Sector.

143 MAYOR'S COMMUNICATIONS

The Mayor referred to the walking treasure hunt on 9 August, which had raised some £120 and thanked those Members and their partners who had assisted in the organisation of this. Additionally the Mayor reported that the Council was currently entertaining a delegation from Herford. A full week of events had been planned for the visitors, including a civic reception.

144 QUESTIONS

The following questions and replies were received in accordance with Council Procedure Rule 11.1.

(a) Question raised by Mr. A.J. Smith and addressed to Mr. S. L. Bray

"Can the Executive Member for Culture, Leisure and Regeneration please explain how the Council is supporting the local tourism industry in the current economic climate?"

### Response from Mr. S. L. Bray

- “We have built strong relationships with the larger tourist attractions and accommodation providers who have formed the Board of the Tourism Partnership in order to assist the tourism offer generally – these include Twycross Zoo, Mallory Park, Bosworth Battlefield, Barcelo Hotels, Sketchley Grange and Premier Inn.
- A summer campaign called Holidays at Home was devised to reflect the current economic climate and the fact that many people are staying at home or visiting friends and family. This highlighted the diverse range of things to do and places to visit we are lucky enough to have in the borough
- The Tourism Partnership has developed a wider database of members and with their subscriptions has produced the Hinckley and Bosworth Visitor Guide, a copy of which you have all received.
- At a district level, Hinckley and Bosworth stands out as having relatively high proportions of employment in tourist based industries (10%) compared to 7% across the sub region.
- We are confident that we have the necessary infrastructure to cope with the current economic climate and that is demonstrated by the strong leadership shown by Steve Wegerif, the Chair of the Tourism Partnership, Council membership on the board and officer support.”

### (b) Question raised by Mrs. S. Sprason and addressed to Mr. S.L. Bray

“The Deputy Leader and Executive Member for planning failed to make members aware of the 269-page appendix to the report No. C14, presented to the Council meeting on the 29<sup>th</sup> July 2009. It is also not referenced in that report, is this yet another example of this administration attempting to hide information from residents of this Borough and elected members?”

### Response from Mr. S.L. Bray

“In response to Councillor Sprason’s question, I can only refer her to the report which I presented at Council on 29 July 2009.

In the section headed ‘Purpose of Report’, there is the statement “The Core Strategy Submission Policy 15 revision on affordable housing is attached to this report as Appendix A, the Sustainability Appraisal and the Affordable Housing Viability Assessment Report by Three Dragons are available on the Council’s website and in the Members’ Room”.

It has been the practice of this Council for some time to place large documents, such as the Sustainability Appraisal, on the website and in the Members’ Room and to make reference to them in the report as was done on this occasion.”

In answer to a supplementary question from Mrs. Sprason Mr. Bray indicated that he had been advised that the appendix to report C14 had been freely available on the Council’s website.

(c) Question raised by Mrs. S. Sprason and addressed to Mr. S.L. Bray

“Can the Executive Member for planning give assurances that the Three Dragons viability assessment report commissioned by his administration, the report quotes ‘to seek developer contributions to fund community schemes, examples: - educational provision, leisure provision, public transport improvements, etc, is deliverable, as it states that the infrastructure to accommodate housing in the rural settlements will only be delivered with developer contributions?’”

Response from Mr. S.L. Bray

“Before specifically answering Councillor Mrs Sprason’s question, I thought it would be useful to refer to the Concise Oxford Dictionary which contains the following definitions:-

‘Contribute’ 1. to give for a common purpose or fund 3. to be partly responsible for

‘Contribution’ 1. the act of contributing

Thus, the Three Dragons’ Report is not implying that developers will pay in full for the necessary infrastructure improvements but that they will be required to make an appropriate contribution.

Indeed, if Councillor Mrs Sprason had taken the trouble to read the Infrastructure Plan contained in the Core Strategy before composing her questions, she would have seen that each of the required infrastructure improvements to support new developments will need to be funded by several agencies working in partnership.

Members need to realise that the current process is looking to plan for the long-term to 2026 and I do believe that the plans are deliverable in the longer-term.”

145 SCRUTINY COMMISSION MEETING – 18 JUNE 2009 (C15)

In presenting the minutes of this Mr. Lay highlighted:-

- The attendance at that meeting by the Leader and Deputy Leader which had enabled full and frank discussions.
- An update on capital projects.
- Consideration of the new Locality Extended Services for Children and Young People Strategy for Hinckley and Bosworth.

146 PRESENTATIONS

(a) Youth Council

Three representatives of the Youth Council attended, accompanied by the Children and Young People’s Strategy Coordinator. Highlighted particularly was the production of the public transport questionnaire. Although the response had been good the results had suggested that there were areas for improvement. Reference was made to the highly successful cultural exchange with young people from Germany, France and Israel and the Mayor referred to the intention to present future details of this.

(b) Leader of the Council

A copy of Mr. Bill's presentation was circulated at the meeting. The Leader referred to the challenges which the Council had faced due to the changing circumstances. Despite the economic climate the Council had continued to make progress on the bus station proposals, the Atkins site and the Hinckley Club for Young People project and had secured financial support for the revitalised Greenfields development. Reference was made to the numerous awards to the Council in the last year and to the Audit Commission's 'Excellent' rating. The Leader paid tribute to staff who continued to meet the increasing expectations and demands placed upon them, including volunteering to take a temporary reduction in pay (across all levels in the organisation) to assist the Council in facing immediate and anticipated longer-term difficulties. The Leader concluded by reinforcing the commitment to the community and detailed the priorities which the Council would seek to achieve.

Mr. Smith left the meeting at 7.01 p.m., returning at 7.03 p.m.

(c) Chairman of Scrutiny Commission (C16)

Having thanked the Head of Corporate and Scrutiny Services and her team for their support Mr. Lay paid tribute to the Chairmen of the Council Services and Finance and Audit Services Select Committees. The Commission had continued to focus on solution-based outcomes and among its various achievements Mr. Lay highlighted the influence of the Commission in its review of the Out of Hours Health Care Provision in the Borough. Again the Commission had monitored the workings of the Executive and Mr. Lay indicated that this, together with the challenge to the wider providers, would continue. Mr. Lay concluded by expressing the view that he hoped that the Commission would in future be able to work more closely with the County Council's Scrutiny Bodies.

It was unanimously agreed that all of the foregoing presentations be endorsed.

147 ANNUAL REPORT ON THE TREASURY MANAGEMENT SERVICE AND ACTUAL PRUDENTIAL INDICATORS 2008/09 (C18)

This report, which was a statutory document, had met the requirements of both the CIPFA code of practice on treasury management and the CIPFA prudential code for capital finance in local authorities, and was presented to Members for approval.

In emphasising that this document set out the Council's borrowing limits for the year it was moved by Mr. Lynch, seconded by Mr. Crooks and

RESOLVED – the actual prudential indicators set out in the report of the Director of Finance be approved and the Treasury Management Stewardship report 2008/09 be noted.

148 CAPITAL PROGRAMME 2009/10 TO 2011/12 (C19)

Details of this were presented to Members for consideration. Concerns were expressed as to the respective funding of schemes proposed for the rural and

urban areas and the Director of Finance undertook to write to Mr. Batty on the balance between the rural and the Special Expense areas. For clarification the Executive member for Finance and officers advised on the provision of the Parish and Community Initiatives Fund (PCIF) and the Disabled Adaptations. So far as improvements in rural areas were concerned Members were encouraged to pursue every opportunity for grant funding from the PCIF for schemes within their respective wards.

It was moved by Mr. Lynch, seconded by Mr. Bill and following a vote by means of a show of hands which indicated that 15 Members had voted for the motion, 9 against and 3 had abstained.

RESOLVED –

- (i) the capital programme detailed on pages 15-21 of the report of the Director of Finance be approved; and
- (ii) the financial implications contained within section 7 of the report be noted and in order to address these Members and officers commence work as detailed in section 6.4 of the report.

149 PROPOSED REVISIONS TO THE HINCKLEY AND BOSWORTH LOCAL DEVELOPMENT SCHEME (C20)

The supplementary agenda for tonight's meeting indicated that following discussions with group leaders this report had been withdrawn from this evening's agenda. It was intended to take a more detailed report to the next scheduled Council meeting.

150 MEMBERS' IT PROVISION (C21)

Following discussions at the ICT Scrutiny Panel and subsequent endorsement by the Scrutiny Commission on 1 July 2009 Members received a presentation by Mr. Cartwright (the Panel chairman) on the workings of the Panel, progress on the laptop project and its further rollout and were then called upon to support the electronic delivery of information to all Members from 2011.

Since 2008 the ICT (previously E Govt) Scrutiny Panel had trialled various methods of accessing the Council's agendas and the intention was now to provide the Group Leaders and Deputies with IT equipment. Finally, the project would be rolled out to the remaining Members. Electronic delivery, whilst encouraged, would not be enforced on Members and those not wishing to participate could continue to receive information as currently.

In supporting the project the Scrutiny Commission had recommended that the Council give a cross-party commitment that whatever the composition of the Council following the 2011 elections all Members receive all information electronically.

Mr. Bray left the meeting at 8.07 p.m., returning at 8.10 p.m., Messrs. Bill and Inman left at 8.18 p.m. and both returned at 8.22 p.m.

It was moved by Mr. Lynch, seconded by Mr. Wright and

RESOLVED –

- (i) cross-party commitment be given to the electronic delivery of information to Members following the Borough Council elections in 2011; and
- (ii) progress on the laptop project and plans for its future rollout be noted.

151 ANNUAL REPORT OF THE CHIEF OFFICER, VOLUNTARY ACTION HINCKLEY AND BOSWORTH (C17)

Mr. Smith left the meeting at 8.25 p.m., returning at 8.28 p.m.

Mr. O'Shea left the meeting at 8.26 p.m. returning at 8.30 p.m.

Mr. G. Drozd attended to present this twelve-month review on behalf of the voluntary sector across the district. Mr. Drozd referred to the growing relationship between the Council and the voluntary sector and expressed the hope that this would continue. Mr. Drozd then thanked the Council's two representatives on Voluntary Action Hinckley and Bosworth for their support and paid tribute to the efforts of the many volunteers. Mr. Drozd explained the way in which many of the functions of Voluntary Action Hinckley and Bosworth had, since 1 April 2009, been absorbed into Voluntary Action Leicestershire. Also reported was the intention to create a District Forum, which would hopefully comprise representatives of voluntary organisations, the Council and members of the Local Strategic Partnership.

In conclusion Mr. Drozd reminded Members that the last borough-wide conference with the Voluntary Sector had been in November 2007 and suggested that, in order to strengthen the connections between the Council and the voluntary sector, the Council's appointees on voluntary bodies provide feedback on the activities of those organisations.

Mr. Drozd having announced that he would shortly be taking up employment elsewhere the Leader of the Council thanked him, on behalf of Members, for his work in Hinckley and wished him well for the future. It was then moved by Mr. Bill, seconded by Mr. Bray and

RESOLVED – the recommendations in the report be endorsed and implemented.

(The meeting closed at 8.44 p.m.)

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At the conclusion of the meeting the Mayor referred to the fact that in future should any Member wish to amend a motion which had been listed on the Council agenda that amendment should be delivered to the Head of Corporate and Scrutiny Services not later than 12 noon on the Friday preceding the meeting. The Council's Constitution would be amended accordingly.

Additionally, the Mayor announced the intention to invite representatives of Price Waterhouse Cooper, the Council's auditors, to the Council meeting scheduled for 15 September 2009 to speak on the future of local government finance.

**HINCKLEY & BOSWORTH BOROUGH COUNCIL**

**SCRUTINY COMMISSION**

**30 JULY 2009 AT 6.30 PM**

**PRESENT:** Mr MR Lay - Chairman  
Mr P Hall - Joint Vice-Chairman

Mr PR Batty, Mr PS Bessant, Mrs S Francks, Mr DM Gould, Mrs A Hall, MR DW Inman, Mr CG Joyce, Dr JR Moore, Mr K Morrell, Mrs S Sprason, Mr BE Sutton and Mrs BM Witherford.

In accordance with Council Procedure Rule 4.4, Mr R Ward also attended the meeting. Mr MB Cartwright attended on the invitation of the Chairman to present the report of the ICT Scrutiny Panel.

Officers in attendance: Mr S Atkinson, Mr D Bunker, Miss L Horton, Mr S Kohli, Miss R Owen and Mr TM Prowse.

113 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Camamile and Mr Ladkin with the substitution of Mr Bessant for Mrs Camamile authorised in accordance with Council Procedure Rule 4.3.

114 **MINUTES (SC13)**

It was noted that Mr Inman had submitted an apology for the previous meeting which had been omitted from the minutes. On the motion of Mrs Hall, seconded by Mrs Francks, it was

**RESOLVED** – the minutes of the meeting held on 18 June 2009 be confirmed and signed by the Chairman subject to the above amendment.

115 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

116 **PRESENTATION ON CREDIT UNIONS FOR LEICESTER**

George Puszczynski, General Manager of Clockwise Credit Union, gave a presentation on how Credit Unions operate and the benefits to customers and the community.

Mr Bessant arrived at 6.42pm.



Members questioned and discussed the Credit Union's criteria for approving customers and the level of debt write-off, and it was noted that since Clockwise had been set up in 2006 £1.5m had been lent and only £50,000 had been written off. Mr Puszczynski felt that this was firstly due to stringent checks on people's ability to repay loans before agreeing them and also because debtors were contacted as soon as their payment was missed.

Mr Gould arrived at 6.47pm.

Mr Puszczynski reported that despite using volunteers, they were still reliant on funding to be able to continue operating. He advised that £750,000 would be required to set up a Credit Union.

Members were keen to further examine the possibility of a Credit Union serving Hinckley & Bosworth and asked the Strategic Leadership Board to prepare a report for the next meeting of the Scrutiny Commission with regard to this. It was felt that it would be more advantageous to work with a Credit Union already in existence rather than setting up a new one locally. Mr Puszczynski was thanked for his attendance and presentation.

RESOLVED – a report be prepared by SLB for the next meeting of the Scrutiny Commission to examine the possibility of having a Credit Union in Hinckley & Bosworth.

#### 117 ICT SCRUTINY PANEL AND MEMBERS' IT PROJECT (SC25)

Councillor Cartwright as Chairman of the ICT Scrutiny Panel updated the Scrutiny Commission on the work of the Panel particularly with regard to the Members' laptop project. It was explained that the objective of the project was to minimise paper usage and postage and printing costs, but that paper copies of reports and other important documents would still be available on request and that at this stage no Member would be forced to access information only by electronic means. Some Members commented that it was easier to read and refer to lengthy documents on paper rather than on a VDU.

It was noted that there were still two vacancies on the Panel and Members were asked to take the request for nominations back to their groups.

Whilst some Members had reservations about certain aspects of the scheme, for example the need to print out some documents and the difficulty of reading lengthy documents on screen, they supported the report and recommendations contained therein.

RESOLVED –

- (i) Membership of the ICT Scrutiny Panel be noted and the request for nominations to fill the two vacancies be taken back to the groups;
- (ii) Progress on the laptop project be noted;
- (iii) The project be rolled out to Group Leaders and Deputies;

- (iv) Council be RECOMMENDED to give cross-party commitment for electronic delivery of information to Members following the next Borough Council elections in 2011.

Mr Cartwright left at 7.50pm.

118 COMMUNITY SAFETY PARTNERSHIP REVIEW (SC14)

The Scrutiny Commission was updated on current performance, challenges and successes in relation to the Hinckley and Bosworth Community Safety Partnership. It was reported that Barwell Community House had opened and also that volunteers from Wykin Community House had been given the Queen's Jubilee Award.

Members asked that Martin Ball's successor be invited to the next meeting of the Scrutiny Commission. It was confirmed that he had been informed of the work of the Commission and had said he would be happy to attend. It was also noted that a letter of thanks had been sent to Martin Ball.

Concern was expressed with regard to the increase in crime in rural areas and the affects on businesses and the problem of Leicestershire and Warwickshire Police not communicating which caused problems for those living near the border. It was also suggested that the number plate recognition cameras may have pushed crime out into the rural areas. The Chief Executive was asked to take these concerns back to the Community Safety Partnership.

RESOLVED – the report be noted and a further update be received in six months'.

119 LOCAL DEVELOPMENT SCHEME REVIEW WORKING GROUP (SC15)

Members were advised of the work undertaken by the Local Development Scheme Review Working Group and of the conclusions reached by that group. The Scrutiny Commission was reminded of its original recommendations which included setting up the group but also included a request that the LDF Working Group reconvene to further consider issues relating to the Site Allocations DPD, which had been commenced.

With regard to the timetable for the LDF process, a Member expressed concern with regard to delaying the process further, but in response it was stated that allowing extra time to consider responses would be essential due to the unprecedented number of responses and to allow time to consider the Planning Inspector's report into the Core Strategy.

Mr Ward left at 8.28pm.

RESOLVED

- (i) the Director of Community and Planning Services presents a report to Council making appropriate recommendations for revisions to the Local Development Scheme, in particular recommending an extension to the timescale for submission of

the Site Allocations and Generic Development Control Policies Development Plan Document to the Secretary of State;

- (ii) arrangements be made for Member training sessions / briefing note on the Local Development Framework Process, to emphasise the reasons (other than financial) for proceeding to the current timetable;
- (iii) Scrutiny Commission recommends the need, wherever possible, for joint working across the county on strategic planning matters, particularly the identification and provision of sites for Gypsies and Travellers;
- (iv) Scrutiny Commission recognises the value of joint commissioning of evidence bases and the role of the county wide Housing, Planning and Infrastructure Group;
- (v) The LDF Working Group be reconvened to reconsider the Council's position on Gypsy and Traveller sites.

## 120 PLANNING APPEAL DECISIONS

Members were informed that there had been no appeal decisions against the Council in the first four months of the year.

At 8.35pm the meeting adjourned and reconvened at 8.40pm. Mrs Francks and Mr Gould left the meeting at 8.35pm.

## 121 REVIEW OF CONSTITUTION (SC16 & SC17)

Members were presented with the changes to the Council's Constitution as part of the annual review. It was noted that the document was considerably shorter as some elements had been removed as they were available separately anyway, but in these cases reference to the relevant documents was included.

During discussion the following points were raised:

- Motions without notice: Concern was raised regarding the way motions were dealt with, particularly moving to the vote or next item without discussion with only the agreement of the Chairman. It was noted that this had now been amended in the Constitution to require the consent of the majority;
- 9.30pm guillotine: it was felt that this may limit debate but should be applied from the start of the meeting proper if this was after 6.30pm or that presentations should take place before 6.30pm;
- Amendments to motions: It was noted that the section with regard to the definition of an amendment had been clarified in the Constitution in 15.6(a). It was also suggested that if amendments to motions on notice were substantial, they should be submitted in writing by no later than 5.30pm on the day of the meeting;
- Scope of motions: Members felt that this was limited and that the scope for

topics of motions should be wider as many things affect residents of the Borough indirectly. It was noted that this could be included in 13.3 ('Scope') as a "wellbeing" duty;

- Public questions: A Member asked why there was no provision for public questions at Council, and that this should be allowed on the same terms as Member questions. In response it was explained that operational questions could be asked at other committees and strategic questions could be asked of the Executive, or members of the public could ask a question via their Councillor. In addition to this the petitions power had recently been expanded;
- It was suggested that a Leaders Question Time be included on the Council agenda to give Members opportunity to ask questions of the Leader. It was noted that although there is an opportunity to ask questions of the Leader at Council in response to his position statement, the topics were clearly defined by the Leader. There was however some concern that this may lead to confrontation.
- It was felt that meetings should be recorded or if possible transmitted via webcast.

Further to this discussion, it was agreed that with regard to the first point above, there should be agreement of two thirds of the Council to move to the vote or to the next item of business.

It was suggested that any of the above could be trialled for a limited period, but that a working group of interested Scrutiny Commission members be held to look in more detail at the Constitution and role profiles before making a recommendation to the Standards Committee and to Council. This meeting was agreed for 2 September at 6.30pm.

#### RESOLVED –

- (i) a Scrutiny working group be held on 2 September to look at the Constitution and Councillor Role Profiles and give further consideration to the points raised and noted above;
- (ii) it be RECOMMENDED that
  - (a) motions to move to the vote or to the next item require the consent of two thirds of the Council;
  - (b) the Scope of motions in 13.3 be amended to include wellbeing of residents;
  - (c) substantial amendments to motions be submitted in writing by no later than 5.30pm on the day of the meeting;

#### 122 OVERVIEW AND SCRUTINY WORK PROGRAMME 2009/10 (SC18)

Members received the work programme for 2009/10. It was requested that the Fire Service be invited to the next meeting. Mr Inman stated that he was in the process of drafting the Older Persons Services Strategy and it was agreed that this be brought to the Scrutiny Commission on 10 September. The LAA2

report would be moved to the December meeting in light of the addition to the agenda for the next meeting.

The Chairman requested that the meeting in October be moved to 29 October. This received the agreement of the Scrutiny Commission.

RESOLVED – the work programme be agreed with the abovementioned additions and amendments and change to the date of the meeting in October.

#### 123 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC19)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

#### 124 MINUTES OF SELECT COMMITTEES

The minutes of the following meetings were received:

- (i) Council Services Select Committee, 21 May and 9 July 2009 (SC20 and SC21);
- (ii) Barwell and Earl Shilton Scrutiny Group, 8 June 2009 (SC22);
- (iii) Finance & Audit Services Select Committee, 15 June 2009 (SC23);
- (iv) Scrutiny Environment Group, 6 July 2009 (SC24).

Although these minutes were included for noting only, it was stated that the Barwell and Earl Shilton Scrutiny Group had expressed support for an officer to assist with creating a strategy. Representatives of this group were asked to prepare a report for the Scrutiny Commission with clear recommendations.

(The meeting closed at 9.30 pm)

**COUNCIL - 15 SEPTEMBER 2009**

**REPORT OF DIRECTOR OF FINANCE**

**FINANCIAL OUTLOOK 2010/11 AND BEYOND**

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**1. PURPOSE OF REPORT**

To inform members, by way of presentation by PriceWaterhouseCoopers LLP, of the probable finance settlement under the next Comprehensive Spending Review 2010 (CSR 10) and how this may impact on the management and forward planning of the Council's finances.

**2. RECOMMENDATIONS**

2.1 Note the content of the presentation by PriceWaterhouseCoopers LLP.

2.2 The Council review and revise its Medium Term Financial Strategy to reflect the anticipated reduction in central government grant funding of 10% for each of the three years (2011/12 to 2013/14) likely to be covered by the next Comprehensive Spending Review.

**3. BACKGROUND**

3.1 In the process of setting the budget for 2009/10 (approved 26<sup>th</sup> February 2009) and in formulating the Medium Term Financial Strategy (approved 28<sup>th</sup> April 2009), members made some difficult decisions in identifying significant levels of savings up to and including 2011/12. These savings, which were a necessary response to the Economic downturn, have recently been reviewed by senior officers and the Executive and to date the savings built into the budget are being realised to target.

3.2 However, through recent presentations given by the Director of Finance and recent Finance Briefing Notes, members will be aware of the increasingly challenging times that Local Government will be facing over the next 3 to 5 years resulting from anticipated significant reductions in Central Government funding.

3.3 Whilst the work already undertaken in identifying savings will place the Council in a good starting position, all indications are that further (more radical) work will need to be undertaken to address the financial position that the Council (and the family of Local Government Authorities, especially Districts) will be facing from 2011/12 onwards. The presentation from PriceWaterhouseCoopers LLP provides an independent perspective on the likely financial position for Councils in general and is intended to spark some debate and provide a launch pad for further review and revision of the Medium Term Financial Strategy.

4. **FINANCIAL IMPLICATIONS**

None for the purposes of this report. Future financial implications will depend on the outcome of the review and will be included in the next revision of the MTFS.

5. **LEGAL IMPLICATIONS**

None for the purposes of this report.

6. **CORPORATE PLAN IMPLICATIONS**

Forward planning will assist the Council in achieving its Corporate Aims.

7. **CONSULTATION**

All Staff and Trade Unions will be consulted in implementing any changes that may be an outcome of further reviews of the MTFS.

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 and 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>Standard and Risk</b>	<b>Mitigating Action</b>	<b>Owner</b>
Lack of effective forward planning will have serious implications on service delivery and possible loss of reputation and loss of confidence in the Council	Engage in early financial planning to try and minimise impact on core service delivery. Consult with senior managers, staff, trade unions and elected members.	Chief Executive and Director of Finance

9. **RURAL IMPLICATIONS**

All senior staff will have a responsibility for ensuring rural issues are considered and addressed in all relevant activities. The Deputy Chief Executive (Operations) will continue to be the lead manager for rural issues.

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: Medium Term Financial Strategy (2009/10 - 2011/12)  
Contact officer: Sanjiv Kohli, Director of Finance. Ext 5607  
Executive lead: Cllr Keith Lynch

35C15sep09



COUNCIL – 15 SEPTEMBER 2009

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES

RE: PROPOSED REVISIONS TO THE HINCKLEY AND BOSWORTH LOCAL DEVELOPMENT SCHEME

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1. **PURPOSE OF REPORT**

- 1.1 To present proposed revisions to the Hinckley and Bosworth Local Development Scheme (LDS) and obtain Members agreement prior to bringing forward a detailed LDS and notifying the Secretary of State of the Council's intentions to bring the LDS into effect.

2. **RECOMMENDATION**

- 2.1 It is recommended that Members:

i) Agree the proposal to revise the milestones relating to the Site Allocations and Hinckley Town Centre Area Action Plan Development Plan Documents.

ii) Agree to the additional proposed changes to the Local Development Scheme to reflect progress to date and the introduction of the new Documents identified in the Report.

iii) Agree that following discussions with the Government Office for the East Midlands a revised LDS be submitted.

3. **BACKGROUND TO THE REPORT**

- 3.1 The LDS was introduced by the Planning and Compulsory Purchase Act (2004) to provide an assessment of progress on local development documents contained within the Local Development Framework (LDF). All Local Planning Authorities are required to prepare a LDS, which sets out a 3 year rolling programme for the production of each document identified in the scheme. This will constitute the Councils LDF. The current LDS came into effect in January 2007 and it is now appropriate for it to be revised and rolled forward.

- 3.2 To date the Council has made several achievements in which the Hinckley and Bosworth LDS has brought into effect the following documents:

- Statement of Community Involvement (SCI) was adopted in November 2006.

- Burbage Village Design Statement Supplementary Planning Document (SPD) was adopted in June 2006.
- Shopping and Shop Fronts Supplementary Planning Document (SPD) was adopted in October 2007.
- Affordable Housing Supplementary Planning Document (SPD) was adopted in April 2008.
- Sustainable Design Supplementary Planning Document (SPD) was adopted in April 2008.
- Play and Open Space Developer Contributions Supplementary Planning Document (SPD) was adopted in September 2008.
- Hinckley Town Centre Strategic Transport Development Contributions (SPD) was adopted on 28<sup>th</sup> April 2009.

3.3 The Council has made progress on the following documents:

- Core Strategy Development Plan Document (DPD) has been through Examination in May 2009 and the Inspectors interim report was issued at the end of August 2009. An addendum report on affordable housing due in November / December 2009.
- Hinckley Town Centre Area Action Plan Development Plan Document (DPD) has previously gone out for pre-submission consultation however additional work (including site viability studies) is required to ensure this Document is sound and it is now proposed to be submitted to the Secretary of State in March 2010.
- Site Allocations and Generic Development Control Policies Development Plan Document (DPD) preferred options has been out for consultation after going through Council in January 2009. The eight week consultation period ended on 6<sup>th</sup> April 2009.
- Ratby Village Design Statement Supplementary Planning Document (SPD) preferred options was reported to Planning Committee in April and went out for consultation in June 2009

#### 4. **REVIEW**

4.1 The following section of the report provides further details on the need for revising the LDS.

#### 4.2 **Annual Monitoring Report**

4.2.1 In addition to the above documents the Council is required to prepare an Annual Monitoring Statement (AMR) which, amongst other

requirements, highlights and reviews progress in preparing local development documents against the approved LDS. The AMR is submitted to Government at the end of each calendar year. In relation to progress reported on the LDS it was noted that all of the development plan documents have met their targets to date as have the majority of supplementary planning documents. However, three supplementary planning documents missed their milestones. Overall progress on plan making has been excellent. The Council is one of the first Authorities in the East Midlands to take its Core Strategy through examination in May 2009.

### **4.3 Site Allocations**

4.3.1 The Site Allocations and Generic Development Control Policies Development Plan Documents have been merged to reduce the number of DPDs being consulted on in quick succession. It was originally intended for these two separate documents to begin preferred options consultation at the same time when the Core Strategy DPD and Hinckley Town Centre Area Action Plan DPD undertook submission consultation. Following consideration of this, it was determined that consulting on three important documents at once would cause confusion and consultation fatigue. There were also clear efficiency advantages in combining these two documents.

4.3.2 As members are aware consultation was completed in April 2009 for the Site Allocations and Generic Development Control Policies DPD. This has generated a considerable volume of responses in the order of 13,500 representations. The timescale for considering the response to this document is outlined in the current LDS, which had anticipated redrafting of documents over the summer with submission programmed for September/October 2009. The revision to this Document is addressed below in this Report.

### **4.4 Earl Shilton and Barwell Sustainable Urban Extension Area Action Plan**

4.4.1 A brief for the production of an Earl Shilton and Barwell Sustainable Urban Extension Area Action Plan was formulated by the Borough Council in January 2009. To ensure the scheme is achieved the proposal to include an Area Action Plan within the LDS is critical due to the fact that Earl Shilton and Barwell are areas proposed for a significant amount of change. Preliminary studies have already been carried out and a project timetable provided as part of a development brief. In compliance with the new PPS 12 (Local Spatial Planning) early consultation (front-loading) has accumulated into the Earl Shilton and Barwell pre-masterplanning engagement report. The key stages identified are provided in Appendix 1.

#### 4.5 **Other Documents**

- 4.5.1 The Ratby Village Design Statement Supplementary Planning Document was reported to Planning Committee in April. The SPD was published for four weeks consultation on preferred options in June. Adoption is expected at the end of the year depending on community group commitments, officer work loads and design aspects.
- 4.5.2 Progress made on the Core Strategy provides the need for a Local Choice Policy Supplementary Planning Document. This document will be prepared to give further details on Policy 17 (Local Choice Policy) of the Core Strategy. This document will inform the viability of affordable housing by identifying rural exception sites in areas not previously identified for housing in development plan documents.

#### 4.6 **New Regulations**

- 4.6.1 New planning guidance (revised PPS12) and accompanying regulations were published on 4 June 2008. These changes affect the preparation of all local development documents and the processes they follow through to adoption. This means the Local Development Scheme will need to be revised to accommodate these new requirements, which are explained as follows; the Town and Country Planning (Local Development) (England) (Amendment) Regulations 2008 removes the regulatory requirement to carry out the preferred options stage (old Regulation 26, deleted by amendment regulations) for development plan documents. When preparing development plan documents the new regulation 25 effectively merges the issues and options and preferred options stages.
- 4.6.2 In regards to regulatory changes on the publication and submission of a document, new regulation 27 has come into effect. Before a Council submits a development plan document to the Secretary of State, it must publish and make available the documents it proposes to submit. This is not a public consultation stage but represents the time period when formal representations on the soundness of the plan can be made. Any plan reaching this stage must be considered sound by the Council when it is published. The main change under new regulation 28 requires the Council to allow a minimum of six weeks in which to receive representations on the development plan document.

#### 5. **PROPOSED CHANGES**

- 5.1 There is a need to revise the document by taking account of the issues raised above and to reflect progress, in particular, the following changes are proposed to the existing LDS: (Appendix 3 refers):

- Combining of the Site Allocations and Generic Development Control Policies DPD.

- The revised consultation period on the preferred options (February – April 2009) for the Site Allocations and Generic Development Control Policies DPD.
- Changes in regulations, the pre-submission representation dates will now be added to development plan documents.
- The revised consultation period on preferred options for the Ratby Village Design Statement (June 2009) and the estimated date of adoption at the end of the year.
- The deletion of the Market Bosworth Village Design Statement, since the main priorities for the Local Parish is to complete the Parish Plan.
- The Core Strategy submission (February 2009) and the pre-examination hearing (April 2009).
- To highlight the Hinckley Town Centre Area Action Plan submission date to the Secretary of State.
- The inclusion of the Earl Shilton and Barwell Sustainable Urban Extension Area Action Plan.
- To reflect changes in regulations, developing and consulting a spatial options document for the AAP (replaces issues and options).
- The inclusion of a Local Choice Policy Supplementary Planning Document.
- The inclusion of the Infrastructure Plan Supplementary Planning Document.

## **5.2 Site Allocations and Generic Development Control DPD**

5.2.1 Members will be aware that consultation on this particular document has been undertaken. The public consultation has elicited around 13,500 responses.

5.2.2 The timeframe for responding to the preferred options is tight. For example the period proposed between the close of consultation on preferred options to submission covers 5 months. (The proposed Barwell and Earl Shilton AAP allows for 10 months to cover this activity). The current LDS has programmed submission consultation in September/October 2009 for the Site Allocations and Generic Development Control Policies DPD. This time period will not be achievable in light of the response level to this Document.

- 5.2.3 In revising the LDS there is an opportunity to revise the timelines relating to the programming of the Site Allocations Documents, however there are clear implications of amending the milestones.
- 5.2.4 Consequently two options were originally considered below, together with the key implications of each option (amendments to the other documents outlined in this report are proposed to be taken on board in the case of both options proposed).
- 5.2.5 **Option 1 – To retain the milestones set out for the Site Allocations and Generic Development Control DPD as indicated in the current LDS.**
- 5.2.6 The key implications for this approach relate to the financial inducements that may accrue from the Housing and Planning Delivery Grant (HPDG). Revision of the current LDS timescale meant that the milestones for submission and adoption of the Site Allocations DPD would not be met if the progress of the document was delayed from the timetable set out in *Appendix 2* (i.e. submission consultation September/October 2009, examination May 2010 and adoption November 2010).
- 5.2.7 It is difficult to state the exact financial implications of not meeting the milestones laid out in the current LDS however, plan making is a significant part of HPDG. The benefits of revising the Site Allocations milestones are considered under option 2.
- 5.2.8 **Option 2 – Revising the LDS to provide new milestones that progresses the Site Allocations document.**
- 5.2.9 As stated above the financial implications are a significant concern in respect of proposing this option. Aside from the financial implications of revising the Site Allocation DPD milestones there are a number of issues members need to consider in respect of the LDF as follows:
- Representations received in the Preferred Option consultation period, which ran until 6<sup>th</sup> April, totalled 13,500 responses.
  - This level of response will take a considerable period of time to allow officers to review each representation, provide individual responses and discuss proposals with statutory bodies. Whilst additional resources can be provided it is clear that this task cannot be provided within the allocated time period. Further, meetings with external bodies will need to respect the resource levels of external partners in this process.
  - The current timescale will not allow the full impact of the Inspectors Report into the Core Strategy to be taken into account in improving both direction and robustness of the Site Allocations and Generic Development Control Policies DPD. Indeed should the Core

Strategy be found unsound or require further work the implications will not be known, or able to be taken into account in the production of the Site Allocations DPD. This at least will impact on the robustness and direction of the document, whilst in the worse case scenario could lead to resources and finances directed towards the DPD being aborted.

- There remains the potential to consider new options for future allocations arising from the consultation period these will have to be assessed in respect of impact.
- Should there be significant changes to proposed allocations in respect of land use policies, for example, proposed gypsy and traveller sites, housing or employment allocations, members should be aware that the current timelines do not allow provision for further consultation, other than that related to the six week submission period. (The Council is however not required to consider further consultation if it so wishes).
- A Sustainability Appraisal will need to be undertaken on the revised document. The Sustainability Appraisal, which is undertaken externally, takes around 6 weeks to complete. (This could be undertaken in advance of the document being presented to Council, however, this would further impact on the timescale available to undertake the necessary steps outlined above).
- Three further evidence bases are required to provide clear direction and robustness for the emerging Site Allocations DPD. Consultants have been appointed to carry out an employment land and premises study. In addition consultants have recently been appointed to undertake an audit of greenspace provision within the Borough. A joint methodology has also been prepared to review the Green Wedges within the Borough, which is currently out for consultation. These reviews are likely to take up to 6 months to complete.

### **5.3 Next steps**

5.3.1 Dependent on the outcome of this report, officers will need to do the following:

- Liaise with representatives from the Government Office for the East Midlands in respect of proposed changes to the LDS.
- Submit the detailed timelines for considering the key milestones relating to the progression of the Site Allocations and Generic Development Control DPD.

- Seek Council approval to enable the submission of a revised LDS to the Secretary of State (via the Government Office for the East Midlands).

## 6. **FINANCIAL IMPLICATIONS (DB)**

- 6.1 There are none arising directly from this report. However costs will be incurred during the adoption process, these will be the subject of a further report requesting a supplementary budget to be funded from the LDF Reserve.
- 6.2 Amendments to the Site Allocations DPD milestones as proposed will impact on the amount of HPDG received by the council. The level of impact is unclear at this stage.

## 7. **LEGAL IMPLICATIONS (AB)**

- 7.1 The legal implications are contained within the body of the report.

## 8. **CORPORATE PLAN IMPLCATIONS**

- 8.1 The report has implications on the following corporate aims:
- Thriving economy
  - Strong and distinctive communities
  - Decent, well managed and affordable housing

## 9. **CONSULTATION**

- 9.1 The revised LDS will be subject to consultation with the Government Office. The documents which make up the LDS are all subject to periods of public consultation.

## 10. **RISK IMPLICATIONS**

- 10.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 10.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision/project have been identified, assessed and that controls are in place to manage them effectively.



10.3 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>
Not achieving published milestones	Ensure the published milestones are achievable and that they are adequately resourced	Richard Palmer

11. **RURAL IMPLICATIONS**

11.1 This document has borough wide implications.

12. **CORPORATE IMPLICATIONS**

- |                                 |                                     |
|---------------------------------|-------------------------------------|
| • Community Safety Implications | None relating to this document      |
| • Environmental Implications    | None relating to this document      |
| • ICT Implications              | None relating to this document      |
| • Asset Management Implications | None relating to this document      |
| • Human Resources Implications  | None relating to this document      |
| • Planning Implications         | Have been considered in this report |

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Background Papers: None

Contact Officers: Richard Palmer ext. 5695

Executive Member: Cllr. Stuart Bray

*Appendix 1 – The projected timetable shows the key stages of the Earl Shilton and Barwell Sustainable Urban Extension Area Action Plan*

See attached spreadsheet (nb colour copies of the Appendices will be distributed at the meeting of Full Council).

Appendix 2 – Existing LDS timetable for LDF production

Year	2007												2008												2009												2010											
Month	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	
<b>Development Plan Documents</b>																																																
Core Strategy	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Site Allocations			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Generic Development Control			1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
Hinckley Area Action Plan	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
<b>Supplementary Planning Documents</b>																																																
Shopping and Shop Fronts SPD	1	1	1	1	1	1	1	1	1	1	1	1																																				
Affordable Housing SPD			1	1	1	1	1	1	1	1	1	1																																				
Sustainable Design SPD			1	1	1	1	1	1	1	1	1	1																																				
Town Centre Strategic Development Contributions SPD			1	1	1	1	1	1	1	1	1	1																																				
Play & Open Space Developer Contributions SPD			1	1	1	1	1	1	1	1	1	1																																				
Ratby Village Design Statement																																																
Market Bosworth Village Design Statement																																																

- 1 Commencement of document & preparation
  - 2 Consultation on Issues & Options & Initial Sustainability Appraisal
  - 3 Analysis of Issues & Option Consultation Responses
  - 4 Drafting of Preferred Options
  - 5 Consultation on Preferred Options & Sustainability Appraisal
- 6 Analysis of Consultation Responses
  - 7 Drafting of Submission Document
  - 8 Date for Submission to Secretary of State
  - 9 Pre-Examination Hearing
  - 10 Commencement of Hearings
  - 11 Proposed Date for Adoption





Year	2009												2010												2011												2012												2013														
Month	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D	J	F	M	A	M	J	J	A	S	O	N	D				
Development Plan Documents																																																															
Core Strategy																																																															
Site Allocations & Generic Development Control DPD																																																															
Earl Shilton & Barwell Sustainable Urban Extension Area Action Plan																																																															
Hinckley Town Centre Area Action Plan																																																															
Supplementary Planning Documents																																																															
Rural Needs SPD (CS Policy 17)																																																															
Affordable Housing SPD																																																															
Infrastructure Plan SPD																																																															
Town Centre Strategic Transport Development Contributions SPD																																																															
Shopping and Shop Fronts SPD																																																															
Play and Open Space Developer Contributions SPD																																																															
Sustainable Design SPD																																																															
Ratby VDS																																																															
Market Bosworth VDS																																																															
Groby VDS																																																															
Witherley VDS																																																															
Green Wedge Management Plan																																																															

1	Commencement of Document & Preparation
2	Drafting of Options
3	Consultation on Options & Sustainability Appraisal (SA Where Applicable)
4	Analysis of Consultation Responses
5	Drafting of Submission Document
6	Consultation on Submission Document
7	Analysis of Consultation Responses
8	Date for submission to Secretary of State
9	Pre-examination Meeting
10	Commencement of Hearing/Examination
11	Proposed Date for Adoption

**COUNCIL - 15 SEPTEMBER 2009**

**REPORT OF CHIEF EXECUTIVE RE SENIOR MANAGEMENT REVIEW**

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**1. PURPOSE OF REPORT**

To gain formal agreement to the Senior Management Review to secure the £200,000 (net) savings from April 2010, in line with the priority identified in the Medium Term Financial Strategy (MTFS).

**2. RECOMMENDATION**

2.1 That the Senior Management Structure set out in the Appendix be approved.

2.2 That the existing posts below be removed from the establishment:

- \* Director of Community and Planning Services (31 March 2010)
- \* Director of Finance (31 March 2010)
- \* Head of Revenues and Benefits (Deputy to Director of Finance) (immediately)
- \* Community Safety Manager (30 June 2010)

2.3 That existing 'Head of Service' titles be changed to 'Chief Officer', with the appointees unchanged, as detailed in the Appendix.

2.4 That the following appointments be agreed, as shown in the Appendix:

- \* Deputy Chief Executive (Place Shaping) - Bill Cullen (from 1 Apr 2010)
- \* Deputy Chief Executive (Corporate Direction) - Sanjiv Kohli (and Section 151 (Officer) (from 1 Apr 2010)
- \* Chief Officer (Transformation) - Belle Imison (to 30 Sept 2010)

2.5 That the gradings for the posts of Deputy Chief Executive and Chief Officer be subject to formal re-evaluation, for confirmation by Personnel Committee.

**3. BACKGROUND**

3.1 Members have already been made aware by the Director of Finance in some detail of the financial and other resource challenges facing District Councils, in particular, as a result of significantly changed (for the worse) national and global economic circumstances over the last twelve months.

3.2 In response, Members have approved a revised Medium Term Financial Strategy (Council 28 April 2009) for the period 2009/10 to 2011/12. Within that Strategy, from April 2010 a target saving of £200,000 per year was included for net savings from a Senior Management Review.

- 3.3 The structure appended to this report is the outcome of that review which, when implemented, will secure the target net saving of £200,000 per year from April 2010. All the managers affected by the review, directly or indirectly, have been involved in discussions with me prior to its finalisation, as have UNISON.
- 3.4 The revised structure has four main elements:
- (a) **Place Shaping** - Led by a Deputy Chief Executive, this will include the direct customer focused services, along with partnership development and outcome delivery, and ensure we meet LAA/Sustainable Community Strategy targets.
  - (b) **Corporate Direction** - Led by the other Deputy Chief Executive, these are the (mainly) internal functions which will operate more effectively within a single management team. However, this team will also assume responsibility for Customer Services (Reception and Call Centre) and retain the Benefits Service (because of its significant links to finance), which is also a customer-focused function.
  - (c) **Business, Contracts and Streetscene** - A Chief Officer will be accountable for Business Development across the Council, whilst managing an increasing portfolio of direct services, to include housing repairs from April 2010.
  - (d) **Transformation** - In order to continue the laying of sound organisational and people foundations for more efficient and cost-effective services in the future, focus is being given to a programme of transformation in relation to processes, structures and priorities; alongside and including completing the complementary projects of Flexible Working and Revenues and Benefits Services shared with other councils.
- 3.5 In considering the structure, Members are reminded that in a separate part of the MTFs, a target saving was set for non-management staff, which has been met by the loss (through voluntary redundancy) of some 19 staff. This clearly has an effect on the number of senior managers required to manage fewer staff. Nevertheless, a reduction of around 5% in the level of staffing (some 22 posts) will reduce our capacity to deliver the same level and extent of services as before. Despite that, Members should be encouraged by the fact that corporate performance has continued to improve even during a period of further uncertainty and staff reductions in the early part of 2009/10.
- 3.6 All those who have left, or who will be leaving, will be a loss to this Council in its desire to continue to provide first rate services to its communities; but opportunities will be provided for others to take to build on the sound foundations which those people have already laid.
- 3.7 Revised Job Descriptions have been prepared and agreed with the relevant postholders. These will be subject to formal evaluation for agreement by the Personnel Committee, within the requirement that the net savings will be £200,000, to be confirmed to the next meeting of the Council.



4. **FINANCIAL IMPLICATIONS (SK)**

The total savings (including oncosts) for 2010/11 will be £216,155 and, for 2011/12 onwards, £227,960. These savings are gross and do not, at this stage, take into account any potential increase in costs commensurate to increased responsibilities for those senior officers in the new posts. The new salary levels will be determined by following a job evaluation process. It is, however, anticipated that any additional cost will not reduce the overall net savings below the target savings figure of £200,000.

5. **LEGAL IMPLICATIONS (AB)**

Under Section 4(3)(c) of the Local Government and Housing Act 1989, it is the duty of the Head of Paid Service, when he considers it appropriate, to prepare a report setting out proposals in respect of the organisation of the authority's staff and to circulate it to all Members as soon as practicable. Additionally, under the Council's Constitution the Chief Executive is responsible for the overall management of officers. This report meets both these requirements.

6. **CORPORATE PLAN IMPLICATIONS**

The revised arrangements will assist the Council in achieving its Corporate Aims.

7. **CONSULTATION**

All the Middle and Senior Managers and UNISON have been consulted prior to making the recommendations in the report.

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 and 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>Standard and Risk</b>	<b>Mitigating Action</b>	<b>Owner</b>
That target savings are not achieved, with budget/cost implications	Agreement to and implementation of structure as recommended	Chief Executive

9. **RURAL IMPLICATIONS**

All senior staff will have a responsibility for ensuring rural issues are considered and addressed in all relevant activities. The Deputy Chief Executive (Place Shaping) will continue to be the lead manager for rural issues.

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:           Medium Term Financial Strategy (2009/10 - 2011/12)  
  - Council 28 April 2009

Contact officer:               Steve Atkinson, Chief Executive, ext 5606

Executive lead:                Cllr Don Wright

39C15sep09

**SENIOR MANAGEMENT REVIEW**  
**(Effective from April 2010)**

**CHIEF EXECUTIVE**  
**Steve Atkinson**

At September 2009

Corporate PA Team  
**Jane Stew**

**DEPUTY CHIEF EXECUTIVE**  
**(Place Shaping)**  
**Bill Cullen**

**DEPUTY CHIEF EXECUTIVE**  
**(Corporate Direction)**  
**(Section 151 Officer)**  
**Sanjiv Kohli**

**Chief Officer \***  
**(Housing, Community**  
**Safety and Partnerships)**  
**Sharon Stacey**

**Chief Officer \***  
**(Transformation)**  
**(to 30 September 2010)**  
**Belle Imison**

**Chief Officer \***  
**(Business, Contracts and**  
**Streetscene Services)**  
**Mike Brymer**

**Chief Officer \* ▽**  
**(Corporate & Customer**  
**Resources, Scrutiny &**  
**Ethical Standards)**  
**(Monitoring Officer)**  
**Louisa Horton**

**Chief Officer \***  
**(Environmental Health)**  
**Rob Parkinson**

Responsible for:

- \* Flexible Working Project
- \* Transformation programme
- \* Revenues and Benefits - Shared Service Project

Operations Manager -  
Service Delivery  
**Jim McGovern**

Green Space and  
Neighbourhood Wardens'  
Manager  
**Caroline Roffey**

Responsible for:

- \* Business Development
- \* Streetscene and Integrated Services Services (inc Car Park Management)
- \* Housing Repairs
- \* Special Projects

Accountancy Manager  
**David Bunker**

ICT Manager  
**Paul Langham**

Revenues/Benefits Manager  
**Storme Coop**

Estates and Assets Manager  
**Malcolm Evans**

Procurement Manager  
**Julie Horrocks**

Internal Audit

Head of Planning (Development  
and Policy; Building Control)  
**Tracy Darke**

Cultural Services Manager  
**Simon Jones**

**SLB** Chief Executive  
Deputy Chief Executives (2)

**COB** \* Chief Officers (5) - as now

**▽ Responsible for:**

Legal Services  
Human Resources  
Customer Services  
Governance and Scrutiny  
Centralised Administration

Corporate Performance/Risk Management  
Community Planning  
Communications  
Elections/Electoral Registration



**REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES**  
**RE: RENEGOTIATING FINANCIAL CONTRIBUTIONS REQUIRED FOR**  
**INFRASTRUCTURE IMPROVEMENTS**

---

**1. PURPOSE OF REPORT**

- 1.1 a) To discuss with members the changes in the property market and the construction industry, and the impact which this has already had, and may have in the future, on developer contributions payable.
- b) To consider and agree a protocol for dealing with requests from developers to vary the payment terms for such contributions.

**2. RECOMMENDATION**

- 2.1 That the Council agrees the protocol set out in this report.
- 2.2 That Council agrees to review of the protocol being undertaken by the Council's Finance and Audit Select Committee in February 2010.

**3. BACKGROUND TO THE REPORT**

- 3.1 As Members are aware, a principal objective of the Town and Country Planning system is to secure sustainable development in the public interest. To this end, it is necessary to consider a range of potential impacts which a particular development proposal may have, and it may be necessary for the developer to make provision for facilities or services to offset such impacts, by means of planning obligations under Section 106 of the Town and Country Planning Act 1990.
- 3.2 The starting point for the identification of such impacts which a developer may need to address is adopted planning policy in the Development Plan, and any other material considerations such as emerging development plan documents and national policy guidance in particular Circular 05/2005.
- 3.3 **Government Guidance**  
Government Circular 05/2005 is relevant. This sets out the Secretary of State's policy on Planning Obligations, and would in practice be given significant weight by an Inspector on appeal.
- 3.4 The Circular advises, inter alia, that there should be a consistent approach to the use of standard charges and formulae applied to developments in respect of infrastructure costs.
- 3.5 Paragraph B10 of Annex B to the Circular states as follows:-“In some cases, perhaps arising from different site specific circumstances, it may not be feasible for the proposed development to meet all the requirements set out in local,

regional and national planning policies and still be economically viable. In such cases, and where the development is needed to meet the aims of the development plan, it is for the local authority and other public sector agencies to decide what is to be the balance of contributions made by developers and by the public sector infrastructure providers in its area supported, for example, by local or central taxation. If, for example, a local authority wishes to encourage development, it may wish to provide the necessary infrastructure itself, in order to enable development to be acceptable in planning terms and therefore proceed, thereby contributing to the sustainability of the local area. In such cases, decisions on the level of contributions should be based on negotiations with developers over the level of contribution that can be demonstrated as reasonable to be made whilst still allowing development to take place.”

### 3.6 Hinckley and Bosworth Local Plan:

3.7 Policy IMP1 of the Adopted Hinckley and Bosworth Local Plan requires contributions towards the provision of infrastructure and facilities to serve the development commensurate with the scale and nature of the development proposed.

3.8 Policies RES2, RES3 & RES4 seek to ensure adequate provision of affordable housing. The Hinckley and Bosworth Housing Needs Survey provides the data on the community’s need for affordable housing.

3.9 Policy REC2 requires all new residential development (20 or more dwellings) to provide outdoor play space for formal recreation. Policy REC3 New Residential Development - Outdoor Play Space for Children requires the appropriate level of open space to be provided within development sites or, alternatively, a financial contribution to be negotiated towards the provision of new recreation facilities within the vicinity of the site or towards the improvement of existing facilities in the area.

3.10 Further guidance, including formulae for calculating contributions, is provided within the Borough Council’s Supplementary Planning Guidance for Residential Development and the Supplementary Planning Documents concerning Play and Open Space, Affordable Housing and Section 106 Strategy on Developer Contributions.

3.11 The County Council’s guidance on contributions is outlined their document ‘Adopted Statement of requirements for developer contributions in Leicestershire’. Leicestershire Constabulary guidance is contained within Designing out Crime Liaison Protocol.

### 3.12 **The Changing Property Market**

3.13 Members will appreciate from the above that the gradual increase in the range of demands on developers to fund community and other public infrastructure coincided with the increasingly buoyant property and development market in recent years.

- 3.14 Against that market background, the contributions payable by developers under planning policies have generally been accepted in principle included in Section 106 Agreements and paid by the developers.
- 3.15 More recently, the dramatic changes in the housing market and the construction industry have substantially changed the picture. The effect of the downturn after March 2008 has been seen in the last four months, particularly in affordable housing completions, as progress on delivering the main housing developments in the Borough has slowed significantly. House price reductions have had and are still having a big impact on reducing development values and this in turn has resulted in less development sites commencing and a number of sites stalling.
- 3.16 However, Leicestershire is a designated 'Growth Area' under the Government's Sustainable Communities Plan 2003 and Regional Planning Guidance, and as such is expected to encourage developers to build housing in order to seek to achieve the Borough's growth targets. This will not be possible if the development of otherwise suitable sites is not financially viable.
- 3.17 Although developers vary in their approach to risk, their need for external finance to cover development costs due to the demands of their funders and shareholders, if a development is not financially viable then they will not commence the development. In such cases, they will either await better market or financial circumstances or seek permission for a more profitable scheme instead.
- 3.18 The amount and timing of payment of off-site infrastructure contributions required under planning policies can have a significant impact on the viability calculations in such circumstances. Officers are also aware that some local planning authorities have responded to current issues around contributions and the viability of developments by looking at options for trying to secure that developments proceed.
- 3.19 The concept of renegotiating developer contributions has already been accepted in principle by Homes and Communities Agency Good Practice Note: Investment and Planning Obligations, Responding to the Downturn. This practice note expands on the current economic position, the problems facing the development industry and the ways in which local planning authorities should and can encourage development.
- 3.20 In line with this good practice note, it is therefore proposed that the Council formally adopts a protocol to guide negotiations where financial viability is raised by developers, but only under strict criteria and subject to independent investigation.
- 3.21 **The Protocol**
- 3.22 In line with this good practice note, the following options will be considered as a sequential approach for renegotiations:-

### Option 1 - Deferred Payment by way of an Agreed Payment Plan

This would still require the payment of the full amount of the previously agreed developer contributions, but on an agreed deferred basis

### Option 2 - Phased Developer Contributions

This would require previously agreed developer contributions to be paid in accordance with an agreed phasing plan

### Option 3 - Reductions in Contribution

This approach is only applicable in exceptional circumstances, where other planning gains are achieved. The following situation may be possible however this list is not exhaustive.

- To support regeneration initiatives.
- To support developments in accordance with conservation area initiatives and appraisals.
- To provide affordable housing where it is needed and supported by the Borough Council and transferred to a RSL.
- Where schemes are left half built and to the detriment of visual amenity and subject to formal administration.
- To secure the delivery of 5 year housing supply.
- All requests would be assessed on their own merits

3.23 In dealing with future requests for the renegotiation of developer contributions the following process will be used:

- i) The applicant/developer is to present an “open book” demonstrating the development’s full costs.
- ii) The applicant/developer is to agree, in writing, that the Council will seek independent verification of the “open book” and the applicant/developer will meet all costs in doing so.
- iii) Independent verification to take place and results provided to the Council and then to the applicant/developer.
- iv) Subject to the findings of the independent verification demonstrating the development would proceed at a loss, the Council will agree to review the developer contributions in the light of those findings.
- (v) Any proposed variations arising from that review, will then be reported to, and if acceptable, approved by the Planning Committee.
- (vi) A deed of variation of the applicable S.106 agreement be entered into or if applicable an application for the variation of a planning condition be submitted at the applicants/developers cost.
- (vii) Council Officers will agree any independent verification before any decision is made.

3.24 To reflect possible changes in economic conditions, the use of the protocol will be reviewed in February 2010.



- 3.25 Viability will be only one of the material considerations taken into account in reaching a decision. It will also be important to consider why a development that is not viable, unless renegotiated contributions are accepted should nevertheless be assisted to come forward. This may well apply to key brownfield developments where values may be lower and costs higher, but which would deliver a significant piece of infrastructure or play a key regeneration role. Conversely, there may well be developments which are not critical to the delivery of the strategic agenda, for example on smaller sites, when it may not be appropriate to agree a deferred contributions approach.

#### **4 FINANCIAL IMPLICATIONS [IB]**

- 4.1 As part of the revised protocol officers will seek independent verification of the development costs. The costs of independent verification will be paid for by the applicant. The costs for preparing and concluding an amended agreement will also be paid for by the applicant.
- 4.2 Council Officers will evaluate any independent verification as part of any renegotiations
- 4.3 There will be no additional costs for the Council. Any officer time allocated to dealing with amendment will be met from using existing resources.
- 4.4 Reductions in contributions will impact on the Council's ability to fund infrastructure improvements arising from the development.

#### **5 LEGAL IMPLICATIONS [MR]**

Section 106 of the TCPA 1990 permits the modification or discharge of a planning obligation at any time by agreement. This will require the consent of all the parties to the original agreement.

#### **6 CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic Aim 3 of the Corporate Plan: Safer and Healthier Borough.

#### **7 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 / decisions were identified from this assessment:

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
<p><b>No contribution</b> (lower input to capital programme). If the Council decide to reject the proposals it is likely to stall development sites, impacting on investment and prosperity of the Borough.</p> <p><b>Reduced contribution</b> (lower input to capital programme). Reduced contributions results in lower investment in the capital projects.</p>	<p>Apply to draw upon Government Grants when available.</p> <p>Reduce expectations on the level of investment. i.e. for play and open space, ensure land is provided but reduce the amount of equipment.</p>	Tracy Darke

## 8 **RURAL IMPLICATIONS**

- Financial implications of implementing throughout the Borough;
- Impact on Parish Councils

## 9 **CORPORATE IMPLICATIONS**

- Financial implications on the Capital Programme.

Background papers: Homes and Communities Agency Good Practice Note: Investment and Planning Obligations, Responding to the Downturn

Contact Officer: James Hicks or Cathy Horton – Extensions 5762 and 5605

Executive Member: Councillor Stuart Bray

37C15sep09