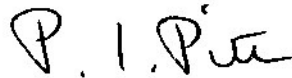


Date: 26 October 2009

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, 3 NOVEMBER 2009 at 6.30 pm.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'P. I. Pitt'.

Pat Pitt (Mrs)
Corporate Governance Officer

AGENDA

1. Apologies
2. To confirm the minutes of the meeting held on 15 September 2009. Attached marked C30.
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 10 September 2009. Attached marked C31.
10. To consider the following reports:-
 - (a) Update on Major Capital Projects. Attached marked C32. (Pages 1 - 7).
 - (b) Review of Constitution. Attached marked C33. (Pages 8 - 9).
11. To consider the following motions, notice of which has been received in accordance with Council Procedure Rule 13.

From Mr. K. Morrell

“This Council acknowledges the excellent work undertaken throughout the Borough by Age Concern Hinckley and Bosworth and appreciates that the activities of this voluntary organisation complement many areas of the Authority’s own work and indeed often add supplementary capacity in respect of achieving HBBC’s goals within the community.

Therefore, in light of press reports about the future of Age Concern Hinckley and Bosworth being in jeopardy, this Council commits to overturning its decision not to offer the organisation a financial contribution in 2009/10 and furthermore undertakes to investigate ways in which the Authority can help ensure a sustainable future for a voluntary group that makes such a positive impact within our local communities.”

From Mrs. J. Richards

“This Council acknowledges the deep concern of residents throughout this Borough about the impact of antisocial and other criminal behaviour within local communities along with the frustration felt by many residents that any action from the authorities is insufficient or ineffective.

It is clear the current top-down bureaucratic approach to fighting crime has led to a confused and sluggish approach to an issue that all too often has a profoundly negative impact on the lives of many local residents.

Therefore, this Council believes a fundamental change is necessary in order to deliver swift, decisive and effective action to deal with the current very real problems of antisocial behaviour, intimidation and other criminal activity that blight the lives of too many local people.

To this end the Council makes a commitment to urgently review its own procedures, encourages its partner agencies including the police to do likewise and liaises with relevant government departments in order to deliver an honest assessment of how current policies impact, positively or otherwise, on the lives of our residents.”

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

15 SEPTEMBER 2009 AT 6.30 P.M.

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

Mrs. M. Aldridge, Mr. J.G. Bannister, Mr. D.C. Bill, Mr. C.W. Boothby, Mr. J.C. Bown, Mr. S.L. Bray, 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. K.W.P. Lynch, Mr. R. Mayne, Ms. W.A. Moore, Mr. K. Morrell, 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, Mr. A. Bottomley, Mr. D. Bunker, Mr. B. Cullen, Mrs T. Darke, Mrs B. Imison, Mr. S. Kohli, Mr. R. Palmer and Mrs. P.I. Pitt.

193 **PRAYERS**

The Reverend John Hall, of Higham Way Baptist Church, offered prayer.

Mr Ladkin entered the meeting at 6.35 pm.

At this juncture the Mayor referred to some confusion which had arisen regarding the start time of this evening's meeting. Since it was important that as many Members as possible could attend the presentation by PriceWaterhouseCoopers, it had been considered that the usual start time of 6.30 pm would be the most appropriate.

194 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr. P.R. Batty, Mr. P.S. Bessant, Mrs R. Camamile, Dr. J.R. Moore and Mr. L.J.P. O'Shea.

195 **MINUTES (C22 AND C23)**

On the motion of Mr. Bown, seconded by Mr. Mayne it was

RESOLVED - the minutes of the meeting held on 29 July 2009 be confirmed and signed by the Mayor and on the motion of Mr. Bill, seconded by Mr. Wright, it was

RESOLVED - The minutes of the meeting held on 11 August 2009 be confirmed and signed by the Mayor.

196 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

197 MAYOR'S COMMUNICATIONS

The Mayor referred to the very successful Barwell and Hinckley carnivals and paid tribute to the organisers and to the public for their support.

The Mayor then drew attention to "Dress Down Day" on 25 September when, on behalf of his two chosen charities, the Derbyshire, Rutland and Leicestershire Air Ambulance and Multiple Sclerosis, all staff were requested to donate £1.00 and wear an item of yellow or orange clothing.

198 QUESTIONS

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

(a) Question raised by Mr. R. Ward and addressed to Mr. K.W.P. Lynch

"Will the Portfolio Holder please inform the Council on progress, if any, in seeking suitable land to meet the conditions of the contractual agreement with Morris Homes following the withdrawal of the Brodick Road site?"

As the Council is aware, the agreement with Morris Homes was an integral part of the process to enable the previous Conservative administration's flagship policy of jointly developing the Atkins site with North Warwickshire and Hinckley College, which will hopefully help the much needed regeneration the town centre. With this development now emerging as a prestige project enhancing the Borough's civic pride will Cllr Bray assure the Council that the Authority is willing and able to fulfil its contractual obligations in a timely manner?"

Response from Mr. K.W.P. Lynch

"As Cllr Ward is fully aware this Council has a pre-emption agreement with Morris Homes which his Administration committed the Authority to. This pre-emption agreement gives first right of refusal to Morris Homes on any council owned land that becomes available for residential development. We intend to honour this agreement and have agreed to meet with Morris Homes on a 6 monthly cycle to discuss any availability of sites; the next meeting being due shortly.

Again as Cllr Ward is aware (being on Planning Committee) the development on the Atkins site is progressing to timescales. The College's development and the Council's development have both received Planning Consent and the Council's commitment to deliver a Business Enterprise Centre on the site is well advanced and is scheduled for completion in mid 2010/11."

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

"In light of this administration's dramatic cuts in the town centre events' budget will Councillor Bray assure us that these cuts will not affect the Christmas lights' switch on programme which has been extremely successful and greatly enjoyed by the residents of our Borough for a number of years?"

“Response from Mr. S.L. Bray

“I can confirm there has been some efficiency savings made in delivering events. The Council has consulted with the Town Centre Partnership & Business Improvement District and I am pleased to announce a very exciting calendar of events for 2010 is being devised and will be publicised in November.

With regards to the Christmas Lights festival it will be as magical as ever.”

(c) Question raised by Mrs. S. Sprason and addressed to Mr. D.C. Bill

“Leicestershire Fire and Rescue Service as from the 1st August has been consulting on the future coverage across its area. It includes two new fire stations at Castle Donnington and Birstall that will give increased coverage to the northern parishes, will the administration join with me in welcoming this proposal?”

Response from Mr. D.C. Bill

“As Cllr Sprason is aware, at the unanimous request of this Council, the Fire and Rescue Service gave a brief presentation and answered questions at the meeting of the Scrutiny Commission on 10 September.

Members who were present will have heard the assurances given in respect of Markfield and Market Bosworth and I do not need to comment on that further. As Leader of this Council, my responsibilities cover the whole of the Borough and, whilst I am sure that Members will be encouraged by the comments and commitments from the Fire Authority, many members of the public remain concerned. I would hope that the Fire Authority can allay those concerns, not only during the current consultation but, more importantly, in the actions which follow.

Finally, can I point out that this authority does not have direct responsibility for the Fire and rescue Service but, through the Community Safety Partnership, we do work closely and effectively with the Service. The strength of feeling generated by these proposals underlines the extent to which we all identify with the emergency services and I would like to pay tribute to all the men and women involved in making this area a safer place in which to live”

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

“The Communities Secretary Shahid Malik recently stated that travelling families are treated differently from the settled community. This clearly is the policy of this authority as law abiding families who work hard and pay their taxes face reams of red tape to improve their property, whilst travellers are given special treatment to concrete over the Green Belt and defy planning rules. What will the lead member for planning do to reverse this trend and assure the settled community that all applications will in future be dealt with equally?”

Response from Mr. S.L. Bray

"In response to Councillor Sprason's question, I can assure Members that when unauthorised sites are set up in the countryside, this Council deals with them robustly (and will continue to do so) through appropriate enforcement action and working in cooperation with other partners, as was demonstrated with the Good Friday site and the more recent incursion onto private land . Equally, if a member of the settled community flouts planning legislation, appropriate enforcement action is applied which is proportionate in all of the circumstances.

With regard to the settled community wanting assurance that all applications will in the future be dealt with equally, this is reliant on having a sound planning framework in place, which will be in the form of an adopted Site Allocations and Generic Development Control Development Plan Document. Members will not need reminding that this will require a number of new sites to be identified for travellers. Work on this has been underway since the public consultation earlier this year and the timescales for completion are addressed elsewhere on this agenda. So, whilst I can assure Members of the **continued** resolve to take robust enforcement action, I cannot guarantee the outcome of such actions in the absence of a sound Site Allocations and Generic Development Control DPD."

In response to a supplementary question from Mrs Sprason Mr Bray indicated that he would arrange for a written response to be sent to Mrs Sprason regarding an unauthorised traveller site at Copt Oak in Markfield.

(e) Question raised by Mr. K. Morrell and addressed to Mr. D.S. Cope

"As it concerns one of the most vital services to some of the Borough's most vulnerable residents would the Executive Member for housing please explain why the tenders for the contract to install vital specialist facilities for council tenants who become disabled or incapacitated were not rolled out until after the previous contract had finished, leaving a gap of 6 months before the new contract was signed?"

Will the Executive Member please outline the extent to which this break in contracts has led to an increase in the waiting list for this essential work and also detail the increased time for any outstanding work to be completed for tenants currently on the waiting list?"

Response from Mr. D.S. Cope

"I am somewhat surprised to receive Councillor Morrell's question at this time however I do welcome the opportunity to clarify the position.

I am sure that Councillor Morrell will recall, that when he chaired a meeting of the Council Services Select Committee on 13 August, he asked for a report on Disabled Adaptations in Council Houses to be taken to that Committee in November. The Director of Community and Planning Services agreed, the decision was minuted and I endorse that timescale. This report will provide the answer to his question.

Pending that report I can confirm that this Council remains committed to providing services to vulnerable people, within available budgets and this commitment has been demonstrated through the increase in the budget for disabled adaptations to £354,310 in 09/10.

A new contract for some council adaptations has recently been procured. Procurement advice was followed which meant that the process took longer than for previous adaptations contracts and there was a gap between the contract ending and the new one commencing. However, in order that the service to tenants continued a mini contract was put in place to cover the interim period and to ensure that adaptations carried out under this contract continued and, through this approach, I can assure Members that no adaptation which was considered a priority by the Social Services' Occupational Therapy Service was subject to any waiting time. Further, all stairlift and specialist adaptations carried out by Leicestershire County Council continued, as did the major adaptations which are managed under individual contracts. Two of these have been progressing during 09/10.

There has historically been a waiting list for council adaptations due to the insufficient budget in comparison to demand and we are not alone in that. A recent review of the HRA across the country shows a significant under investment in adaptation works nationally. The work currently being undertaken on the HRA Business Plan will identify the level of budgets required in order to address issues such as the waiting list for adaptations in order that priorities can be decided."

199 LEADER'S POSITION STATEMENT

In presenting this Mr. Bill referred to progress with regard to the bus station site, Richmond Park young people's facility and the Atkins site. Reference was made to the successful working with the Community Safety Partnership and to the expansion of the Community House Network, which had 3 units, on the Wykin Estate, Earl Shilton and now Barwell. Meetings of the local Community Forums were to be held shortly and would provide funding opportunities for local people to engage in projects within their respective communities. Tribute was paid to the Scrutiny Commission for its part in developing a Credit Union to operate within the Borough by seeking to support local people during the current economic situation.

The Leader concluded by announcing that the Council had achieved level 3 in its Use of Resources Assessment and congratulated all of those involved in this significant achievement.

200 MINUTES OF SCRUTINY COMMISSION MEETING – 30 JULY 2009 (C24)

In his presentation Mr. Lay commended the Director of Finance and the Chairman of the ICT Scrutiny Panel for their work on the development of a Credit Union and the Members' lap top project, respectively. Mr. Lay also referred to the Commission's review of the Constitution, which had also been considered by a scrutiny working group and the Standards Committee.

201 FINANCIAL OUTLOOK 2010/11 AND BEYOND (C25)

Alison Breadon and Matthew Elmer of PriceWaterhouseCoopers LLP attended to present to Members an independent perspective of the likely very difficult financial position facing Councils generally from 2011/12 onwards in the light of the anticipated significant reduction in Central Government funding. In thanking the representatives of PriceWaterhouseCoopers for their presentation, which would assist the Council in its further review and revision of the medium term financial strategy (MTFS), it was moved by Mr. Lynch, seconded by Mr. Bill and

RESOLVED -

- (i) The presentation by PriceWaterhouseCoopers LLP be noted; and
- (ii) The Council reviews and revises its MTFS to reflect the anticipated reduction in central government grant funding of 10% for each of the 3 years (2011/12 to 2013/14) likely to be covered by the next Comprehensive Spending Review.

202 PROPOSED REVISIONS TO THE HINCKLEY AND BOSWORTH LOCAL DEVELOPMENT SCHEME (LDS) (C26)

Members were presented with these and requested to support the proposals prior to a detailed LDS being brought forward, and notifying the Secretary of State of the Council's intention to bring the revised LDS into effect. Highlighted were local development documents which had been adopted and progress on others.

It was moved by Mr. Bray, seconded by Mr. Bill and, following a show of hands which indicated that 2 members had voted against the proposals,

RESOLVED - the following be agreed:-

- (i) The proposal to revise the milestones relating to the Site Allocations and the Hinckley Town Centre Area Action Plan Development Plan Documents;
- (ii) The additional proposed changes to the LDS to reflect progress to date and the introduction of the new documents identified in the report; and
- (iii) Following discussions with the Government Office for the East Midlands, the revised LDS be submitted.

Mr. Smith left the meeting at 7.42 pm.

203 RENEGOTIATING FINANCIAL CONTRIBUTIONS REQUIRED FOR INFRASTRUCTURE IMPROVEMENTS (C28)

Mr. Smith returned to the meeting at 7.45 pm.

The Council was asked to consider and formally adopt a protocol to guide negotiations where financial viability was raised by developers. It was

emphasised that any submission from developers for the renegotiation of contributions would be dealt with by officers under strict criteria and would be subject to independent investigation. The protocol, if adopted, would give the Planning Committee a useful tool in its assessment of applications, and would be applied sequentially in three stages.

The view was expressed that more clarity was needed and some Members had reservations as to the impact of such protocol on Section 106 contributions towards the provision of infrastructure and play facilities and the need to ensure the adequate provision of affordable housing.

Following a lengthy debate it was moved by Mr. Boothby, seconded by Mr. Bray and

RESOLVED - The proposed protocol be referred to the Scrutiny Commission for further consideration.

204 SENIOR MANAGEMENT REVIEW (C27)

The formal agreement of Council was sought to the Senior Management Review, which would secure £200,000 net savings from April 2010, in line with the revised MTFS agreed in April 2009.

Mr. Gould left the meeting at 8.30 pm, returning at 8.32 pm.

Discussion arose regarding the expanded responsibilities of senior managers, whose workload the Chief Executive undertook to monitor and adjust, if necessary. Reference was then made to the good relationship between the trade union officers and the fact that, with the new structure the organisation would continue to operate effectively but savings would result.

Mr. Bray left the meeting at 8.35 pm.

Members having briefly considered the structure chart appended to the report of the Chief Executive and the areas of responsibility of the two Deputy Chief Executives, the Chief Executive agreed to consider alternatives to the title "Place Shaping".

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

RESOLVED

- (i) the Senior Management Structure set out in the appendix to the report of the Chief Executive be approved;
- (ii) 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);

- (iii) existing 'Head of Service' titles be changed to 'Chief Officer', with the appointees unchanged, as detailed in the appendix;
- (iv) 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); and
- (iv) the gradings for the posts of Deputy Chief Executive and Chief Officer be subject to formal re-evaluation, and confirmation by Personnel Committee.

205 APPOINTMENTS ON COMMITTEES/OUTSIDE BODIES

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

RESOLVED - subject to the receipt by the Corporate Governance Officer of a notification from Dr. J.R. Moore that he wishes to no longer serve on these bodies, the following be appointed:-

Planning Committee - Mr. Gould
 Scrutiny Commission - Mr. Bannister
 Appeals Panel - Mr. Mayne
 Local Government Urban Commission - Mr. Bray

206 DEED OF VARIATION (C29)

The Mayor reminded everyone that, as printed on this evening's supplementary agenda, this item had been withdrawn.

(The meeting closed at 8.44 p.m.)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

10 SEPTEMBER 2009 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mrs R Camamile - Joint Vice-Chairman
Mr P Hall - Joint Vice-Chairman

Mrs A Hall, MR DW Inman, Mr CG Joyce, Mr C Ladkin, Mr K Morrell, Mr BE Sutton and Mrs BM Witherford.

Peter Roffey, Chairman of the Combined Fire Authority and Ian Scarrott, Deputy Chief Fire Officer, attended the meeting.

Officers in attendance: Mr S Atkinson, Mrs T Darke, Ms E Grant, Miss L Horton, Mr S Kohli, Miss R Owen and Mrs S Stacey.

178 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr PR Batty, Mrs S Francks, Mr DM Gould and Mrs S Sprason.

179 **MINUTES (SC13)**

On the motion of Mrs Camamile, seconded by Mrs Hall, it was

RESOLVED – the minutes of the meeting held on 30 July 2009 be confirmed and signed by the Chairman subject to the above amendment.

180 **DECLARATIONS OF INTEREST**

Mrs Camamile declared a personal interest in item 10 (The Introduction of an Older Persons Strategy for Hinckley & Bosworth) as Chairman of the Care and Repair Board.

181 **PROPOSED CHANGES AT HINCKLEY FIRE STATION**

Mr Roffey outlined the review that was currently being undertaken and explained that the aim was to work better within the resources available. He emphasised that the review would not lead to any cuts in service but would move resources around to give better overall coverage.

It was noted that any reduction in crew numbers would be due to redeployment and as a result there would be no service reduction and the response time to calls would be no slower. In addition to this, sickness levels had fallen dramatically within the Fire Service which resulted in more staff on duty and able to respond to emergencies.

Mr Roffey clarified that the recommendations in the review had been drawn up by the Chief Fire Officer who had operational knowledge and awareness of the needs in all parts of the Borough. It was noted that consultation would continue until 31 October 2009.

Mr Roffey and Mr Scarrott were thanked for their input and Members acknowledged the issues which had been presented to them and the means of response.

182 THE INTRODUCTION OF AN OLDER PERSONS STRATEGY FOR HINCKLEY & BOSWORTH (SC29)

The Scrutiny Commission was presented with the draft Older Persons Strategy which had been prepared by Councillor Inman. Members were asked to forward any comments on the draft to Councillor Inman by the end of September.

It was explained that each authority now had an Older Persons Champion, and there were also champions within the workforce, for example in hospitals. County Councillor Mr Sprason was campaigning for more Older Persons Champions and had also sent some information about safeguarding vulnerable adults, which would be circulated to Members of the Scrutiny Commission.

With regard to discrimination of older people in employment, it was suggested that any possible changes in law to allow people to work past 65 would be contentious as this would create less employment opportunities for young people.

Concern was expressed with regard to lack of funding for disabled adaptations in housing. It was also suggested that consideration be given when houses were built to installing adaptations at that stage, for example in bungalows for older people, which would save money on having to install them later. It was agreed that the Council Services Select Committee should look at this and the Executive should look at it as part of the LDF.

It was reported that a letter had been received from Age Concern Hinckley & Bosworth expressing disappointment that it had not been mentioned in the Older Persons Strategy, and contesting the suggestion that there should be a centre for Older People. Councillor Inman stated that he would include Age Concern in the Strategy.

RESOLVED – Council Services Select Committee be asked to consider any possible recommendations to the Executive with regard to the LDF and adapted accommodation.

183 DEVELOPER CONTRIBUTIONS (SC27)

Members were informed of the position in respect of the Section 106 contributions that had not been spent within the 5 year period. £298.75 was at risk of being lost – this would have to be used by Barlestone Parish Council by 20 October.

A Member expressed concern that the rules regarding distance were still preventing some parishes from spending the money, and it was noted that the area had been broadened as stated in the SPD, and that although the developer could be approached to ask if the money could be used farther away, there would then be the risk of them asking to claw back the money. In response to a Member's question about reviewing the SPD, the Commission was reminded that this had been reviewed and regular reviews were timetabled over the next few years.

RESOLVED – the report be noted.

Mr Ladkin left the meeting at 7.31pm.

184 HOUSING STRATEGY 2009-12 CONSULTATION (SC28)

The revised Housing Strategy for the period 2009 to 2012 which was out for consultation until 28 September was presented to the Scrutiny Commission. It was noted that in future there may be a move to a regional strategy.

Mr Ladkin returned at 7.35pm.

A Member asked if the strategy referred to the Climate Change policy and in response it was noted that reference was made to energy efficiency and depending on the outcome of the consultation it may be included in the action plan.

RESOLVED – the report be noted.

185 PROGRESS ON MOTION SUPPORTED AT COUNCIL RE LOCAL AUTHORITIES BIDDING FOR SOCIAL HOUSING GRANTS

Members were informed that work was progressing as a result of the motion to Council on 29 July 2009. Work had been underway with a partner developer and a small scale bid for two properties would be submitted by the end of October.

186 CREDIT UNION (SC30)

Further to a request of the Scrutiny Commission on 30 July, a report was presented which informed Members of progress made in setting up credit union arrangement for Hinckley & Bosworth. It was stated that costs of setting up a credit union would be high and suggested that the best option would be to work with an existing credit union to provide services for both staff and residents. A presentation would be given to staff with regard to this, and appropriate locations to serve residents were being investigated. Peggs Close had been highlighted as a suitable location.

It was explained that there would be some costs to the Borough Council as a minimum of three volunteers would need to be recruited and trained and the General Manager would be part-funded by the Council. Officers stated they would shortly be contacting Voluntary Action Hinckley & Bosworth to ask for assistance in recruiting volunteers. It was further noted that the Credit Union

would become self-financing so any financial contribution would not be ongoing.

It was explained that the next stage would be to formulate a business case.

RESOLVED –

- (i) the report be noted;
- (ii) support be given to working with an existing credit union.

187 CAPITAL PROGRAMME 2009/10 TO 2011/12 (SC31)

Members were provided with an analysis of the Capital Programme 2009/10 to 2011/12 and were reminded of the recommendations of the Finance & Audit Services Select Committee that the Commission consider the future of the Council Offices site including Mount Road car park, the future of the depot site and including the crematorium site in the settlement boundary.

A Member expressed concern that Hollycroft Park was included in the general fund but as it served Hinckley it should be funded by the Special Expenses area. The inclusion of Hinckley Club for Young People in the general fund was also questioned as it was felt that this would serve only Hinckley. In response it was noted that the whole of the Borough would benefit and to support this transport to the site was being reviewed.

The apparent scaling back of the Environmental Improvement Scheme was questioned and in response it was noted that if funding was required by local Members, Managers would submit bids which would then be considered, and any schemes currently being worked on should be brought forward.

With regard to the recommendations of the Finance & Audit Services Select Committee, it was noted that at this stage the suggestion was only that each option be supported for investigation and that the Executive be asked to look at the suggestions in greater detail.

RESOLVED –

- (i) the report be noted;
- (ii) the proposals of the Finance & Audit Services Select Committee be supported and referred for investigation.

188 CONCESSIONARY TRAVEL UPDATE

It was noted that a joint meeting had been held with regard to concessionary travel and progress was being made.

189 MEMBER DEVELOPMENT (SC32)

Members were provided with a report which evaluated the effectiveness of the Member Development Strategy, examined progress towards achieving the East Midlands Councillor Development Charter, and provided information on Member Development Activities within the authority and throughout Leicestershire & Rutland as part of the Regional Improvement and Efficiency Partnership.

The number of Borough Councillors who were also County Councillors was highlighted, and in response it was noted that districts were now working more closely with the County Council and this had therefore been taken into account.

RESOLVED – the report be noted and progress be endorsed.

190 OUT OF HOURS EMERGENCY COVER

Members were provided with a verbal update on the availability of officers outside of office hours, particularly bank holiday weekends. It was confirmed that arrangements were now in place for appropriate officers to be available at these times and good relationships had been built with parishes who were at risk of requiring such support.

191 OVERVIEW AND SCRUTINY WORK PROGRAMME 2009/10 (SC33)

Members received the work programme for 2009/10.

RESOLVED – the work programme be agreed.

192 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC34)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

(The meeting closed at 8.55 pm)

COUNCIL – 3 NOVEMBER 2009

REPORT OF DIRECTOR OF FINANCE RE UPDATE ON MAJOR CAPITAL PROJECTS

1.0 PURPOSE OF REPORT

1.1 To advise Members of progress made with regard to the Atkins Development, Council Offices Relocation, Argents Mead Enhancement, Bus Station Development, Hinckley Club for Young People, the Greenfields Enterprise Centre and considerations for the former crematorium site.

2.0 RECOMMENDATIONS

2.1 That Members note and endorse the progress made on the above projects.

2.2 That Members approve the target level of capital receipt of circa £5m from the enhancement of the Argents Mead site, as set out in paragraphs 5.1, 5.2 and 5.3 of the report.

2.3 That any plans to enhance Argents Mead be the subject of full public consultation.

2.4 That the target of £5 million be incorporated into the revised Medium Term Financial Strategy to be presented to Council at its December meeting.

3.0 ATKINS DEVELOPMENT

3.1 Planning Application

3.1.1 The Joint Planning Application was considered at the Planning Committee meeting on 7 July 2009 and was approved unanimously. The scheme was then passed to Government Office and was approved on 4 September 2009 following receipt of the signed Section 111 agreement from North Warwickshire and Hinckley College (the College).

3.1.2 The College's contribution in connection with the Section 111 Agreement totals £ 391,000. An initial payment of £ 50,000 has been received as part payment.

3.1.3 Planning conditions for the Atkins Building are being discharged and conditions attributable to the College's project will be discharged prior to commencement on site which is now envisaged as February 2010.

3.2 Progress of Works on Site

3.2.1 The phased works are to progress as follows:

Phase I - Essential Maintenance – Roof Repairs and Window Repairs/ Replacement: Works completed May 2009.

Phase II – Continuity Works – Commenced 1 June 2009 and includes provision of Car Park D (Lower Bond Street) and Internal Structural works. A further instruction has been issued to incorporate the removal of paint from the internal walls.

Works in this phase are due for completion in Mid November 2009.

Phase III – Main Internal Refurbishment Works – following receipt of Planning Approval a verbal instruction has been issued for the completion of the Main works which is programmed for completion by the end of April 2010.

Occupation of the building is programmed to commence from May 2010.

Separate contracts have been issued for the first two phases and a further contract is being compiled for the Final Phase.

3.3 Naming of Building

3.3.1 Following consultation with Creative Hinckley and consideration by the Atkins Project Board, the proposed name for the building on completion has been agreed as **ATKINS 1722**. This acknowledges the original building owner and the date that business commenced from the location.

3.4 Estimated Construction Costs/Funding

3.4.1 The scheme overall is currently being managed within cost and budget. However, there are a number of pressures on the budget linked to delivering a higher quality scheme, namely additional soft landscaping, enhanced public realm, some additional transport improvements and power supply upgrades. In order to address these pressures, an application for funding has been made to a regional funding body for a commitment of an additional £300,000.

Should this funding not be realised, the option exists to manage the scheme within the main contract costs or consider some additional funding to enhance the scheme finish and quality.

4.0 COUNCIL OFFICES RELOCATION

4.1 The strategy for the relocation of staff from the current offices at Argents Mead, as set out below, is developed on the undertaking that the long-term solution for delivery of the Council's services is within a shared working environment in the proposed Bus Station development. However, the need to relocate staff in 2010, necessitated by the poor condition and energy inefficiency of the Council offices at Argents Mead, means that short-term proposals have to be developed to provide the most cost efficient and supportive solutions to relocation.

4.2 In order for this strategy to be adopted, there needs to be acceptance that the condition of the Argents Mead offices require immediate repair and maintenance in order to ensure a safe working environment for staff, visitors and members of the public. However, immediate repair and maintenance of Argents Mead is not the most cost effective option, nor does it deliver the best long-term solution for delivery of council services.

4.3 Relocation Areas

4.3.1 In conjunction with the roll out of flexible working in the organisation, the supporting office based infrastructure has been considered. Whilst it is accepted that the long term aim of relocation is to provide “fit for purpose” modern office accommodation on the Bus Station site, a more immediate short term solution is required to fill the gap between 2010 and 2014.

4.3.2 The temporary accommodation solution, as set out in paragraph 4.3.3, provides good quality office accommodation located in Hinckley town centre within five key locations. These key locations have arisen from an options appraisal which considered location, affordability, quality of accommodation, ownership, speed of delivery. Other major considerations included the provision of telephony and in particular Voice Over Internet Protocol (VOIP) which is key to the roll out of mixed location or home working as it ensures there is no degradation in service as it enables telephone calls to be shared between team members and allows staff to be contacted seamlessly regardless of location. Finally, the relocation of the Data Centre presents its own specific challenges, requirements and financial implications.

4.3.3 The following are the five locations identified in the strategy:

1. Atkins 1722 HBBC acting as primary anchor tenant occupying circa 140 workstations, meeting rooms, break out areas, Members' area, Unison office, touch down locations.

2. Florence House Existing leased office which will be planned to provide fit for purpose accommodation for Customer Services, Shared Services and Back Office Staff. The leases are coterminous and will be reviewed late 2013.

3. William Iliffe An underutilised premise for temporary housing under control of the Housing Team.

Estates approached by housing to provide a solution to their requirement for office accommodation for up to 20 staff within the ground floor of the premise.

Three solutions have been provided, giving differing levels of construction work and number of possible desk spaces from 21 to 27 providing the required outcome within the budget cost of £40,000.

Two of the solutions are being taken forward for full costing and final approval.

Once approval has been gained we would look to complete works and have the area operational by February 2010.

4. Leisure Centre An area of the centre formally known as the Projectile Room has been identified as an informal office area for both touchdown and permanently based staff.

Preliminary plans show 16 desk spaces with a meeting area suitable for 10 staff, which will be within the budget of £30,000.

Once final approval has been received, we would look to have these works completed by January 2010 in line with the Leisure Centre refurbishment.

5. Depot The depot will continue to support back office staff and the DSO function.

5.0 ARGENTS MEAD ENHANCEMENTS

5.1 In conjunction with the relocation of the Council Offices, careful consideration is required to ensure that the existing council building is managed appropriately when vacated. Demolition of the structure in early 2011 will reduce the risk of likely antisocial behaviour and increasing unnecessary maintenance and security costs of a decaying structure on an ongoing basis (including potentially the need to “net off” the building). This provides an opportunity to enhance the Mead and provide a high quality “Green Park” within the centre of Hinckley, opening new public walkways through the existing site and providing additional links to the Bus Station Development.

5.2 As well as providing an increased green space in the urban park, it provides an opportunity for high quality developments around the perimeter of the Mead, which will allow for improved public facilities. Any enhancements will be carefully considered and full public consultation will take place, focussing on enhancing the environment and re-invigorating the 'non green' areas on the Mead. It is envisaged that such changes will be supported by appropriate provision of car parking.

5.3 It is anticipated that a capital receipt of circa £5m could be realised to assist in supporting the immediate on long term capital programme. To maximise the potential of these receipts, the developments should take into account the potential for other future developments from adjacent land owners and key development partners.

6.0. BUS STATION REDEVELOPMENT

6.1 The Development Agreement was formally approved on 31 July 2009. Acquisition of the site has commenced and public exhibitions were held during the month of September to promote the latest scheme. The planning application is expected to be submitted early April 2010, with completion planned for 2014.

7.0 HINCKLEY CLUB FOR YOUNG PEOPLE

- 7.1 The Club appointed ROK as its main contractor in August 2009. A fixed price contract has been agreed by the Club with the contractor. Works commenced on site 24 August. Completion is programmed for August 2010.
- 7.2 A new CCTV system is to be installed Oct/Nov 2009. Photos of the building site can be viewed via the Council's website on - <http://www.hinckley-bosworth.gov.uk/ppimageupload/holding/Image86147.PDF> .
- 7.3 Capital and business continuity sub groups, which contain representatives from all partners, have been established. These regularly update the Project Board.
- 7.4 An independent Business Coordinator, funded by Myplace, has been appointed by the Club. His role is to seek new business, develop partnerships, apply for external funding and to set out a programme of activities aimed at meeting the agreed outcomes, as required by the funding body.

8.0 LEISURE CENTRE

- 8.1 Council made the decision, due to budgetary constraints and the wider economic climate, to suspend plans to build a new Leisure Centre and instead approved a capital budget to refurbish the existing Leisure Centre and at the same time extend the management contract with SLM Limited. The contract for the customer facing refurbishment commenced on Monday 7 September, 2009.
- 8.2 Weekly meetings are held to discuss progress and any consider any issues arising. These meeting are attended by Asset Management, Cultural Services, SLM and the Main Contractor.
- 8.3 The works area completed are:

Former Café Area – Now a multi-function room
Conference room – Now a spinning room
The Pool and Main Hall Viewing Galleries
The Reception Gallery
Gym area
- 8.4 An issue has arisen during work to the Ladies and Gents Dry side changing area, requiring the floor to be re-tanked prior to laying the new covering. The cost for this addition has been met from part of the contingency figure agreed within the contract.
- 8.5 The project is currently running to schedule (completion by end December 2009) and within budget.
- 8.6 The programme has been arranged so that the work to the Ladies and Gents' Wet side will be started towards the end of October. This will allow time for a response from the Council's application for DCMS funding for Capital Improvements which, if approved, will provide for additional improvements to these changing areas.

8.7 A first (of four) interim payment has been submitted by the contractor which awaits the contractor to provide validation prior to sign-off.

9.0 GREENFIELDS

9.1 Confirmation was received on 25 August 2009 from the Programme Manager for Leicester & Leicestershire Support Unit: "I am pleased to be able to inform you that EMDA Board have finally approved support for the Greenfields development and consequently we can now issue a funding contract." The funding contract, which is with LCC, should have been finalised by time of consideration of this report.

9.2 The timescales for this project are short as EMDA require their funding to be drawn down before 31 March 2010. With this in mind, the project management team from WM Saunders has been informed of the progress, and the Council's Procurement Manager has agreed that the OJEU accelerated tender process can be adopted. This will allow for a reduction in the procurement process from 80 days to 30 days.

9.4 The Council's chosen contractor will be required to start on site prior to the end of 2009. This will allow the Council to have some tenants in situ prior to the end of current financial year (the Council's Commercial Surveyor has had several very interested parties for pre-lets).

10.0 'CREMATORIUM' SITE, HINCKLEY

10.1 Officers have been requested to investigate the potential for development of this site, which is in the ownership of the Council.

10.2 The crematorium location lies within an area currently designated as green wedge. Whilst the boundaries of the green wedge are still to be defined (through the Site Allocations/Management Plan), it is indicated through the preferred options that the site lies within the green wedge.

10.3 At the Core Strategy examination there were changes proposed to the wording of the policy for green wedge. Importantly, the policy lists uses that will be acceptable within the green wedge. These do not list commercial/ business activity per se. However, it is the function of the green wedge which should not be compromised by built development not the open aspect of the green wedge. The best way to bring forward anything will be through a Green Wedge Management Plan or to test through the Site Allocations DPD. The land itself does not need to be allocated as there is a policy dealing with green wedge uses which sits within the Core Strategy. It is therefore suggested that proposals for this site be taken forward through work on the Site Allocations.

11.0 FINANCIAL IMPLICATIONS

11.1 These are contained within the body of the report.

12.0 **LEGAL IMPLICATIONS (AB)**

12.1 These are contained within the body of the report.

Contact Officers:

Sally Ann Cooper	ext 5654	(Bus Station Development)
Robert Blaney	ext 5867	(Greenfields, Argents Mead Enhancements)
Matthew Burns	ext 5686	(Leisure Centre Refurbishment)
Simon Jones	ext 5699	(Hinckley Club for Young People)
Malcolm Evans	ext 5614	(Atkins 1722, Council Relocation, Argents Mead Enhancements)

Executive Members:

Cllr Keith Lynch	Finance & ICT
Cllr Stuart Bray	Culture Leisure & Regeneration

47Exec28oct09

REPORT OF THE MONITORING OFFICER
RE: Constitution Review

1. **PURPOSE OF REPORT**

To seek endorsement and agreement to the revisions to the Constitution following the annual review.

2. **RECOMMENDATION**

That the Constitution as amended be approved.

3. **BACKGROUND TO THE REPORT**

3.1 Ahead of the annual revision of the Constitution a number of groups have had an opportunity to input and review the Constitution. It has been reviewed by Officers, Standards Committee and Scrutiny Commission and a Scrutiny Commission working party.

3.2 Copies of the amended Constitution can be found in the Members Room and will be circulated to Members on request following Council approval It will also be available on line.

3.2 The following amendments have been made.

- Consistent use of numbering
- Sub Index for committees
- Insertion of references to Climate Change
- Delegation of functions in relation to powers to make orders under the Highways Act and Town and Country Planning Act – Footpaths, private sector housing, LDS pre submission stages and Licensing
- Changes to the scope of motions to enable issues to be raised which affect the residents of the borough indirectly.
- Amendments to the Terms of Reference of Standards Subcommittees and insertion of the role of dealing with complaints under the Code of Conduct.
- Formatting/correcting role titles and reduction of duplication throughout the Constitution and Council Procedure Rules
- Addition of Member Role Descriptions
- Insertion of an updated Complaints and introduction of new compliments procedure.
- Amendments to Planning Committee Conduct Procedure with specific reference to the LGA guidance on Members with pre determination.
- Revised Glossary of terms
- Amendment to written motions
- Amendment to Motions without notice

4. **FINANCIAL IMPLICATIONS**

None

5. **LEGAL IMPLICATIONS**

A two thirds majority of the Council is required to approve changes to the Constitution.

6. **CORPORATE PLAN IMPLICATIONS**

Equality and Fair treatment for all and promotion of a strong and distinctive community.

7. **CONSULTATION**

As detailed above

8. **RISK IMPLICATIONS**

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to approve the Constitution	Approval	LH

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

The Constitution will be applied across all decision making bodies and will ensure that all decisions are taken in an open and transparent manner.

10. **CORPORATE IMPLICATIONS**

- None

Background papers: Constitution

Contact Officer: Louisa Horton x5859

Executive Member: Councillor Wright