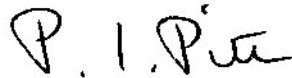


Date: 7 December 2009

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 DECEMBER 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 meeting held on 3 November 2009. Attached marked C34.
3. To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.
5. To receive such communications as the Mayor may decide to lay before the Council.
6. To receive petitions presented in accordance with Council Procedure Rule number 10.11.
7. To deal with questions under Council Procedure Rule number 11.1.

8. To confirm the new Leader of the Council, who will then announce any changes in the areas of responsibilities of the Executive members.
9. Position Statement. The Leader of the Council will give a presentation.
10. To receive for information only the minutes of the Scrutiny Commission meeting held on 29 October 2009. Attached marked C35.
11. To consider the following reports:-
 - (a) Gambling Act 2005 – Statement of Principles.. Attached marked C36. (Pages 1 - 5).
 - (b) Ratby Village Design Statement Supplementary Planning Document - Adoption. Attached marked C37. (Pages 6 - 8).
 - (c) Adoption of Core Strategy Development Plan Document. Attached marked C38. (Pages 9 - 12).
 - (d) Local Development Framework – Current and Future Expenditure. Attached marked C39. (Pages 13 - 19).
 - (e) Representation on Outside Bodies – Feedback. Attached marked C40A&B. (Pages 20 - 26).
 - (f) Renegotiating Financial Contributions Required for Infrastructure Improvements. Attached marked C41. (Pages 27 – 32).
 - (g) Constitution – Residual Issues. To follow marked C42.
12. To consider the following containing confidential information and which is currently only being circulated to elected members.
 - (a) Comprehensive Area Assessment – Organisational Assessment. Attached marked C43.
 - (b) Overall Countywide CAA Assessment – Final Version. To follow marked C44.

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
3 NOVEMBER 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. 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. C. Ladkin, Mr. M. R. Lay, Mr. K.W.P. Lynch, Mr. R. Mayne, 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.

Also present: Mr R Birch, Standards Committee Chairman

Officers in attendance: Mr. S.J. Atkinson, Mr. B. Cullen, Miss L. Horton, Mr. S. Kohli, Mrs. P.I. Pitt and Mr T.M. Prowse

258 **MR C.B. COTTON**

By invitation of the Mayor, Mr Ladkin paid tribute to Mr Cotton, a former member of the Hinckley Urban District Council, who had passed away on 13 September 2009.

259 **PRAYER**

The Reverend John Hall offered prayer.

260 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr. D.C. Bill (to whom all good wishes for a speedy recovery were sent), Dr. J.R. Moore and Ms W.A. Moore.

261 **MINUTES (C30)**

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

RESOLVED - the minutes of the meeting held on 15 September 2009 be confirmed and signed by the Mayor.

262 **DECLARATIONS OF INTEREST**

Personal interests were declared as follows:

Mr Bray – item 10(a) by virtue of the proximity of his house to the Depot.
Mr Inman – on the first motion listed in item 11 on the agenda in that he was the Council's representative on the Management Committee of Age Concern.

263 MAYOR'S COMMUNICATIONS

The Mayor referred to the recent visit to the Borough by a delegation from Le Grande Quevilly and paid tribute to all those who had helped to make this visit such a success.

264 PETITIONS

In accordance with Council Procedures rule 10.11 Mr Bray presented a copy of a petition containing some five thousand signatures objecting to fire service cuts and already submitted to the Fire Authority.

265 QUESTIONS

In response to the Mayor Mrs Sprason confirmed that she wished to withdraw questions (a) and (b) on this evening's supplementary agenda.

The following questions and replies were then received in accordance with Council Procedure rule 11.1:-

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

"Will the leader ensure that this authority join with the Regional Assembly and the County Council and opposes the top down approach by this Government regarding the housing numbers imposed on this authority?"

Response from Mr. S.L. Bray

"I thank Councillor Mrs Sprason for her question as it allows me to set out this Administration's position on this matter.

When we came to power in May 2007 we inherited an ambitious Local Development Scheme which we have achieved in respect of the Core Strategy. I am optimistic that we will have a "sound" Core Strategy in place on timetable by the end of this year, which is essential to guide future development within this Borough.

Having said that, Members will recall that at Council on 26 February 2009, in answer to a question from Councillor Mrs Sprason, I stated "Myself and Councillor Bill recently met with officials from the Government Office – we made it clear during that meeting that we would not be allocating any more housing than is required by Regional Assembly . . ." I also indicated that I had launched a public petition calling for the number of houses to be reduced and inviting Councillor Mrs Sprason, her husband or any other Conservative member of this Council or Leicestershire County Council to sign. Perhaps Councillor Mrs Sprason and her colleagues would like to indicate whether they have done so.

Finally, I raised this issue with Government and invited the Secretary of State, Hazel Blears, to discuss the matter but to no avail."

(d) Question raised by Mrs. J. Richards and addressed to Ms. W.A. Moore

“The lack of decent Borough Council provided toilet facilities in Earl Shilton is a matter of regret and indeed frustration for many members of the community I represent and the fact that this Authority is benefiting from revenue savings as a result of this lack of service provision fails to provide any relief.

There is much talk, although perhaps not enough action, about regenerating Earl Shilton and I believe the provision of public toilets by the Borough Council should be a vital part of this process. Therefore, will the portfolio holder detail the costs to the Authority of providing public conveniences in Hinckley, Barwell and Market Bosworth while also making a firm commitment that this Council intends to meet the full costs of toilet provision in Earl Shilton in the very near future?”

Response from Ms. W.A. Moore

“I am sure that all Members, including Councillor Mrs Richards, are fully aware of the financial pressures facing most local authorities, including this one. The closure of the previous toilet facility in Earl Shilton was agreed by this Council as part of the budget setting process after careful consideration of all the facts (including that the facility was at the end of its useful life and the unit cost per customer) but not before adequate alternative provision had been secured.

Councillor Mrs Richards will know the agreed Masterplanning process which is progressing and the process of public consultation being undertaken, as she has had it explained to her on several occasions. If that consultation process shows overwhelmingly that the public of Earl Shilton want alternative public conveniences, then that will need to be considered and could be funded through the Growth Point Initiative Capital Funding which is available.

It would, however, be wrong of me to commit this Council to meeting the full costs of running the toilet facilities in advance of setting service priorities in response to the current economic climate and consequent budget setting for future years. Earl Shilton Town Council may wish to consider funding the running costs of this local facility.”

The current year’s budget for the provision of toilets is as follows:-

- Attended Toilets	£46,770
- Unattended Toilets	£43,444

In the absence of Ms Moore from the meeting the Deputy Leader, in response to a supplementary question from Mrs Richards, stated that he had nothing further to add.

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

“Councillors will no doubt be aware that building work has now begun on the George Ward Centre, which will provide an excellent and much needed community facility for the people of Barwell.

In view of all the negative publicity Barwell has received recently I am sure we can all agree that this tremendous public amenity will be a great boost for the village.

Therefore, will the Leader of the Council join me in congratulating Maureen Cook, who served on this Authority as a hardworking councillor for Barwell, and her fellow committee members on the George Ward Community Project for their sterling work in bringing this important scheme to fruition?"

Response from Mr. S.L. Bray

"I welcome the progress being made on this important community facility and congratulate everyone involved in ensuring that it is now coming to fruition, including Officers of both Leicestershire County Council and this Authority, who have been actively involved in the Project Management Board, overseeing the delivery of the project.

I would remind Members that the Cedars was left to the people of Barwell by a Liberal, George Ward, for education and leisure purposes and therefore the new community centre is little more than Barwell people deserve as this is being funded by the proceeds of the County Council's decision to sell it off.

At the recent meeting of the Barwell Neighbourhood Action Team, the progress was highlighted. Everyone present at that meeting welcomed the presence of the Community Centre, the links that can be made with the recently opened Community House and the way that the centre can play host to many of the project being run by the Neighbourhood Action Team for the benefit of residents of that Priority Neighbourhood."

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

"With Hinckley Town Centre shoppers and traders already facing up to the reality of savage cuts to the Borough Council's Christmas events' budget, which it is rumoured may even affect the celebrated lights switch-on and firework display, it now appears the successful 'park & ride' scheme that has run from November to Christmas for a number of years will no longer be operating.

As Councillors throughout the chamber will be aware the 'park & ride' scheme not only provided a great boost to Christmas trade in Hinckley while easing some of the traffic and parking problems in the town but it also offered shoppers, particularly those from the outlying areas and villages, a convenient and environmentally sound method of travelling into the town centre.

Previously Hinckley and Bosworth Borough Council has always recognised the importance to the town centre of 'park & ride' and therefore made a significant financial contribution to this excellent scheme so is the portfolio holder able to assure Councillors that the withdrawal of this service at a time when Hinckley's shopping area needs all the help it can get is not the result of any short-sighted budgetary cuts imposed by this Authority's administration?"

Response from Mr. S.L. Bray

“This Council should be proud of its progress in developing a successful events programme in partnership with Hinckley Town Centre Partnership. I can confirm 2010 will see an exciting and full events programme which has been endorsed by businesses in the Town Centre despite the tough economic conditions we find ourselves in. There will be a great Christmas lights festival to look forward to and I would encourage all Members to attend.

Having reviewed the Park and Ride scheme, we consider it no longer represents value for money. Based on last year’s declining usage, the cost equated to £10.50 per person per ride. Therefore, this year we intend to offer a Park and Walk scheme instead, making long stay car parks available free of charge to shoppers during the period leading up to Christmas. Given the location of these car parks, not only will this be a more convenient and environmentally friendly service for shoppers but I am confident traffic and parking problems will be minimised. This initiative has the full support of Hinckley Town Centre Partnership.”

In response to the supplementary question from Mr Ward, Mr Bray indicated that the long-stay council owned car parks available free of charge in the run up to Christmas were at Brunel Road, Mount Road and Trinity Road West and that the costs involved in this arrangement were comparable to the Park and Ride Scheme.

(g) Question raised by Mr. K. Morrell and addressed to Mr. D.O. Wright

“Will the portfolio holder provide councillors with a detailed breakdown of the full costs, including pension and other ongoing liabilities, of the Authority’s redundancy and early retirement programme?”

Furthermore, is the administration able to assure councillors that any officer who accepts such a package will not be re-employed by the Council in a consultancy capacity?”

Response from Mr. D.O. Wright

“I thank Councillor Morrell for his question as it gives me an opportunity to present the positive financial position resulting from the recent reorganisation of staff and senior management as previously reported to Council. Firstly, may I point out that this Council agreed to a scheme of voluntary redundancies as part of an overall savings programme to address the shortfall in the Council’s budget resulting from the immediate impact, in this financial year, of the economic downturn and to partly address further future budgetary pressures resulting from the reductions in central government funding. It was always understood and accepted by Council that whilst there would be significant up front costs associated with the redundancies these would be set off by on-going savings in salary and on-costs. It can be seen from the table below that although there will be a net cost to the Council in the current financial year of £204,854 (which will be funded from General Fund Balances), this deficit will be more than set off by the savings in staff costs in future years. In fact over the six year period over which the pension strain will be spread the net benefit to the Council in savings

will total £1,921,913. The Director of Finance will be bringing a full report on this matter to Council in December.

	2009/10	2010/11	2011/12	2012/13	2013/14	2014/15	TOTAL
Costs							
Redundancy Pay	309,394	80,726					390,120
Notice Pay	20,701	13,861					34,562
Cost of Pension Fund Strain	105,528	126,047	126,047	126,047	126,047	22,203	631,919
Total Costs	435,623	220,634	126,047	126,047	126,047	22,203	1,056,601
Annual Savings	230,769	540,105	551,910	551,910	551,910	551,910	2,978,514
Net (cost/savings)	(204,854)	319,471	425,863	425,863	425,863	529,707	1,921,913

With regard to the second part of Councillor Morrell's question, I can give assurance that any officer accepting such a package will not be employed as a consultant by this Council unless the appointment is made under fair competition and in compliance with the Council's Financial and Procurement Procedure Rules."

(h) Question raised by Mr. C.W. Boothby and addressed to Mr. S.L. Bray

"As members will be aware the Borough Council's Christmas Lights display in 2006 was awarded a prestigious prize as the best in the East Midlands (Enhancing the Retail Offer Award) even beating major retail centres like Nottingham.

Members may also be aware of concerns from traders in Hinckley that this year's lights, which have recently been put up around the town centre, are looking somewhat sparse in comparison to previous displays.

As local shopkeepers and market stallholders seek to maximize Christmas trade is the Borough Council not in danger of appearing not only economically myopic but also most Scrooge-like by cutting back on such festive essentials?"

Response from Mr. S.L. Bray

"As I have already said in my answer to Councillor Ward's question above, we plan to hold a fantastic Christmas Lights Festival this year. I suggest the full effect will only be seen once the switch on occurs. I am confident that residents, visitors and businesses will thoroughly enjoy the event. The definition of 'myopic' is "dim sight". Far from being 'myopic', the review of our investment and approach to Christmas Lights, which incidentally has been agreed with the Hinckley Town Centre Partnership, is forward looking and bright! Let's not be so down beat about such an upbeat festival which is enjoyed by so many."

Following a supplementary question from Mr Boothby Mr Bray responded that he considers local traders were happy with these planned arrangements for the Christmas lights and the Park and Walk.

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

“When the Borough Council decided that the BIDs process was worth pursuing as one of the available instruments to improve the economic viability of Hinckley town centre it was on the clear understanding that this was to provide ‘added value’ over and above the services and activities already undertaken by the Council.

As we keep hearing about cut after cut in the services and activities the Borough Council has previously provided in the town centre is there a very real danger that the Council might be seen to be going against the spirit of the Business Improvement District and the promises this Authority made to local traders during the BIDs process?”

Response from Mr. S.L. Bray

“The Council is extremely proud of its work with the Town Centre Partnership in securing a successful BID for Hinckley Town Centre in 2008. Members will be aware this received an overwhelming majority of traders voting yes. This will attract £1M over the next five years to be invested in promoting the businesses of the Town Centre as well as improving services to local businesses.

As part of the process of developing the BID, a full and transparent appraisal was undertaken to identify those elements of expenditure that should continue to be invested by this Council in the Town Centre to ensure that any BID monies received would “add value”.

(j) Question raised by Mr. C. Ladkin and addressed to Mr. S.L. Bray

“Given the news of further shop closures in the town centre and Hinckley being described as a <ghost town> in the local press these are very worrying times for our traders most of whom are facing pressures including the worst and continuing recession in living memory as well as increases in parking charges business rates utility costs rent reviews internet and out of town competition. What is the Council's strategy for the future viability of the current town centre as a sustainable retail centre?”

Response from Mr. S.L. Bray

“The Council’s strategy for addressing the challenges facing Hinckley Town Centre as a result of the recession and other external factors, such as competition from competing Towns, is documented in the LDF Core Strategy endorsed in 2008 and the Hinckley and Bosworth Economic Strategy adopted in June this year and launched to the business community in September. I am sure that Councillor Ladkin is familiar with all of these documents.

I intend to address some of the comments made in the local press in the statement I will make shortly to Council in my capacity as Acting Leader.”

In response to a supplementary question from Mr Ladkin Mr Bray stated that so far as retail capacity was concerned the ‘bus station location had been specifically chosen. Additionally, recent figures received indicated that the

empty unit rate of 12.7% in Hinckley town centre was below the national average.

(k) Question raised by Mr. C.W. Boothby and addressed to Mr. S.L. Bray

“Would the Deputy Leader agree that the seemingly now common practice of pulling police officers from the rural parts of the Borough and denying adequate beat cover in such areas is not only unfair to residents in the villages who pay their taxes like everyone else but is also totally counterproductive given the extent of the problems with antisocial behaviour in such communities?”

Response from Mr. S.. Bray

“As Councillor Boothby is well aware neither myself or Cllr Cope has operational control of the local police force. However, If Councillor Boothby has specific issues and examples regarding the deployment of Beat Officers across the Borough, if he puts them in writing to me, I will be happy to pick these up with the Borough Police Commander for consideration. I am sure that in light of his comments Cllr Boothby would join me in welcoming the Lib Dem national policy of having 10,000 extra police on our streets.”

Following a supplementary question from Mr Boothby Mr Bray re-iterated that the deployment of officers was a police operational matter.

266 LEADER’S POSITION STATEMENT

In the absence of the Leader, the Deputy Leader presented this and highlighted:-

- The need, with partners, to address anti-social behaviour
- Work in developing and supporting the local economy
- The bid for funding Local Authority New Build
- The achievement of Hinckley United Football Club in reaching round 1 of the FA Cup
- Endorsement of the apology from the Chief Executive after the Pilkington/Hardwick inquest.

267 MINUTES OF SCRUTINY COMMISSION MEETING – 10 SEPTEMBER 2009 (C31)

In his presentation of these Mr Lay drew attention to:-

- Attendance by representatives of the Combined Fire Authority to outline proposed changes at Hinckley Fire Station
- The work of Mr Inman, the Council’s Older Persons Champion, in developing an Older Persons Strategy
- The assistance of officers in taking forward the concept of a Credit Union

268 UPDATE ON MAJOR CAPITAL PROJECTS (C32)

Councillor Bray declared a personal interest in this item.

In presenting this report, the content of which had received Scrutiny and Executive endorsement, the Executive Member for Finance advised on progress regarding:-

- The Atkins Development
- Council Office relocation
- Argents Mead enhancements
- Bus Station Development
- Hinckley Club for Young People
- The Greenfields Enterprise Centre
- The Leisure Centre
- Considerations for the former crematorium site

Having referred to this positive regeneration Mr Lynch stated that flexible working would be the subject of a separate report to Members. In responding to Members' questions relating to these initiatives Mr Lynch indicated that so far as the enhancement of Argents Mead was concerned the figures presented were only "guide costs" and Members would be kept fully informed on revised costings.

Mr Bray left the meeting at 7:35pm and Mr Gould at 7:40pm. Mr Gould returned at 7:42pm, at which time Mrs Sprason left the meeting. Mrs Sprason returned at 7:44pm.

Discussion ensued regarding the proposed naming of the Atkins Building and it was suggested that a public competition be held to seek alternatives to "Atkins 1722".

Messrs. Inman and Mayne left the meeting at 7:47pm, returning at 7:52pm. Mr Crooks left at 7:57pm and Mr Bown at 7:58pm, returning at 7:59pm and 8:01pm respectively.

It was acknowledged that the relocation of the Data Centre presented its own specific challenges, requirements and financial considerations. Although provision was included in the Capital Programme it was agreed that the most appropriate Body to consider this would be the ICT Scrutiny Panel.

On the motion of Mr Lynch, seconded by Mr Bray it was

RESOLVED –

- (i) the progress made on the above projects be noted and endorsed;
- (ii) the target level of capital received of circa five million pounds from the enhancement of the Argents Mead site as set out in paragraphs 5.1, 5.2 and 5.3 of the report of the Director of Finance be approved;
- (iii) any plans to enhance Argents Mead be the subject of full public consultation; and
- (iv) the target of five million pounds be incorporated into the revised Medium Term Financial Strategy to be presented to Council at its December meeting.

269 CONSTITUTION REVIEW (C33)

Following review by the Standards Committee, Scrutiny Commission, Scrutiny Commission Working Party and officers the revised Constitution was presented to Council for approval.

Mrs Richards left the meeting at 8:12pm.

It was accepted that the question of Member's allowances was outside the remit of the Constitution, being a matter which was dealt with by a independent remuneration panel. For clarification the Monitoring Officer briefly outlined the reasons for amendments to widen the scope of motions and extending the Code of Conduct and Guidance for Members of the Planning Committee with pre-determination. Members were generally supportive of the amendments listed in the report of the Monitoring Officer. However discussions ensued regarding:-

- the timescale for the delivery to the Head of Corporate and Scrutiny Services any amendments which Members wished to make to a written motion (i.e. that listed on the Council agenda)
- the length of time that should be afforded to Members of the Planning Committee when speaking given that Ward Members are permitted to speak twice for no more than two minutes each on relevant planning applications.

Mrs Richards returned at 8:16pm.

Although initially moved by Mr Wright and seconded by Mr Bray that the Constitution as amended, be approved, in view of Members' concerns relating to the submission of amendments to written motions and speaking by Members at Planning Committee, an amendment was moved by Mr Cartwright and seconded by Mr Ward that the revisions to the Constitution be approved with the exception of these two issues. This was declared

CARRIED and it was thereupon

RESOLVED – with the exception of the two issues referred to in the preceding paragraph, which will be the subject of a separate report at the next Council meeting, the Constitution, as amended, be approved.

270 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

(a) It was moved by Mr Morrell, seconded by Mr Ward that

“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.”

An amendment was then moved by Mr Bray and seconded by Mr Wright that:

“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.

The Council repeats it’s previously stated policy to consider one-off requests from voluntary groups such as Age Concern Hinckley & Bosworth for grant funding at the end of the financial year when the Council’s final outturn is known and the Council considers revisions to its budgets and Medium Term Financial Strategy. Such requests should be accompanied by supporting documents which demonstrate the level of the services which it provides to people in Hinckley & Bosworth. In this case, we will be prepared to consider this request, along with any others, later in this financial year, should we be in a position to do so, through our continued sound financial management.

In view of the reported financial difficulties of Age Concern Hinckley and Bosworth, the Council will seek to commence talks with all interested funding and supporting bodies, including Leicestershire County Council and Age Concern Leicestershire and Rutland, to ensure that voluntary organisations working with older people in the Borough are fully supported financially for the foreseeable future.

The Council further resolves that it will only consider financial requests additional to those agreed in the annual budget where such requests are accompanied by a clear indication of where the money could be found from.

Mr Gould left the meeting at 8:43pm returned at 8:44pm.

Although supportive of the spirit of the motion the point was made that the current pressure on the Council’s finances and the need to be responsible for public money meant that no commitment could be given at present to any voluntary organisation. However depending on budgetary considerations it may prove possible at the end of this financial year to consider all requests made for grant funding.”

The amendment by Mr Bray and the motion of Mr Morrell was then voted upon by means of a show of hands with 15 Members voting in favour of the amendment, 13 against and with 3 Members abstaining.

The following substantive motion was then voted upon and with 15 Members voting for this and the rest abstaining

declared CARRIED

“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.

The Council repeats its previously stated policy to consider one-off requests from voluntary groups such as Age Concern Hinckley & Bosworth for grant funding at the end of the financial year when the Council’s final outturn is known and the Council considers revisions to its budgets and Medium Term Financial Strategy. Such requests should be accompanied by supporting documents which demonstrate the level of the services which it provides to people in Hinckley & Bosworth. In this case, we will be prepared to consider this request, along with any others, later in this financial year, should we be in a position to do so, through our continued sound financial management.

In view of the reported financial difficulties of Age Concern Hinckley and Bosworth, the Council will seek to commence talks with all interested funding and supporting bodies, including Leicestershire County Council and Age Concern Leicester Shire and Rutland, to ensure that voluntary organisations working with older people in the Borough are fully supported financially for the foreseeable future.

The Council further resolves that it will only consider financial requests additional to those agreed in the annual budget where such requests are accompanied by a clear indication of where the money could be found from.”

(b) It was moved by Mrs Richards, seconded by Mr Ward that

“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.”

It was then moved as an amendment by Mr Bray, seconded by Mr Cope that:

“This Council acknowledges the deep concern of residents throughout this Borough about the impact of antisocial and other criminal behaviour within local communities.

The Council welcomes the range of measures put in place, since the internal review of our own processes and those of the partnership, undertaken in 2007, to crack down on crime and anti-social behaviour which has culminated in us winning two prestigious Beacon Awards for our work in this field.

The Council reaffirms its commitment to make tackling anti-social behaviour one of its top priorities. Working with our partners, with support from Government Agencies, we are in the forefront of innovative practice in developing methods of sharing information on vulnerable people and tackling anti-social behaviour .The Council pledges to continue to work with the Police, County Council and all other agencies to press for tough action to stamp out anti-social behaviour right across the Borough”

Whilst all Members recognised the need to assist in tackling the problem of anti-social behaviour concerns were expressed that this problem was escalating and that residents needed greater support.

Mr Batty left the meeting at 9:16pm returning at 9:17pm.

Mrs Aldridge left the meeting at 9:22pm.

In accordance with Council Procedure Rule 18.4 the requisite number of Members present called for a recorded vote on the amendment proposed by Mr Bray. The vote was then taken, recorded as follows:-

For the amendment: Mrs Francks, Mr Bannister, Mr Bown, Mr Bray, Mr Cope, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Joyce, Mr Lynch, Mr Mayne, Mr Smith, Ms Witherford and Mr Wright (16 votes).

Against the amendment: Mr Boothby, Mrs Camamile, Mr Cartwright, Mr Morrell, Mr O’Shea, Mrs Richards, Mrs Sprason, Mr Sutton and Mr Ward (9 votes).

Abstentions: Mr Batty, Mr Bessant and Mr Ladkin (3 votes).

Mrs Aldridge returned to the meeting at 9:36pm.

The amendment was declared CARRIED and the substantive motion set out below which was voted upon by a show of hands with 16 Members voting for this, 10 against and with 3 Members abstaining was declared

CARRIED

“This Council acknowledges the deep concern of residents throughout this Borough about the impact of antisocial and other criminal behaviour within local communities.

The Council welcomes the range of measures put in place, since the internal review of our own processes and those of the partnership, undertaken in

2007, to crack down on crime and anti-social behaviour which has culminated in us winning two prestigious Beacon Awards for our work in this field.

The Council reaffirms its commitment to make tackling anti-social behaviour one of its top priorities. Working with our partners, with support from Government Agencies, we are in the forefront of innovative practice in developing methods of sharing information on vulnerable people and tackling anti-social behaviour .The Council pledges to continue to work with the Police, County Council and all other agencies to press for tough action to stamp out anti-social behaviour right across the Borough.”

(The meeting closed at 9:40 p.m.)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

29 OCTOBER 2009 AT 6.30 PM

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

Mr JG Bannister, Mr PR Batty, Mrs S Francks, Mr DM Gould, Mrs A Hall, MR DW Inman, Mr CG Joyce, Mrs S Sprason, Mr BE Sutton and Mrs BM Witherford.

Mr K Nichols attended the meeting as Chairman of the Flexible Working Group.

Officers in attendance: Mr S Atkinson, Mr N Butler, Mr B Cullen, Mrs T Darke, Mr M Evans, Miss L Horton, Mrs B Imison, Mr S Kohli, Miss R Owen, Mr T Prowse and Mrs S Stacey.

245 **APOLOGIES AND SUBSTITUTIONS**

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

246 **MINUTES (SC35)**

On the motion of Mrs Camamile, seconded by Mr Inman, it was

RESOLVED – the minutes of the meeting held on 10 September 2009 be confirmed and signed by the Chairman subject to the above amendment.

247 **DECLARATIONS OF INTEREST**

Mrs Sprason declared a personal interest in items 6 and 7 (HRA and Housing Capital Programme presentation and Update on Inspace Partnership) as a Council tenant.

248 **PROGRESS ON THE FLEXIBLE WORKING AND RELOCATION PROJECT (SC39)**

Members were briefed on the progress of the Flexible Working and Relocation project and it was noted that there had already been a reduction of 25 desks. It was reported that scanning of documents was being investigated to reduce storage requirements and to make information accessible electronically to those working from mixed locations.

Mrs Sprason arrived at 6.37pm.

Concern was expressed about losing the emergency accommodation for homeless families at William Iliffe Street to office space, but it was explained that despite an increase in homelessness, the loss of four family spaces to office use would still leave plenty of emergency accommodation in this and other locations – it was highlighted that at present there were 14 vacant family units.

Mr Gould arrived at 6.40pm.

During discussion and in response to Members' questions, the following points were raised:

- Robust HR policies were in place to support the process, staff and managers. Training on managing staff remotely was planned;
- Questionnaires were being issued to remote staff to ensure they were comfortable with the arrangements and the results of these would be brought back to the Scrutiny Commission;
- A communications strategy was being drawn up for teams within which staff worked flexibly;
- Staff had secure remote access to the Council's IT systems via a key fob (remote access token);
- Phase 3 of the project would involve rolling out flexible working to Environmental Services, Estates, Green Space and the remainder of Revenues & Benefits;
- For home workers, there were health and safety checks on home work spaces and checks that the work space was dedicated and sufficient;
- Productivity would be monitored by managers to ensure work was being undertaken. However an increase in productivity had been recorded in Benefits staff working from home;
- The change in the telephony services to Voice Over IP meant that staff could be contacted at home on their normal office telephone number.

Concern was raised that difficulties with health or performance experienced by home workers may not be identified or addressed as quickly as office based staff. In response it was noted that there would be regular face-to-face team meetings for all staff, and it was also felt that due to district authorities having small teams, even in mixed locations these were close-knit teams and as such problems could be identified just as quickly. Staff could be brought back into the offices to work if problems were identified.

Despite some concerns, Members acknowledged that flexible working was essential to staff recruitment and retention and thanked Belle Imison and her team for the progress made, professional manner in which this had been approached and the positive environment that had been created.

RESOLVED – the report be noted and progress be endorsed.

Mr Nichols left the meeting at 6.59pm.

249 HOUSING REVENUE ACCOUNT AND HOUSING CAPITAL PROGRAMME PRESENTATION

The Head of Community Services (Housing) gave an overview of the pressures in the housing service and the situation within the Housing Revenue Account. It was noted that the HRA balances were within acceptable levels.

Concern was expressed about the national situation with regard to finance for housing and the lack of government support to secure provision of Council housing in future.

The apparently high cost of kitchens was highlighted and a Member asked if the costs had been reviewed and charges had decreased in line with the national trend. In response it was noted that a tender exercise had recently been undertaken for fitting of kitchens so this cost had been reviewed and was considered acceptable and comparable. Members were reminded that the procurement process had to be followed and HBBC and EU rules had to be followed and suppliers had to meet certain standards which limited the number of companies eligible to tender.

Members asked if it would be possible to look at bringing some housing repairs services in-house. In response it was noted that partnerships with other authorities in various service areas were being explored as this would save money.

A Member expressed concern about the condition of furniture and fittings in sheltered schemes, and in response it was explained that there was a five-year programme to replace furniture and that some parts of schemes had been updated, for example re-carpeting and reupholstering of chairs.

Concerns were raised about disabled adaptations and the number of people on the waiting list and length of wait which had been reported as 15-18 months. It was reported that due to the deficit in the capital programme there was no prospect of increasing the funding available for adaptations and whilst a revenue to capital contribution could be considered, this would create the risk of falling below reserve levels in the revenue account. Members were also reminded that the responsibility for adaptations was shared with the County Council.

It was agreed that a report on options for adaptations be brought back to the Scrutiny Commission and not to the Council Services Select Committee as had been programmed previously.

RESOLVED –

- (i) Members' concern with regard to the waiting times for disabled adaptations be noted;
- (ii) Council be asked to take the Scrutiny Commission's concerns with regard to disabled adaptations into account during the budget setting process;

- (iii) A report be brought back to the Scrutiny Commission to look at options for reducing the waiting time for disabled adaptations to 9 months.

250 UPDATE ON INSPACE PARTNERSHIP (SC36)

Members were provided with an update on the Inspace Partnership as requested at the meeting on 12 February 2009. It was reported that officers had worked with Inspace to ensure adequate monitoring and works had been managed within the budget for 2008/09. Surveys had shown 97% satisfaction. It was reported that costs were continually monitored and challenged and recently a decrease in direct costs had been noted. Officers agreed to provide an answer on a Member's question on the percentage decrease.

Mrs Francks left the meeting at 7.55pm.

At this juncture, prior to questioning officers on the report, Mrs Sprason declared a personal interest in this item and the previous as a Council tenant.

It was suggested that spot checks should be undertaken by officers to ensure quality of work and materials used by Inspace, and in response it was noted that spot checks were already undertaken on a percentage of jobs and on all jobs over £100. In response to a question about skills and training in Inspace, it was reported that there were a variety of skilled and multi-skilled contractors and a lot of emphasis put onto training.

A Member requested that Internal Audit be asked to review the partnership. In response it was reported that this was on the audit plan and would commence the following week.

RESOLVED – the report and progress made be noted and a further report be brought to the Scrutiny Commission on 8 April 2010.

251 UPDATE ON MAJOR CAPITAL PROJECTS (SC37)

Members received a report which advised them of progress made with regard to the Atkins Development, Council Offices Relocation, Argents Mead Enhancement, the Bus Station Development, Hinckley Club for Young People, the Greenfields Enterprise Centre and considerations for the former crematorium site.

Atkins Development

It was noted that the planning application for the Atkins site had been approved and work was underway on the Goddard building and would be completed in May 2010. The estimated costs were within budget but an additional bid had been submitted to EMDA to part fund the shortfall as a result of the reduced Section 111 contribution.

Council Offices

It was explained that whilst the ultimate location for the Council Offices would be in the Bus Station Development, from May 2010 until 2014 these would be located in the Goddard Building.

Concern was expressed that no mention had been made of civic facilities in the new or temporary Council offices. In response it was explained that there would be a temporary Council Chamber in the Goddard Building which would also be hired out to generate some income, and then a permanent Chamber in the Bus Station Development.

Argents Mead Enhancement

It was reported that a number of options for the future of the Argents Mead site were being considered and it was recommended that a target figure of a £5million capital receipt be put into the Medium Term Financial Strategy for this.

Members emphasised that when the Council offices were no longer occupied the site would be a health and safety and antisocial behaviour risk if left empty and in the interest of local residents the site should be enhanced as soon as possible.

A Member expressed concern about the site clearance and demolition costs of the Argents Mead site and how this would feature in the budget and in any agreement made. In response it was reported that either the cost of clearing the site would be deducted from the sale price or the site would be cleared and levelled before sale.

Bus Station

It was reported that rent-free office space for the Council had been negotiated as part of the bus station development although as pay-off for this the Council would not receive income from the car park.

Leisure Centre

Members were reminded that it had been agreed to invest in improving the existing Leisure Centre and this had commenced in September 2009. The newly refurbished centre would open in January 2010.

Greenfields

It was confirmed that funding for the Greenfields project had been secured and the tender process was being entered into. There was some pressure from EMDA to start drawing down funding during this financial year.

Members welcomed progress on this project.

Crematorium site

The Scrutiny Commission was informed that in accordance with the recommendation of the Finance & Audit Services Select Committee, options for developing the crematorium site were being investigated.

The possibility of including the site within the settlement boundary was discussed and officers explained the challenges that there may be to extending into the green wedge at this point. It was noted that this would have to be considered in the site allocations document.

RESOLVED – the substantial progress made be endorsed and Council be RECOMMENDED to support the recommendations.

Mr Gould left the meeting at 8.28pm.

252 UPDATE ON CREDIT UNION

The Director of Finance updated Members on progress made with regard to discussions on setting up a Credit Union for Hinckley & Bosworth. He reported that the first stage would be to set up a borrowing and investment service for staff in partnership with Clockwise and to this end an officer from Finance and HR had been trained to answer questions from staff and a briefing had been arranged for December. With regard to the Credit Union for residents it had been agreed that this would start in Earl Shilton then possibly roll out to other areas of the Borough and this had been discussed with Clockwise and Voluntary Action Leicester. Eight volunteers had come forward to assist with the Credit Union and the Community House in Earl Shilton was being investigated as a possible venue. It was hoped that this would be set up by Christmas. A Communications Strategy and branding was being drawn up with Clockwise and community groups and churches would be approached in launching the Credit Union.

It was agreed that Councillors would also be invited to the briefing in December.

Members thanked officers for the work undertaken on this project and congratulated them on the positive outcome.

253 RENEGOTIATING FINANCIAL CONTRIBUTIONS REQUIRED FOR INFRASTRUCTURE IMPROVEMENTS (SC38)

Members received a report which had been referred by Council for scrutiny by the Commission. It was explained that development on some sites had stalled due to it no longer being feasible for them to provide the financial contributions agreed as part of the Section 106 agreement and Members were asked to consider options for resolving this if they felt it appropriate. The negotiating positions given were deferring contributions, offering a phased approach, or reducing contributions.

Members discussed affordable housing and the importance of this meeting local need before being offered to residents in the rest of the Borough. Officers stated that this was the case but that occasionally they could not

identify people who met this criteria. Members stated that there was no confidence amongst the community that this allocation was undertaken successfully. A Member suggested that such properties should be advertised in the community to reach those who needed affordable housing but were not on the housing register. Officers suggested that they could look to encourage people to apply onto the social housing register.

Concern was also expressed with regard to the five year housing land supply which did not benefit the community as it did not necessarily provide housing where it was needed. Members were reminded that they should bring possible sites forward to avoid having to find sites which may not be as suitable.

Returning to discussions on the report, whilst it was recommended that every application for a variation of a S106 contribution be brought to the Planning Committee, concern was expressed that there was not a representative from each ward on the Committee. It was therefore requested that individual cases be agreed with ward Councillors in addition to the Planning Committee.

Members were not happy to consider reducing contributions on greenfield sites but felt that options 1 and 2 could be supported as they would not be to the detriment of the community, however they acknowledged the need to distinguish between green and brown field sites and the need to bring some buildings on brown field sites back into use, particularly if the planned scheme was high quality and would offer other benefits.

It was agreed that the protocol be reviewed in April 2010.

RECOMMENDED –

- (i) options 1 and 2 be supported but reduced contributions only be considered on brownfield sites;
- (ii) the protocol be reviewed in April 2010.

254 SCOPING OF REVIEW: HOUSING ASSOCIATIONS

The Director of Community and Planning Services provided the Scrutiny Commission with an initial paper to commence the Scrutiny Review on Housing Associations. It was agreed that baseline information would be provided to the next meeting of the Scrutiny Commission and at that time consideration would be given to the invitation of witnesses. Witnesses would then be invited to the meeting on 14 January 2010.

It was agreed that in addition to the terms of reference in paragraph 3.3 of the discussion paper an additional point be included “ensuring affordable housing meets local need”.

RESOLVED – baseline information be provided to the next meeting of the Scrutiny Commission in order to commence the review.

255 OVERVIEW AND SCRUTINY WORK PROGRAMME 2009/10 (SC40)

Members received the work programme for 2009/10.

RESOLVED – the work programme be agreed.

256 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC41)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

257 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Finance & Audit Services Select Committee, 3 August and 14 September 2009 (SC42 and SC43);
- (ii) Council Services Select Committee, 13 August and 1 October 2009 (SC44 and SC45).

(The meeting closed at 9.08 pm)

COUNCIL – 15 DECEMBER 2009

REPORT OF DIRECTOR OF COMMUNITY & PLANNING SERVICES
RE: GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

1. PURPOSE OF REPORT

- 1.1 To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and for Council to adopt the policy as amended. A copy of the Statement of Principles is deposited in the Members' Room and is on the Council's website for reference.

2. RECOMMENDATION

- 2.1 The Council agree to the adoption of the Gambling Policy (Statement of Principles).

3. BACKGROUND TO THE REPORT

- 3.1 Hinckley & Bosworth Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.

- 3.2 When reviewing its Statement of Principles, the Council are required to consult with:-

- the chief officer of police for the authority's area,
- one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
- one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.

- 3.3 The Council must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.

- 3.4 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:-

- on the Authority's website, and
- for public inspection in one or more public libraries or other premises in the Borough such as the Council Offices.

- 3.5 The Council must also advertise the publication of the revised Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:
- a local newspaper circulating in the area covered by the statement
 - a local newsletter, circular, or similar document circulating in the area covered by the statement,
 - a public notice board in or near the principal office of the authority,
 - a public notice board on the premises of public libraries in the area covered by the statement.
- 3.6 The Gambling Commission was set up under the Gambling Act 2005 and was formally established in October 2005. It has taken over the role previously played by the Gaming Board for Great Britain in regulating casinos, bingo, gaming machines and lotteries.
- 3.7 The Commission also has responsibility for the regulation of betting and remote gambling, as well as helping to protect children and vulnerable people from being harmed or exploited by gambling. The Commission is also responsible for advising local and central government on issues related to gambling.
- 3.8 Under the terms of the Gambling Act 2005 the Council's licensing responsibilities came into force on 1 September 2007. These included licensing any premises used for gambling, regulating the use of gaming machines, granting permits to certain types of amusement arcades, issuing Temporary Use Notices and registering small society lotteries.
- 3.9 In drafting the revised Statement of Principles consideration has been given to the following factors:
1. The original Statement of Principles contained references to arrangements for the implementation of the legislation in the transition period which no longer apply.
 2. The Guidance issued by the Gambling Commission has recently been revised and contains updated guidance on various aspects of administering the gambling legislation.
 3. There have been legal cases which have clarified various aspects of Gambling Act 2005
- 3.10 The revised draft Statement of Principles (which has been deposited in the Members' Room and placed on the Council's website) takes account of changes made to the Commission's Guidance to Licensing Authorities since the Council's last Statement of Principles was published in December 2006.

3.11 Notable changes that are reflected in the new draft policy are:-

- Removal of all text in relation to the Transitional Period in 2007
- Enforcement
- Splitting premises
- Premises “ready for gambling” (Provisional Statements)
- Temporary Use Notices

3.12 Enforcement: The section in the Policy on enforcement has been amended to reflect new guidance from the Gambling Commission on compliance and enforcement functions, including references to recent work undertaken by Business Enterprise and Regulatory Reform (BERR) and the Local Better Regulation Office (LBRO).

3.13 “Splitting” premises: Regulations determine, for example, the number of high stake (“jackpot”) gaming machines that are allowed in different types of licensed premises. This has led to the wide practice of “splitting” premises artificially, such as sub dividing single premises. Further guidance has therefore been provided by the Gambling Commission which is reflected in the Policy. The Gambling Commission’s access provisions for each premises type are reproduced in the Policy.

3.14 Provisional Statements: There have been occasions where licensing authorities have rejected applications for new premises licences because they have decided that the premises was not “ready for gambling” and therefore an application for a “Provisional Statement” should have been made. Provisional Statements are applications where a premises is not ready for gambling, because, for example, it is under construction. Further application for premises licence has to be made before premises can be used for gambling. In order to clear up confusion in this area, the Gambling Commission revised its original guidance.

3.15 Temporary Use Notice regulations had not been passed at the time of writing the original Policy so this section now includes an explanation of when Temporary Use Notices can be used and the types of games for which they are applicable (e.g. poker and cribbage).

3.16 Due to the publication and advertising requirements, Council will need to approve and publish a revised Statement of Principles no later than 31 December 2009. The revised Statement of Principles has been agreed for recommendation to Council at a meeting of The Licensing Committee on 25 November 2009 and has also been reported at meetings of the Executive Briefing and the Strategic Leadership Board.

4. **FINANCIAL IMPLICATIONS [HF]**

4.1 There are no financial implications arising from this report other than the costs of publicising the policy. This can be done through the Borough Bulletin and public notice boards at the council offices and public libraries. The costs will be negligible and will be met from existing budgets.

5. **LEGAL IMPLICATIONS [MR]**

5.1 Set out in the report.

6. **CORPORATE PLAN IMPLICATIONS**

6.1 Objective 3 – Safer and Healthier Borough

6.2 To ensure that the Authority meets its statutory obligations under the Gambling Act 2005. For the most part to ensure licence holders comply with the three licensing objectives.

7. **CONSULTATION**

7.1 Consultation has been undertaken with a wide range of persons and organisations with an interest in the development and adoption of a revised Statement of Principles:-

- The Chief Officer of Police
- Persons carrying on gambling businesses within the Borough
- Groups representing vulnerable persons

7.2 The draft Statement of Principles has been published on the Council's website and comments have been sought on the proposals being made.

7.3 From the consultations carried out, no adverse representations have been received.

8. **RISK IMPLICATIONS**

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The Council (Licensing Authority) must prepare and publish a statement of the principles that they propose to apply in exercising its functions under the Act. This is a statutory requirement under the Act and in line with the Gambling Commissions Guidance.	Statutory requirement for the policy to be reviewed every three years following a full consultation with statutory consultees.	Mark Brymer

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

9.1 Groups and Responsible Authorities representing vulnerable adults and children in our Borough have been consulted as part of the review of this policy, no adverse representations were received.

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
- Planning Implications
- Voluntary Sector

Background papers: Gambling Act 2005

Gambling Commission Guidance to Licensing Authorities 3rd Edition
Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006)

Contact Officer: Mark Brymer ext 5645

45C15dec09

COUNCIL - 15 DECEMBER 2009

REPORT OF THE DIRECTOR OF COMMUNITY & PLANNING SERVICES

RE: RATBY VILLAGE DESIGN STATEMENT SUPPLEMENTARY PLANNING DOCUMENT - ADOPTION

1. **PURPOSE OF REPORT**

To recommend that Members adopt the Ratby Village Design Statement Supplementary Planning Document (SPD) and Sustainability Appraisal as part of the Hinckley & Bosworth Local Development Framework .

Please note: Hard copies of these documents can be found in the members room and can be viewed on the website.

2. **RECOMMENDATION**

That Members:

- (i) Adopt the Ratby Village Design Statement Supplementary Planning Document (SPD); and
- (ii) Accompanying Sustainability Appraisal as part of the Hinckley & Bosworth Local Development Framework .

3. **BACKGROUND TO THE REPORT**

The Borough Council currently has a range of Supplementary Planning Guidance (SPG) documents, which supplement current Local Plan policies. These are intended to expand upon or provide further details to policies but do not carry the same weight in determining planning applications as the policies in the Local Plan.

As part of the Local Development Framework process, these SPG's are being replaced by Supplementary Planning Documents (SPD's) which function in the same way as SPG but have been developed to form part of the LDF and its portfolio of documents. Unlike SPG's, SPD's can also expand on Regional Policies to elaborate on particular regional objectives, demonstrating the potential for joined up and comprehensive policy processes.

Ratby Village Design Statement SPD

The Ratby Village Design Statement (VDS) sets out the principles, design features and quality standards that should be adopted by those wishing to build, modify or extend property in the settlement of Ratby.

The Ratby Village Design Statement does not attempt to provide design solutions but rather to highlight the distinctive elements and characteristics of Ratby that should be considered in any new design. In addition, the VDS does not

determine the location of development, nor prevent allocation which is the duty of the Local Plan and later Core Strategy & Site Allocation Development Plan Documents. Instead it aims to help manage change and development if and when it occurs.

Residents of Ratby and the Parish Council have developed the Village Design Statement with support from officers of Hinckley and Bosworth Borough Council and the Leicestershire and Rutland Rural Community Council. The Village Design Statement SPD forms part of the planning policy framework used by the Borough Council in making decisions on planning applications. The aim of the SPD is to support various national, regional and local planning policy and associated legislation, and once adopted by the Council will be used in the day to day assessment of planning applications and form part of the Council's Local Development Framework.

This SPD provides local guidance for planning officers, developers, parish councils and the public and supplements and expands on the East Midlands Regional Plan Policies relating to design. Most particularly Policy 1 – Regional Core Objectives, makes a deliberate reference to the importance of local distinctiveness, which is a key purpose of this VDS document. Regional Policy 2 – Promoting Better Design is also relevant to this document and the content of this VDS will help deliver the objectives of such a policy. The Ratby Village Design Statement SPD is the first of its kind for HBBC to expand on the objectives of regional guidance as opposed to local policies of the Local Plan and/or other LDF documents.

4. **FINANCIAL IMPLICATIONS (DB)**

There are none arising directly from this report. Any costs involved in the publication of this document can be met from existing resources.

5. **LEGAL IMPLICATIONS (AB)**

None raised directly by this report

6. **CORPORATE PLAN IMPLICATIONS**

This Report relates to the following elements of the Corporate Plan:

- Cleaner and greener neighbourhoods and Strong and distinctive communities.
- Strong and distinctive communities.

7. **CONSULTATION**

The early draft documents prepared were heavily influence by local consultation with the community which took place at various times and locations in Ratby during 2008. These consultation events were organised and led by the Ratby VDS Steering group.

The Council carried out statutory public consultation on the Ratby Village Design Statement SPD and accompanying Sustainability Appraisal over a 4-week period from 19 June 2009 to 17 July 2009.

Consultation on the document undertook a targeted approach where all residents of Ratby Parish were consulted using addresses provided by the Electoral Register, with 1851 general letters of consultation being issued. In addition all statutory consultees and private organisations and relevant interest groups (113) were notified.

The Council and members of the Ratby Village Design Statement editorial group considered all representations made within this period and applicable comments were applied in the revision and preparation of this final SPD. Full details of the comments and officer responses can be viewed in the Consultation Responses Report on the Councils website; a hard copy will also be available in the members' room.

This report and associated documents were received by Planning Committee on 24 November 2009.

8. **RISK IMPLICATIONS**

There are no significant risks relating to this report.

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

The Ratby Village Design Statement SPD is only relevant to Ratby Parish and development which occurs within it. This document will be of use to the parish council when commenting on planning applications within their remit and can help planning officers, the wider community and parish guide the design of development that is more in keeping with the character of Ratby.

10. **CORPORATE IMPLICATIONS**

- Community Safety implications - None relating directly to this report.
- Environmental implications - None relating directly to this report
- ICT implications - None relating directly to this report
- Asset Management implications - None relating directly to this report
- Human Resources implications - None relating directly to this report
- Planning Implications – Implications are noted in this report.
- Voluntary Sector - None relating directly to this report

Background papers: Local Development Scheme

Contact Officer: Marie Wykes – Ext 5786

Executive Member: Councillor S Bray

COUNCIL – 15 DECEMBER 2009

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES
RE: ADOPTION OF CORE STRATEGY DEVELOPMENT PLAN DOCUMENT

1. **PURPOSE OF REPORT**

- 1.1 To seek Members approval of the adoption of the Core Strategy Development Plan Document (DPD) as part of the Hinckley and Bosworth Local Development Framework (LDF).

2. **RECOMMENDATION**

- 2.1 It is recommended that Members agree the adoption of the Core Strategy DPD incorporating the Inspector's required changes.

3. **BACKGROUND TO THE REPORT**

- 3.1 The Core Strategy DPD forms a key document in the suite of documents being produced through the Local Development Framework to provide the context for planning policy within the borough up to 2026.
- 3.2 The Core Strategy went through examination in May, with an additional session in respect of affordable housing viability being undertaken in October.
- 3.3 Following the examination in May, an interim report was issued by the Planning Inspectorate which indicated the soundness of the document subject to a number of changes.
- 3.4 A final report has now been received by the Authority following the October examination. The Inspector concludes that, with the proposed changes put forward by the council, together with the amendments he recommends, that the Hinckley and Bosworth Core Strategy satisfies the requirements of s20 (5) of the Planning and Compulsory Purchase Act 2004 and therefore meets the tests of soundness in PPS12.
- 3.5 Whilst the Inspector's report concludes that the Core Strategy is sound overall, it identifies changes to ensure that the plan satisfies the requirements of Government planning regulations. These changes, which are binding on the council, are largely minor and have been made by the Inspector where he has identified a clear need to amend the document in light of the tests of soundness. Consequently, in adopting the Core Strategy, Council will be required to take on board the proposed changes. None of the changes fundamentally alter the vision or strategy of the document.

- 3.6 Copies of the Inspector's binding report, together with the proposed changes (which are annexed at the back of the Inspector's report), are deposited in the Members Room as well as being placed on the council's website. In addition, a copy of the Core Strategy incorporating the proposed changes is also available.

4. **COMMENT**

- 4.1 As a result of the Inspectorate's findings, Hinckley and Bosworth Borough Council has become the first single Authority in the East Midlands to achieve a sound Core Strategy. The report culminates over 5 years of work since the Core Strategy first emerged through a series of consultation workshops across the borough. The Core Strategy, as amended by the Inspector's report, will carry significant weight in the determination of future planning applications submitted as well as providing the spatial planning framework for the borough.

5. **NEXT STEPS**

- 5.1 Approval by Full Council would mean that the Core Strategy could be formally adopted by the council for planning purposes. Copies of the adopted Core Strategy would be made available for inspection, together with the required publication of adoption notices. The formal adoption procedure requires the document to be advertised for a 6 week period. The Statement of Adoption would allow any person aggrieved by the Core Strategy to make an application to the High Court under Section 113 of the Planning and Compulsory Purchase Act 2004.

6. **IMPLICATIONS**

- 6.1 The report is binding on the council.
- 6.2 There are risks associated with not proceeding to adopt the Core Strategy. The most significant amongst these is the risk that the council would most likely determine future planning applications by relying on policies in the Local Plan which would become increasingly out-of-date and incompatible with more recent Government legislation and policy (including the East Midlands Regional Plan, which was adopted in March).
- 6.3 Failure to adopt the Core Strategy would also be likely to entail significant time and cost implications as a result of preparing a new strategy. This would have severe consequences in terms of meeting future development requirements for the borough. Further, as the Inspector's report is binding the council may find itself subject to future challenge from applicants who would view the Core Strategy as carrying considerable weight in determining the proper outcome of planning applications whether or not the council approves the binding report.

7. **FINANCIAL IMPLICATIONS [DB]**

- 7.1 There are none arising directly from this report.

8. **LEGAL IMPLICATIONS [AB]**

8.1 Contained in the body of the report. Although it should be noted that in the event of the Council not agreeing with the recommendations with the inspector its only option is to reject the entirety of the Core Strategy. If this is done the Secretary of State has the power under S21 Planning and Compulsory Purchase Act 2004 to require that the Council submit the strategy to him for approval.

9. **CORPORATE PLAN IMPLICATIONS**

9.1 This report relates to the following elements of the Corporate Plan :

Cleaner and greener neighbourhoods, and
Strong and distinctive communities.

10. **CONSULTATION**

10.1 The Core Strategy has been subject to extensive consultation, as required by regulation. The adoption process requires a 6 week period of advertised notification.

11. **RISK IMPLICATIONS**

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

11.2 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.

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to approve the Core Strategy adoption process	Ensure the council has a sound knowledge of the implications of taking such a decision	Richard Palmer

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

12.1 The Local Development Framework provides the future planning policy for the whole Borough.

13. **CORPORATE IMPLICATIONS**

- 13.1 Community Safety - None directly relating
 - Environmental Implications - None directly relating
 - ICT Implications - None directly relating
 - Asset Management Implications - None directly relating
 - Human Resources - None directly relating
 - Voluntary Sector - None directly relating
 - Planning Implications - Covered within the report
-

Background papers: Hinckley and Bosworth Core Strategy DPD Final Report

Contact Officer: Richard Palmer - Extension 5695

Executive Member: Cllr Stuart Bray

46C15dec09

FULL COUNCIL - 15 DECEMBER 2009

REPORT OF THE DIRECTOR OF COMMUNITY AND PLANNING SERVICES
RE: LOCAL DEVELOPMENT FRAMEWORK – CURRENT AND FUTURE
EXPENDITURE

1. PURPOSE OF REPORT

- 1.1 To inform Members of the expenditure incurred to date and to help plan for estimated future costs in relation to the Local Development Framework (LDF) process.

2. RECOMMENDATION

- 2.1 Members agree that:-

- (i) A supplementary budget in the sum of £100,000 be approved in 2009/10 to be funded from the LDF Reserve to ensure progress is made with the Local Development Scheme.
- (ii) Consideration be given for future funding of the Local Development Framework beyond 2011/12.

3. BACKGROUND TO THE REPORT

- 3.1 Following the introduction of the 2004 Planning and Compulsory Purchase Act, instead of producing a single document, as a Borough wide Plan, the Council is required to prepare a series of spatial documents that set out different land use policies for meeting the community's economic, environmental and social needs for the future.
- 3.2 The Documents forming the Council's LDF are contained in a Local Development Scheme (LDS) which sets out key milestones relating to consultation, submission and examination of the various Documents.
- 3.3 The purpose of the LDS has been to provide a clear indication of the Council's intent and progress in adopting its identified suite of documents. Financial incentives are available for meeting key milestones provided by Central Government funding through the Housing and Planning Delivery Grant (HPDG).
- 3.4 The principles of HPDG are to strengthen the incentive for local authorities to respond to local housing pressure and to incentivise efficient and effective planning procedures. This Authority has received significant grant from the Government since its inception, which includes an element for plan making however, there are changes proposed in both the distribution criteria and the quantum of overall grant available. The allocation for the coming financial year is still awaited following consultation on the future funding of the grant in June.

3.5 Whilst the Council may benefit from the grant allocation outlined above there are significant costs associated with producing Development Plan Documents, including consulting on them and submitting them to examination. The following part of the report outlines past and projected expenditure in relation to Hinckley and Bosworth's LDF.

Progress to Date

3.6 Council has recently approved a revised Local Development Scheme (LDS) and has received an informal response from the East Midlands Government Office. Some changes will be required to the Document before it is formally submitted to the Secretary of State. This section of the report focuses on the financial implications to the Council based on the documents contained in the revised LDS.

i) Core Strategy

3.7 The Core Strategy provides the over-arching strategy for the Borough and the long term vision for the Borough up to 2026. The document has gone through a number of stages of preparation and consultation which resulted in an Examination in Public which took place in May 2009, with one session being reconvened in October.

3.8 The consultation exercises undertaken during the preparation of the Core Strategy have encompassed a number of stages (from issues and options to examination). Whilst it is extremely difficult to provide a detailed account of costs in respect of the variety of stages of work undertaken, which dates back to 2003, some headline estimates can be provided as follows. For example statutory advertising costs are estimated to have totalled at least £6,000. Printing and publication cost are estimated to contribute a similar amount. However, the major cost of Development Plan production is related to the cost of taking a Plan through examination.

3.9 The costs of the examination for the Core Strategy to date are as follows:-

Planning Inspector	circa £70,000
Programme Officer	circa £9,000
Note-taker	circa 2,000
Other costs (including Affordable Housing Viability)	circa £19,000
Total	circa £100,000

3.10 The Planning Inspector's costs include his preparation time, pre-hearing meeting, site visits, hearings and reporting. This figure estimates additional time spent on the affordable housing policy which was re-consulted upon in October 2009. In addition an Assessor was also appointed to consider the evidence related to this session, this would add a further £1,000 per day to the total and could increase the overall amount by a further £6,000. The Inspector's binding report is to be

issued late November and the Planning Inspectorate's invoice will therefore be submitted within this financial year.

- 3.11 Other costs incorporate £11,000 in respect of commissioning an Affordable Housing Viability Study that was undertaken jointly with other local authorities and was approved in 2008/9 but incurred additional work during summer 2009 to ensure a robust and sound policy was submitted to the Inspector.
- 3.12 As detailed above a Programme Officer working primarily for the Planning Inspector has been employed at a cost to the council.
- 3.13 A note-taker was also requested by the Planning Inspector for the two week examination period. Due to internal staffing capacity, Agency staff were employed at a cost of £2,100 to the council..

ii) Site Allocations and Generic Development Control Policies

- 3.14 The Site Allocations & Generic Development Control Policies Development Plan Document contains policies relating to specific sites and policies which the Council will apply when considering planning applications. The DPD has gone through the following stages of preparation;
- Draft Site Allocations Document – Issues and Options August 2007
 - Draft Generic Development Control Policies Document – Issues and Options August 2007
 - Site Allocations & Generic Development Control Policies Development Plan Document – Consultation Draft Preferred Options February 2009
- 3.15 The timetable for publishing the submission DPD is currently under review as the council has received an exceptional amount of responses in the order of 13,500 representations to the Preferred Options stage of the process. This volume of responses will have financial and time implications to the council.
- 3.16 In addition to the cost associated with processing the submitted representations, there are also a number of evidence bases which need to be completed before the document can be finalised for submission(the funding of which is committed) as follows:

Employment Land & Premises Study	£22,000
Planning Policy Guidance (PPG) 17 Study	£36,000
Green Wedge Review	Internally prepared
Gypsy & Traveller Site Survey	Internally prepared

3.17 The headline costs to date incurred (and therefore already met) on the Site Allocation & Generic Development Control Policies DPD are as follows:

- Advertisements £3,000
- Stationary and printing £5,000
- Room and equipment hire £2,000
- Hire of security staff £700

3.18 Additional costs will be incurred for the Site Allocations & Generic Development Control Policies DPD as a result of consultee acknowledgement (anticipated circa £3500) which will occur early 2010.

3.19 The Examination in Public (EIP) on the Site Allocations & Generic Development Control Policies DPD is expected to take place during the financial year 2011/2012. The cost of this examination is expected to be more than the Core Strategy EIP. An estimated cost of £100,000 - £120,000 is foreseen. This sum will be taken from the LDF Reserve.

iii) Hinckley Town Centre Area Action Plan

3.20 The Hinckley Town Centre Area Action Plan (AAP) relates to the regeneration of the town centre. The timetable for the Hinckley Town Centre Area Action Plan (AAP) is currently under review. The AAP is currently being redrafted to form the Proposed Submission document for consultation during 2009 with examination in Public during the 2010/11 financial year.

3.21 Costs associated with submission and examination of the AAP are anticipated at around £50,000. The costs will be taken from the LDF Reserve during the financial year 2010/11.

iv) Earl Shilton & Barwell Sustainable Urban Extension Area Action Plan

3.22 Production of the Sustainable Urban Extension Area Action Plan has recently commenced and consultants Capita Lovejoy have been appointed at a cost of approximately £270,000 which is funded mainly from New Growth Point Initiative (NGPI). The main costs associated with this Document will be related to the examination in financial year 2010/11. A figure of around £60,000 is anticipated to take the Document through to adoption.

The Local Development Framework Reserve

3.23 The LDF reserve contained £303,000 at the start of the current financial year. There are current commitments relating to the evidence bases highlighted above which account for a further £58,000. This leaves a balance of £245,000 within the reserve. Given the headline costs anticipated for the four DPDs it is likely that the reserve will be able to fund the adoption of the Core Strategy (£81,000 in 2009/10) the submission and adoption of the Hinckley Town Centre AAP (£50,000 in 2010/11) and the submission and adoption of the Earl Shilton and Barwell SUE AAP (£60,000 in 2010/11).

3.24 The Site Allocations and Generic Development Control Policies Document will incur further costs above those contained in the reserve. It is difficult to estimate absolute costs as this Document has generated considerable representation at the preferred options stage. However, to undertake submission consultation, examination and eventual adoption a sum of around £120,000 is anticipated, most of which would relate to examination costs in 2011/12, with a less significant amount relating to submission consultation during 2010/11. A table of anticipated spend relating to each financial year can be summarised as follows:

Document	Financial Year	Cost	Balance in LDF Reserve
Core Strategy	2009/10	£100,000	£145,000
Hinckley AAP	2010/11	£50,000	£95,000
SUE AAP	2010/11	£60,000	£35,000
Site Allocations	2011/12	£120,000	-£85,000
			(balance needs to consider future contributions)

Conclusions

3.25 It is a statutory function of the Council to prepare the aforementioned DPD's. If all these documents are prepared in line with the revised Local Development Scheme (LDS), the balance of the LDF Reserve will be in the red to the tune of £65,000. This is likely to occur during the financial year 2011/12 when the examination of this Document is proposed.

3.26 In addition to the production of the Development Plan Documents further evidence studies may be required in the future to update existing bases and to respond to new legislative requirements. This aspect of plan production is unknown and has not been incorporated into the above calculations. However, it is presently considered that all evidence bases are in place or committed to allow the 4 Development Plan Documents contained in the revised LDS to be taken through to examination. (The average cost of an evidence base undertaken by consultants is estimated at £20,000).

3.27 Whilst it is a difficult task to provide future costing estimates it is evident that there will be a funding shortage in respect of the LDF reserve during 2011/12. In addition there are further Documents that are proposed in the LDS which will need to be funded from 2011 onwards. These Documents are mainly Supplementary Planning Documents (SPDs) which do not require examinations and therefore represent a small fraction of the cost of producing DPDs.

3.28 This report deals with the proposals contained in the revised LDS. Clearly further thought will need to be given to plan production beyond 2011/12, although at present this is unknown and reviews of documents will be dependant on a number of factors such as future revisions to the East Midlands Regional Plan.

4. **FINANCIAL IMPLICATIONS (DB)**

- 4.1 When the budget for 2009/10 was being prepared there was a degree of uncertainty as to when the Core Strategy would be examined and what the costs would be therefore no provision was made in the budget for 2009/10 for these costs. However in the past the Council had recognised that at some point in the future it would be required to prepare and submit a Core Strategy to the Government Office and costs would be involved, but was not sure when these would be incurred and how much they would be. To this end an earmarked reserve was created to cover these costs and the supplementary budget for £100,000 requested in the report will be financed from that reserve so that there will no additional net cost on the General Fund.
- 4.2 The report also looks ahead for the next two financial years and whilst there is sufficient in the Reserve to meet the projected costs in 2010/11 there is insufficient in the Reserve to meet the full costs of work in 2011/12. Consideration will need to be given to the way in which this expenditure is financed in future and potential further contributions to the Reserve.

5. **LEGAL IMPLICATIONS (AB)**

- 5.1 Contained in the body of the report.

6. **CORPORATE PLAN IMPLICATIONS**

- 6.1 The report relates to the following elements of the Corporate Plan:

Cleaner and greener neighbourhoods and,
Strong and distinctive communities

7. **CONSULTATION**

- 7.1 All Local Development Framework Documents undergo comprehensive consultation as part of the statutory process.

8. **RISK IMPLICATIONS**

- 8.1 The following significant risks associated with this report were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Insufficient funding provided to undertake the production of Documents identified in the LDS	Ensure sufficient funding is provided to carry out the actions identified	Strategy and Regeneration Manager

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

9.1 The Local Development Framework provides the future planning policy for the whole Borough.

10. **CORPORATE IMPLICATIONS**

10.1 Community Safety - None directly relating
Environmental Implications - None directly relating
ICT Implications - None directly relating
Asset Management Implications - None directly relating
Human Resources - None directly relating
Voluntary Sector - None directly relating
Planning Implications - Covered within the report

Background papers: None

Contact Officer: Richard Palmer – Extension 5695

Executive Member: Cllr Stuart Bray

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COUNCIL MEETING 15 DECEMBER 2009

REPORT OF COUNCILLOR D.W. INMAN

MEMBER REPRESENTATIVE, WEST LEICESTERSHIRE MIND

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the work of West Leicestershire Mind.

2 RECOMMENDATION

- 2.1 That Members accept the report and congratulate West Leicestershire Mind on its valuable contribution to the community.

3 HISTORY

- 3.1 I was appointed as the Council's representative to the management committee of West Leicestershire Mind in May 2008. I had previous knowledge of its work as I had helped to form the organisation in 1985 and was its first secretary, although I had not been involved in its activities for some time.
- 3.2 The organisation was originally known as Hinckley Mind. It was set up to provide information, counselling and support for people with mental health problems in the Hinckley area. It is affiliated to the national Mind organisation, but is set up as an independent body with its own constitution and membership. It was and still is the only local Mind service in the County. By 2002 it was clear that its activities were spreading outside the town, and therefore in that year its name was changed to West Leicestershire Mind.
- 3.3 The organisation faced a financial crisis in 2003, after a National Lottery grant ran out and a public appeal was made for financial help to keep its work going. This met with some success, but most importantly WL Mind managed to obtain funding for its work from the local PCT and Leicestershire County Council. The PCT funding ended this year when the PCT set up an organisation called Improving Access to Psychiatric Therapy (IAPT). Prior to this in April 2008 when the last LCC funding was reaching its end, WL Mind was invited to tender for a new contract for services in this Borough and in NW Leicestershire district.. This resulted in a 5 year contract being awarded which commenced in September 2008
- 3.4 WL Mind is a registered charity and leases premises at 4 Druid Street from Leicestershire County Council. Referrals for its services come from various places, but most of the referrals to the counselling service come from doctors.

4 PRESENT POSITION

- 4.1 The new LCC contract has enabled WL Mind to expand its services considerably. The social drop-in groups increased from three to ten a week with sessions in Coalville, Desford, Ashby de la Zouch and Castle Donnington as well as at three

centres in Hinckley (Druid Street, Hinckley Baptist Church and Westfield Community Centre) The befriending groups have increased from 1 to 2. To cope with this additional work, the staff has been increased from 6 to 14. From an original number of 30 service users per week the service has grown to help an average of 170 a week.

- 4.2 The counselling service which was originally funded by the PCT, was continued on the basis of voluntary donations for using the service, which are based on recommendations made according to the individual's income for each session. The average donation for a counselling session is currently £15. Liaison with the IAPT's advisors had been necessary in the changeover period, and this has resulted in WL Mind being asked to do 20 sessions a week for them and also to run a computerised Cognitive Behavioural Therapy programme called 'Beating the Blues.'
- 4.3 Social drop-in sessions take place at the Centre in Druid Street, Hinckley Baptist Church and the Westfield Centre. Counselling and Calm sessions take place at Druid Street, and befriending and computer sessions take place in the service user's home
- 4.4 This year WL Mind opened a web-site at www.westleicestershiremind.org.uk.
- 4.5 WL Mind works with other services in the area providing mental health services such as Worklink, Accept, and the statutory services provided by LCC and the PCT
- 4.6 The organisation is run by an enthusiastic Management Committee, who take their responsibilities very seriously. There is currently considerable emphasis placed on improving quality control throughout the organisation. New volunteers for the Management Committee are being sought.

5. FUTURE PLANS

- 5.1 WL Mind is looking at setting up a support and education programme for persons affected by eating disorders. Application is being made to Comic Relief for funding for this project.
- 5.2 Another project which the organisation is contemplating is the opening of a charity shop in Coalville. This will be considered in the next financial year. If the local body supplies the whole of the opening costs estimated at about £50,000, it will take the whole of the profits.

This contrasts with the position with the existing Mind shops in Hinckley which are operated by the national body, with only 20% of profits from one shop being paid to the local organisation. Even this figure is being reviewed at the present time, and may be reduced. The Coalville project is being planned to make sure that the organisation is not over-dependant on funding from LCC and other bodies, in view of the fact that the present LCC funding runs out in 2013 and may not be renewed. The new premises should also give additional space for Mind's activities and hopefully will lead to counselling services becoming available for the first time in Coalville.

- 5.3 Next year will see the 25th anniversary of the establishment of this charity and a special evening is being planned to celebrate this. This event is likely to be held during national Mind week in May 2010, and I hope that the Mayor and other Members will support this charity event.
- 5.4 As the organisation has expanded, the Management Committee has been concerned about issues of legal liability, and consideration is being given to some form of incorporation

6. **CONCLUSION**

- 6.1 This organisation has shown remarkable growth over the last six years, and is well-placed to survive and prosper in the difficult financial climate of the next few years. For this all of the staff and volunteers deserve congratulation and praise, but special mention should be made of WL Mind's Chairman, Keith Cornford and its Manager Kate Spencer, as their enthusiasm, knowledge and determination are a major factor in the organisation's success.

D.W. Inman

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COUNCIL MEETING – 15 DECEMBER 2009

REPORT OF COUNCILLOR D.W. INMAN

MEMBER REPRESENTATIVE, AGE CONCERN HINCKLEY AND BOSWORTH

1 PURPOSE OF THE REPORT

- 1.1 To report on the work of Age Concern Hinckley and Bosworth, as the Council's representative on the Management Committee since May 2007.

2. RECOMMENDATION

- 2.1 That Members congratulate the Management Committee on the outstanding work carried out for the community by Age Concern Hinckley and Bosworth and instruct Officers to engage in discussions with all relevant parties to secure the future of a strong voluntary organisation to meet the needs of older people throughout the Borough and report back to Members at a future meeting.

3. BACKGROUND TO THE REPORT

- 3.1 This organisation originally called Age Concern Hinckley and Burbage was set up in 1993 to provide support assistance and advice for older people in the area. Recognising that there was a need for these services in the rural area, the name was changed to Age Concern Hinckley and Bosworth.(ACHB) in 2007.
- 3.2 The organisation is a registered charity and has an active and enthusiastic Management Committee meeting three times a year with a Finance and General Purpose Committee meeting every 6 weeks. There are over 500 members who receive a regular newsletter, and there is an acting Chief Officer and 3 other part-time paid members of staff. The remainder of the work is carried out by volunteers. ACHB has offices at 13 King St Hinckley which it rents from a private landlord
- 3.3 ACHB is an organisation that stands on its own although it is affiliated to the national organisation which is currently being merged with Help the Aged. It has no connection with and gets no support from the two Age Concern charity shops in the Borough, which are run by and financially assist the national body and Age Concern Leicester Shire and Rutland (ACLSR) ACLSR provides a day centre in Earl Shilton which is funded in part by a County Council grant. It is understood that those who attend the centre come from Hinckley and wider afield as well as from Earl Shilton and Barwell.

4 **PRESENT POSITION**

- 4.1 ACHB provides an advice and assistance service for older people visiting or telephoning its premises in King Street and this has been recently extended by visits to several places in the rural area.
- 4.2 The information and advice service is considered the most important part of the organisation's work, as at least 2820 enquiries were received and responded to in the year ending 30th June 2009. and at least 148 people were given specialist information about benefits. 80 applications were made for Attendance Allowance, Disability Living Allowance or Carers Allowance, of which 57 are known to have been successful, resulting in more than £180,000 income being provided for older people in the Borough, which has resulted in this money being introduced into the local economy. Trustees feel that this service alone merits regular financial support from this Council, but the Council's officers consider that such support is already provided in the annual grant made to Hinckley CAB. ACHB report that often older people are sent from the CAB to them for advice. In addition to advice on benefits, ACHB, through outside agencies working from 13 King Street, gives advice on pensions, energy problems and insurance matters..
- 4.3 ACHB arranges and assists older people in various health and well-being activities. These consist of an exercise class, a lunch club in various locations, day trips, a scrabble club, modern sequence dancing, drop-in groups, a Darby and Joan club and indoor short mat bowls. These activities are carried out at various locations in the Borough and are in the main self-supporting. The group also provides a jig-saw library and sells or loans paperback novels.
- 4.4 In the last year a major development for ACHB has been to start a new project specifically for rural residents. A part-time Rural Project Development officer has been appointed to provide information about the services available and to develop new activities where they are needed. The present post-holder has DWP experience and has been able to assist rural residents with benefit problems. To date she has visited groups at The Meadows Burbage, Mayflower Court Markfield, Centurion Court, Ratby and other venues and is willing to visit other centres.. Members may know of opportunities to talk to interested groups within their wards.
- 4.5 In 2005 ACHB prepared printed and distributed a directory of addresses and telephone numbers particularly helpful for older residents. Finance is currently available to update and print a new directory. This time it is hoped to include details of clubs and activities operating in the Borough which older people may consider joining. It is intended that this publication will be available early in the New Year.
- 4.6 ACHB takes a leading role with the Council and other agencies to promote an Over 50s day at Hinckley Leisure Centre and The Meeting Place. This takes place in early September each year and preparations for the 2010 event have already started.

5 **FUNDING.**

- 5.1 This has been a major problem in recent times. The organisation received Lottery funding from 2006 to 2008 to expand its activities, and in particular to employ a Chief Officer full-time. After this funding ceased, no replacement finance has been found despite many attempts to identify substantial support over a reasonable time. A further application to the Big Lottery fund has recently failed.
- 5.2 A grant of £10,000 was made by this Council in 2008/9 specifically to aid the rural project. ACHB had hoped that this would lead to regular funding by this Council, but this has not been possible in the current economic climate. The organisation's annual expenditure is currently approximately £50,000, so that even an annual grant of £10,000 would not be sufficient alone to fund ACHB. The Trustees' view is that some regular assistance would make it easier to obtain funding from bodies who like to see that an organisation has the support of its local authority.
- 5.3 In areas like health and social work, a great deal of funding is awarded after competitive bids by competing bodies. ACHB has never been able to break into this kind of financial source, and has generally secured one-off grants from charitable trusts and other providers. A bank has provided funding over the last two years specifically to enable ACHB to employ a Chief Officer. Without long-term funding it is difficult to see how the organisation can continue in its present form. At the moment a substantial part of officers' time is spent on fundraising. With an Age Concern shop already established in the town, this form of raising money is unavailable. Although LCC does provide financial assistance for services for older people, at present all of this support goes to ACLSR in Earl Shilton.

6 **THE PRESENT SITUATION.**

- 6.1 The recent trend has been for smaller Age Concern groups to merge to form larger units. This has occurred in this County with smaller groups merging with ACLSR, the most recent example being that of the group based in the City of Leicester. ACLSR has greater financial resources than any local group, and is better placed to enter into a competitive tender for providing services.
- 6.2 ACHB has already had exploratory talks with ACLSR about a possible merger. ACLSR has indicated that if this occurred, it would maintain a centre in Hinckley, probably with part-time staff, and would ring-fence money in the Borough for local services. The likely down-side to this would be the loss of local control and the service might become more remote from the friends and service users in the area.
- 6.3 I feel that a strong voluntary body is essential if services to older people in the Borough are to be maintained. I would like to see greater integration of Age Concern services in the area, so that each unit bearing the name of the new combined charity could help the other parts in their work – e.g. the centre in Earl Shilton providing help for the

centre in King Street. In any negotiation with ACLSR, I feel that the strength of the local organisation should be emphasised with a view to retaining some degree of local influence. This Council may be able to assist with this if some degree of regular funding could be offered. In line with the resolution passed at the last Council meeting, I hope that the Council's officers will be able to help in any discussions about future provision for the support of older people in the Borough.

- 6.4 The current situation was discussed at a meeting of the Trustees of ACHB earlier this month, when it was unanimously decided that ACHB should open talks with ACLSR with a view to achieving a merger of the two organisations as soon as possible. In these negotiations, it is to be stressed that money raised in this Borough must be ring-fenced to provide local services, and every effort needs to be made to retain local support and influence over the work of the new organisation.

7. CONCLUSION.

- 7.1 The hard work and enthusiasm of the volunteers, staff and Management Committee of ACHB have provided an organisation that has provided an essential service for the residents in this Borough. The Council should recognise and applaud the achievements of ACHB over the last 16 years. It is vital that these attributes should be carried over into the new organisation that is likely to be formed in the New Year. This Council should congratulate ACHB on its contribution to the Borough, particularly in the large sums that have been added to the local economy by ACHB's benefit advice service, and should commit itself to giving financial support to this service within the new organisation. This will be an ongoing situation and I hope to provide progress reports as the proposed merger proceeds.

Councillor David Inman, Older People's Champion
Contact number 01455 614157.

COUNCIL 15 DECEMBER 2009

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 advise Members of this matter having been reported to Scrutiny Committee.
- b) To consider and agree a protocol for dealing with requests from developers to vary the payment terms for Section 106 contributions in view of the current economic climate.

2. **RECOMMENDATION**

2.1 That Council agrees the protocol for renegotiation of section 106 contributions set out in Section 4 of this report.

2.2 That Council agrees to review the protocol in April 2010.

3. **BACKGROUND TO THE REPORT**

3.1 This report was considered by Scrutiny Commission on 29 October 2009. The Commission resolved to accept the principles presented and agreed to the proposed protocol being presented before full Council for consideration. They were particularly concerned that consideration to accept reduced Section 106 payments should only be made in respect of brownfield sites where the extra cost of remediation needs to be taken into account.

3.2 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.

3.3 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.

3.4 Historically, to offer a consistent service to applicants to avoid arguments of precedent the Borough Council has taken an approach not to negotiate on developer contributions after planning permission has been granted. Quite simply if a developer is not prepared to pay the required developer contributions planning permission would be refused. However, the wider negotiations related to the design and layout and acceptability of any proposal are an integral part of the development control process and such negotiations and decision are taken by officers to achieve the highest quality development in the best location.

3.5 **Government Guidance**

3.6 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.

- 3.7 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.
- 3.8 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.”
- 3.9 Hinckley and Bosworth Local Plan:
- 3.10 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.
- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.14 The County Council’s guidance on contributions is outlined in their document ‘Adopted Statement of requirements for developer contributions in Leicestershire’. Leicestershire Constabulary guidance is contained within Designing out Crime Liaison Protocol.
- 3.15 **The Changing Property Market**
- 3.16 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 and it is from this stance that the Borough’s position has developed.
- 3.17 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.

- 3.18 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, 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. Furthermore the requirements for affordable homes continues to grow at a rate that exceeds the provision.
- 3.19 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.
- 3.20 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 may await better market or financial circumstances.
- 3.21 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.
- 3.22 The concept of renegotiating developer contributions has already been accepted in principle by Homes and Communities Agency (HCA) 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. Further recent professional press coverage in respect of the approaches taken by planning authorities has highlighted the need for a more flexible approach in an attempt to facilitate the delivery of development in these difficult economic times.
- 3.23 ATLAS, the Government's advisory team for large applications have been assisting officers in the research required in producing this paper and have identified that Bristol, Exeter, Norfolk, Ashford, Medway, Slough and Birmingham City Council have all recently publicised their short term revised approach to dealing with developer contributions.
- 3.24 In line with the good practice note and to ensure development within the Borough, in particular affordable housing completions are met, 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.

4.0 **THE PROTOCOL**

- 4.1 The key matter in considering any negotiations of developer contributions is viability. For instance, a high quality design and well landscaped proposal will need the use of premium materials together with experienced designers and contractors to deliver a quality finish and environment. This all comes at a cost and is a financial constraint of the development which affects the viability of the proposal.
- 4.2 When there is a downturn in the market matters of viability will be brought to the forefront of any scheme. In order to achieve a profitable development applicants will seek to reduce the

overall costs. Various reductions will be considered by them which will all have implications. These may include:

Reductions	Implications
Section 106 contributions	Shortfall in overall budget in areas reduced
Use of cheaper materials/finishes	Poor quality development
Landscaping/Public Realm	Poor quality development

- 4.3 In considering the issues of viability, the economic costs of the development must be presented and carefully considered to ensure that the costs and profit margins of the development proposed are reasonable in the depressed economy.
- 4.4 As part of ongoing evidence base work associated with the emerging Local Development Framework Core Strategy, a consortium of the local authorities in the Leicestershire Housing Market Area commissioned Three Dragons Consultancy to undertake a study to examine the potential impact on development viability of affordable housing targets and level of threshold. As part of this process a viability toolkit has been created and is provided to the authority for use in assessing the financial viability of developments. The toolkit requires the developer to provide development costs data and with the input of developer contribution figures, provides a financial report on the developments costs. The toolkit enables the viability to be carefully considered in light of development costs and is regularly updated with local build costs, sales values and Borough specific data.
- 4.5 In line with the HCA good practice note and the approach of other authorities, the Council will consider the viability of proposals when presented in accordance with the following protocol.
- i) The applicant/developer will be required to present “open book” accounting demonstrating the development’s full costs. This will involve issuing developers with the Council’s Viability Toolkit for completion with the required financial data. It is intended that this will be issued at an approximate cost of £300.
 - ii) Subject to the findings of the Viability Toolkit demonstrating a loss, the Council will agree to review the developer contributions in the case presented.
 - (iii) Any proposed variations arising from that review, will then be reported to, and if acceptable, approved by the Planning Committee.
 - (iv) A deed of variation of the 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.
- 4.6 Having established the viability position of the scheme being presented the following steps will be considered as a sequential approach for negotiations:-

Step 1 - Deferred Payment by way of an Agreed Payment Plan (applicable to all sites)

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

Step 2 - Phased Developer Contributions (applicable to all sites)

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

Step 3 - In exceptional circumstances and only where significant planning gains are available, which are seen as a priority for immediate delivery by the Council, Officers may

consider a further step - a reduction in developer contributions (applicable to brownfield sites only) .

The following situations may be applicable for consideration under Step 3, 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

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

4.8 Economic 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 negotiated 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.

5 **FINANCIAL IMPLICATIONS [IB]**

5.1 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.

5.2 Council Officers will evaluate any independent verification as part of any renegotiations

5.3 There will be no additional costs for the Council. Any officer time allocated to dealing with amendment will be met from using existing resources.

5.4 Reductions in contributions will impact on the Council's ability to fund infrastructure improvements arising from the development.

6 **LEGAL IMPLICATIONS [MR]**

6.1 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.

7. **CORPORATE PLAN IMPLICATIONS**

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

8 **RISK IMPLICATIONS**

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
No contribution (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.	Apply to draw upon Government Grants when available.	Tracy Darke
Reduced contribution (lower input to capital programme). Reduced contributions results in lower investment in the capital projects.	Reduce expectations on the level of investment. i.e. for play and open space, ensure land is provided but reduce the amount of equipment.	

9 **RURAL IMPLICATIONS**

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

10 **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

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