

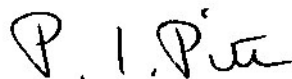
**Date: 19 May 2010**

Dear Sir/Madam

I hereby summon you to attend an Extraordinary Meeting of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL** in the Council Chamber at these offices on **WEDNESDAY 26 MAY 2010 at 6.30 pm.**

**(PLEASE NOTE DAY OF MEETING)**

Yours faithfully



Pat Pitt (Mrs)  
Corporate Governance Officer

### **AGENDA**

1. Apologies
2. To confirm the minutes of the meeting held on 20 April 2010. Attached marked C1.
3. 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.
4. To consider the following reports:-
  - (a) Local Development Framework: Hinckley Town Centre Area Action Plan Development Plan Document – Proposed Submission Document. Attached marked C2. (Pages 1 - 5).
  - (b) Petition Scheme. Attached marked C3. (Pages 6 - 13).

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

**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**20 APRIL 2010 AT 6.30 P.M.**

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

Mrs M. Aldridge, Mr. J. G. Bannister, Mr. D. C. Bill, Mr. 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. Ladkin, Mr. M. R. Lay, Mr. K. W. P. Lynch, Mr. R. Mayne, Ms. W. A. Moore, Mr. K. Morrell, Mrs J. Richards, Mr. A. J. Smith, Mrs. S. Sprason, Mr. B. E. Sutton, Mr. R. Ward, Ms. B. M. Witherford and Mr. D. O. Wright.

Officers in attendance: Mr. S. J. Atkinson, Mr. A. Bottomley, Mr. D. Bunker, Mr. B. Cullen, Miss L. Horton, Mr. S. Kohli and Mrs. P. I. Pitt.

517 **PRAYER**

The Reverend John Hall offered the prayer.

518 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr. C. W. Boothby, Mr. C. G. Joyce, Dr. J. R. Moore and Mr L. J. P. O'Shea.

At this juncture the Mayor referred to the recent untimely death of Mr. Barry Jackson, who had been a stalwart of the local community and on behalf of Members expressed condolences to Mrs Jackson. The Mayor also referred to the fact that Mrs S.L. Joyce, the wife of Councillor Joyce, was currently unwell.

519 **MINUTES (C61)**

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

**RESOLVED** - the minutes of the meeting held on 25 February 2010 be confirmed and signed by the Mayor.

520 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

521 **MAYOR'S COMMUNICATIONS**

The Mayor referred to the recent Civic Ball and thanked those members who had attended for supporting this. Having attended a civic function at the new display centre at Bosworth Battlefield recently and been involved in discussions with English Heritage on grant funding the Mayor suggested that this potential source of funding for local schemes should be explored. Finally the Mayor indicated that Mr Joe David, who had been engaged on occasions as the Council's town crier, was to retire shortly after some 15 years' service.

At this juncture a Member referred to a visit to the site of Groby Old Hall by television's 'Time Team' and the intention to screen the recording of this at some point in 2011.

522 LEADER'S POSITION STATEMENT

Following a tribute earlier by the Mayor the Leader referred to the recent death of Mr. Barry Jackson, a former high sheriff of Leicestershire and, locally, an active member of both the Hinckley Local Strategic Partnership and Town Centre Partnership.

The Leader was pleased to report a small anticipated underspend in the Council's budget for 2009/10.

Corporate Service performance remained high despite increasing financial pressures and a reduction in staffing levels over the last year by some 5%. For the third year running sickness absence had continued to reduce and now stood at 7.8 days lost per employee.

The Leader referred to progress on the Council's major capital projects and to recent decisions of the Executive to approve the Leicestershire Health and Wellbeing Strategy, a Corporate Anti-Fraud and Corruption Policy, a Sub-Regional Choice-Based Lettings Scheme and a Local Lettings Policy for the Maughan Street/Almeys Lane areas of Earl Shilton.

In conclusion reference was made to the small underspend of £5,716 within the Parish and Community Initiative Fund which would be carried forward to the next financial year. In future years rather than a 50% contribution by both the Borough Council and Parish/Town Councils towards improvements the Borough Council would commit 55% towards funding and 45% would be required from the Parish/Town Councils. Additionally, the maximum grant per Parish/Town would be increased to £12,000.

523 MINUTES OF SCRUTINY COMMISSION MEETING - 4 MARCH 2010 (C62)

In his presentation of these Mr Lay referred to the Commission's reviews of registered social landlords operating in the Borough and affordable housing in the Local Development Framework.

Mr. Bray left the meeting at 6.52 pm.

524 AMENDMENTS TO THE CONSTITUTION (C63)

Further to minutes nod. 204 and 389 of 15 September 2009 and 26 January 2010 respectively and the approval of the Council's new management structure, presented to Members were suggested changes to the Constitution to reflect the consequential revised operational staffing arrangements.

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

RESOLVED -

The changes detailed in paragraph 3 of the report of the Head of Corporate and Scrutiny Services/Monitoring Officer be approved.

525 PEOPLE STRATEGY 2010 - 2012 (EXEC 64)

Following endorsement by the Personnel Committee and the Scrutiny Commission this document was presented to Council for approval.

Mr. Bray returned to the meeting at 6.58 pm.

The Chief Officer (Corporate and Community Resources, Scrutiny and Ethical Standards) confirmed that the issues raised at the Personnel Committee, namely emphasising that this was a live document, the identification of Members' individual training needs and resourcing of a training plan by a percentage of the Council's budget had been noted and would be addressed.

In response to a Member's question relating to the Council's target for attendance management the Chief Executive indicated that the most recent figures indicated an absence rate of 7.8% per employee and that the Authority would always strive to be in the top quartile.

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

RESOLVED -

The People Strategy 2010-1012 and Action Plan be approved.

526 COMMUNITY PLAN 2010-15, CORPORATE PLAN 2010-15 AND BUSINESS DELIVERY PLANS 2010-13 (C65)

Following extensive consultation the Community and Corporate Plans, which reflected national, regional and local priorities, were presented to Council for approval. In turn Business Plans indicated how each service would contribute to the achievement of the Council's strategic aims and ambitions over a 3-year period. Although fully supportive of these documents the suggestion was made that it might be more appropriate for reference to the Credit Union to be included under the aim of a 'thriving economy' as against 'strong and distinctive communities'. Additionally the call was made for the provision of fit for purpose leisure facilities within Barwell to be examined, with support for this sought via the Parish and Community Initiatives Fund in a similar way to the provision made at Markfield Community Centre and elsewhere.

Having commended officers on the production and conciseness of the Corporate Plan the Executive Member for Corporate Services and Equalities indicated that the current membership of Hinckley and Bosworth Local Strategic Partnership would be updated and, if possible, Members' suggestions relating to the Credit Union and the examination of leisure facilities within Barwell be incorporated.

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

RESOLVED -

the following be agreed:-

- (i) The Community Plan 2010-13; and
- (ii) The Corporate Plan for 2010-15, together with the underlying Business Delivery Plans 2010-13.

527 CAPITAL PRUDENTIAL INDICATORS AND TREASURY MANAGEMENT AND INVESTMENT STRATEGY 2010/11 (C66)

This report to Council fulfilled four key legislative requirements, namely:-

- The reporting of the prudential indicators setting out the expected capital activities.
- The production of a Minimum Revenue Provision Policy.
- The production of a treasury management strategy statement.
- The production of an investment strategy.

Revisions to the CIPFA Prudential Code and Treasury Management Code of Practice had been incorporated into the report and in consequence Members' responsibility to effectively scrutinise treasury management strategies and policies would be increased. Such additional responsibility would necessitate amendments to the Constitution, as set out in appendix 3 to the report.

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

RESOLVED -

the following be approved:-

- (i). the Prudential Indicators and Limits for 2010/11 to 2012/13 contained within Section 3A of the report of the Deputy Chief Executive (Corporate Direction);
- (ii) the Minimum Revenue Provision (MRP) Statement contained within section 3A of the report which sets out the Council's policy on MRP;
- (iii) the Treasury Management Strategy 2010/11 to 2012/13, and the Treasury Prudential Indicators contained within Section 3B;
- (iv) the Authorised Limit Prudential Indicator;
- (v) The Investment Strategy 2010/11 contained in the treasury management strategy (Section 3B B), and the detailed criteria included in Appendix 1;
- (vi) the revision to the Council's Constitution at Appendix 3. (This revision nominates the Finance and Audit Services Select Committee to ensure effective scrutiny of the treasury management strategy and policies).

528 OADBY AND WIGSTON 2009/10 AND 2010/11 BUDGET INCREASE (C67)

Having been endorsed by the Executive the Council was now called upon to approve an increase in budget provision in respect of costs for the shared ICT services with Oadby and Wigston Borough Council. The Executive Member for Finance and ICT emphasised that such expenditure would be fully recharged to Oadby and Wigston and had no impact on the Hinckley and Bosworth Borough Council revenue budgets.

In commending this successful partnership arrangement Mr. Lynch moved, Mr. Bray seconded, and it was

RESOLVED -

The budget increases set out in the report of the Deputy Chief Executive (Corporate Direction) be approved.

529 FEEDBACK FROM COUNCIL REPRESENTATIVES ON OUTSIDE BODIES

The Deputy Leader presented updated reports on the following:-

- Community Safety Partnership (C68)
- Local Strategic Partnership (C69)
- Local Government Association (C70)
- East Midlands Regional Assembly (C71)

Mr. Gould left the meeting at 7.22 pm and returned at 7.25 pm.

It was agreed to note the very positive outcomes arising from these reports.

530 ADDITIONAL COUNCIL MEETING

The Mayor requested that Members note that there was to be an additional Council meeting on Tuesday 1 June 2010.

531 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

Mr. Bown left the meeting at 7.45 pm, returning at 7.47 pm.

(a) Motion for Mr. S. L. Bray

Circulated at the meeting were two amendments to that printed on the agenda, as follows:-

- From Mrs Sprason, and as contained in the supplementary agenda,

“This Council recognises that the Westfield Centre provides an invaluable service to many hundreds of people in Hinckley and this Authority wishes to join Leicestershire County Council’s constructive efforts to assist the Westfield Centre in achieving charitable status by 2012 whilst also helping the Centre to work towards developing a robust business plan for a sustainable future and that,

Subject to the Westfield Centre achieving charitable status and in recognition of the centre's excellent work within the town, Hinckley & Bosworth Borough Council commits to supporting the activities of this valued Hinckley community centre by awarding it an annual grant".

- From Mr. S. L. Bray

"This Council deploras the decision by the County Council to cut the funding to the Westfield Centre from April 2012, recognising the invaluable service it provides to many hundreds of people in Hinckley and the surrounding area. This Council, therefore will promote and engage constructively in the discussions which the County Council has indicated will take place, both with the County Council and centre users, in order to secure a solution which will sustain the effective life of the centre and its services well beyond 2012".

Also contained within the supplementary agenda were copies of correspondence dated 23 March and 20 April 2010 relating to the Westfield Centre.

Following a lengthy debate, the amendment having been moved by Mrs Sprason was seconded by Mr. Ward and voted upon by means of a show of hands, with 9 members present voting for the amendment and 16 voting against. The amendment was declared LOST.

Mr. Ladkin left the meeting at 8.12 pm, returning at 8.14 pm.

In accordance with Council Procedure Rule 18.4 five members present called for a recorded vote on the amendment submitted by Mr. Bray and seconded by Mr. Wright. This was then taken, recorded as follows:-

#### For the Amendment

Mrs S. Francks, Mr. J. G. Bannister, Mr. D. C. Bill, Mr. J. C. Bown, Mr. S. L. Bray, 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. M. R. Lay, Mr. K. W. P. Lynch, Mr. R. Mayne, Ms. W. A. Moore, Mr. A. J. Smith, Ms. B. M. Witherford and Ms. D. O. Wright (18 votes).

#### Against the Amendment

Mrs. M. Aldridge, Mrs R. Camomile, Mr. M. B. Cartwright, Mr. C. Ladkin, Mr. K. Morrell, Mrs J. Richards, Mrs S. Sprason, Mr. D. E. Sutton and Mr. R. Ward (9 votes).

The amendment by Mr. Bray was declared CARRIED.

- (b) Motion from Mr. D. C. Bill

It was moved by Mr. Bill, seconded by Mr. Inman that

'This Council notes with great concern, a number of recent planning applications which contained schemes, that if given the go ahead and were built, would not come up to adoptable standards for the Highways and Sewers Authorities.

The Council further notes the terrible problems that residents have in streets in the Borough that are unadopted, due to lack of maintenance of the roads and footways.

This Council calls on the County Council to consider the revision of the Environment and Transport Department's policy on highways adoptions. This will ensure that new housing schemes, which provide innovative highway solutions in accordance with the Government's Manual for Streets Guidance for new housing development, can be adopted. This will not only secure the delivery of high quality new housing developments in Leicestershire generally, but give the communities who live within them the confidence that future maintenance of highways, sewers and lighting will be undertaken.'

Although generally supportive of this Motion reference was made to a recent decision at the Planning Committee that a letter be sent to the Highway Authority expressing concerns at inconsistent advice received and it was suggested that that consideration of this Motion be deferred until a response was received to that letter. The point was made that since the tone of the Motion was not critical but merely calling for the adoption of universal standards it should be debated tonight.

Mrs Aldridge left the meeting at 8.35 pm.

On a show of hands with the majority (23) of those present voting in favour of the Motion it was declared CARRIED.

At this juncture the Mayor indicated that this had been the last business meeting at which he would preside and thanked Members for their attendance and support over the last 12 months.

(the meeting closed at 8.35 pm)



**COUNCIL – 26 MAY 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA  
ACTION PLAN DEVELOPMENT PLAN DOCUMENT – PROPOSED SUBMISSION  
DOCUMENT**

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**1. PURPOSE OF THE REPORT**

To seek Members agreement to consult on the Hinckley Town Centre Area Action Plan proposed submission document and Sustainability Appraisal in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) and the Local Development Scheme. The Draft Hinckley Town Centre Area Action Plan proposed submission document is attached as an Appendix to this report. A copy of the accompanying Sustainability Appraisal is available in the Members Room.

**2. RECOMMENDATION**

That Members endorse:

- (i) The undertaking of a six-week period of consultation on the Hinckley Town Centre Area Action Plan proposed submission document and Sustainability Appraisal during June and July 2010.
- (ii) Submission of the Hinckley Town Centre Area Action Plan to the Secretary of State following analysis of the representations received during the six-week consultation period.

**3. BACKGROUND TO THE REPORT**

As a result of the 2004 Planning and Compulsory Purchase Act all Local Authorities are now required to produce a Local Development Framework. The Council has focussed on a number of key development plan documents:

The Core Strategy;  
Site Allocations and Generic Development Control Policies;  
Hinckley Town Centre Area Action Plan; and  
Barwell and Earl Shilton Area Action Plan

The centrepiece of the new Local Development Framework is the Core Strategy Development Plan Document (December 2009). This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis for subsequent Development Plan Documents produced by the Council.

All draft Local Development Framework documents are subject to periods of public consultation in accordance with Government Guidance in Planning Policy Statement 12 and the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008). These should follow the

procedures set out in the Borough Council's Statement of Community Involvement and are also subject to a Sustainability Appraisal.

### **Hinckley Town Centre Area Action Plan Proposed Submission Document**

The Hinckley Town Centre Area Action Plan forms an integral part of the Local Development Framework. It will support the policies set out in the Core Strategy and will set out key development control policies for use in day-to-day decision-making on planning applications within Hinckley Town Centre.

This document also sets out a number of proposals for future development in Hinckley Town Centre and forms an important stage in shaping the future of the town centre. The document also identifies a number of transport and public realm improvements required in the town centre to support the future development.

Any changes suggested through this consultation period will be assessed and considered. Following this, it is anticipated that the document will be submitted to the Secretary of State in August 2010. An independent inspector will then test the 'soundness' of the document at a public examination. It is anticipated that the document will be adopted in May 2011, in accordance with the Council's latest Local Development Scheme.

The Area Action Plan does not identify exact scales of development for sites in the town centre but identifies key aspirations for the sites which will form the basis of future planning applications. The aspirations are left deliberately flexible in order to stand the test of time and allow future innovation. In summary, the Council's aspirations for the nine Strategic Development Areas as detailed in the Hinckley Town Centre Area Action Plan Proposed Submission Document are:

- **Stockwell Head/Concordia Theatre:** Mixed-use development with a consolidated car park.
- **Atkins Factory:** Redevelopment of this site; retaining the Grade II Atkins building for mixed-use development and a creative enterprise centre, and a new high quality landmark building to accommodate education or employment uses. It is noted that the redevelopment of the Atkins Factory is largely complete but as it has always been a key regeneration site within the Renaissance Masterplan and this AAP it therefore still needs to be included.
- **Britannia Centre/Castle Street:** Through the redevelopment of this site there is an opportunity to improve the retail offering within the town centre core and link a number of the town centre's Strategic Development Areas.
- **Land North of Mount Road:** Creation of a mixed-use site for employment, various residential uses including a care home, community and retail uses.
- **Leisure Centre Site:** Redevelopment of the existing leisure centre site for residential uses upon relocation of the current facility to a sporting hub off the A47.
- **Rugby Road/Hawley Road:** Development of the site for mixed-use development, including a landmark building.
- **Railway Station/Southfield Road:** Redevelop the land previously occupied by the former Richard Roberts factory for an office led scheme. The refurbishment of the existing railway station, including a transport interchange is also included within this policy.

- **Bus Station:** Redevelopment of the existing bus station and the introduction of mixed-use development including retail, commercial, leisure and restaurant/café uses.
- **North Warwickshire and Hinckley College:** Redevelopment of site for mixed uses upon relocation of the College to an alternative town centre location.

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

The total cost of seeking approval of the Hinckley Town Centre AAP is estimated to be £50,000. This was identified in a report to Council on 15 December 2009 which covered the costs of the whole LDF Process. No provision has been made for this expenditure in the 2010/11 budget but money has been set aside in the past in the Local Development Framework Reserve to meet this expenditure. It will be necessary to obtain a Supplementary Budget financed by the reserve from Council at its next meeting

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

As stated in the report there is a statutory duty on the Council to consult in respect of all draft Local Development Framework documents

It is also a requirement of the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended 2008) be submitted to the Secretary of State for approval.

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

The Hinckley Town Centre Area Action Plan supports the following aims of the Corporate Plan 2009 - 2014

- Cleaner & greener neighbourhoods
- Thriving economy
- Safer and healthier borough
- Strong and distinctive communities
- Decent, well managed & affordable housing

#### **7. CONSULTATION**

The production of the Hinckley Town Centre Area Action Plan began with initial consultation exercises undertaken for the Hinckley Town Centre Renaissance Masterplan. The initial Masterplan evidence base consultation took place between 20<sup>th</sup> November and 5<sup>th</sup> December 2003. The results from this Stage One consultation were fed back and used to refine the Masterplan, which was then presented to the public as the second stage of consultation.

The second stage of consultation was the Masterplan Issues and Options public consultation. This took place between 14<sup>th</sup> June and 19<sup>th</sup> July 2004 at a series of exhibitions and workshops supported by press publicity and questionnaires. There was clear 'sign up' for all aspects of the Masterplan with local people supporting a major initiative to revitalise the town's economy and change the ambience of the centre.

Consultation on the Preferred Options document took place between Monday 24<sup>th</sup> September and Monday 5<sup>th</sup> November 2007. The vision and strategic objectives

received a positive response as a result of this consultation. Most of the proposals put forward for the key development sites received a positive reaction from the public with the majority of respondents favouring the Council's preferred options. The comments received during the Preferred Options consultation have shaped the submission Hinckley Town Centre Area Action Plan.

The Hinckley Town Centre Area Action Plan Proposed Submission Document undertook further consultation between 31<sup>st</sup> October and 12<sup>th</sup> December 2008. Following this consultation period, representations were received which highlighted the need for further work to be completed on the Area Action Plan before the Borough Council could consider it sound for submission to the Secretary of State. As this additional work was deemed to involve potentially significant changes to the AAP, it was considered necessary for an additional round of public consultation to take place before the document is submitted.

On 29<sup>th</sup> March 2010, Strategic Leadership Board endorsed the Hinckley Town Centre Area Action Plan to be sent to consultants WYG to update the Sustainability Appraisal that was produced for the original Submission version of the Area Action Plan.

The Hinckley Town Centre Area Action Plan Proposed Submission Document was circulated to the Local Development Framework Working Party on 22<sup>nd</sup> April 2010. At the time of writing, no comments were received.

## **8. RISK IMPLICATIONS**

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

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

<b>Management of Significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
Members do not accept the recommendations within this report, leading to a delay in the submission of the AAP and the potential for missed deadlines.	Strategic Leadership Board agreed the AAP on 29 <sup>th</sup> March 2010.	Sally Smith

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

As the Hinckley Town Centre Area Action Plan is wholly concerned with the town of Hinckley, it is considered that there are no direct rural implications arising from this report.

## **10. CORPORATE IMPLICATIONS**

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

Community Safety Implications - the Hinckley Town Centre Area Action Plan aims to improve community safety.

Environmental implications – the Area Action Plan aims to minimise the environmental impact of development and make development more sustainable.

ICT Implications – None

Asset Management Implications - The Estates and Asset Manager has been involved in the consultation of this document.

Human Resources Implications – None

Planning Implications – Contained within the report

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Contact Officer: Andy Killip - Planning Policy Officer (x5732)

Executive Member: Councillor Stuart Bray

Appendices: Draft Hinckley Town Centre Area Action Plan Proposed Submission Document

**COUNCIL – 26 MAY 2010**

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)**  
**RE: PETITION SCHEME**

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**1. PURPOSE OF REPORT**

To inform Members of the new requirements for petitions and to present a proposed Petition Scheme.

**2. RECOMMENDATION**

- (i) the Petition Scheme be adopted;
- (ii) the provision of an online petition facility from October 2010 be approved;
- (ii) the Council's Constitution be amended to reflect the new scheme.

**3. BACKGROUND TO THE REPORT**

3.1 The Local Democracy, Economic Development and Construction Act 2009 requires every local authority from 15 June 2010 to have adopted a petition scheme which sets out how it will handle petitions. By 15 December 2010, every local authority must have an online petition facility ('E-petitions') under which anyone may set up a petition on the authority's website, and other petitioners may 'sign' the petition online.

3.2 The attached scheme sets out the provision for petitions including guidelines for submitting a petition, timescales for acknowledgement and publication of received and validated petitions, the process for dealing with a petition, actions that may be taken, request for review and provision for E-petitions.

3.3 The main provisions of the new scheme to bring to Members' attention are:

- A petition must consist of more than 20 signatures to be defined as a petition and must not be vexatious, abusive or otherwise inappropriate;
- A petition can ask for a senior officer to give evidence at a public meeting, and if more than 750 signatures are received the relevant officer (Strategic Leadership Board member or Chief Officer) will be required to give evidence at a meeting of the Scrutiny Commission;
- If a petition contains more than 2,000 signatures it will be debated in Council.

3.4 The scheme also includes the arrangements for E-petitions. This facility will be hosted on the Council's website and whilst the Act requires that it be available from 15 December 2010, it is anticipated that it will be live in this authority in October 2010 to coincide with Local Democracy Week. The E-

petitions site is currently being developed by the Council's IT provider alongside the development of the Council's website.

4. **FINANCIAL IMPLICATIONS (DM)**

There are no financial implications directly from this report. The petition facility will be set online on the authority's website as part of the Website Development Project and there is a budget provision set aside for the project.

5. **LEGAL IMPLICATIONS (AB)**

Contained in the body of the report.

6. **CORPORATE PLAN IMPLICATIONS**

The recommendations contained in this report contribute to the aim of Strong and Distinctive Communities by improving customer access to services and by encouraging participation in local democracy.

7. **CONSULTATION**

There is no duty to consult on the scheme by this authority; however a response was submitted by this Council to the DCLG consultation on Draft Statutory Guidance on the duty to respond to petitions.

8. **RISK IMPLICATIONS**

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

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

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

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
1. Non-compliance with legislation	Timely agreement to scheme by Council	Louisa Horton
2. E-petitions being unavailable by the required date	Development of site in-house to ensure accountability	Louisa Horton

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

The Petition Scheme and particularly the E-petition provision will improve access to services and will provide a process for all groups in the Borough to request action or information on matters of concern.

10. **CORPORATE IMPLICATIONS**

The following have been taken into account:

- Community Safety implications: None
- Environmental implications: The E-petition facility will reduce paper usage
- ICT implications: The E-petition facility will improve electronic communication, however a level of resource is necessary in development of the site
- Asset Management implications: None
- Human Resources implications: Minimal human resource implications in administration of the site and management of the scheme
- Planning Implications: None
- Voluntary Sector: None

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Background papers:           Local Democracy, Economic Development and  
                                          Construction Act 2009  
                                          Statutory Guidance on Duty to Respond to Petitions

Contact Officer:               Rebecca Owen, ext 5879  
                                          Adam Bottomley, ext 5621





## Hinckley and Bosworth Borough Council Petition Scheme

The council welcomes petitions and recognises that petitions are one way in which you can let us know your concerns. We will acknowledge all petitions sent or presented to the council within 10 working days of receipt. This acknowledgement will set out what we plan to do with the petition. We will treat something as a petition if it has twenty or more signatories and is either identified as being a petition, or it seems to us that it is intended to be a petition. You can submit a petition in paper format which should be sent to:

Democratic Services  
Hinckley and Bosworth Borough Council  
Council Offices  
Argents Mead  
Hinckley  
LE10 1BZ

Alternatively as of October 2010 you will be able to create, sign and submit petitions online by following this link [E-petitions](#). If your petition has received 2000 signatures or more it will be scheduled for a council debate.

### What are the guidelines for submitting a petition?

Petitions submitted to the council must include:

- a clear and concise statement covering the subject of the petition and what action the petitioners wish the council to take
- the name and address and signature of any person supporting the petition.

Petitions should be accompanied by contact details, including a postal address, for the petition organiser. This is the person we will contact to explain how we will respond to the petition. The contact details of the petition organiser will not be placed on the website. If the petition does not identify a petition organiser, we will contact the first ten signatories to the petition to agree who should act as the petition organiser.

Petitions which are considered to be vexatious, abusive or otherwise inappropriate will not be accepted. In the period immediately before an election or referendum, we may need to deal with your petition differently – if this is the case we will explain the reasons and discuss the revised timescale which will apply. If your petition does not follow the guidelines set out above, the council may decide not to do anything further with it. In this case, we will write to you to explain the reasons.

## What will the council do when it receives my petition?

An acknowledgement will be sent to the petition organiser within 10 working days of receiving the petition. It will let you know what we plan to do with the petition and when they can expect to hear from us again. Details of the petition will also be published on our website.

If we can do what your petition asks for, the acknowledgement may confirm that we have taken the action requested and the petition will be closed. If the petition has enough signatures to trigger a council debate or a senior officer giving evidence (see below), the acknowledgement will confirm this and tell you when and where the meeting will take place. If the petition needs more investigation, we will tell you the steps we plan to take.

If the petition applies to a planning or licensing application, is a statutory petition (for example requesting a referendum on having an elected mayor), or on a matter where there is already an existing right of appeal, such as council tax banding and non-domestic rates, other procedures apply. If the petition alleges misconduct by a councillor it will be treated as a complaint under the Code of Conduct and it will be passed to the Monitoring Officer. Further information on all these procedures and how you can express your views is available on the council's website.

We will not take action on any petition which we consider to be vexatious, abusive or otherwise inappropriate and will explain the reasons for this in our acknowledgement of the petition.

To ensure that people know what we are doing in response to the petitions we receive, the details of all the petitions submitted to us and the action taken in response to them will be published on our website, except in cases where this would be inappropriate. Whenever possible, we will also publish all correspondence relating to the petition (all personal details will be removed).

## How will the council respond to your petition?

Our response to your petition will depend on what the petition asks for and how many people have signed it. It may include one or more of the following:

- taking the action requested in the petition
- considering the petition at a council meeting
- holding an inquiry into the matter
- undertaking research into the matter
- holding a public meeting
- holding a consultation
- holding a meeting with petitioners
- referring the petition for consideration by the council's Scrutiny Commission<sup>1</sup>
- calling a referendum
- writing to the petition organiser setting out our views about the request.

In addition to these steps, the council will consider any other appropriate actions it can potentially take on the issues highlighted in a petition.

If your petition is about something over which the council has no direct control (for example the local railway or hospital) we will consider making representations on behalf of the community to the relevant body. The council works with a large number of local partners through the Local Strategic Partnership and where possible we will work with these partners to respond to your petition. If we are not able to do this for any reason (for example if what the petition calls for conflicts with council policy), then we will set out the reasons for this to you.

You can find more information on the services for which the council is responsible here [Council Services](#).

If your petition is about something that a different council is responsible for we will give consideration to what the best method is for responding to it. This might consist of simply forwarding the petition to the other council, but could involve other steps. In any event we will always notify you of the action we have taken.

## Council debates

If your petition contains more than 2,000 signatures it will be debated by councillors at the next convenient meeting of the council unless it is a petition asking for a senior council officer to give evidence at a public meeting. This means that the issue raised in the petition will be discussed at a meeting which all councillors can attend.

You will be given three minutes to present the petition at the meeting and the petition will then be discussed by councillors for a maximum of 15 minutes. If more than one qualifying petition has been received they will be discussed in the order they were received by the council unless the Mayor decides to change the order.

The council will decide how to respond to the petition at this meeting. They may decide to take the action the petition requests, not to take the action requested for reasons put forward in the debate, or to commission further investigation into the

matter, for example by a relevant committee. Where the issue is one on which the Executive<sup>2</sup> is required to make the final decision, the council will decide whether to make recommendations to inform that decision. Whatever the decision, you will receive written confirmation of it. This confirmation will also be published on our website.

## Officer evidence

Your petition may ask for a senior council officer to give evidence at a public meeting about something for which the officer is responsible as part of their job. For example, your petition may ask a senior council officer to explain progress on an issue, or to explain the advice given to elected members to enable them to make a particular decision. If your petition contains at least 750 signatures, the relevant senior officer will give evidence at a public meeting of the council's Scrutiny Commission. The senior staff that can be called to give evidence are:

- The Chief Executive
- The Deputy Chief Executive (Community Direction)
- The Deputy Chief Executive (Corporate Direction)(S151 Officer)
- The Chief Officer (Housing, Community Safety and Partnerships)
- The Chief Officer (Environmental Health)
- The Chief Officer (Transformation)
- The Chief Officer (Business, Contract and Streetscene Services)
- The Chief Officer (Corporate and Customer Resources, Scrutiny and Ethical Standards)(Monitoring Officer).

You should be aware that the Scrutiny Commission may decide that it would be more appropriate for another officer to give evidence instead of any officer named in the petition – for instance if the named officer has changed jobs. The committee may also decide to call on a relevant councillor to attend the meeting. You will be able to propose questions to be put to the Officer in question up to three days before the meeting by contacting Democratic Services but these will be asked by the Commission Members.

## E-petitions

The council welcomes e-petitions which are created and submitted through the e-petitions section of our website [link]. E-petitions must follow the same guidelines as paper petitions. As the petition organiser you will need to provide us with your name, postal address and email address. You will also need to decide how long you would like your petition to be open for signatures. Most petitions run for six months, but you can choose timeframes of 1, 3, 6 or 12 months.

When you create an e-petition, it may take seven days before it is published online. This is because we have to check that the content of your petition is suitable before it is made available for signature. If we feel we cannot publish your petition for some reason, we will contact you within this time to explain. You will then have an opportunity to change and resubmit your petition if you wish. If you do not do this

within 14 days, a summary of the petition and the reason why it has not been accepted will be published under the 'rejected petitions' section of the website.

When an e-petition has closed for signature, it will automatically be submitted to Democratic Services. In the same way as a paper petition, you will receive an acknowledgement within 14 days of submission.

## How do I 'sign' an e-petition?

You can see all the e-petitions currently available for signature in the e-petitions section of our website.

When you sign an e-petition you will be asked to provide your name, a valid email address and your postcode and if you live in the borough or the name of your employer or college if you work or study in the borough. When you have submitted this information you will be sent an email to the email address you have provided. This email will include a link which you must click on in order to confirm the email address is valid. Once this step is complete your 'signature' will be added to the petition. People visiting the e-petition will be able to see your name in the list of those who have signed it but your contact details will not be visible.

## What can I do if I feel my petition has not been dealt with properly?

If you feel that we have not dealt with your petition properly, you, as the petition organiser, have the right to request that the council's Scrutiny Commission reviews the steps that the council has taken in response to your petition. It is helpful to everyone and can improve the prospects for a review if you give a short explanation of the reasons why the council's response is not considered to be adequate. The Commission will consider your request at the next convenient meeting. Should the Commission determine we have not dealt with your petition adequately, it may use any of its powers to deal with the matter. These powers include instigating an investigation, making recommendations to the Executive and arranging for the matter to be considered at a meeting of the Council. Once the appeal has been considered you will be informed of the results within seven days. The results of the review will also be published on our website.

<sup>1</sup>The Scrutiny Commission is a committee of councillors who are responsible for scrutinising the work of the council – in other words, the Scrutiny Commission has the power to hold the council's decision makers to account

<sup>2</sup> The Executive is a committee consisting of the Leader of the Council and up to nine other councillors which carry's out the functions of the local authority which are not the responsibility of any other part of the authority