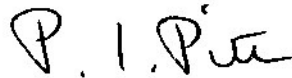


Date: 29 November 2010

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 7 DECEMBER 2010 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 30 September 2010. Attached marked C25.
3. To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.
5. To receive such communications as the Mayor may decide to lay before the Council.
6. To receive petitions presented in accordance with Council Procedure Rule number 10.11.
7. To deal with questions under Council Procedure Rule number 11.1.

8. Position Statement. The Leader of the Council will give a presentation.
9. To receive for information only the minutes of the Scrutiny Commission meetings held on 16 September and 28 October 2010. Attached marked C26 and C27.
10. To consider the following reports:-
 - (a) Youth Council Annual Report. Attached marked C28 (pages 1-3).
 - (b) Local Government and Public Involvement in Health Act 2007 - new governance arrangements. Attached marked C29 (Pages 4-6)
 - (c) Prudential Code and Treasury Management Annual Report 2009/10. Attached marked C30 (pages 7-17).
 - (d) Re-allocation of Flexible Working Capital Budgets. Attached marked C31 (pages 18-20)
 - (e) Shared Revenues and Benefits Partnership Capital Project Expenditure. Attached marked C32 (pages 21-24).
 - (e) Licensing Act 2003 - Statement of Licensing Policy. Attached marked C33 (pages 25-72).
 - (f) Sexual Entertainment Venues. Attached marked C34 (pages 73-79).
 - (g) Earl Shilton and Barwell Area Action Plan Preferred Options - Consultation. Attached marked C35 (pages 80-84).
 - (h) Street Scene Services. Attached marked C36 (pages 85-90).

11. Matter from which the public may be excluded

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 10 of Schedule 12A of that Act.

- (a) Draft Responsive Repairs Business Case. Attached marked C37 (pages 91-103).

12. To consider the following motions, notice of which have been received in accordance with Council Procedure Rules 13.1 and 13.2:-

From Mr D S Cope

“Council welcomes the news that the government has committed itself to the key Liberal Democrat pledge of providing more social housing by scrapping the Housing Revenue Account subsidy system.

In particular, it welcomes the council retaining income from rents on council

properties, rather than seeing the rental income from tenants going to Whitehall for them to recycle to other council tenants elsewhere in the country.

Council believes this new policy will lead to a much-needed boost for repair and maintenance of existing council properties, and for the building of new social housing.

It congratulates all who worked hard for this change in approach, including the Local Government Association and those involved with the "My Rent went to Whitehall" campaign.

Council resolves to:

1. Condemn the previous Labour Government for its 13-year-long failure to reform the HRA system, even when it had viable proposals before it in its last year, which meant that fewer council homes were built in their term of office than in any comparable period since the Second World War.
2. Welcome the Coalition announcement that they plan to build 150,000 affordable homes to start helping some of the 1,763,000 families stuck on local council waiting lists left by the previous government."

From Mr S L Bray

"I wish to call on Council to express its deep concern over the national requirement for Councils' set out in Planning Policy Statement 3 'Housing', to provide a five year housing supply. Despite the changes being proposed by Government to the national planning system, this requirement still stands and appears to be an overriding issue that is taking precedent in the determination of applications and appeals. This is both contrary to the 'Localism' agenda and is harming local communities.

I therefore ask the Council to call on Government to revoke this requirement."

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
30 SEPTEMBER 2010 AT 6.00 P.M.

PRESENT: MRS. S. FRANCKS - MAYOR
MR. R. MAYNE - DEPUTY MAYOR

Mr. J.G. Bannister, Mr. P. S. Bessant, Mr. D. C. Bill, Mr. J. C. Bown, Mr. S. L. Bray, Mrs R. Camamile, Mr. M. B. Cartwright, Mr. D.S. Cope, Mr. W. J. Crooks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P. A. S. Hall, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. M. R. Lay, Mr. K. W. P. Lynch, Mr. K. Morrell, Mr. K. Nichols, 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. S. Coop, Mr. B. Cullen, Miss L Horton, Mrs. B. Imison, Mrs J. Kenny, Mr. S. Kohli, Mrs. R. Owen, Mrs. P. I. Pitt, Mrs J. Puffett, Mrs. J. Stay and Mr. S. Wood.

242 **PRAYER**

The Reverend Andrew Murphy, Barwell Methodist Church, offered prayer.

243 **PRESENTATION**

Claire Shilton of Clockwise Credit Union, together with Jess Carnall, a volunteer member of Clockwise, attended to give Members a brief overview of the services available and achievements of that organisation over the last 12 months. Both were thanked for their presentation.

Messrs. Ladkin, Smith and Sutton entered the meeting at 6.03 p.m.

244 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs. M. Aldridge, Mr. P.R. Batty, Mr. C.W. Boothby, Mr. D.W. Inman, Dr. J.R. Moore, Ms. W.A. Moore and Mr. L.J.P. O'Shea.

245 **MINUTES (C21)**

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

RESOLVED -

The minutes of the meeting held on 29 June 2010 be confirmed and signed by the Mayor.

246 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

At this juncture the Mayor announced that immediately prior to the next scheduled Council meeting on 26 October 2010 there would be a presentation at 6.10 p.m. by a party of young people who had recently visited Germany.

247 MAYOR'S COMMUNICATIONS

By invitation of the Mayor Mr. Nichols announced that during his year as Mayor he had raised over £10,000 for his two charities (Derbyshire, Rutland and Leicestershire Air Ambulance and the Hinckley and District Branch of Multiple Sclerosis) and thanked everyone who had contributed to these causes.

248 PETITION

On behalf of Ms Witherford and himself Mr. Bray presented a petition relating to the possible introduction of a weight restriction order in Northfield Road and Westfield Road, Hinckley and requested that this be referred to the Hinckley Highways Forum

249 QUESTION

Question asked by Mr. M.R. Lay and addressed to Mr. S. L. Bray

"As Members will be aware, the Government's Planning Inspector has allowed the appeal by Jelson Homes to build 112 new homes on open countryside at Markfield. This is a major blow to the community at Markfield.

Can the Leader of the Council please explain why no educational provision is being made and though the Inspector has supported the provision of other community infrastructure, namely play and open space and affordable housing. Anyone with children at school in Markfield would argue there clearly is a need why has this not been demonstrated!"

Response from Mr. S.L. Bray

"I'm sure all Members will share my disappointment over learning of the recent Inspectors decision regarding the appeal by Jelson Homes, to build 112 new homes at Markfield.

Notwithstanding this decision, the Inspector agreed with the evidence and stance taken by the Borough Council in respect of the delivery of affordable housing, play and open space provision and sustainable transport initiatives. He rejected Leicestershire County Councils' request for contributions on the basis he was not satisfied that there was adequate evidence provided to justify the requirement. In fact, the County Council only sought contributions to unspecified improvements of Coalville Civic amenity site and to the Library service. There were no requirements sought for education or highways. In the Inspectors words, 'no analysis of the impact of the proposed development upon these services has been provided, not any description of how the contributions address those impacts contrary to guidance contained in para 335 of circa 05/2005'."

In response to a supplementary question from Mr. Lay, Mr. Bray indicated that he shared Mr. Lay's concerns and would endeavour to seek from the County Council the reasons for it choosing not to seek educational or highways contributions.

Mrs. Sprason entered the meeting at 6.20 p.m.

250 LEADER'S POSITION STATEMENT

The Leader began his presentation by referring to the award by Oak FM to Hinckley Leisure Centre as best fitness facility and to the award by the Fitness Industry Association of Leisure Operator of the Year to SLM. The Leader then went on to summarise the responses, following his approach to Eric Pickles' office, seeking clarification on a number of key planning issues arising from a recent announcement by the government, namely:-

- Review of housing targets
- Setting minimum and maximum housing targets
- Gypsies and travellers

Mr. Bessant entered the meeting at 6.27 p.m.

Referring to recent issues considered by the Executive the Leader highlighted its endorsement of the Leicestershire and Rutland Sport Annual Report and paid tribute to all those involved in securing the Council's success in promoting sport and physical activity. Additionally, the Executive had received a report on the continued improvements and significant achievements in service delivery and waste collection, street cleansing and grounds maintenance. The Executive had approved a revised version of the Council's Environmental Policy and the adoption of a new Housing Strategy 2010-13. Further work on the Masterplan options for Barwell and Earl Shilton had been endorsed and consultation would follow with members of the public and key stakeholders. The Leader reported on significant progress in dealing with the backlog of disabled facilities grants and paid tribute to the officers involved in securing progress of an agreed accelerated programme. The Leader then commended the performance of the Benefits Team and referred to the results of a recent benchmarking exercise which indicated that this Council had been one of the best performing authorities during 2009/10 in the processing of claims. Performance in the Revenues Section was similarly strong. Tribute was then paid to Belle Imison, who, amongst her many achievements whilst at the Council, had overseen the emerging Revenues and Benefits Partnership but was now leaving the Authority. Finally, Executive endorsement had been given to the joint submission with Nuneaton and Bedworth Borough Council and North Warwickshire District Council to the government for support for a cross-border delivery partnership. The Leader concluded by referring to the opening of this week of the Atkins Building and to the impending opening of Greenfields Industrial Units and the Hinckley Club for Young People.

251 MINUTES OF SCRUTINY COMMISSION MEETINGS – 1 JULY AND 5 AUGUST 2010

In presenting these Mr. Lay indicated that he had nothing to add.

252 REVENUES AND BENEFITS SHARED SERVICE (C24)

Formal approval was sought to the formation of a shared service with Harborough District Council and North West Leicestershire District Council and the entering into further formal consultation on this proposal with trade unions and staff. Members were advised that a decision on the proposed arrangements was required by 30 September 2010 and that the other two Council's had given their approval in the previous week.

Mr. Bray left the meeting at 6.48 p.m., returning at 6.49 p.m.

In commending this initiative to Members which the Executive Member for Finance emphasised, needed the endorsement of all three Councils it was moved by Mr. Lynch, seconded by Mr. Bray and

RESOLVED –

- (i) subject to consultation with staff and unions the formation of a proposed shared service for Revenues and Benefits with Harborough District Council and North West Leicestershire District Council be approved;
- (ii) the proposed staffing structure (appendix E to the report of the Chief Officer, Transformation) subject to consultation with staff and union be noted;
- (iii) the government's arrangements for the proposed partnership, which would be a joint committee, with a lead authority within 12 months of commencement of a shared service (appendix G to report indicates options) be agreed;
- (iv) the location of the proposed partnership at the Atkins Building in Hinckley be confirmed; and
- (v) Hinckley and Bosworth Borough Council's Contract Procedure Rules be utilised for the proposed partnership until agreement is reached on the Lead Authority.

253 PLANNING COMMITTEE MEETINGS – RESCHEDULING

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

RESOLVED – in order to allow for site visits on the preceding days the Planning Committee meetings scheduled for 4 January and 26 April 2011 be now held on 5 January and 27 April, respectively.

(i) From Mrs. J. Richards

"There is growing evidence suggesting that the proliferation and accessibility of sexualised content may be jeopardising the mental and physical well-being of young people in the UK and that this sexualisation of children has further serious cultural and social implications.

The indiscriminate availability of sexualised images via the Internet, email accounts and mobile phones together with the messages sent out by the marketing of some children's toys, computer games and clothing indicate a wider culture of confusion within society about these matters.

As Hinckley & Bosworth works to support the Every Child Matters Agenda this Council moves that in partnership with Government and other appropriate agencies there should be national campaigns of education and awareness directed at this issue in order to assist parents in combating the associated problems."

Messrs. Nichols and Smith left the meeting at 6.54 p.m., returning at 6.57 p.m.

On a show of hands it was unanimously agreed that the aforementioned motion from Mrs. Richards, seconded by Mr. Ladkin, be supported.

(ii) From Mr. S.L. Bray

"This Council notes with deep anger the recent planning inspector's decision for the London Road, Markfield site.

The Council resolves to express its dissatisfaction and anger with the decision to the Secretary of State and urges him to overturn the decision."

Circulated at the meeting and as included on the supplementary agenda was an amendment by Mr. Lay to that printed on the main agenda, namely that an additional paragraph be added to Mr Bray's Motion, as follows:

'Further the Council will seek leave to a judicial review of the decision in order to protect the interests of the residents not just of Markfield but the wider Borough'.

Mr. Lay outlined the reason for this amendment, namely that housing numbers were of concern, there was a requirement to protect communities and a need for a judicial review in an attempt to determine whether the inspector had acted incorrectly. Mr. Bray indicated that he was happy to accept this, subject to the words 'subject to sound legal advice' being inserted after the words 'decision' in the first line of the amendment'. Following

clarification from Mr. Bray that such advice would be sought from both within the Council and externally Mr. Lay indicated that he was happy to accept the addition of the reference to legal advice. The following amended motion was then put to the Council.

This Council notes with deep anger the recent planning inspector's decision for the London Road, Markfield site.

The Council resolves to express its dissatisfaction and anger with the decision to the secretary of State and urges him to overturn the decision.

Further, Council will seek leave to pursue a judicial review of the decision subject to sound legal advice in order to protect the interests of the residents not just of Markfield but the wider Borough'.

It was unanimously agreed, by means of a show of hands, that subject to the addition to the first line of Mr Lay's amendment the Motion proposed by Mr. Bray and seconded by Mr. Crooks be fully supported.

(iii) From Mr. J.C. Bown

"Hinckley and Bosworth Borough Council request that the National Westminster Bank in Earl Shilton remains open 5 days a week, as the only high street bank trading in the town.

They have announced that they only intend to trade 3 days a week, 12 hours per week from October 10.

How can we regenerate the town with 2,000 new houses planned for the future town need? These hours are inadequate a facility. I urge the Council to write and meet with the area manager of the bank to try and reinstate a full banking service to Earl Shilton".

A question followed from Mr. Lynch as to who would action this, since Members were fully supportive of making representations against the proposed reduction in banking hours. It was agreed that the Chief Executive convey the views of the Council, as appropriate. On a show of hands it was unanimously agreed that the aforementioned Motion from Mr. Bown, seconded by Mr. Lay, be supported.

The meeting closed at 7.34 pm

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

16 SEPTEMBER 2010 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, Mr DM Gould, Mrs A Hall, Mr DW Inman, Mr CG Joyce, Mr C Ladkin, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

In accordance with Council Procedure Rule 4.4 Mr WJ Crooks also attended the meeting.

Officers in attendance: Mr Michael Brymer, Mr B Cullen, Miss L Horton, Mrs B Imison, Miss R Owen, Mrs S Stacey and Mr S Wood.

204 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mr Nichols.

205 **MINUTES (SC29)**

RESOLVED – the minutes of the meeting held on 5 August 2010 be confirmed and signed by the Chairman.

In response to a Member's question with regard to minute 162 (Members' ICT), it was reported that this item had been discussed informally by the Executive, and a written response from that body was requested.

206 **ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES**

It was noted that due to the need to receive information on the proposed Shared Revenues and Benefits service before a decision being made by Council on 30 September, an additional item of business by way of a verbal presentation would be heard after item 5 on the agenda.

207 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

Mr Ladkin left the meeting at 6.35pm.

208 **SHARED REVENUES AND BENEFITS PROJECT**

Members received a verbal update on the project and heard that the

authorities involved would each be making a decision on the provision of a shared service by the end of September. It was reported that the recent information in the press with regard to job losses was misleading and that any reduction in the number of staff would be via voluntary redundancy or natural turnover.

Mr Gould arrived at 6.42pm.

A Member expressed concern about the savings when offset against the relocation cost of staff from three authorities moving into the Atkins Building, and it was noted that relocation costs had already been included in future budgets as part of the council offices relocation.

Mr Ladkin returned at 6.47pm.

209 BARWELL AND EARL SHILTON SUSTAINABLE URBAN EXTENSION MASTERPLAN (SC32)

Members were presented with a report which informed them of progress of the Barwell & Earl Shilton Sustainable Urban Extension (SUE) Masterplan. A Member asked if there had been a change in the number of houses planned for Earl Shilton, and in response it was noted that it stood at 1600 units but this might change depending on the outcome of the employment study and also on Severn Trent's plans with regard to disposal of the works site.

Concern was expressed about the employment study and that the SUE wouldn't be sustainable if there were no additional jobs provided. It was also requested that discussion be held with local Members to ensure local housing needs were met.

210 RURAL AREAS REVIEW: TRACKING OF PREVIOUS RECOMMENDATIONS – LDF IN RURAL AREAS

Further to the recommendation made at the meeting of the Scrutiny Commission on 20 May 2010, Members were presented with a suggested scope for the Task and Finish Group to look at Planning Policy impacts on rural affairs. It was agreed that this should include:

- Farm diversification;
- Affordable housing;
- Rural transport;
- Rural services;
- Employment provision;
- Support of the agricultural economy;
- Safeguarding the character of rural areas;
- Gypsies and travellers;
- Status of hamlets.

Members were asked to contact the Democratic Services Officer if they wished to be on the Group.

211 HOUSING STRATEGY 2010-2013 (SC30)

Members received a report on the adoption of the Housing Strategy 2010 – 2013 which was considered by the Executive on 8 September.

Concern was expressed that local Members needed to be involved in assessing housing need and that opportunities to increase housing stock should be considered.

With regard to housing repairs, it was reported that due to an underspend the capacity for disabled adaptations had doubled and as a result the backlog would have been cleared by the end of September. This was highlighted as a success of the Commission and was noted for inclusion in the Overview & Scrutiny Annual Report.

212 SCRUTINY REVIEW: REGISTERED SOCIAL LANDLORDS – TRACKING OF IMPLEMENTATION OF RECOMMENDATIONS

It was reported that Registered Social Landlords (RSLs) in the Hinckley & Bosworth area had been contacted and informed of the recommendations of the Scrutiny Commission's recent review and had been invited to a meeting in November to discuss how these recommendations could be implemented.

Mr Inman left the meeting at 7.25pm.

A Member highlighted a problem with regard to social housing in that landowners were reluctant to release land for that purpose as they were not able to act as a Registered Social Landlord so could not benefit from it. Officers agreed that this would be raised.

It was agreed that the outcome of the meeting with RSLs in November would be reported to the Scrutiny Commission.

Mrs Sprason left the meeting at 7.30pm.

213 UPDATE ON WINTER GRITTING REVIEW

Members were updated on the review into the winter gritting service which was being led by Leicestershire County Council with the input of officers from districts. A report had been considered by the County Council's Executive which recommended formalising arrangements so all agencies were aware who was responsible for gritting each area and for restocking salt bins. It was agreed that a further update would be brought to the next meeting of the Commission.

214 REVIEW OF WASTE COLLECTION SERVICES (SC31)

The Scrutiny Commission received a report which demonstrated how value for money had been achieved in Street Scene Services and outlined future developments in the waste collection service.

Mr Inman returned at 7.35pm.

Members congratulated all employees of the service for their hard work and for delivering a service which demonstrated excellent value for money. It was suggested that this be publicised. The street cleaning service was praised but it was requested that more work be done on educating people not to drop litter. It was agreed that an article be included in the Borough Bulletin to highlight the cost of a fixed penalty notice for litter and dog fouling and the warn people of the enforcement powers.

Mr Bannister left at 8.00pm.

Concern was expressed with regard to inadequate bin storage as part of new developments, and in response it was reported that the service was working closely with Planners on this.

RESOLVED –

- (i) a letter of congratulations be sent to all staff in the service;
- (ii) the value for money aspect of the service be publicised;
- (iii) an article on enforcement be published in the Borough Bulletin.

215 SCRUTINY REVIEW: TRANSPORT – SCOPING OF REVIEW (SC33)

Members received a report which provided a basis for scoping the review into transport. An end date for the review was agreed as 10 March 2011 and it was agreed that a working group be set up to look at the following:

- Town Centre Infrastructure (based on White Young Green's report);
- Sustainable Urban Extensions;
- Residential developments;
- Rural areas;
- Sustainable transport (including cycling);
- Public transport (including bus services).

It was felt that this work should feed into the Local Transport Plan (LTP3).

Members were asked to contact the Democratic Services Officer if they wished to be part of the working group.

RESOLVED –

- (i) a working group be set up to undertake the review;
- (ii) suitable external support be identified and the scrutiny budget be utilised for this;
- (iii) a timetable for the review be agreed at the next meeting of the Commission.

216 MEMBER DEVELOPMENT – ANNUAL REVIEW (SC34)

Members received an update on Member Development activity over the last 12 months and planned activities for the coming year. In addition to the activities outlined in the report, Members were reminded that the Leicestershire and Rutland Improvement Partnership had been a finalist for an MJ Award in the 'Councillor Development Achievement of the Year' category.

With regard to the 2011 Member Induction programme, a Member expressed concern with regard to the timing of training events. In response it was anticipated that the majority of events would take place in an evening, but also that candidates would be informed of dates and times when their nomination was received to allow them to plan for attendance at the event around other commitments.

217 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC35)

Members received the Work Programme for 2010/11. The following additions were agreed:

- Review of progress of Voluntary Action Hinckley & Bosworth;
- Update from the civic facilities working group.

RESOLVED – the work programme be agreed with the abovementioned inclusions and any additions agreed at this meeting.

218 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC36)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

219 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Council Services Select Committee, 29 July 2010 (SC37);
- (ii) Finance & Audit Services Select Committee, 2 August 2010 (SC38).

(The meeting closed at 8.20 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

28 OCTOBER 2010 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, Mr DM Gould, Mrs A Hall, Mr DW Inman, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Mr S Atkinson, Mr Michael Brymer, Mr M Evans, Mr S Kohli, Mr P Langham, Miss R Owen, Mrs S Stacey and Ms J Sturley.

277 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Messrs Joyce and Ladkin.

278 **MINUTES (SC39)**

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

RESOLVED – the minutes of the meeting held on 16 September 2010 be confirmed and signed by the Chairman.

279 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

280 **UPDATE ON WINTER GRITTING REVIEW (SC40)**

Members were provided with an update on the joint plans for winter gritting arrangements within the Borough of Hinckley and Bosworth for the financial year 2010/11.

It was explained that if there was availability amongst internal teams, HBBC would act as agent for the service, but responsibility for gritting would remain with Leicestershire County Council. It was believed that the county council would be meeting with parish council representatives to prioritise routes, and Members asked to see the list of these, but those Members who were also parish councillors expressed concern that the meetings had not taken place. It was requested that the county council be formally requested to hold these meetings as soon as possible, which the Chief Executive agreed to do.

RESOLVED –

- (i) a list of prioritised gritting routes be provided to Members;
- (ii) concerns with regard to the delay in contacting parish councils be communicated to Leicestershire County Council.

281 COMMUNITY SAFETY PARTNERSHIP (SC41)

The Scrutiny Commission was updated on the performance of the Community Safety Partnership, and current challenges and successes. It was noted that there had been an overall reduction in crime and several successful antisocial behaviour interventions had been carried out.

Current challenges included dealing with the usual pre-Christmas increase in burglary and theft, increasing public satisfaction, and the possible decrease or end of the area based grant and police funding. Successes of the partnership were highlighted as the reduction in crime and antisocial behaviour, the publication of antisocial behaviour minimum standards within the set timescales, improving internal procedures for dealing with antisocial behaviour, the continuation of the multi-agency action group (Joint Action Group), the forthcoming campaigns, the new communications strategy, youth projects and sessions in schools.

A Member stated that representatives of the partnership attended his local community safety forum, and suggested that other local forums may wish to extend an invitation. The Chief Officer (Housing, Community Safety & Partnerships) agreed to discuss this suggestion with the Executive Board.

In response to a Member's question, it was stated that the possible impact of budget cuts on local service and in particular PCSOs was not known.

282 HANSOM CAB / TANTIVY STAGECOACH UPDATED (SC42)

Further to a request of the Chairman and Vice-Chairmen, a report was provided which advised Members of the current condition of the Hansom Cab and Tantivy Stagecoach which were kept at the Hinckley Island Hotel. It was reported that whilst the current accommodation was in need of some repairs, the vehicles were in good condition and had deteriorated very little since the previous inspection.

Members discussed a few options for re-siting the vehicles but felt that they could not discuss properly without knowing possible costs of moving, restoration and providing a suitable building. These details were requested for circulation. However it was also noted that the current location was suitable and should not be changed at this time.

Mr Nichols left the meeting at 7.51pm.

283 WEST LEICESTERSHIRE AND NORTHERN WARWICKSHIRE CROSS-BORDER DELIVERY PARTNERSHIP (SC43)

The Scrutiny Commission received a report which informed Members of a proposal that had been submitted to Government in respect of a partnership for the development and delivery of cross-border enterprise activity covering the areas of Hinckley & Bosworth, Nuneaton & Bedworth and North Warwickshire. It was reported that notification had now been received that of the 56 proposals for Local Enterprise Partnerships, 24 had been agreed, including Leicester & Leicestershire and Coventry & Warwickshire. A letter had also been received acknowledging and welcoming the proposal for a cross-border delivery partnership and offering support in developing plans for this.

Members were very supportive of a cross-border partnership and the opportunity to break down barriers with neighbouring authorities in the West Midlands.

Mr Nichols returned to the meeting at 7.58pm.

284 MEMBERS' ICT

The Scrutiny Commission was informed of the discussion held by members of the Executive on 19 August in response to the Commission's recommendation for the future of the Members' ICT project. It was reported that the Executive felt that the project be allowed to continue and the decision for future roll-out of IT equipment be revisited at the first Council meeting after May 2011.

285 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC44)

Members received the Work Programme for 2010/11. An update was provided on the two working groups that were currently being set up, and additional members were requested for the Public Transport working group. It was agreed that the timetable for the review would be added into the work programme after the first meeting of the working group. Reports on the Atkins development, Greenfields and the Comprehensive Spending Review were also agreed for the following meeting.

RESOLVED – the work programme be agreed with the abovementioned inclusions.

286 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC45)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

287 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Finance & Audit Services Select Committee, 20 September 2010 (SC46);
- (ii) Council Services Select Committee, 30 September 2010 (SC47).

(The meeting closed at 8.07 pm)

REPORT OF YOUTH COUNCIL

RE: YOUTH COUNCIL ACHIEVEMENTS

INTRODUCTION

To inform officers and members of Hinckley and Bosworth Youth Council's annual achievements.

Over the past year the Hinckley and Bosworth Youth Council have continued to work with and for the young people from our Borough. We have worked towards many of our objectives set out by the young people of Hinckley and Bosworth from both our Conference this year and last. In this report we will set out to show you our main achievements of the year.

SUMMARY OF ACHIEVEMENTS

- Last December we were lucky enough to be given the opportunity to run an Ice Rink in the Hinckley town centre. Citizens of all ages came to use the facility, donating 50p each admission for charity. From the donations, a total of £690.52 was raised and 50% was donated to the Help Haiti Charity, and the other half went to the Air Ambulance, the Mayor's chosen charity at the time.

Another purpose of the ice rink was to raise awareness of crime and age barriers. Volunteers from HBYC were situated in and around Hinckley town centre, with keyrings and badges. These young people stopped passers-by and offered them these freebies. The badges said "talk to me", and the idea behind this was to try and encourage older and younger members of the public to break down barriers and talk!

- During January we were also involved in a consultation regarding "Access to Services" where we discussed future options from a young person's perspective on services such as libraries, Connexions and the emergency services. We were also able to help widen the consultation group of young people by adding the internet questionnaire to the Jitty website.
- Also during January we took part in our annual team building Residential, this year at Lea Green. It was a particularly productive year, with each subgroup putting together presentations of their aims for the year and bidding for part of our budget to put their plans into actions. (More information about the subgroups below). We also were able to welcome new members into the group and improve our team work during this weekend. A group of HBYC members one evening spent a lot of time learning about where we fit into the Borough Council, learning about the way the Council is run and what we would like to see in the future in terms of the way we work together.

- We have continued to run Teen Nights at Elements Night Club which provides a safe and alcohol-free evening for young people to get involved with. This has proved very popular and we now have over 500 young people attending.
- Our Annual General Meeting was held in March where our new Executive Committee was elected, details of which can be found at www.thejitty.com/hbyc.
- Youth council representatives also assisted with the council-run Playday in the summer. We helped run a variety of activities, such as face-painting, den-building and the water slide, and enjoyed it just as much as the children and young people actually attending the day! We also helped with both setting up and clearing away the materials needed for the day.
- Four youth council representatives (Cassie Shilladay, Luke Mawhinney, Xavier Kirkcaldy and Libby Bonner) were involved in this year's European Project, which ran from the 13th to the 21st July. The European Project aims to bring together young people of different nationalities to improve inter-country co-ordination and co-operation. This year it was located in Laatzen, Germany, near Hanover. It was an amazing experience for all involved and has created lasting friendships with people from Poland, Germany, Israel and France. During the trip they had a chance to visit Berlin, Hanover and Laatzen, sample local cuisine and learn lots about all the different nationalities involved. The trip greatly improved most people's communication skills and confidence.
- Our Annual "Voice of Young People" Conference was held this year at the new venue the "Hinckley Club for Young People". We had a fantastic day which was extremely effective in setting forward our targets for the next year. We held workshops on the priorities set by young people in last year's Conference which were, "Drugs and Alcohol Awareness", "Traveller Awareness" (which was linked with information about the new Hate Monitoring System) and "Young People and the Media", where young people explored ways they could do positive things to be reported on instead of complaining about the negative view of young people today.

We were very pleased to be able to hold our Conference at the new HC4YP and were able to help advertise this fantastic new space by being the first group to hold an event there, particularly with so many young people from the surrounding areas.

During the Conference we also set our three main priorities for the coming year, which will become our new subgroups. These were voted for by the approximately 100 young people present at the conference and came out as:

- Antibullying and Stereotyping – we are already in the process of running a Creative Writing Competition on the subject of bullying for years 8 & 9 to raise awareness of the subject and get young people talking about it.
- Safety on the Streets – to work towards alternatives for young people drinking in parks/hanging around on the streets. Suggestions have already included more targeted nights at Elements clubs and a video to raise awareness about how to stay safe.

- New Facilities and Cheaper things to do – to include working towards getting a replacement hoist at the Leisure Centre.

We will work towards these aims and have formed our subgroups accordingly for this year.

We hope to continue to work with you to collect the views of the young people of Hinckley and Bosworth and improve life for them and adults alike in and around the town in every way we can!

Background papers:None

Report written by: Chloe Thompson - Chair of the Youth Council
Cassie Shilladay - Vice Chair

Contact Officer: Rebecca Ball, Children & Young People's Strategic Co-ordinator,
Ext. 5937.

Executive Member: Councillor Wendy Moore

COUNCIL 7 DECEMBER 2010

REPORT OF THE MONITORING OFFICER

RE: Local Government and Public Involvement in Health Act 2007 – New Governance Arrangements

1. PURPOSE OF REPORT

To seek formal adoption of the Elected Leader and Cabinet model of governance arrangements as required by the Local Government and Public Involvement in Health Act 2007.

2. RECOMMENDATION

- (i) That Council formally adopt the Elected Leader and Cabinet Executive Model
- (ii) That Council agree to the amendments of the Constitution to give effect to this change, which will come into effect from the next local election in May 2011.

3. BACKGROUND TO THE REPORT

- 3.1 Hinckley and Bosworth Borough Council is subject to the provisions of the Local Government and Public Involvement in Health Act 2007. A provision of that Act is that the Council has to decide which leadership model it wants to introduce, The Council must resolve this by 31 December 2010 and it will take effect following the next Council elections in May 2011.
- 3.2 The Local Government Act 2000 allowed the Council to choose one of three forms of Executive arrangements:
 - A) A Mayor and Cabinet Executive
 - B) A Leader and Cabinet Executive, or
 - C) A Mayor and Council Management Executive
- 3.3 This Council adopted the Leader and Cabinet Executive model.
- 3.4 The 2007 Act has amended the 2000 Act by narrowing the choices available to two (either A or B), with (B) being described as “Elected leader and Cabinet Executive”.
- 3.5 Whilst we already have a Leader and Cabinet Executive model, the form of the model has changed in three key aspects by the 2007 Act and as such in order to comply with the legislation, the Council will need to adopt a form of governance arrangements by 31 December 2010 even if it is to adopt the Leader and Cabinet Executive Model.

- 3.6 In August 2010, the Executive agreed the preferred model as the new style Elected Leader and Cabinet model and to a period of Consultation with the public. The Consultation involved an online “Tell us what you think” style consultation.
- 3.7 The Consultation ended on 30th October 2010 and seven (7) responses were received, of those responses, five (5) indicated that they supported the new Elected Leader Cabinet Executive model, none (0) of them supported the alternative Mayoral option and two (2) submitted responses with no indication as to their preference.
- 3.8 The three key changes to our current model and those which will require amendments to the Constitution are
1. An amendment to the Leaders term of Office (to the first annual meeting after the Leaders normal day of retirement as a Councillor)
 2. Limiting the reasons as to when the Leader would cease to be the Leader of the Council to death, disqualification and removal by resolution by the Council.
 3. The role and powers of the Deputy Leader (that in the absence of the leader the statutory functions of leader in addition to the portfolio functions are transferred to the Deputy.)
- 3.9 There has been some speculation that the Government may legislate for Councils not to proceed with changes to their governance arrangements. However, no formal announcements of any changes have been made and an Act of Parliament will be required to repeal the provisions of the 2007 Act. It is therefore necessary, in order to comply with the legislation to resolve to adopt the new form of governance arrangements by 31st December 2010.

4. **FINANCIAL IMPLICATIONS [DB]**

There are none arising from this report.

5. **LEGAL IMPLICATIONS (LH)**

The local Government and Public Involvement in Health Act 2007 requires every authority which operates a Leader and Cabinet model of Executive to change its executive arrangements in accordance with a Statutory timetable.

6. **CORPORATE PLAN IMPLICATIONS**

Governance arrangements and compliance with legislation promotes accountability and transparency of the decision making process in local government and contributes to the aim of Strong and Distinctive Communities.

7. **CONSULTATION**

SLB, Executive and the Public.

8. **RISK IMPLICATIONS**

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to adopt the governance arrangement by 31 December 2010 may lead to the change being imposed.	Ensure that a proportionate consultation is undertaken and that the Council resolve to adopt the preferred model by 31 December 2010	Louisa Horton

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

There are no adverse implications on any sector of the community.

10. **CORPORATE IMPLICATIONS**

- None

Background papers: Local Government Act 2000, Local Government and Involvement in Health Act 2007 and letter from Communities and Local Government.

Contact Officer: Louisa Horton

Executive Member: Councillor Don Wright

ss/41C07Dec10

COUNCIL - 7 DECEMBER 2010

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
RE: PRUDENTIAL CODE AND TREASURY MANAGEMENT ANNUAL REPORT
2009/10

1. PURPOSE OF REPORT

The annual treasury report is a requirement of the Council's reporting procedures. It covers the treasury activity during 2009/10 and the actual Prudential Indicators for 2009/10.

The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. During 2009/10 the minimum reporting requirements were that the Council receive an annual treasury strategy in advance of the year and an annual report following the year describing the activity compared to the strategy (this report). In the future the Council will also receive a mid year treasury report following regulatory changes.

The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

2. RECOMMENDATION

1. Approve the actual 2009/10 prudential indicators within the report.
2. Note the treasury management stewardship report for 2009/10.

3. BACKGROUND TO THE REPORT

1. Introduction

1.1. This report summarises:

- the capital activity during the year
- what resources the Council applied to pay for this activity;
- the impact of this activity on the Council's underlying indebtedness (the Capital Financing Requirement);
- the reporting of the required prudential indicators;
- overall treasury position identifying how the Council has borrowed in relation to this indebtedness, and the impact on investment balances;
- a summary of interest rate movements in the year;
- the detailed debt activity; and
- the detailed investment activity.

2. The Council's Capital Expenditure and Financing 2009/10

2.1. The Council undertakes capital expenditure on long term assets. These activities may either be:

- Financed immediately through the application of capital or revenue resources (capital receipts, capital grants, revenue contributions etc.), which has no resultant impact on the Council's borrowing need; or
- If insufficient financing is available, or a decision is taken not to apply resources, the capital expenditure will give rise to a borrowing need.

2.2. The actual capital expenditure forms one of the required prudential indicators. The table below shows the actual capital expenditure and how this was financed.

£'000	2008/09 Actual	2009/10 Estimate	2009/10 Actual
Non-HRA capital expenditure	4,192	9,197	7,687
HRA capital expenditure	2,523	2,698	2,264
Total capital expenditure	6,715	11,895	9,951
Resourced by:			
Capital receipts	1,756	4,099	2,110
Capital grants	2,173	4,669	4,273
Revenue	1,996	2,294	2,391
Unfinanced capital expenditure	790	833	1,177

3. The Council's Overall Borrowing Need

3.1. The Council's underlying need to borrow is called the Capital Financing Requirement (CFR). This figure is a gauge of the Council's debt position. It represents 2009/10 and prior years' net capital expenditure which has not yet been paid for by revenue or other resources.

3.2. Part of the Council's treasury activities is to address this borrowing need, either through borrowing from external bodies, or utilising temporary cash resources within the Council.

3.3. **Reducing the CFR** – Whilst under treasury management arrangements actual debt can be borrowed or repaid at any time within the confines of the annual treasury strategy, the Council is required to make an annual revenue charge to reduce the CFR – effectively a repayment of the Non-Housing Revenue Account

(HRA) borrowing need. There is no statutory requirement to reduce the HRA CFR.

- 3.4. This statutory revenue charge is called the Minimum Revenue Provision - MRP. The total CFR can also be reduced by:
- the application of additional capital resources (such as unapplied capital receipts); or
 - charging more than the statutory revenue charge (MRP) each year through a Voluntary Revenue Provision (VRP).
- 3.5. the Council's 2009/10 MRP Policy (as required by CLG Guidance) was approved on 7 April 2009.
- 3.6. The Council's CFR for the year is shown below, and represents a key prudential indicator.

CFR (£'000)	31 March 2009 Actual	31 March 2010 Original Indicator	31 March 2010 Actual
Opening balance	11,436	11,737	11,863
Add unfinanced capital expenditure (as above)	790	833	1,177
Less MRP	363	409	437
Closing balance	11,863	12,161	12,603

4. Treasury Position at 31 March 2010

- 4.1. Whilst the Council's gauge of its underlying need to borrow is the CFR, the Deputy Chief Executive (Corporate Direction) can manage the Council's actual borrowing position by either:
- borrowing to the CFR; or
 - choosing to utilise some temporary internal cash flow funds in lieu of borrowing (under-borrowing); or
 - borrowing for future increases in the CFR (borrowing in advance of need).
- 4.2. The figures in this report are based on the principal amounts borrowed and invested and so may differ from those in the final accounts by items such as accrued interest.
- 4.3. During 2009/10 the Deputy Chief Executive (Corporate Direction) managed the debt position to ensure that sufficient cash liquidity was available and to minimise external interest payments, and the

treasury position at the 31 March 2010 compared with the previous year was:

Actual borrowing position	31 March 2009		31 March 2010	
	Principal	Average Rate	Principal	Average Rate
Fixed Interest Rate Debt	£3.3m	4.55%	£4.3m	3.93%
Variable Interest Rate Debt	£0m	n/a	£0m	n/a
Total Debt	£3.3m	4.55%	£4.3m	3.93%
Capital Requirement	11.863		12.603	
Over/(Under) borrowing	(8.563)		(8.303)	
Investment position	31 March 2009		31 March 2010	
	Principal	Average Rate	Principal	Average Rate
Fixed Interest Investments	£4.5m	5.4%	£4.15m	1.49%
Variable Interest Investments	£0m	n/a	£0m	n/a
Total Investments	£4.5m	5.4%	£4.15m	1.49%
Net borrowing position	-£1.2m		£0.150m	

5. Prudential Indicators and Compliance Issues

5.1. Some of the prudential indicators provide either an overview or specific limits on treasury activity. These are shown below:

5.2. **Net Borrowing and the CFR** - In order to ensure that borrowing levels are prudent over the medium term the Council's external borrowing, net of investments, must only be for a capital purpose. Net borrowing should not therefore, except in the short term, have exceeded the CFR for 2008/09 plus the expected changes to the CFR over 2009/10 and 2010/11. The table below highlights the Council's net borrowing position against the CFR. The Council has complied with this prudential indicator.

	31 March 2009 Actual	31 March 2010 Original Indicator	31 March 2010 Actual
Net borrowing position	-£1.2m	£3.3m	£0.15m
CFR	£11.863m	£12.161m	£12.603m

e Authorised Limit - The Authorised Limit is the “Affordable Borrowing Limit” required by s3 of the Local Government Act 2003. The Council does not have the power to borrow above this level. The table below demonstrates that during 2009/10 the Council has maintained gross borrowing within its Authorised Limit.

5.4. **The Operational Boundary** – The Operational Boundary is the expected borrowing position of the Council during the year. Periods where the actual position is either below or over the Boundary is acceptable subject to the Authorised Limit not being breached.

5.5. **Actual financing costs as a proportion of net revenue stream** - This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

	2009/10
Authorised Limit	£16.289m
Maximum gross borrowing position	£4.3m
Operational Boundary	£12.161m
Average gross borrowing position	£3.466m
Financing costs as a proportion of net revenue stream	3.21%

6. Economic Background for 2009/10

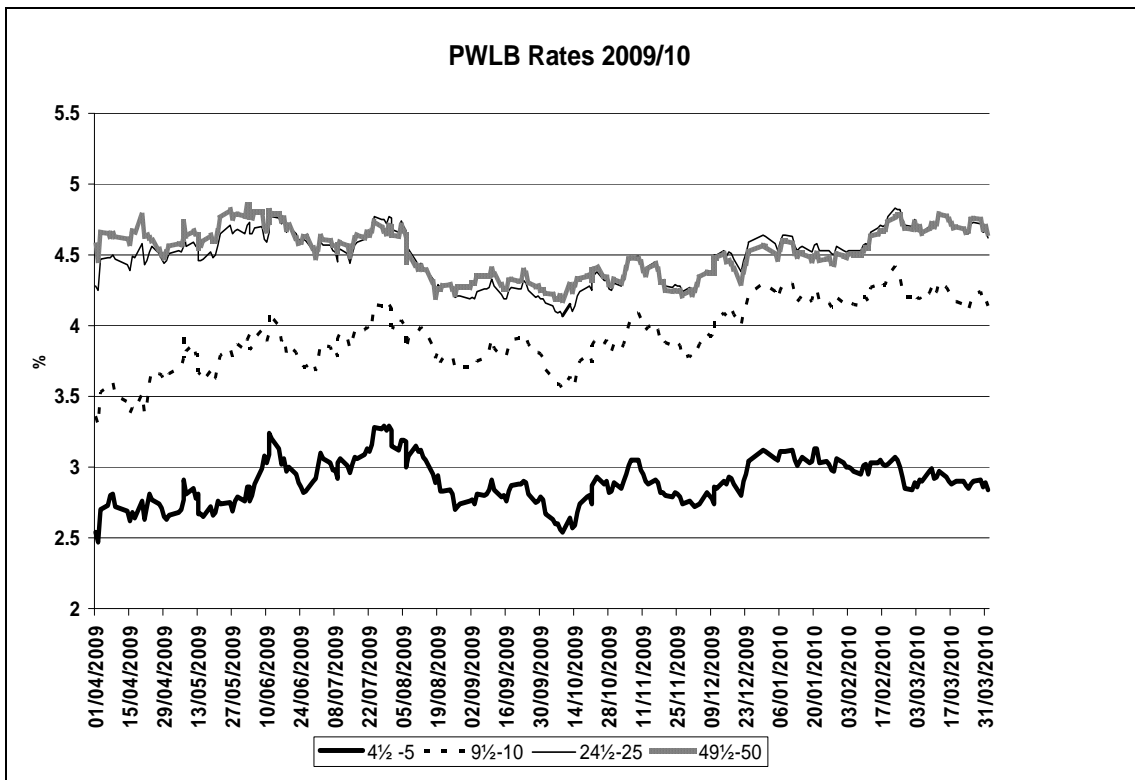
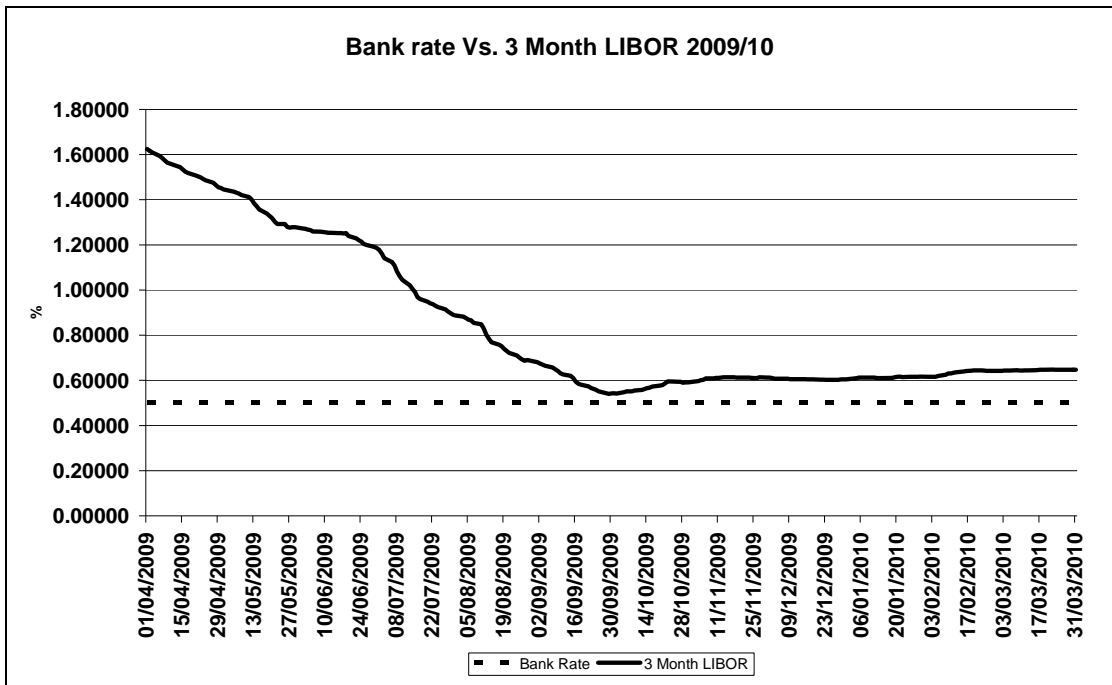
6.1. Financial markets entered calmer waters in the early stages of the 2009/10 financial year as the worst fears of global depression and bank meltdown subsided. Nevertheless, while economies showed tentative signs of stabilising, a return to a positive growth path was still considered to be a long way off. Indeed, UK GDP data for the first half of 2009 registered its sharpest fall for over 20 years.

6.2. It was not until the summer months that economic performances began to stage a welcome improvement. Fear of a collapse of another leading financial institution lessened markedly and this was reflected in the more ‘normal’ behaviour of money market rates. That said, banking sectors in most countries were far from trouble free; asset write downs persisted, minor US banks continued to fail and the troubles of a number of building societies continued to make the headlines.

6.3. The UK economy continued to post a mixed performance and it was far from clear how far down the road to recovery it had travelled. The low point of the business cycle was passed during the third quarter of the year but the return to positive growth proved

stubborn; for the UK this would not materialise until the fourth quarter of 2009.

- 6.4. Industrial production was one of the buoyant areas of the economy, although it was far from consistent. The main area of uncertainty remained consumer spending. This key driver of economic activity was hampered by the household sector's striving to reduce its heavily indebted position. This, along with the continued deterioration in the employment situation and the weakness of earnings growth served as further deterrents to spending.
- 6.5. The bias of MPC decisions remained directed towards policy ease throughout the year. As official interest rates had been reduced to near-zero (0.5% Bank Rate) in March 2009, monetary relaxation took the form of the extension of the Quantitative Easing programme. The £125bn tranche sanctioned in March was followed by two further boosts, £50bn in August and £25bn in November.
- 6.6. The accommodative policy approach, coupled with dwindling fears of financial collapse, created an environment in which money market rates eased to yet lower levels. In addition to this, the margin between LIBOR and LIBID rates returned to a more normal position. This was a sign that banks were more comfortable about transacting business between each other but the availability of credit to a wider cross-section of the economy remained problematic through to year-end.
- 6.7. Long-term interest rates did not suffer from the massive gilt funding requirement created by the surge in the public sector deficit. The Quantitative Easing programme was the principal source of market support. The large-scale purchasing of stock that this element of monetary policy required meant the Bank of England was to absorb virtually all of the year's supply.
- 6.8. Nevertheless, the programme was not sufficient to drive yields below the low point seen immediately after the inauguration of the QE programme in March 2009. Long-term rates remained generally erratic, (frequently registering large intra-day movements), but fluctuated within a comparatively narrow range. Investors were happy to take advantage of the support they were receiving from official activity but behaved in a manner that suggested most believed it is only a matter of time before the good fortunes of the market would come to an end. Indeed, yields returned to a rising trend once QE drew to a close in January 2010.



7. The Strategy Agreed for 2009/10

7.1. The strategy provided for 2009/10 expected

Investments to

- Maintain security i.e. only invest in sound institutions for short periods
- Ensure liquidity is available
- Earn a reasonable rate of interest given constraints above

Borrowing

- To maintain long term liquidity
- To minimise additional interest charge

8. Actual debt management activity during 2009/10

8.1. **Borrowing** - Loans were drawn to fund the net capital spend and naturally maturing debt. The loans drawn were:

Lender	Principal	Type	Interest Rate	Maturity	Average for 2009/10
PWLB	£1m	Fixed interest rate	1.9%	3 years	1.9%

8.2. **Summary of Debt Transactions** – The overall position of the debt activity resulted in a fall in the average interest rate by 0.62%, representing a net General Fund savings of £26,000 p.a.

9. Investment Position

9.1. **Investment Policy** – The Council's investment policy is governed by CLG Guidance, which has been implemented in the annual investment strategy approved by Council on 7 April 2009. The investment activity during the year conformed to the approved strategy, and the Council had no liquidity difficulties.

9.2. **Resources** – The Council's longer term cash balances comprise primarily revenue and capital resources, although these will be influenced by cash flow considerations. The Council's core cash resources comprised as follows, and meet the expectations of the budget:

Balance Sheet Resources (£m)	31 March 2009	31 March 2010
Balances	3.159	3.461
Earmarked reserves	2.806	2.888
Provisions	0.157	0.412
Usable capital receipts	5.945	3.882
Total	12.067	10.643

- 9.3. **Investments Held by The Council** - The Council maintained an average balance of £8.495m of internally managed funds. The internally managed funds received an average return of 1.49%. The comparable performance indicator is the average 7-day LIBID rate, which was 0.368%.
- 9.4. The Economic Background for 2009/10 (see Section 6) set out the continuing difficulties in economic conditions during this period. As a result of the deterioration, interest rates remained at historic lows impacting adversely on investment returns. Concerns over the security of financial institutions continued, resulting in a defensive investment position. This increased counterparty credit risk resulted in the Council repaying debt which reduced investments. As a result the expected principal balances were not as high as originally forecast and a more defensive position reduced returns.

10. Performance Indicators set for 2009/10

- 10.1. This service has set the following performance indicators
- Investments – Internal returns above the 7 day LIBID rate
- 10.2. Security and liquidity benchmarks are being developed and introduced for 2010/11 and will be reported in the mid year monitoring and the annual stewardship reports in the future.

11. Regulatory Framework, Risk and Performance

- 11.1. The Council's treasury management activities are regulated by a variety of professional codes and statutes and guidance:
- The Local Government Act 2003 (the Act), which provides the powers to borrow and invest as well as providing controls and limits on this activity;
 - The Act permits the Secretary of State to set limits either on the Council or nationally on all local authorities restricting the amount of borrowing which may be undertaken (although no restrictions were made in 2009/10);
 - Statutory Instrument (SI) 3146 2003, as amended, develops the controls and powers within the Act;
 - The SI requires the Council to undertake any borrowing activity with regard to the CIPFA Prudential Code for Capital Finance in Local Authorities;
 - The SI also requires the Council to operate the overall treasury function with regard to the CIPFA Code of Practice for Treasury Management in the Public Services;
 - Under the Act the CLG has issued Investment Guidance to structure and regulate the Council's investment activities.

- Under section 238(2) of the Local Government and Public Involvement in Health Act 2007 the Secretary of State has taken powers to issue guidance on accounting practices. Guidance on Minimum Revenue Provision was issued under this section on 8th November 2007.

11.2. The Council has complied with all of the above relevant statutory and regulatory requirements which require the Council to identify and, where possible, quantify the levels of risk associated with its treasury management activities. In particular its adoption and implementation of both the Prudential Code and the Code of Practice for Treasury Management means both that its capital expenditure is prudent, affordable and sustainable, and its treasury practices demonstrate a low risk approach.

4. FINANCIAL IMPLICATIONS (DB)

There are none arising directly from this report

5. LEGAL IMPLICATIONS (AB)

Contained in the body of the report.

6. CORPORATE PLAN IMPLICATIONS

This report contributes to all aims in the Corporate Plan

7. CONSULTATION

None

8. RISK IMPLICATIONS

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None		

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

There are none arising directly from this report

10. CORPORATE IMPLICATIONS

By submitting this report, the report author has taken the following into account:
[if you require assistance in assessing these implications, please contact the person noted in parenthesis beside the item]

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: Authority Financials ledger prints, Outturn reports

Contact Officer: David Bunker, Accountancy Manager ext 5609

Executive Member: Cllr K W P Lynch

COUNCIL 7 DECEMBER 2010

REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
RE-ALLOCATION FLEXIBLE WORKING CAPITAL BUDGETS

1 PURPOSE OF REPORT

To seek approval to transfer the Flexible Working capital budget to other capital projects. Flexible Working project was completed on 30 September 2010 and as part of the project closure, the Project Executive and the Project Board had agreed to transfer budgets that are earmarked for the following capital projects:

- Transformation
- Shared Revenues and Benefits
- Relocation (to Fludes site)

2 RECOMMENDATION

To approve the transfer of the unspent flexible working capital budget as agreed by the Board Executive and the Project Board to other ongoing capital projects. The total Capital budget available in 2009/10 financial year for the flexible working is £623,743. The amount allocated to the project by the project board is £187,288 for 2009/10 financial year. See budget analysis below:

TOTAL 2009/10 FLEXIBLE WORKING CAPITAL BUDGET	£623,743
LESS :	
FLEXIBLE WORKING EXPENDIURE/COMMITMENTS TO 30/09/2010	£187,288
UNSPENT BUDGET EARMARKED	£436,455

The budget earmarked for the move to the Atkins Building from Argents Mead was identified as a cost of £352,272 (£301,913 for furniture, data centre and contact centre) and (£50,359 for ICT costs such as connectivity lines between Argents Mead to Atkins/Carr House and Leisure Centre). As the move to Atkins building is only for the Revenues and Benefits staff and not all of the HBBC staff, it was agreed to move the budgets to the following capital projects which the Project Executive had agreed:

Revenues and Benefits staff move to Atkins Building (2010/11)	£35,142
Transformation (back scanning) (2010/11)	£49,041
Relocation to Fludes Site	£352,272
Total budget to be Reallocated to projects	£436,455

3 **BACKGROUND TO THE REPORT**

- 3.1 In 2009/10 financial year the flexible working project was started. There was £1million budget allocated to flexible working and during the life of the project senior management also decided to fund some of the ICT costs, data centre and furniture costs from the above £1million for the move to the Atkins building. As the move for HBBC Staff to the Atkins has not happened and instead will be relocating to the new Fludes site in the next 18 months, the budget of £352,272 to be transferred to the Relocation Project.
- 3.2 Due to the changes for HBBC staff not moving to the Atkins and only Revenue and Benefits staff moving, the cost for the move earmarked from flexible working be transferred to the Shared Revenues and Benefits Capital Project £35,142. This is to cover the relocation costs and new furniture.
- 3.3 There was also £65,490 earmarked to support EDMS for back scanning. At the end of the project the actual expenditure was £16,449 and the unspent budget of £49,041 was agreed to be transferred to the Transformation Project. The project manager for Transformation will be responsible for this budget.

The budget to Transformation and Shared Revenues and Benefits will be moved this financial year as the budget is committed to be spent in 2010/11. However the relocation budget will be included in the next capital programme for the relocation project for the Flude Site.

4 **FINANCIAL IMPLICATIONS (DMe)**

There are no additional costs to HBBC, but due to the value of the budgets to be transferred from existing capital budgets, these need approval in accordance with the Council's Financial Procedure Rules. As the flexible working project is now completed and the Project Executive has left the authority, she has agreed with the Deputy Chief Executive (Corporate Direction) for the budgets to be transferred from flexible working to the projects mentioned in this report.

5 **LEGAL IMPLICATIONS (AB)**

None raised directly by this report.

6 **CORPORATE PLAN IMPLICATIONS**

None attached with this report.

7 **CONSULTATION**

- Flexible Working Project Executive – Belle Imison
- Flexible Working Project Board
- Deputy Chief Executive (Corporate Direction)

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 these report/decisions were identified from this assessment:-

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Due to the value of the budgets the finance officer need to comply with financial procedure rules to move budgets to the correct project code	Ensure that orders and invoices are correctly charged to the relevant project code as identified	Finance Officer

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

None attached with this report.

10 **CORPORATE IMPLICATIONS**

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

- Information from Flexible working Project Executive and Board

Background papers: Working papers
Contact Officer: Daksha Mehta (Group Accountant) (ext 5710)
Executive Member: Cllr Keith Lynch

COUNCIL - 7 DECEMBER 2010

**REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
SHARED REVENUES AND BENEFITS PARTNERSHIP CAPITAL PROJECT
EXPENDITURE**

1 PURPOSE OF REPORT

To seek approval from Council for the capital expenditure required to bring the infrastructure of the shared Revenues and Benefits service to the required level in order to enable the three authorities to join together as a partnership. The three authorities are Hinckley & Bosworth Borough Council, Harborough District Council and North West Leicestershire District Council. Hinckley and Bosworth Borough Council is holding this funding on behalf of the partnership.

2 RECOMMENDATION

To approve the capital cost of the infrastructure enhancement for the three partners using one system as stated in paragraph 3.3 of the report.

3 BACKGROUND TO THE REPORT

3.1 In 2010/11 Hinckley & Bosworth Borough Councils Revenues and Benefits service formed a partnership with two other Leicestershire District Councils: Harborough and North West Leicestershire. As part of this partnership, all three partners agreed to procure one system and bring the infrastructure to one common standard to meet the service requirement. The capital costs attracted RIEP funding and partnership contributions.

3.2 Hinckley & Bosworth Borough Council holds this funding on behalf of the Partnership.

3.3 The capital cost of the infrastructure will be externally funded from Regional Improvement and Efficiency Partnership (RIEP) funding and also contributions from the three partners. An analysis of the ICT infrastructure and project costs are identified below together with the external funding and partnership contributions to support these costs:

ICT INFRASTRUCTURE AND PROJECT COSTS:

I.T Consultancy	£5,000
Legal Advice	£4,000
Staff Consultation Workshops	£2,000
Project Support	£29,450
I.T. Infrastructure costs	£337,000
I.T Contingency	£50,000
Accommodation Year 1 Lease deposit	£8,000
System contribution	£182,950
TOTAL CAPITAL BUDGET	£618,400

EXTERNAL RIEP FUNDING AND PARTNERSHIP CONTRIBUTIONS :

RIEP Funding	£453,000
RIEP Funding received 2009/10	£23,000
Contributions from Partnership:	
Hinckley & Bosworth BC	£28,200
North West Leicestershire	£35,000
Harborough District Council	£79,200
TOTAL FUNDING AVAILABLE	£618,400

- 3.4 There are further costs for the Hinckley & Bosworth Borough Council and benefit staff moving to the Atkins building and this is funded from the HBBC flexible/relocation capital budget. This is subject of a separate report on this agenda.
- 3.5 Relocation for the other two partnerships for furniture is funded from their own budgets and they have contributed £5,000 each to cover the costs for the furniture and hardware and this is fully paid by the two partners.
- 3.6 The costs of the infrastructure enhancement will be incurred during the first year of the partnership. The Partnership has appointed a consultant to provide project support and therefore have started to incur immediate costs
- 3.7 The partnership contribution will be funded from each of the three partnership authorities and this Council's share will be £28,200. This amount will not require an additional budget as it will be funded from the Benefits earmarked reserve
- 3.8 The cost of the infrastructure, once approved, will be a capital expenditure and will be built into the 2010/11 capital programme. This cost as set out above will be fully funded.

4 **FINANCIAL IMPLICATIONS (DMe)**

There are no additional costs to HBBC, but due to the total value of the budgets to be put on our financial ledger £618,400, approval is needed in accordance with the Council's Financial Procedure Rules. The project has started and the partnership has already received a significant part of the RIEP funding (£403,950) and has started to draw down on this funding.

5 **LEGAL IMPLICATIONS (AB)**

None raised directly by this report

6 **CORPORATE PLAN IMPLICATIONS**

None attached with this report.

7 **CONSULTATION**

- Project Lead Officer – Belle Imison
- Chief Executive and Sponsor – Steve Atkinson

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 these report/decisions were identified from this assessment:-

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Due to the value of the budgets the finance officer needs to comply with financial procedure rules to input budgets to the financial ledger	Ensure that orders and invoices are correctly charged to the relevant capital project code as identified	Finance Officer
Project going over budget	To be monitored by project support and project board.	Project Sponsor

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

None attached with this report.

10 **CORPORATE IMPLICATIONS**

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

- Information from Project Lead Officer (Belle Imison) and working papers provided at Meeting held on 28 October 2010 with the Chief Executive, Project Lead Officer, Finance Manager and Group Accountant.

Background papers: Working papers

Contact Officer: Daksha Mehta (Group Accountant) (ext 5710)

Executive Member: Cllr Keith Lynch

COUNCIL - 7 DECEMBER 2010

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY

1. PURPOSE OF REPORT

- 1.1 This report seeks approval of the Council for Hinckley & Bosworth Borough Councils' Statement of Licensing Policy 2010, required under section 5 of the Licensing Act 2003(The Act) and which must be published before 7 January 2011.

2. RECOMMENDATION

- 2.1 That the Council approve this revised Statement of Licensing Policy 2010 as set out in Appendix A of this report.

3. BACKGROUND TO THE REPORT

- 3.1 The Licensing Act 2003 (The Act) came into force on 24 November 2005, and has four main objectives:
- The prevention of crime and disorder
 - The prevention of public nuisance
 - Public safety
 - The protection of children from harm
- 3.2 The Act introduced a completely new licensing system that integrated liquor licences formally issued by the Magistrates Court, and public entertainment licences issued by local authorities into a single system that the Local Authority now administer.
- 3.3 Under the provisions of the Act the Council is the licensing authority for the administration and enforcement of licensing activities. The Council is responsible for the issue of all licences that include any form of regulated entertainment or alcohol.
- 3.4 Essentially there are four types of licence:
- a) A premises licence authorises licensable activities to take place at that premises. These are the sale of alcohol, the provision of regulated entertainment (including plays, films, indoor sporting events, music and dancing) and the provision of late night refreshment.
 - b) A personal licence authorises an individual to sell alcohol. A licence is valid for ten years and issued to applicants aged 18

years or over who hold a basic Criminal Records Bureau disclosure check and a recognised personal licence qualification.

- c) Temporary Events Notice (TEN) authorises licensable activities to take place on a premises for up to 12 occasions per year. This Notice applies to any premises or piece of land that does not hold a premises licence or club premises certificate or to a premises licence or club premises certificate that requires additional hours or activities for one-off events.
- d) A club premises certificate for qualifying clubs that are conducted in good faith and have a minimum of 25 members such as workingmen's clubs, cricket clubs, Ex-Servicemen's Clubs etc.

3.5 The Act removed set permitted hours and strengthened the power of the Police and other responsible authorities e.g. Trading Standards to deal with problems arising from licensed premises. Residents are now able to call for a review of Premises or Club Premises Licence if problems are encountered which may undermine the licensing objectives.

3.6 Section 5 of the Act requires that a licensing authority prepares and publishes a statement of Licensing Policy every three years. The purpose of the policy is to establish the framework for dealing with licence applications. This includes the principles that will be applied to ensure compliance with the Act. The statement of Licensing Policy must be published before the beginning of the period and a policy must be drawn up for each subsequent three-year period.

3.7 The original Statement of Licensing Policy was approved by the Council on 15th December 2004 and subsequently revised on 7th December 2007. The Borough Council's Statement of Licensing Policy is therefore due for renewal in keeping with the three yearly ruling.

3.8 Members may be aware that licensing officers from all Leicestershire Licensing Authorities meet bi-monthly to secure a co-ordinated approach to the legislation. Work has been undertaken by inter-authority groups to produce documents common to the districts and boroughs, which reflect the statutory guidance and recent changes to the law. The draft revised licensing statement reflects the co-operation between the Leicestershire authorities. Significant changes to the policy are shown in italics.

4. **FINANCIAL IMPLICATIONS [CB]**

4.1 There are no financial implications arising from this report.

5. **LEGAL IMPLICATIONS [MR]**

5.1 As set out in the report.

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

- 6.1 Objective 3 – Safer and Healthier Borough
- 6.2 The Licensing Authority is bound by the provisions of the Act, the statutory guidance issued by the Secretary of State and its own Statement of Licensing Policy in its administration of the licensing regime and in determining licensing issues. The integrity of the policy therefore has the potential to directly impact upon the Authority's determination of applications under the Act.

7. **CONSULTATION [MB]**

- 7.1 Before determining this Licensing Policy, the licensing authority consulted with the following persons listed in section 5(3) of the 2003 Act. These are:
 - (a) The chief officer of police for the area;
 - (b) The fire authority for the area;
 - (c) Persons/bodies representative of local holders of premises licences;
 - (d) Persons/bodies representative of local holders of club premises certificates;
 - (e) Persons/bodies representative of local holders of personal licences; and
 - (f) Persons/bodies representative of businesses and residents in its area.
- 7.2 For completeness the consultation responses are shown at Appendix B.

8. **RISK IMPLICATIONS [MB]**

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

Management of Significant Risks		
Risk Description	Mitigating actions	Owner
Failure to review and publish a revised Statement of Licensing policy would constitute a contravention of the Licensing Act 2003. In such circumstances, the Council would be open to challenge in not fulfilling its statutory licensing responsibilities.	Procedures have been put in place to ensure that the Statement of Licensing Policy is reviewed and subsequently published in accordance with the statutory timetable.	Mark Brymer

9. **RURAL IMPLICATIONS**

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

10. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications [SS] A robust policy will support and have a positive impact on supporting the reduction of alcohol related crime, disorder and anti-social behaviour in the Borough.

- Environmental Implications - None
- ICT Implications - None
- Asset Management Implications - None
- Human Resources Implications - None

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

Contact Officer: Mr. Mark Brymer ext. 5645

Executive Member: Councillor D.S. Cope



Hinckley & Bosworth
Borough Council

A Borough to be proud of

*Statement of
Licensing Policy*

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

STATEMENT OF LICENSING POLICY

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1.0 OVERVIEW

1.1 Introduction

1.1.1 The Borough of Hinckley & Bosworth is situated in the south of Leicestershire. The Borough has a population of 105,200 the vast majority live within the south-east of the Borough, living in the larger towns and villages of Hinckley, Burbage, Earl Shilton and Barwell.

1.1.2 Hinckley & Bosworth Borough Council ("the Council") is the Licensing Authority, as defined by section 3(1) of the Licensing Act 2003 (for the Borough).

1.1.3 The aim of this policy is to promote the Licensing Objectives as set out in the Licensing Act 2003 (the Act). These are:

- The Prevention of crime and disorder
- Public safety
- The Prevention of public nuisance
- The Protection of children from harm.

1.2 Overview of licensing

1.2.1 The Act makes provision for the licensing of individuals for the sale of alcohol (**personal licences**) and the licensable activities of the sale of alcohol, regulated entertainment and late night refreshment (**premises licences**). The supply of alcohol or the provision of regulated entertainment in certain clubs (**club premises certificates**) and the permitting of licensable activities on an occasional basis (**temporary event notices**).

1.2.2 The Council has responsibility under the Act for licensing any premises for licensable activities. Under this legislation there will be more local consultation and elected representatives (Councillors) will decide all applications where relevant representations are made, with rights of appeal for applicants and any party who feels aggrieved by the Licensing Authority's decision to the Magistrates Court.

1.3 Licensable activities

1.3.1 Any premises where the following activities are carried out will require a premises licence:

- the retail sale of alcohol
- the supply of alcohol by or on behalf of a club, or to the order of a member of the club
- The provision of late night refreshment (hot food or drink between 11 p.m. and 5 a.m.)
- the provision of "regulated entertainment"

1.3.2 "Regulated entertainment" requires a licence when it takes place in the presence of an audience and is provided for the purpose of entertaining that audience, and includes the following:

- a) a performance of a play
- b) an exhibition of a film
- c) an indoor sporting event
- d) a boxing or wrestling entertainment (indoors and outdoors)
- e) a performance of live music
- f) any playing of recorded music (but not incidental background music)
- g) a performance of dance
- h) or entertainment of a similar description (e), (f) or (g).

1.4 Policy

1.4.1 The Act requires the Licensing Authority to publish a licensing policy statement after consultation with responsible authorities and interested parties and to review the policy every three years.

1.4.2 The purpose of this document, is to set out the policies the Licensing Authority will normally apply to meet the licensing objectives when making decisions on any licence application under the Act.

1.4.3 In general, unless otherwise stated, a reference in this policy to a licence will also include a club premises certificate and/or a temporary event notice. Unless the context clearly requires to the contrary, the term "licensee" means the holder of a premises licence, club premises certificate, provisional statement or interim authority. The term "applicant" should be similarly construed.

1.4.4 Any reference in this policy to guidance or regulations includes those where the Secretary of State has used his powers contained in the Act to make regulations (Sec. 5) and issue guidance (Sec. 182).

1.4.5 This policy must be read in conjunction with the Act, the various statutory instruments issued under the Act and the national guidance issued under section 182. These other documents are not reproduced in full here and any summary of the law in this policy statement should not be taken as definitive.

1.4.6 While this policy will be used as a general local guide, any policy must allow for exceptions. All licensing decisions will be made on the merits of the individual case, having regard to this policy, statutory guidance, and the Act.

1.5 Purpose of the policy

1.5.1 This policy deals with how the Licensing Authority will promote each of the four fundamental licensing objectives and how it will deal with the other key themes such as flexible licensing hours and the cumulative impact of a concentration of licensed premises in an area.

1.5.2 This Statement of Licensing Policy is designed to provide guidance for everyone who is involved in or affected by the licensing of alcohol, regulated entertainment and late night refreshment in the Licensing Authority's area. This includes:

- **applicants for all types of licence** (premises/personal) - to help applicants to understand the process, the considerations to be taken into account and what the Licensing Authority is trying to achieve.
- **applicants for premises licences** - to help applicants to draft an appropriate operating schedule with conditions and measures which the Licensing Authority is likely to find acceptable.
- **organisations or individuals planning events** - to indicate whether a licence is likely to be needed and how to go about obtaining one.
- **statutory agencies** (police, fire, relevant council departments etc.) - to indicate how the Licensing Authority and the other statutory agencies will co-operate to achieve their respective objectives in areas of common concern, particularly in the areas of prevention, monitoring and enforcement; to indicate which of the agencies will "lead" on each of the four fundamental licensing objectives.
- **residents and businesses in the neighbourhood** of premises which have an existing licence or require a licence, and their **representatives** (e.g. ward councillors) - to inform local people of their rights to be consulted, to make representations, to apply for reviews of existing licences; to indicate those types of representations which are likely to be relevant and those which are not; to explain how the Licensing Authority and the other relevant statutory agencies will work together on licensing issues for the benefit of the local community, and to outline the limits of the licensing regime.
- **licensing decision-makers** - to provide guidance to all the relevant Council officers dealing with applications and to the Licensing Committee and Licensing Sub Committees deciding contentious applications.

1.5.3 It should be noted that applications without operating schedules, or incomplete applications, will be returned to the applicant and the period for determination will not commence until a valid application has been submitted. A pragmatic approach will be taken wherever possible in respect of applications containing only minor errors.

- 1.5.4 *The Licensing Authority encourages all applicants to contact the appropriate responsible authorities prior to submission of an application. This will ensure that the operating schedule is adequate to promote the four licensing objectives, which could prevent later negotiations, representations and hearings.*

1.6 Consultation about this policy

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

- the Chief Officer of Police for the licensing authority's area,
- the Fire Authority for this area,
- bodies representing local holders of premises licences,
- bodies representing local holders of club premises certificates,
- bodies representing local holders of personal licences,
- bodies representing businesses and residents in the area that the Licensing Authority considers appropriate

1.7 Revision & Review

- 1.7.1 The Statement of Licensing Policy is valid for a three-year period from 7th January 2011. During that period, the Licensing Authority will keep the policy under review and may make such changes, as it thinks appropriate. Before making any changes, the Licensing Authority will carry out consultation.

PART 2 – LICENSING OBJECTIVES & KEY THEMES

Applicants for new premises licences or variations are expected to show in their operating schedule an assessment of potential problems/risks and any steps proposed to ensure that the Licensing Objectives will be achieved.

2.0 PREVENTION OF PUBLIC NUISANCE

- 2.1.1 The Licensing Authority is committed to minimising the loss of “personal amenity” in the Borough by working in close partnership with Leicestershire Police, Environmental Health and licensees.
- 2.1.2 The Licensing Authority intends to interpret “loss of personal amenity” in its widest sense, including such issues as noise, light, odour, litter and anti-social behaviour. Where these matters impact on those living, working or otherwise engaged in normal activity in an area, with particular regard to noise-sensitive areas, e.g. nursing homes, hospitals or places of worship, the Licensing Authority may seek to attach conditions to licences and certificates where necessary in order to prevent it. Any such conditions imposed will be appropriate and proportionate and tailored to the style and characteristics of the premises and the type of activities expected to take place there.
- 2.1.3 The Licensing Authority will seek to protect the reasonable rights of residents and businesses in the vicinity of licensed premises from disturbance arising from licensable activities– ‘Vicinity’ being the area near or surrounding a licensed premises. Whether or not incidents can be regarded as being “in the vicinity” of licensed premises or places is a question of fact and will depend on the particular circumstances of the case. In cases of dispute, the courts may ultimately decide the question. In determining such applications, the Licensing Authority will primarily focus on the direct impact of the activities taking place at the licensed premises on members of the public living, working or engaged in normal activity in the area concerned. The Licensing Authority recognises that licensing law is not a mechanism for the general control of anti-social behaviour by individuals once they are away from the premises and therefore beyond the direct control of the individual, club or business holding the licence.
- 2.1.4 The Licensing Authority considers that a risk assessment should be carried out by applicants for premises licences and club premises certificates to determine the potential effect on neighbouring premises. Advice and assistance in undertaking this task should be sought from The Council’s Environmental Health Officers. Steps which may be appropriate to prevent public nuisance include:
- Limitation on hours of operation where necessary to prevent nuisance and disturbance
 - Measures to reduce noise and vibration emissions from premises
 - Measures to prevent noxious smells
 - Measures to reduce light pollution
 - Steps to prevent noise, disturbance and anti-social behaviour from people arriving at and leaving the premises
 - Stricter controls will be supported in areas in closer proximity to residential accommodation.

- 2.1.5 The Licensing Authority will need to be satisfied that the type of Regulated Entertainment provided will be suitable for the location in which the premises is situated.
- 2.1.6 Any change to the categories of entertainment to be provided at a premise will require a formal variation of the licence.
- 2.1.7 In considering an application, the Licensing Authority may take into account previous noise and nuisance complaints, but will consider all applications on their own merits.
- 2.1.8 Where applicable, following a representation and hearing in order to control access to and egress from the premises, the Licensing Authority may attach a condition to the licence requiring the use of Door Supervisors, licensed by the Security Industry Authority.

3.0 PREVENTION OF CRIME & DISORDER

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

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

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

3.2 CCTV

3.2.1 The presence of CCTV cameras can be an important means of deterring and detecting crime at, and immediately outside, licensed premises. If a premises decides to install a CCTV system it is recommended they contact Leicestershire's Police Crime Prevention Officer for advice.

3.3 Irresponsible Drinks Promotions

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

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

3.4 Dance Venues

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

3.4.2 The Licensing Authority would support the following steps to promote the licensing objectives in pubs and clubs opening beyond midnight that provide dance facilities in accordance with the Home Office Safer Clubbing Guide. Other pubs and clubs, depending on circumstances, may also benefit from these steps:

- Searching of customers before entry in accordance with the Leicestershire Constabulary Code of Practice on Searching and Licensed Premises. This will be aimed at preventing drugs and offensive weapons being brought into premises.

3.5 Other Steps to Promote the Prevention of Crime and Disorder

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

- Prohibiting the sale of alcohol in bottles for consumption on the premises, to prevent their use as weapons
- Requiring drinking vessels to be plastic or toughened glass
- Requiring the provision of text pagers to connect premises supervisors in town and city centres to the police
- Appropriate measures to prevent overcrowding in parts of the premises
- The provision of staff to control admission and to control customers inside the premises.
- *An age determination policy such as Challenge 21 to prevent underage sales.*

4.0 PUBLIC SAFETY

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

5.0 PROTECTION OF CHILDREN

5.1 General

- 5.1.1 Protecting children from harm is one of the fundamental licensing objectives. As such, the Licensing Authority will endeavour to ensure that issues relating to the protection of children are fully taken into consideration by all parties involved in the licensing system. "Children" for these purposes *means individuals aged under 18*.
- 5.1.2 Leicestershire Constabulary are the lead authority for child protection issues acting as "gatekeeper" for Leicestershire's Local Safeguarding Children's Board. Consultees should not rely on other responsible authorities to put forward representations, if they have concerns. Unless a relevant representation is made, the Licensing Authority must grant the licence subject to conditions consistent with the operating schedule.
- 5.1.3 Licences will be sought for a wide variety of premises including theatres, cinemas, restaurants, concert halls, cafes, late night take-away, pubs, bars and nightclubs. It is not possible for a licensing policy to anticipate every situation where children are at risk. The licensing authority will not therefore impose general conditions that apply to all premises, but will consider how the licensing objectives can be best promoted in each particular case.
- 5.1.4 Areas that may give rise to particular concern in respect of children include premises:
- (a) where there have been convictions of members of the current staff for serving alcohol to minors, with a reputation for underage drinking or where the Portman Group Code of Practice on Naming, Packaging and Promotion of Alcoholic Drinks is not being followed;
 - (b) with a known association with drug taking or dealing;
 - (c) where there is a strong element of gambling on the premises;
 - (d) where entertainment of an adult or sexual nature is commonly provided (e.g. topless bar staff, striptease, lap/table/pole dancing, strong and offensive language).
- 5.1.5 It is acknowledged that complete exclusion of children will be rare but the options to be considered by the Council for limiting access of children, where regarded as necessary for the prevention of harm to children, may include any of the following:
- (a) limitations on the hours when children may be present;
 - (b) limitations or exclusions when certain activities are taking place;
 - (c) restrictions or exclusions in respect of parts of premises;
 - (d) requirements for an accompanying adult;
 - (e) full exclusion of people under 18 from the premises when any licensable activities of an adult nature are taking place.
- 5.1.6 The Council cannot impose conditions requiring the admission of children to any premises. Where no licensing restriction is necessary, this will remain a matter for the discretion of the individual licensee or club.

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

- 5.2.1 *It is an offence under section 145 of the Act to permit an unaccompanied child aged under 16 to be present on premises being used exclusively or primarily for the supply of alcohol for consumption on those premises. It is also an offence to permit the presence between midnight and 5 a.m. of children under 16 who are not accompanied by an adult at any premises open for the supply of alcohol for consumption there.*

5.3 Children and Cinemas

- 5.3.1 Licence holders will be expected to prevent children from viewing films that are unsuitable because of the age classification of the film that has been imposed by the British Board of Film Classification.

5.4 Children and Regulated Entertainment

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

5.5 Proof of Age Cards

- 5.5.1 The Licensing Authority supports the adoption of proof of age cards as a means of preventing underage drinking. *Challenge 21 requires that any customer that looks under 21 is asked for proof of age to prove that they are 18 or over and old enough to buy.* The authority would suggest that proof of age could be in the form of a passport, photographic driving licence, or a proof of age card complying with the Proof of Age Standards Scheme (PASS).

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

- 5.6.1 The Licensing Authority supports the Code of Practice on the Naming, Packaging and Promotion of Alcoholic Drinks.

6.0 LICENSING HOURS

6.1 General

6.1.1 It is recognised that varied licensing hours is important to ensure that concentrations of customers leaving licensed premises simultaneously are avoided. In turn this will reduce the potential for disorder at fast food outlets, taxi ranks and other sources of transport. Each case will be decided on its individual merits.

6.1.2 However, the Council will take into account any evidence that shows that longer hours is likely to undermine the licensing objectives.

The purpose of these principles is to:

- promote the prevention of crime and disorder;
- promote public safety;
- promote the prevention of public nuisance;
- address the issue of closing hours;
- address the issue of alcohol sales in shops, stores and supermarkets.

6.2 Representations

6.2.1 In making decisions in respect of hours, consideration will be given to representations made by residents and businesses in the vicinity of the premises, their representatives, the applicant and responsible authorities. Residents of one particular area will not be treated any more or less favourably than residents of another area, except that:

- (a) the Licensing Authority will take into account the density of residential accommodation in an area;
- (b) the Licensing Authority will have regard to any local premises whose users are particularly vulnerable to noise and disturbance, e.g. a hospital or residential home for the elderly;
- (c) when deciding whether or not to adopt, amend or remove a saturation policy, the Licensing Authority may treat residents of the area subject to the policy differently from other areas;
- (d) when a saturation policy is in force, the general policy of treating areas equally will read as being subject to the saturation policy, which by definition will treat areas differently.

7.0 CUMULATIVE IMPACT

What is cumulative impact?

The words “Cumulative impact” are not mentioned specifically in the Act but means the potential impact on the promotion of the licensing objectives of a significant number of alcohol licensed premises concentrated in one area. The cumulative impact of alcohol licensed premises on the promotion of the licensing objectives is a proper matter for a licensing authority to consider in its licensing policy statement.

7.1 Adopting a special saturation policy

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

7.2 Representations

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

In response to this representation the Licensing Authority has:

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

7.3 Other mechanisms available

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

- *Planning controls.*
- *Creation of a safe, clean town centre environment in partnership with local businesses, transport operators and other departments of the local authority.*
- *The provision of CCTV surveillance in town centres, ample taxi ranks, provision of public conveniences open late at night, street cleaning and litter patrols.*
- *Powers of local authorities to designate parts of the local authority area as places where alcohol may not be consumed publicly.*
- *Police enforcement of the general law concerning disorder and anti-social behaviour, including the issuing of fixed penalty notices.*
- *The prosecution of any personal licence holder or member of staff at such premises who is selling alcohol to people who are drunk.*
- *The confiscation of alcohol from adults and children in designated areas.*
- *Police powers to close down instantly for up to 24 hours any licensed premises or temporary event on grounds of disorder, the likelihood of disorder or noise emanating from the premises causing a nuisance.*
- *The power of the police, other responsible authorities or a local resident or business to seek a review of the licence or certificate in question.*
- *Other local initiatives that similarly address these problems.*

7.4 Special Saturation Policy

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

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

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

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

7.4.3 The Licensing Authority recognises, however, that this policy cannot be absolute and it will continue to consider each application on its merit. In the event of a relevant representation the application will be determined by the Licensing Sub-Committee.

- 7.4.4 The effect of this special policy will be to create a rebuttable presumption that application for a new premises licence or club premises certificate or variations will normally be refused. It will be for the applicant to demonstrate that the premises will not add to the existing cumulative impact. Applicants will need to address this matter in their operating schedule. Where no representation is received the application must be granted.
- 7.4.5 The authority acknowledges that the impact will be different for premises with different styles and characteristics.
- 7.4.6 The authority will review the special policy at least every 3 years and if it considers that it needs to be amended will undertake appropriate consultation before any amendment is made.
- 7.4.7 The special policy will not be used to:
- remove a licence when representations are received about problems with an existing licensed premises; or to
 - justify the rejection of modifications to a licence except where those modifications are directly relevant to the special policy; or to
 - adopt quotas or set terminal hours in a particular area that pre-determine the individual merits of any application.

8.0 DETERMINING APPLICATIONS

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

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

The following matters will be determined by the Licensing sub-committee where a relevant representation has been made:

- Application for a personal licence;
- Application for a premises licence or club premises certificate;
- Application for a provisional statement;
- Application for variation to a premises licence or club premises certificate;
- Application to vary a designated premises supervisor;
- Application for interim authority
- Determination of a temporary event notice.
- *Disapplication Of Certain Mandatory Conditions for Community Premises*
- *Application for transfer of a premises licence*

8.1 Personal Licences

8.1.1 The Licensing Authority recognises the important role that personal licence holders have to play in the promotion of the licensing objectives at premises selling alcohol. For this reason personal licence holders are required to hold a relevant qualification and not have any unspent relevant convictions that would indicate their unsuitability.

8.1.2 There is no discretion to refuse an application for a personal licence made in accordance with the Act, except where the applicant has been convicted of a relevant or foreign offence, as defined by law. The list of relevant offences is maintained by the Secretary of State, and a foreign offence will be taken into account if it is similar in nature to one of the specified "relevant offences". Convictions which are "spent" under the Rehabilitation of Offenders Act 1974 cannot be taken into account.

8.1.3 Every sale of alcohol at a licensed premise is required to be authorised by a personal licence holder. Because of the importance of their role, the Licensing Authority considers it to be good practice for personal licence holders to have significant operational involvement in the sale of alcohol rather than to undertake a remote, periodic authorisation of other staff. In practical terms this would mean authorisation on at least a monthly basis, and to be available on the premises whenever possible to deal with circumstances requiring their expertise and authority.

- 8.1.4 Where no relevant representations have been received and the application for a personal licence has been properly made, the licence must be granted. The Licensing Authority will therefore expect Leicestershire Constabulary, to make representation upon being notified that the applicant has an unspent conviction.
- 8.1.5 In accordance with the Secretary of State's advice the Licensing Authority will normally refuse applications where the police have issued an objection notice unless there are, in the opinion of the Licensing Authority, exceptional and compelling reasons which justify granting the application.

8.2 Premises Licences & Club Premises Certificates

8.2.1 'Relevant representations' are representations:

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

8.2.2 'Interested Party' means any of the following:

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

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

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

- 8.2.5 The Licensing Authority considers that the exception in the Act for frivolous and vexatious and repeated representations and requests is important in order to prevent the licensing function being used to pursue non-licensing issues and to ensure that unjustified expenditure is not incurred or unnecessary burdens imposed as a result of or in dealing with such representations/requests.
- 8.2.6 The Licensing Authority does however emphasise that it will not conclude that a representation or request is frivolous, vexatious or repeated unless there are sound grounds for such a decision, and interested parties will be notified of the grounds for any such decision.
- 8.2.7 Where no relevant representations have been received and the application for a premises licence or Club Premises Certificate has been properly made, the licence must be granted.
- 8.2.8 If relevant representations are made about an application the Licensing Authority will hold a hearing to consider them unless the Licensing Authority, the applicant and everyone who has made representations agrees that the hearing is not necessary. While it is the right of any party involved to require a hearing, the Licensing Authority will generally encourage those involved to agree to uncomplicated cases being dealt with "on paper" to avoid unnecessary cost to the public purse.
- 8.2.9 Where relevant representations have been made and a hearing is held, the Licensing Authority has greater powers to refuse a licence or grant it with conditions. The licence or Certificate could alternatively be granted so that certain activities or areas of the premises are excluded.

8.3 Temporary Event Notices

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

8.4 Provisional Statements

8.4.1 To avoid difficulties facing those who wish to invest in a new venture but do not have the security of knowing that a premises licence will be granted, the Act provides for the making of an application for a 'provisional statement'.

8.4.2 The basis of the application is that premises are being, or are about to be, constructed for the purpose of being used for one or more licensable activities, or are being, or are about to be, altered or extended for the same purposes (whether or not they are being used for a licensing purpose already).

8.4.2 If:

- (a) a Provisional Statement has been issued, and
- (b) the person subsequently applies for a Premises Licence in respect of the relevant premises, or a part of them or premises that are substantially the same as the relevant premises (or part of them) and
- (c) the application is in the same form as the application described in the schedule of works accompanying the application for the provisional statement and
- (d) the work described in the schedule of works accompanying the provisional statement has been satisfactorily completed
- (e) then any representations made by a person shall not be taken into account if:
 - given the information in the application for a Provisional Statement the person objecting could have made the same, or substantially the same, representations about the application but had failed to do so without reasonable excuse; and
 - there has been no material change in circumstances relating either to the relevant premises or to the area in the vicinity of those premises.

8.5 Variations of Premises Licences & Club Premises Certificates

8.5.1 Applications to vary a Premises Licence follow the same procedure to applications for a new Premises Licence. If relevant representations are not received the application for variation will be granted.

8.5.2 If relevant representations are made and not withdrawn the Licensing Authority will hold a hearing and at that hearing the Licensing Authority may approve the application, grant it with modifications, refuse to specify a person as the DPS or reject the whole or part of the application.

8.6 Transfer of a Premises Licence

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

8.7 Interim Authorities

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

8.8 Reviews of Premises Licences & Club Premises Certificates

8.8.1 'Relevant representations' are representations:

- (a) About the effect of the Premises Licence or Club Premises Certificate on the promotion of the licensing objectives;
- (b) Which lay an evidentiary basis for the allegations; and
- (c) Are made by an interested party or a responsible authority, have not been withdrawn and, in the case of representations made by an interested party they are not in the Licensing Authority's opinion frivolous or vexatious or repetitious.

8.8.2 'Interested Party' means any of the following:

- a person living in the vicinity of the premises in question;
- a body representing persons living in that vicinity, for example, a residents' association, or a parish or town council;
- a person involved in a business in the vicinity of the premises in question;
- a body representing persons involved in such businesses, for example, a trade association; and
- a member of the relevant licensing authority i.e. elected councillors of the licensing authority for the area in which a premises is situated.

'Vicinity' being the area near or surrounding a licensed premises. Whether or not incidents can be regarded as being "in the vicinity" of licensed premises or places is a question of fact and will depend on the particular circumstances of the case.

8.8.3 The Licensing Authority cannot, of its own motion, instigate the review of a premises licence or club premises certificate, and will rely on the responsible authorities such as the Police and Environment Health to be proactive in seeking a review where they consider it appropriate. Requests by responsible authorities will not be treated as vexatious or frivolous.

8.9 Disapplication of Certain Mandatory Conditions for Community Premises

- 8.9.1 *Where an application has been made by the management committee of a community premises (Church Hall, Village Hall etc) and the Chief Officer of Police issues a notice seeking the refusal of the application to include the alternative licence condition, the Licensing Authority must hold a hearing in order to reach a decision on whether to grant the application.*
- 8.9.2 *Where the Chief Officer of Police has made relevant representations against the inclusion of the alternative licence condition, or given a notice under section 41D(6) which was not withdrawn, the Chief Officer of Police can appeal the decision of the Licensing Authority to allow the inclusion of the alternative licence condition. Similarly, a community premises can appeal a decision by the Licensing Authority to refuse to include the alternative licence condition following a hearing triggered by relevant representations or by a notice given under section 41D(6).*

8.10 Transfer of Premises Licence

- 8.10.1 *The Act provides for any person who may apply for a premises licence, which includes a business, to apply for a premises licence to be transferred to them. Where the application is made in writing, the applicant must give notice of the application to the chief officer of police.*
- 8.10.2 *If the Chief Officer of Police raises no objection about the application, the Licensing Authority must transfer the licence in accordance with the application, amend the licence accordingly and return it to the new holder.*
- 8.10.3 *In exceptional circumstances where the Chief Officer of Police believes the transfer may undermine the crime prevention objective, the police may object to the transfer.*
- 8.10.4 *Where an objection is made, the Licensing Authority must hold a hearing at which it will consider the objection. The Licensing Authority's consideration would be confined to the issue of the crime prevention objective and the hearing should not be permitted to stray into other extraneous matters. The burden would be on the Chief Officer of Police to demonstrate to the Licensing Authority that there were good grounds for believing that the transfer of the licence would undermine the crime prevention objective. The licensing authority must give clear and comprehensive reasons for its eventual determination in anticipation of a possible appeal by either party.*

PART III – INTEGRATING STRATEGIES

9.0 INTEGRATING STRATEGIES

9.1 Community Safety

- 9.1.1 The Licensing Authority recognises its responsibility to address issues relating to crime and disorder and is committed to working together, with other partners, to make Hinckley & Bosworth Borough a safe and attractive area in which to live, work, study and socialise.
- 9.1.2 The Council has a duty under section 17 of the Crime and Disorder Act 1998 to exercise its functions with due regard to the likely effect of the exercise of those functions on, and to do all it reasonably can to prevent, crime and disorder in the borough.

9.2 Planning

- 9.2.1 The Licensing Authority will ensure that planning and licensing regimes are properly separated to avoid duplication and inefficiency.
- 9.2.2 Any premises that apply for a licence or a variation of a licence may also need planning permission.

9.3 Cultural Strategy

- 9.3.1 The Council is committed to the Cultural Strategy (The Strategy).
- 9.3.2 The International Covenant on Economic, Social and Cultural Rights (ICESCR) which was ratified by the UK in 1976 recognises the right of everyone to take part in cultural life and requires that active steps are taken to develop cultural activity and ensure that everyone can participate in the cultural life of the community.
- 9.3.3 The Strategy encompasses arts, heritage, museums, parks and green spaces, neighbourhood facilities, markets, festivals and public events, media, libraries and literature, sport, play, faith and worship, tourism, restaurants and bars and creative industries. A key objective of the Strategy is “to invest in the development of cultural activity which contributes to the economic, social and personal well-being of individuals at all stages in their lives and to increase access to, and participation in, cultural activity”.
- 9.3.4 This licensing policy will operate in the spirit of the Strategy and the ICESCR. In doing so it will seek to maintain a balance between regulation and supporting cultural activity. It will strive to maintain a balance between the need to ‘manage’ any detrimental impacts of an activity in a community with the many benefits cultural activity brings to communities, in developing personal aspiration and potential, building cohesive communities, providing opportunities for young people, contributing to economic growth and regeneration and the development of sustainable communities.

9.4 Promotion of Equality

- 9.4.1 In developing this strategy, the Licensing Authority has recognised its responsibility under the Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000, to consider the need to eliminate unlawful discrimination and to promote equal opportunity and good race relations between persons of different racial groups. This Licensing Policy therefore supports and is supported by the Council's Race Equality Scheme.
- 9.4.2 The Licensing Authority also recognises that this policy should promote equality in a wider sense and has therefore assessed the potential impact on disadvantaged groups in general, as well as from a race equality perspective. It has considered and consulted with this in mind.
- 9.4.3 The Licensing Authority will implement the following actions, which have been identified as being necessary to promote equality, and within the scope of the Act and supporting guidance:
- The Licensing Policy and associated documents will be available on the internet, and in other formats upon request.
 - Multi-language sections may be included in all leaflets upon request.
 - The licensing objective of protecting children from harm will be promoted.
 - Support will be offered to licence applicants, licence holders and potential objectors who are socially excluded.
 - Account will be taken of the effect of specific applications on community cohesion, including the need to balance the benefits of cultural and community activities with limited local disturbance.
 - Action will be taken to endeavour to ensure the safety of vulnerable people in licensed premises.
 - Action will be taken to ensure that all applications, particularly those for disadvantaged groups, are dealt with fairly.
- 9.4.4 The Licensing Authority is aware that there may be particular sensitivities of certain buildings, for example religious buildings, to certain licensable activities taking place in close proximity. Where the impact does not affect the promotion of the licensing objectives, there may be other control mechanisms, such as the planning system, that could be applicable.

9.5 Disabled Access

- 9.5.1 The guidance supporting the Act advises that conditions relating to disabled access should not be attached to licences, as this would duplicate existing statutory requirements. The Licensing Authority therefore takes this opportunity to remind operators of premises of their duties under the Disability Discrimination Act 1995. The law provides that any person providing a service to the public must make reasonable adjustments to enable disabled people to access the service. This includes a duty that any

person who provides a service to the public must make reasonable adjustments to any physical feature that makes it impossible or unreasonably difficult for a disabled person to access a service, or to provide the service by a reasonable alternative means.

9.6 Tourism & Local Economy

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

9.7 Transport

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

9.8 Health and Safety

9.8.1 *All premises in the Borough fall to either the Council's Environmental Health Officers or the Health and Safety Executive Inspectors for the enforcement of the Health and Safety at Work etc Act which places a range of general and specific duties on employees, employers, operators of venues and members of the public. Matters arising out of the Act and associated Regulations will not be the subject of conditions unless they are necessary for the promotion of the Licensing Objectives.*

9.9 Fire Safety

9.9.1 *Premises and their operators will be under general duties under current fire safety requirements. It is desirable that the Operating Schedule should indicate the maximum occupancy of the premises or its component parts, and the precautions that are proposed to be taken to protect public safety in arriving at this figure.*

9.10 Food Hygiene

9.10.1 *Premises selling alcohol and/or premises engaged in a food business will be registered with the Council and subject to risk-based food hygiene inspections at regular intervals. No further licensing consideration will apply.*

9.11 Noise

9.11.1 *Statutory and public nuisances are dealt with by Environmental Health under the Environmental Protection Act 1990 and associated legislation. In addition, there is also provision in the Environmental Protection Act for an individual to take a private action against noise nuisance. Public order matters such as noise from people in streets, open spaces, traffic matters etc. are dealt with by the police as part of the normal policing plan.*

10.0 Enforcement

10.1.1 The enforcement of licensing law and the inspection of licensed premises is detailed in the Licensing Enforcement Protocol as agreed between Leicestershire Police, the Council, Leicestershire Fire Service and other Responsible Authorities.

10.1.2 The protocol reflects the need for a more efficient deployment of Police, Fire and Local Authority staff commonly engaged in licensing law and the inspection of licensed premises. A copy of the protocol is available on the Council's website www.hinckley-bosworth.gov.uk .

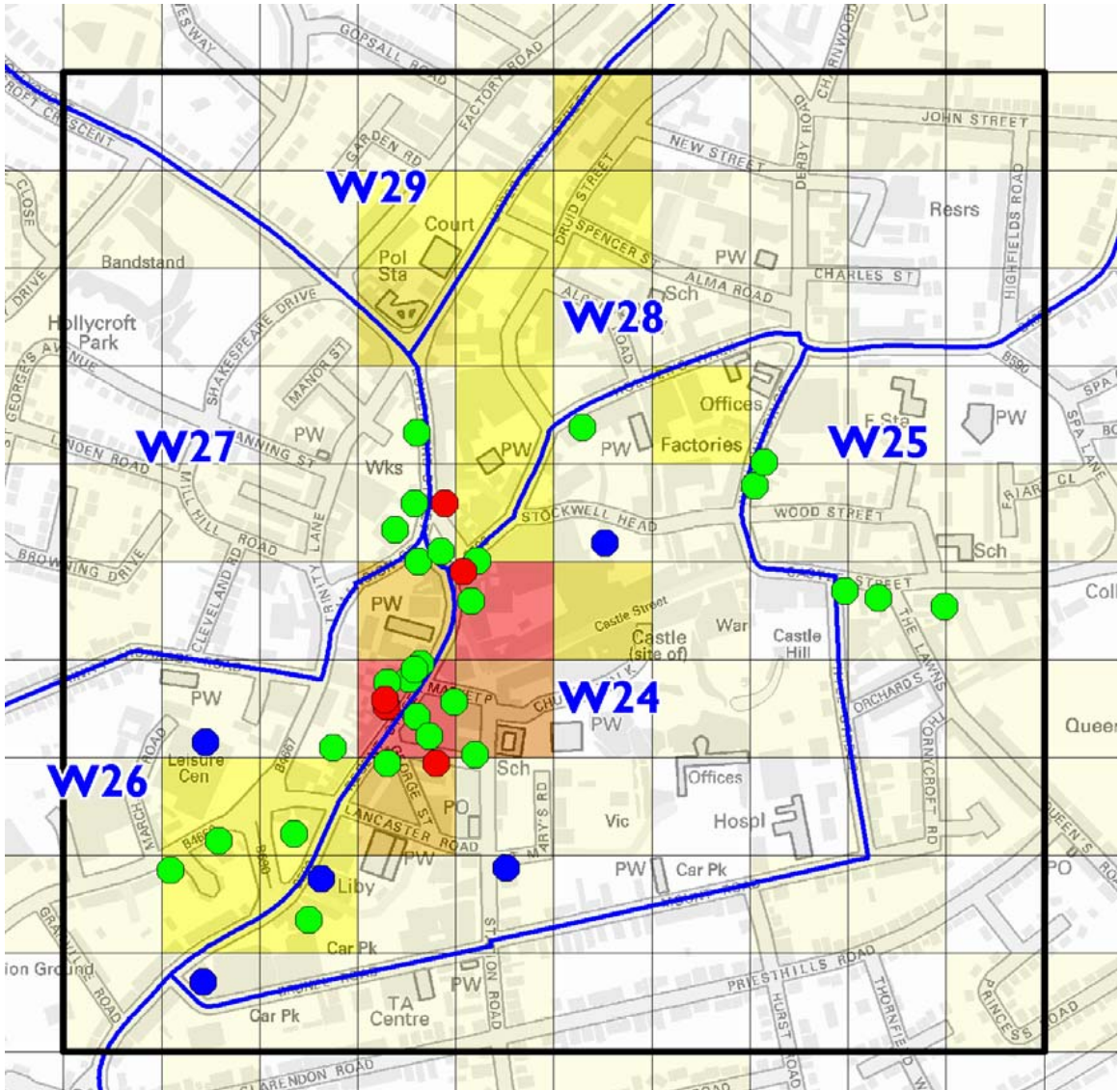
10.1.3 Inspections of premises will be in accordance with the Act and on a risk assessed basis, to be undertaken when necessary by the relevant authority.

11.0 Further Information

11.1.1 The Licensing Authority can only offer advice on the process for and progress of applications and as to whether particular activities fall to be licensed. If more detailed advice on the requirements of the legislation is required applicants may wish to seek their own independent legal advice.

11.1.2 Application forms and guidance documents can currently be found on the Councils website www.hinckley-bosworth.gov.uk under Services, Licensing.

APPENDIX A



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

APPENDIX B

Useful References (organisations)

Association of Convenience Stores (ACS)
<http://www.thelocalshop.com/tls/index.asp>
Federation House,
17 Farnborough Street,
Farnborough,
Hampshire,
GU14 8AG.
Email: acs@acs.org.uk

Association of Licensed Multiple Retailers (ALMR)
<http://www.almr.org.uk/>
9B Walpole Court,
Ealing Studios,
London
W5 5ED
Tel: 020 8579 2080
Email: info@almr.org.uk

Association of Town Centre Managers (ACTM and Purple Flag)
<http://www.atcm.org/>
ATCM,
1 Queen Anne's Gate,
Westminster,
London
SW1H 9BT
office@atcm.org

British Beer and Pub Association (BBPA)
<http://www.beerandpub.com/>
British Beer & Pub Association
Market Towers
1 Nine Elms Lane
London
SW8 5NQ
Tel: 020 7627 9191
web@beerandpub.com

British Board of Film Classification (BBFC)
www.bbfc.co.uk
3 Soho Square,
London
W1D 3HD
contact_the_bbfc@bbfc.co.uk

British Institute of Inn Keeping (BII)
<http://www.bii.org/>
Wessex House,
80 Park St., Camberley,
Surrey,
GU15 3PT,
Tel: 01276 684449

British Retail Consortium (BRC)
<http://www.brc.org.uk/default.asp>
21 Dartmouth Street,
London
SW1H 9BP
Tel: 0207 85 8900

Circus Arts Forum
www.circusarts.org.uk
info@circusarts.org.uk

Cinema Exhibitors' Association (CEA)
<http://www.cinemauk.org.uk/>
22 Golden Square
London
W1F 9JW
Tel: 0207 734 9551

Department for Culture, Media and Sport (see links to the Licensing Act 2003, Explanatory Notes, Guidance and Regulations)
www.culture.gov.uk
enquiries@culture.gov.uk
2-4 Cockspur Street
London
SW1Y 5DH

Equity
<http://www.equity.org.uk/>
Head Office
Guild House
Upper St Martins Lane
London
WC2H 9EG
Telephone: 020 7379 6000
Email: info@equity.org.uk

Independent Street Arts Network
www.streetartsnetwork.org.uk
54 Chalton Street,
London
NW1 1HS.

Institute of Licensing (IOL)
<http://www.instituteoflicensing.org/>
Institute of Licensing
45 Larcombe Road
St Austell
Cornwall
PL25 3EY

Justices Clerks' Society
www.jc-society.co.uk
E-mail: secretariat@jc-society.co.uk
Tel: 0151 255 0790

Local Government Regulation (LACORS)
<http://www.lacors.gov.uk/>
info@lacors.gov.uk

Licensed Victuallers Associations (LVAs)
<http://www.flva.co.uk/>
Federation of Licensed Victuallers Associations,
126 Bradford Road,
Brighouse,
West Yorkshire
HD6 4AU

National Association of Local Government Arts Officers
<http://www.nalgao.org/>
nalgao
Oakvilla,
Off Amman Road,
Brynamman,
Ammanford,
Neath
SA18 1SN
Phone & Fax: 01269 824728

National Pub Watch
<http://www.nationalpubwatch.org.uk/index.php>
National Pubwatch,
PO Box 3523,
BARNET,
EN5 9LQ

NOCTIS (Formerly Bar, Entertainment and Dance Association (BEDA))
<http://www.noctisuk.org/>
5 Waterloo Road
Stockport
Cheshire, UK
SK1 3BD

The Portman Group
4th Floor,
20 Conduit Street,
London,
W1S 2XW

www.portman.org.uk
info@portmangroup.org.uk
0207 290 1460

Statement of Licensing Policy Consultation

This is a schedule of responses to the consultation carried out by Hinckley & Bosworth Borough Council in its capacity as Licensing Authority, pursuant to the Licensing Act 2003.

The consultation process was carried out between 3rd September to 1st November 2010 by means of face-to-face meetings and written consultation. A total of 440 letters including e-mails were sent out, 6 written responses were received. Face to face meetings were also held with representatives of the Chief Officer of Police, the licensed trade and other local authorities.

All participants were provided with a consultation response form and the draft policy was made available.

The schedule sets out comments received either from written representations or from the face-to-face meetings.

Mark Brymer
Principal Licensing Officer

3rd November 2010

Summary of responses to consultation: General

The statutory process has been completed. A range of views has been taken into account and relevant amendments have been made to the draft policy.

Ref.	Respondent	Comments	Appraisal	Response
	Leicestershire Trading Standards	<p>I have read Hinckley & Bosworth Borough Councils draft Statement of Licensing Policy and wish to submit comments on behalf of the Leicestershire County Council Trading Standards Service as a Responsible Authority.</p> <p>At paragraph 3.5.1 the Service would ask that an additional bullet point be added reading “An age determination policy such as Challenge 21 to prevent underage sales”</p> <p>Both this Service and Leicestershire Police strongly advise businesses selling alcohol to implement Challenge 21 or a similar policy”.</p> <p>The service would suggest rewording part of paragraph 5.5.1</p> <p>“Challenge 21 requires that any customer that looks under 21 is asked for proof of age to prove that they are 18 or over and old enough to buy.”</p>	<p>Agree with comments.</p> <p>Agree with comments.</p>	<p>Policy amended.</p> <p>Policy amended.</p>
	Nailstone Parish Council	<p>Please be advised that Nailstone Parish Councillors voted in favour of the current Policy being approved. We are happy to go with</p>	<p>Noted.</p>	<p>Noted.</p>

		the amended policy.		
LC	Leicestershire Constabulary	<p>I have examined the review document for HBBC's Licensing Policy and conferred with Inspector Ward the Local policing Unit Commander.</p> <p>We have no comments to make other than we would wish the Cumulative Impact Policy to remain as part of the overall document.</p> <p>We feel that this has been a successful and is a necessary tool in the prevention of crime and disorder within the town centre.</p> <p>By placing the onus on new premises and existing ones applying for a variation, to actively make provisions and promote the licensing objective of the Prevention Of Crime and Disorder on their applications can only lead to more responsible licensees, better managed premises and potentially a safer environment for people to enjoy.</p>	Noted.	Noted.
BBPA	BBPA – British Beer & Pub Association	REVIEWS OF LICENSING POLICY STATEMENTS	Noted	Noted.

		<p>We attached a letter which includes a number of general points which we would appreciate you taking on board when reviewing the licensing policy.</p> <p>Many thanks, Richard Matthews (BBPA Midlands Region Secretary)</p>		
		<p>The British Beer & Pub Association (BBPA) represents brewing companies and their pub interests, and pub owning companies, accounting for 96% of beer production and around two thirds of the 52,000 pubs in the UK. Many of our members own and run pubs in your licensing authority area. The Association promotes the responsible sale of alcohol and management of licensed premises. It has a range of good practice information and guidance for member companies, and the Association actively supports organisations such as National Pubwatch and Best Bar None. Britain's pubs are an important and integral part of the UK's tourism industry. The Prime Minister recently acknowledged that tourism should be regarded as one of the foremost industries in this country, as an important economic driver and job creator which is vital to the</p>	<p>Noted.</p> <p>Noted.</p> <p>Noted</p>	

		<p>well-being of the UK. Pubs are a vital part of the local tourism infrastructure, enhancing other local businesses such as B&Bs, historic sites, caravan and holiday parks</p> <p>With regard to the three year review of policies, the BBPA believes that the current system of triennial review is not conducive to encouraging participation in the licensing process. It is expensive and time consuming to both the licensing authority and to other interested parties such as licensees, pub operators and trade associations. If policies were amended as and when necessary, rather than during an arbitrary review imposed by central Government, this may encourage increased participation across the local community.</p>	Noted	
BBPA	Blanket Conditions	<p>Blanket or standard conditions cannot be imposed under the Licensing Act, except where there are valid objections to a licence on the grounds of one of the licensing objectives, ie. crime and disorder, public safety, public nuisance and the protection of children. The licensing authority can only attach a condition where an objection is</p>	Noted	<p>Blanket or Standard Conditions are not stated within the policy. Each application is looked at on its own merits and conditions would only be attached after a licensing hearing to promote the licensing objectives.</p>

		upheld following a hearing.		
BBPA	Pubwatch	As a major supporter and funder of National Pubwatch, the BBPA is very keen that public houses participate in their local Pubwatches, but we are opposed to such participation being a condition of the licence. Pubwatches are voluntary organisations and membership must remain voluntary if they are to be effective. They are also co-operative bodies that must be able to determine their own membership, which would become almost impossible if leaving a Pubwatch would result in a breach of condition. We trust that the policy merely seeks to encourage Pubwatch membership rather than make it a condition of licences.	Noted.	Condition has never been added to a licence as pubwatch is a voluntary scheme.
BBPA	Glassware	It would be helpful if the policy could include a reference to the following approach outlined in the		

		<p>National Alcohol Strategy on alternatives to glass, namely a risk based, per premises approach.</p> <p>“The Government believes that a risk-based, rather than blanket, approach to requiring licensed premises to use safer alternatives is the best way to tackle the problem of glass-related injuries.”</p> <p>The BBPA has consolidated good practice on combating violence in licensed premises into a guide to risk assessment available on our website at www.beerandpub.com .</p>	Noted	Covered in 3.5.1
BBPA	Minimum Pricing	<p>The licensing authority should not seek to encourage licensees to breach competition law by advocating a minimum price for alcoholic drinks. Any agreement of a minimum price would be a clear breach of competition law which would leave operators open to prosecution and a financial penalty of 10% of turnover. Any condition of this nature would clearly be unlawful.</p> <p>There have been examples of local authorities/police attempting to use ‘voluntary’ agreements and the Mandatory Code on Alcohol sales</p>	Noted	Not applicable.

		to justify a minimum price in a specific area. This is illegal as stated above.		
BBPA	Mandatory Code on Alcohol	The conditions relating to promotions, direct dispense into the mouth and tap water were introduced in April 2010. Conditions relating to age verification policies and smaller measures of alcohol came into force on 1st October 2010. If Mandatory Conditions are referenced in the policy, it should also make reference to the Home Office guidance available to download at www.beerandpub.com	Noted	No amendment necessary.
	Smoking	Where customers are outside the premises because they are smoking, there should not be an automatic assumption that this will lead to unacceptable noise nuisance. If it does, then interested parties and responsible authorities are legitimately entitled to raise the issue as they would for any other cause of noise nuisance. In the event that customers outside a licensed premises give rise to noise nuisance and representations are made to the licensing authority on these grounds, then the matter can be dealt with via the processes contained in the Licensing Act 2003. Therefore, any conditions on a licence should be evidence based	Noted	

		and relate to noise nuisance and not smoking. Smoking itself is not, of course, a licensable activity.		
	Risk Assessments	The Association is very much in favour of the use of risk assessments, but the provision of a risk assessment to support an application is not a requirement under the Licensing Act 2003, therefore the licensing authority has no powers to demand to be shown risk assessments. We believe that this reference should either be removed or amended to as to be a recommended practice rather than a requirement. During the recent World Cup, some Local Authorities and police issued inappropriate risk assessments for pubs to sign, and assessments such as these should not be required by the licensing policy.	Check	Not applicable.

	<p>Cumulative Impact Policy</p>	<p>The policy should make it clear that applications within the cumulative impact policy area will be considered on their own merits, and determined by the Licensing Committee in the event of relevant representations being received. Where there are no relevant representations, the application must still be granted.</p>	<p>Noted</p>	<p>No amendment necessary.</p>
	<p>Designated Premises Supervisor</p>	<p>If the policy contains the expectation that the DPS will spend a significant amount of time on the premises, or should be on the premises at all times, this should be deleted. There is no legal obligation for the DPS to be on the premises at all times, but they do, of course, remain responsible for the premises in their absence.</p> <p>There is no mechanism in the Licensing Act for licensing authorities to:</p> <ul style="list-style-type: none"> • insist that the DPS be on the premises at all times • to make a fit and proper 	<p>Noted.</p>	<p>No amendment necessary.</p>

		<p>judgement on individuals nominated as the DPS</p> <ul style="list-style-type: none"> • insist on experience, training or qualifications in addition to the personal licence qualification • insist on more than one personal licence holder for the premises. <p>The law simply requires a DPS to be nominated for licensed premises where the sale of alcohol is to take place. The DPS must hold a personal licence. We welcome the clarification in the revised Government Guidance to the Licensing Act on this issue.</p> <p>The DCMS guidance also outlines good practice for the authorisation of the sale of alcohol. Written authorisation may be appropriate for some premises, but not all, and is not a legal requirement. Ultimately, it is for the DPS to decide how to manage this issue. There is also no legal requirement for daily authorisation of the sale of alcohol, which would, in our view, be unenforceable and impose an unnecessary burden on operators.</p>		
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Env Health	Environmental Health Commercial Manager	<p>Section 4.14 "Act" before etc requires removal as in twice.</p> <p>Would it be worth while mentioning in some relevant context that the Council has declared DPPO since the original policy to help prevent crime and disorder.</p>	<p>Noted</p> <p>Noted</p>	<p>Amended as necessary</p> <p>Covered under 7.3.1 - Other Mechanisms Available</p>
Env Health	Environmental Health Pollution Manager	Mark, that looks fine. Thank you.	Noted	No amendment necessary.

REPORT OF DEPUTY CHIEF EXECUTIVE COMMUNITY DIRECTION
RE: SEXUAL ENTERTAINMENT VENUES

1. **PURPOSE OF REPORT**

- 1.1 For Council to consider adopting the amended provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 as they relate to "Sexual Entertainment Venues" (e.g. lap dancing clubs).

2. **RECOMMENDATION**

- 2.1 Council is recommended to adopt the provisions of Schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by Section 27 of the Policing and Crime Act 2009) in relation to the licensing of "sexual entertainment venues" and that responsibility for determination of applications for such licences be delegated to the Licensing Committee.
- 2.2 The fees for applications for licences for sexual entertainment venues are set at the same level as for sex establishment licences.

3. **BACKGROUND TO THE REPORT**

- 3.1 The Policing and Crime Act 2009 ("the 2009 Act") created a new category of "sex establishment" called a "sexual entertainment venue" in Schedule 3 to the Local Government (Miscellaneous Provisions) Act, 1982 ("the 1982 Act"). This brings the licensing of lap dancing and pole dancing clubs and other similar venues under the regime set out in the 1982 Act (currently used to regulate establishments such as sex shops and sex cinemas) rather than under the Licensing Act 2003 ("the LA 2003").
- 3.2 A sexual entertainment venue is defined as "any premises at which relevant entertainment is provided before a live audience for the financial gain of the organiser or the entertainer." The meaning of 'relevant entertainment' is defined as "any live performance or live display of nudity which is of such a nature that, ignoring financial gain, it must reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of an audience (whether by verbal or other means)." An audience can consist of just one person (e.g. where the entertainment takes place in private booths).
- 3.3 Guidance issued by the Home Office indicates that whilst local authorities should judge each case on its own merits, it would be expected that the definition of relevant entertainment would apply to

the following forms of entertainment as they are commonly understood:

- Lap dancing
- Pole dancing
- Table dancing
- Strip shows
- Peep shows
- Live sex shows

3.4 It should be noted that although the definition of relevant entertainment makes reference to a 'live display of nudity', the Guidance indicates that the mere fact that there is a display of nudity does not mean that a sex establishment licence will necessarily be required. For example, if the display forms part of a drama or dance performance in a theatre, in most cases it cannot reasonably be assumed to be provided solely or principally for the purpose of sexually stimulating any member of the audience. 'Display of nudity' is also defined in the Act.

3.5 The relevant entertainment must be provided for the financial gain of the 'organiser' or 'entertainer'. The 'organiser' means any person who is responsible for the organisation or management of the relevant entertainment or the premises at which the relevant entertainment is provided. The Home Office Guidance states that in most circumstances, this will refer to the manager of the premises, but could also refer to someone who is responsible for organising the relevant entertainment on behalf of the persons responsible for the management of the premises.

3.6 The Guidance indicates that the 'organiser' must be someone who is in a position of responsibility over the provision of the relevant entertainment and should not be interpreted to mean a member of staff who is merely employed to work during the provision of relevant entertainment. It is only necessary for one person to hold a sexual entertainment venue licence for the premises, even if there is more than one person who is responsible for the organisation or management of the relevant entertainment or the premises.

3.7 The following are not sexual entertainment venues for the purpose of the 1982 Act:

- (a) sex shops and sex cinemas;
- (b) any premises that at the time in question:
 - (i) has not provided relevant entertainment on more than 11 occasions within the previous 12 months;
 - (ii) no such occasion has begun within the period of one month beginning with the end of any previous occasion;
 - (iii) no such occasion has lasted for more than 24 hours; or,
- (c) premises specified or described in an order made by the relevant national authority.

- 3.8 Premises which provide relevant entertainment on an infrequent basis (Para 3.7(b) above) will continue to be regulated under the LA 2003, insofar as they are providing regulated entertainment under that Act. Any premises that provide relevant entertainment on more occasions, more frequently or for a longer period of time than is permitted under the exemption will be operating as a sexual entertainment venue and will have committed an offence unless they hold a sexual entertainment venue licence or the local authority has waived the requirement for such a licence.
- 3.9 With regard to the latter point, an applicant can apply for a waiver either as part of the application for a licence or separately. The local authority can grant a waiver if they consider that to require a licence would be unreasonable or inappropriate and the waiver may last for such a period that they think fit, but it can be terminated at any time with 28 days notice.

4. Adopting the Provisions

- 4.1 The new powers to regulate sexual entertainment venues are not mandatory and will only apply where they have been adopted. Where adopted, the new powers will allow the Authority to refuse an application on potentially wider grounds than is permitted under the LA03 and will give local people a greater say over the regulation of lap dancing in pubs and similar venues in their area by allowing for objections on wider grounds.
- 4.2 Adoption must be by resolution of the full Council.
- 4.3 It is recommended that responsibility for determination of applications should be delegated to the Licensing Committee.
- 4.4 If the Council does adopt Schedule 3 (as amended by the 2009 Act) then they must publish notice that they have passed the resolution for two consecutive weeks in a local newspaper. The first publication must not be later than 28 days before the day specified in the resolution as the date when the provisions come into force. The Notice should state the general effect of the adoption.
- 4.5 If the Council has not adopted the provisions by 6th April 2011 then it will be necessary to consult local people (people who live or work in the Borough) about whether the local authority should make such a resolution.

5. Applications

- 5.1 In general the Authority has discretion whether or not to grant a licence for the use of any premises, vehicle, vessel or stall to be used as a class of sex establishment.
- 5.2 A Licence cannot, however, be granted to:
- a person under 18;

- a person who has held a licence but has had it revoked within 12 months preceding the date of application;
 - to a person, other than a body corporate, who is not resident in an EEA
 - State or was not so resident throughout the period of six months immediately preceding the date when the application was made;
 - to a body corporate which is not incorporated in an EEA State; or
 - a person who has within the last 12 months preceding the date of the application been refused a licence in respect of the same premises.
- 5.3 Paragraph 10 (15) of Schedule 3 of the 1982 Act gives a statutory right to any person to object to an application.
- 5.4 If objections are received then details of the objections must be provided to the applicant, although names and addresses may not be divulged without the objector's consent.
- 5.5 An applicant must be given the opportunity of appearing before the body making the decision before an application is refused.
- 5.6 An application for the grant or renewal of a licence may be refused on one or more of the following grounds:
- (a) that the applicant is unsuitable to hold the licence by reason of having been convicted of an offence or for any other reason;
 - (b) that if the licence were to be granted, renewed or transferred the business to which it relates would be managed by or carried on for the benefit of a person, other than the applicant, who would be refused the grant, renewal or transfer of such a licence if he made the application himself;
 - (c) that the number of sex establishments, or of sex establishments of a particular kind, in the relevant locality at the time the application is determined is equal to or exceeds the number which the authority consider is appropriate for that locality;
 - (d) that the grant or renewal of the licence would be inappropriate, having regard to:
 - (i) the character of the relevant locality; or
 - (ii) the use to which any premises in the vicinity are put; or
 - (iii) the layout, character or condition of the premises, vehicle, vessel or stall in respect of which the application is made.
- 5.7 An applicant whose application for the grant or renewal of a licence is refused, or whose licence is revoked, on any ground specified in

paragraph 5.2 above does not have a right of appeal unless the applicant seeks to show that the ground did not apply to him.

- 5.8 Similarly, an applicant whose application for the grant or renewal of a licence is refused on either ground specified in paragraph 5.6 (c) or (d) above does not have the right to appeal the decision. In such cases the applicant can only challenge the refusal by way of judicial review.
- 5.9 The Council can prescribe Standard Conditions to be applied to licences for sex establishments, i.e. terms, conditions and restrictions on or subject to which the licences are in general to be granted, renewed or transferred.
- 5.10 These Conditions may regulate:
- the hours of opening and closing of the sex establishment;
 - displays or advertisements on or in such establishments;
 - the visibility of the interior of sex establishments to passers-by; and,
 - any change from one kind of sex establishment to another kind of sex establishment.
- 5.11 Different provisions may be made for sexual entertainment venues, sex cinemas and sex shops, and as well as for different kinds of sexual entertainment venues, sex cinemas and sex shops.
- 5.12 Where these Conditions have been made every Licence granted, renewed or transferred by the Authority will be presumed to have been done so subject to the relevant Standard Conditions.
- 5.13 This Authority already has Standard Conditions prescribed in respect of sex shops but these are not appropriate for sexual entertainment venues. If the provisions are adopted then it is proposed to bring a further report on suggested standard conditions.

6. Transitional arrangements

- 6.1 The 'transitional period' will last for 12 months beginning with the date that the local authority resolves that the new provisions will come into force in their area ('the 1st appointed day'). Six months following the 1st appointed day will be known as the '2nd appointed day' and the day on which the transitional period ends will be known as the '3rd appointed day'.
- 6.2 Under these arrangements any existing lap dancing clubs or similar venues who wish to continue to provide "relevant entertainment" will be required to apply for a new sex establishment licence without the benefit of grandfather rights.

- 6.3 It should be noted that there are currently no premises within the Borough providing “relevant entertainment” that would need to convert under the transitional arrangements.
- 6.4 Between the 1st and 2nd appointed days, applicants would be able to submit applications to be considered by the authority. At the end of this period, all applications received during this period would be considered together and licences would be granted until all the applications had been considered. Consequently any applications received after the 2nd appointed day would be considered individually.

7. **Fees**

- 7.1 The 1982 Act states, with regard to fees for this function, that the “applicant for the grant, renewal or transfer of a licence under this Schedule shall pay a reasonable fee determined by the appropriate authority”.
- 7.2 Fees for Sex Establishment (Sex Shop) Licences, under the 1982 Act, are set to recover the costs of carrying out the function under the Act; in other words that the service would be cost neutral to the Authority. Under the Act the process for the renewal of a Licence is the same as that followed for the grant of a Licence hence the fees for both functions are identical.
- 7.3 The process for sexual entertainment licences is the same as for sex establishment licences and it is therefore recommended that the fees be set at the same level.

4. **FINANCIAL IMPLICATIONS [CD]**

- 4.1 As no such establishments currently exist in the Borough, and the recommended fee is to remain the same, this report will have no effect on the Council’s finances.

5. **LEGAL IMPLICATIONS [MR]**

- 5.1 Contained in the body of the report.

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

- 6.1 Objective 3 – Safer and Healthier Borough

7. **CONSULTATION [MB]**

- 7.1 None.

8. **RISK IMPLICATIONS [MB]**

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

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

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

Management of Significant Risks		
Risk Description	Mitigating actions	Owner
Reputation	Ensure that no adverse impact of character of locality.	Mark Brymer
Legal Compliance	Ensure that premises operating in compliance with legislation.	

9. **RURAL IMPLICATIONS**

9.1 The adoption of the legislation will equal impact on all areas of the Borough.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety Implications - None
- Environmental Implications - None
- ICT Implications - None
- Asset Management Implications - None
- Human Resources Implications - None

Background Papers:

Policing and Crime Act 2009

Home Office Guidance – Sexual Entertainment Venues

Schedule 3 of Local Government (Miscellaneous Provisions) Act 1982

The Policing and Crime Act 2009 (commencement No 1, Transitional Provisions and Savings) (England) Order 2010

The Policing and Crime Act 2009 (Consequential Provisions) (England) Order 2010

Licensing Act 2003

Contact Officer: Mr. Mark Brymer ext. 5645

Executive Member: Councillor D.S. Cope

COUNCIL - 7 DECEMBER 2010

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

**RE: LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON AND BARWELL
AREA ACTION PLAN PREFERRED OPTION DOCUMENT**

1. PURPOSE OF THE REPORT

- 1.1 To advise Members of the need to consult upon the Earl Shilton and Barwell Area Action Plan Preferred Option Document, in accordance with the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended by the Town and Country Planning (Local Development) (England) (amendment) Regulations 2008) and the Local Development Scheme. The Earl Shilton and Barwell Area Action Plan Preferred Option Document paper is available in the Members Room, on the internet (follow the link meetings and minutes) and upon request from the Planning Policy Team.

2. RECOMMENDATION

- 2.1 That Members approve:
- (i) The Preferred Option document for the Earl Shilton and Barwell Area Action Plan DPD and associated Sustainability Appraisal for the purpose of undertaking a six-week period of consultation from Friday 7 January 2011 until Friday 18 February 2011 inclusive.

3. BACKGROUND –

- 3.1 The Planning and Compulsory Purchase Act 2004 requires all Local Authorities to produce a Local Development Framework (LDF). The Council has focussed on a number of key development plan documents (DPDs):

The Core Strategy;

Site Allocations and Generic Development Control Policies;
Hinckley Town Centre Area Action Plan;
Earl Shilton and Barwell Area Action Plan; and
Gypsy and Traveller Allocations Development Plan Document.

- 3.2 The centrepiece of the LDF is the Core Strategy DPD, which was adopted by Hinckley and Bosworth Borough Council in December 2009. This sets out the spatial objectives, directions for growth and strategic core policies for Hinckley and Bosworth and forms the basis

for all subsequent DPDs produced by the Borough Council, including the Earl Shilton and Barwell Area Action Plan.

- 3.3 All draft DPDs are subject to public consultation in accordance with Planning Policy Statement 12 and the Town and Country Planning (Local Development) (England) Regulations 2004 (as amended 2008). These consultations should also follow the procedures set out in the Borough Council's Statement of Community Involvement. All Draft DPDs are also subject to Sustainability Appraisal (SA) which must also be consulted upon.

Earl Shilton and Barwell Area Action Plan DPD

- 3.4 The Earl Shilton and Barwell Area Action Plan DPD forms an integral part of the Local Development Framework. It will support policies set out in the Core Strategy to allocate land for specific uses (including two sustainable urban extensions) and set out relevant development control policies for use in decision making on planning applications in Earl Shilton and Barwell.
- 3.5 Any changes suggested through the consultation period will be assessed and considered, as appropriate, in the drafting of a submission version of the document. Following this, it is anticipated that a six week consultation on the submission version of the document will be held in August and September 2011, with submission to the Secretary of State in November 2011. 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 July 2012, in accordance with the Council's current Local Development Scheme (LDS).
- 3.6 The Earl Shilton and Barwell Area Action Plan preferred option document contains draft policies relating to Earl Shilton and Barwell, including:
- the allocation of land for the proposed Barwell Sustainable Urban Extension
 - The Barwell Sustainable Urban Extension Masterplan
 - the allocation of land for the proposed Earl Shilton Sustainable Urban Extension
 - The Earl Shilton Sustainable Urban Extension Masterplan
 - settlement centres
 - the existing urban area of Barwell and Earl Shilton

4. FINANCIAL IMPLICATIONS (DB)

- 4.1 The total cost of public consultation associated with this report is estimated to be £15,000. This figure includes the costs associated with associated advertising, workshops and the preparation of presentation

materials. It is intended that this expenditure be met by a supplementary budget funded from the Local Development Framework Reserve.

5. LEGAL IMPLICATIONS (AB)

- 5.1 As stated in the report there is a statutory duty on the Council to consult in respect of all draft Local Development Framework documents
- 5.2 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

- 6.1 The Earl Shilton and Barwell 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

- 7.1 The production of the Area Action Plan Preferred Options document has been informed by the development of a Masterplan for the Earl Shilton and Barwell sustainable urban extensions and their main settlement centres. Consultation began in advance of the commencement of the Masterplanning process and is summarised in a 'Pre-Masterplan Public Engagement Report', which was published by Lanarca in October 2008. In addition, an 'Earl Shilton and Barwell Area Action Plan Consultation Strategy' was prepared in November 2009. This sets out the approach that is being taken to consultation during the preparation of the Area Action Plan. This document is also supported by the 'Earl Shilton and Barwell Area Action Plan: Consultation Summary' November 2010, which summarises feedback received from consultation exercises that have been carried out whilst the Masterplans have been in development.
- 7.2 In summary, the following stages of consultation have been carried out in the preparation of the Masterplan preferred options:
 - The Area Action Plan Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on the 4th and 5th of December 2009 and in Earl Shilton on the 11th and 12th December 2009. The exhibition material was then displayed at the

Borough Council Offices until 8th January 2010. Feedback was requested during these sessions and was taken into account when refining the Masterplan Options.

- Stakeholder Design Workshops were held on 2nd and 3rd March 2010. The purpose of these events was to bring key stakeholders together and engage them in the design process through a series of interrelated masterplanning exercises in order to inform the preparation of the preferred option for each masterplan.
- The Area Action Plan Preferred Options for Earl Shilton and Barwell settlement centres and sustainable urban extensions were presented at a series of public exhibitions in Barwell on 8th and 9th October 2010 and at Earl Shilton on 15th and 16th October 2010. Feedback was requested during these sessions and is being taken into account in the development of the Area Action Plan.

7.3 The Earl Shilton and Barwell Area Action Plan Preferred Options Document was presented to the Local Development Framework Working Party on 25th November 2010.

7.4 Further consultation will be carried out to inform the development of the Area Action Plan, as set out in Section 3 above.

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.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Members do not accept the recommendations within this report, leading to a delay to the progress of the AAP and the potential to miss deadlines set out in the Local Development Scheme.	Proceed with the programme outlined in the Local Development Scheme.	Head of Planning
Risk of further planning applications on this site before the SUE's have been properly planned and	Proceed with the programme outlined in the Local Development Scheme.	Head of Planning

an infrastructure plan has been progressed.		
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9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The Earl Shilton and Barwell Area Action Plan Preferred Options document proposes the allocation of land adjoining Earl Shilton and Barwell for the development of two mixed use sustainable urban extensions. The current land use in these locations is largely agricultural. The allocations are proposed to support the delivery of requirements set out in policies 2 and 3 of the adopted Core Strategy.

10. CORPORATE IMPLICATIONS

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

Community Safety Implications - the 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 Masterplanning process

Human Resources Implications – None

Planning Implications – Contained within the report

Contact Officer: Richard Crosthwaite – Principal Planning Officer (Policy) (x5695)

Executive Member: Councillor Stuart Bray

Appendices: Earl Shilton and Barwell Area Action Plan Draft for Consultation.

ss/46C10Dec10

COUNCIL – 7 DECEMBER 2010

REPORT OF CHIEF OFFICER: BUSINESS, CONTRACT & STREET SCENE SERVICES

RE: STREET SCENE SERVICES

1. **PURPOSE OF REPORT**

To seek Council approval for the purchase of new waste collection receptacles and revision of the operational service delivery structure.

2. **RECOMMENDATION**

That Council agree the:

1. Purchase of new waste collection receptacles from the Waste Management Reserve
2. Revised operational service delivery structure for Street Scene Services and subsequent financial savings.

3. **BACKGROUND TO THE REPORT**

3.1 The Council's in-house service provision for Street Scene Services (Waste Collection, Street Cleansing and Grounds Maintenance) since 2004 has gone from strength to strength. To maintain transparency and to avoid complacency the services (from 2007) are required to demonstrate that they provide value for money on an annual basis in accordance with the Council's Value for Money Strategy. Achievement of Value for Money Services was again agreed by the Executive at its meeting on 8 September 2010 along with a 'suite' of service improvements.

3.2 In addition to the provision of public priority services the service has corporate responsibility for generating income for the authority. This relates to all areas of the Council and not just 'cleaner and greener' services. The Business Delivery Plan identifies a three-year vision for the service. The service vision is:

"Business led, customer focussed"

In the current economic climate, and with the most challenging local government financial settlement in recent years, never has there been a greater need for the efficient, effective and economic provision of public services and the introduction of income generation ventures that are in the public's interest. For this reason, and in response to Voluntary Redundancy requests the service delivery structure has been rationalised and reconfigured.

4. **WASTE COLLECTION REVIEW**

4.1 Improved Waste Collection Services will be introduced across the Borough from 17 January 2011. The kerbside recycling collection system will alter from a 'source segregated' approach (individual materials are collected separately) to a 'Dual Stream' approach where the majority of the materials are collected in two different streams. As a result, dry recycling will all be collected on the same week by a single collection vehicle. This will simplify collection arrangements for households and reduce vehicle movement.

4.2 The Dual Streams of materials are:

Stream 1 – Container	Stream 2 – Fibre
<ul style="list-style-type: none">▪ Glass,▪ Tetra Pak,▪ Aerosols,▪ Cans, and▪ Mixed Plastic.	<ul style="list-style-type: none">▪ Paper, and▪ Cardboard
Blue Box / Bag / Bin	Yellow Reusable Bag

Textiles and batteries will also be collected.

4.3 In order to provide the new services and respond to residents' feedback regarding waste receptacles the Council will provide the initial outlay of new recycling receptacles. In essence, households will be able to choose from:

- Reusable and heavier weighted Blue Bag – This will be the default receptacle for the majority of households (90 litre capacity).
- Box with lid – For residents with less recycling or limited space a second smaller box (with a lid) is available to save on space and allow stacking (55 litre capacity).
- Blue lidded Wheeled Bin – For residents that recycle a lot or would just like a wheeled bin rather than other receptacles this can be hired for £15 per year (140 or 240 litre capacity).

For households with very little recycling, and that consequently do not require an additional container, they can still use their existing Blue Box and Yellow Bag. To manage logistics the initial Borough-wide delivery of receptacles will be apportioned using the criteria mentioned above.

4.4 The improved reusable bags have been paid for from existing revenue budgets. This report requests funding for the provision of 2,000 wheeled bins (with blue lids) and 8,000 boxes from the Waste Management Reserve. Once the initial provision of reusable blue bags and lidded boxes has been provided to existing households by the Council, responsibility for the replacement / replenishment of blue bags and boxes will transfer to the Council's Contractor (Palm Recycling).

4.5 The financial implications of the Waste Collection Review are:

	£
Dry Recycling Saving	-51,000
Net Waste Collection savings (having accounted for Bank Holidays, staff, transport, and food waste allocation)	-54,284
Savings against planned increased expenditure in MTFS	-95,000
Increased income from leased wheeled bins	-20,400
Total Saving	<u>-220,885</u>

The savings identified above will be put towards the overall corporate saving requirement of the Council.

5. **FINANCIAL IMPLICATIONS [IB/DMe]**

- 5.1 All current capital resources have been earmarked to fund the capital programme. Therefore the capital cost of £68,500 would need to be funded from either additional borrowing, or financing from the Waste Management Reserve.

Borrowing implication

Based on a 7 year asset life the estimated cost of borrowing chargeable to the general fund would be £11,464. This will need to be funded from existing revenue budgets. This would also impact on the councils prudential borrowing limits.

Reserves implication

Currently there is £187,765 within the reserve. This could be used to fund the £68,500. The reserve could be replenished in future from waste management savings. These savings would need to be additional to any that need to be found as part of any corporate saving exercise.

The use of the reserve would be the recommended option because this funding is already available.

- 5.2 Street Scene Services was restructured in 2010/11 due to two employees taking voluntary redundancies. The cost of the restructure in 2010/11 is £83,274, and funded from £50,000 savings from recycling palm contract and further £33,274 savings from the leasing vehicle rental. 2011/12 restructure costs are £29,561 and this is netted off in the financial costing and will be included in the 2011/12 budget process. Two posts are deleted from the establishment due to voluntary redundancy, the savings from this also contributed to 3 new posts created and two posts re-evaluated in the restructure.

6. **LEGAL IMPLICATIONS (AB)**

- 6.1 Under Section 46 of the Environmental Protection Act 1990 the Council may require the depositing of household waste in such number and manner of receptacles as it may determine.
- 6.2 The proposed capital cost of £68,500 is below the OJEU threshold in respect of procurement law although the Council’s own financial procedure rules will still apply.

7. **CORPORATE PLAN IMPLICATIONS**

- 7.1 The responsive repairs contract significantly contributes towards the Council’s Strategic Aim to minimise our negative impact on the environment.

8. **CONSULTATION**

- 8.1 The headline public results are being reported via the corporate reporting process. Consultation has been undertaken with the Citizens Panel; Residents that have contacted the service during the last 6 months; Users of the Website; and residents responding to the Press Release; Staff; Borough and Parish Councillors; and Focus groups will be held during March 2010.
- 8.2 The survey generated 723 responses for the Recycling and Refuse service questions which were sent to both Citizens Panel Members and Service Users.
- 8.3 Highlight results from the survey are provided below:

Table 1	Blue Box	Blue Bag	Brown Bin	Orange bag	White bag	Cardboard bag
% respondents satisfied with container	84.5%	73.4%	90.2%	75.6%	36.5%	76.6%

Which one of the following options of recycling containers would you prefer?

Table 2

Keep the same(i.e. 1bag for paper, 1 bag for plastics, 1bag for cardboard & 1 box for glass, cans & foil	1 bag for paper, 1 box for plastic &cardboard & 1 box for cans, glass & foil	1 bag for paper and 1 wheeled bin for plastic,cardboard,cans, glass & foil	1 wheeled bin for paper,plastic,cardboard, cans, glass &foil
37.6%	5.8%	15.7%	40.9%

- 8.4 39% of respondents indicated they would still use the brown bin (garden waste) if the council charged a nominal fee with 61% indicating that they would not continue using the service if there was a charge.
- 8.5 In response to how the service could be improved the following suggestions were put forward:
- More care by operators in respect to spillage and replacing owners own bins back at boundary, not blocking driveways
 - Rationalise the number of containers
 - Introduce more recycling kerbside; in particular, tetrapak, food waste & battery recycling
 - More robust bags and lids for boxes
 - More local/village recycling bins to encourage casual recycling
 - Effectively publish clear guidance on where people can recycle and what they can recycle at individual sites
 - Weekly black bin household waste collection, particularly in the Summer months
 - More reliable assisted collections
 - Improve communication about service and educate people about recycling

9. **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.

No significant risks associated with this report / decisions were identified from this assessment.

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

- 10.1 The redesign of the recycling service is to meet the needs of our residents. The consultation results contained in section 8 of the report provide the responses of the communities needs.

11. **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: Value for Money Report 2010

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