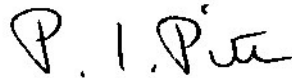


Date: 16 February 2011

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 **THURSDAY 24 FEBRUARY 2011 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

PLEASE NOTE DAY OF MEETING

A G E N D A

1. Apologies
2. To confirm the minutes of the meeting held on 7 December 2010. Attached marked C42.
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 9 December 2010 and 20 January 2011. Attached marked C43 and C44.
10. To consider the following reports:-
 - (a) General Fund Revenue Budget 2011/12. Attached marked C45. (Pages 1 - 16).
 - (b) Calculation of Council Tax 2011/12. Report C46 to follow once Leicestershire Police Precept has been agreed.
 - (c) Capital Programme 2010/11 – 2013/14. Attached marked C47. (Pages 17 - 21).
 - (d) Housing Revenue Account Estimates 2011/12. Attached marked C48. (Pages 22 - 30).
 - (e) Hinckley Bus Station – Compulsory Purchase Order. Attached marked C49. (Pages 31 - 67).
 - (f) Update on Achievements and Presentation of Vision for Older Persons' Services in the Borough. Attached marked C50. (Pages 68 - 84).
 - (g) Affordable Housing Supplementary Planning Document, Rural Needs Supplementary Planning Document and Ratby Village Design Statement – Versions for Adoption. Attached marked C51. (Pages 85 - 89).

Copies of the accompanying documents to this report are being circulated to elected Members only but are available on the Council's website or on request from the report author. Would Members please note that these are enclosed separately with this agenda.

 - (h) Delegated Planning Decision from North Warwickshire. Attached marked C52. (Pages 90 - 92).
 - (i) Charging for Street Naming and Numbering. Attached marked C53. (Pages 93 - 99).
11. To agree the Council's calendar of meetings May 2011 - May 2012. Copy attached marked C54.
12. To consider the following motions, notice of which has been received in accordance with Council Procedure Rules 13.1 and 13.2:-
 - (a) From Mr S.L. Bray

“This Council notes with concern that:

- a) high street banks are planning to stop accepting cheques despite protest from consumer groups and businesses;
- b) in December 2009, the Payments Council agreed on behalf of the major banks to scrap cheques in 2018;
- c) nearly four million cheques are still being written each day and that many people still prefer to pay for goods and services in this way;
- d) believes many people and organisations including the elderly, businesses and charities would be seriously affected as a result;
- e) 126 MPs from all parties have signed Early Day Motion 258 calling for the banks to reconsider their proposals.

This Council further notes that on November 2nd 2010, David Ward MP presented a 10 minute rule bill to the House of Commons which would place a duty on the City Regulator, the Financial Services Authority, to ensure that cheques stay in use until suitable alternatives are found and that the Bill will be debated in June 2011.

This Council calls upon the Chief Executive to write to the Prime Minister expressing this Council's concern about the plans to abolish cheques and urging him to provide Parliamentary time to ensure that the Bill is passed into law."

(b) From Mr. W.J. Crooks

"This Council notes the lack of broadband access in rural areas, including many parts of Hinckley and Bosworth. A lack of broadband access hinders the educational and lifestyle opportunities of many people in rural areas, and impedes rural businesses from maintaining their position in an ever changing economy, missing out on opportunities for new business and export markets.

This Council believes that a lack of sustainable broadband also prevents a positive shift toward new business development and holds back on new methods of working that could benefit rural households such as home based working, and could also delay the development of new forms of public sector service that will increasingly rely upon the power of the Internet.

The Council accepts that the Coalition government is taking steps to remedy the problem of lack of broadband access in rural areas, but is concerned that little of the support is being targeted at rural areas in the Midlands.

This Council resolves to write to the Coalition Government asking that the installation of broadband in rural areas be made a priority in this region to ensure that rural areas are at the forefront of the digital age. Further Council resolves to write to the newly established Local Enterprise Partnerships in both Leicestershire and Warwickshire seeking support in developing a local solution."

(c) From Mr. B.E. Sutton

“At a Planning meeting on Tuesday 1st February the Highways Agency asked for contributions towards improvements for a junction of the M1 in respect of an application at Wood Lane, Nailstone. This site is some 5 plus miles away from the M1, and there is certainly no guarantee that the junction will be used exclusively for the development.

If this is in order, as we were told, this Council moves that the Highways Agency gets its act together in respect of improvements to the local stretches of the A5 so as to remove the bottlenecks and to get it up to dual carriageway standard as at Smockington and Atherstone.

This is a major problem with transport and development in the Hinckley area, and if all planning proposals within 5 miles of the A5 contributed similarly to the Nailstone project, the A5 improvements would have been done years ago, saving a fortune in lost time and preventing a great deal of pollution.

This Council moves that the Chief Executive writes to the Highways Agency in order to ascertain why the A5 always seems to be a low priority and seeking an urgent meeting with Members of this Authority regarding the much needed improvements to a major trunk road that is used regularly to relieve any problems on the M42, M6 and M1 (often causing chaos).”

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
7 DECEMBER 2010 AT 6.30 P.M.

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

Mr. J.G. Bannister, Mr. P.R. Batty, Mr. P. S. Bessant, Mr. D. C. Bill, Mr. C.W. Boothby, Mr. J. C. Bown, Mr. S. L. Bray, Mrs R. Camamile, Mr. M. B. Cartwright, Mr. D.S. Cope, Mr. W. J. Crooks, Mr. D.M. Gould, Mrs. A. Hall, Mr. P. A. S. Hall, Mr. C.G. Joyce, Mr. C. Ladkin, Mr. M. R. Lay, Mr. K. W. P. Lynch, Ms. W.A. Moore, Mr. K. Morrell, Mr. K. Nichols, Mr. L.J.P. O'Shea, Mrs J. Richards, Dr. 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, Mrs. R. Ball, Mr. Mark Brymer, Mr. Michael Brymer, Mr. D. Bunker, Mr. R. Crosthwaite, Mr. B. Cullen, Miss L Horton, Mr. S. Kohli, Mr I. Parsons, Mrs. P. I. Pitt, Mrs J. Puffett and Mr. S. Wood.

Prior to commencement of the meeting Members' observed a brief silence in memory of Mick Hill, a long-standing employee in refuse and recycling, who had passed away in October.

333 **PRAYER**

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

334 **APOLOGIES**

Apologies for absence were submitted on behalf of Mrs. M. Aldridge, Mr. D.W. Inman and Dr. J.R. Moore.

335 **MINUTES (C25)**

Prior to confirmation of the minutes and following a question from a Member the Leader of the Council stated that his response to the question from Mr. Lay at the last meeting had been accurate and that the issue of funding would be better addressed to the County Council.

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

RESOLVED - the minutes of the meeting held on 30 September 2010 be confirmed and signed by the Mayor.

336 **DECLARATIONS OF INTEREST**

Personal interests were declared as follows:-

Mrs. Richards – report number C33.

337 MAYOR'S COMMUNICATIONS

The Mayor referred to the recent visit to the Borough of representatives of Le Grand Quevilly and to the Council's intention to look into all aspects of its town twinning.

338 QUESTIONS

(a) Question asked by Mrs. J. Richards and addressed to Mr. S.L. Bray

"The new Government has set out many welcome changes to the planning system along with much more realistic objectives in terms of providing necessary housing whilst taking account of the views and needs of local communities.

Despite this the Borough Council seems determined to proceed with its policy of creating two 'Sustainable' Urban Extensions (SUEs) on Greenfield land on the boundaries of Earl Shilton and Barwell in the face of the widespread concerns of local residents about these plans and their general belief that the Council's consultation process has failed to properly engage with the people of these two communities.

It is hard to disagree with the premise that the Borough Council's proposals envisage a massive expansion of both of these settlements without adequate plans for the necessary infrastructure and service provision improvements and certainly without the unqualified support of local residents.

With all this in mind, would the leader agree that this Authority's needs to look again at its whole approach to the SUEs it is planning for the communities of Earl Shilton and Barwell?"

Response from Mr. S.L. Bray

"Thank you Councillor Richards for your question.

Whilst the new Coalition Government has set out its views on the planning system, I would remind you that the clear advice from CLG and the Conservative Minister for Planning at this stage is that the current LDF process continues. No details have been published of any replacement system, nor has any time frame for this been published.

The Council's adopted Core Strategy sets out clearly how growth will be met up until 2026. The Sustainable Urban Extensions for Earl Shilton and Barwell have not only been subject to extensive consultation as part of the LDF Core Strategy process, but have been subject of rigorous examination by a Government Inspector in 2009 and found sound. I have listed below the extent of consultation undertaken so far.

Core Strategy Phase Date	Consultation Carried Out
November – December 2003	Public Consultation and issues papers drawing out public opinion and establishment of a cross-party Member Working Group.
Summer 2005	‘The Shape of Things to Come’ – more detailed consultation to identify development opportunities – feasibility and constraints.
July 2006 (3 July – 15 August)	<p>Core Strategy Preferred Options published for public consultation. This provided a preferred option for major growth based on concentrating most development in the main ‘Hinckley Urban Area’ (including Barwell and Earl Shilton). The document divided the urban core up into a number of sub areas.</p> <p>Exhibitions: Barwell Methodist Church – 1 August 2006, 3-8.30pm Co-op Earl Shilton (trailer) – 8 August 2006, 3.30-9pm Members Workshop – 11 July 2006</p>
September 2007 (24 September – 5 November)	<p>Further development of options and alternatives based on feedback from GOEM.</p> <p>Exhibitions: Earl Shilton Library – 9 October 2007, 5-7pm Co-op Earl Shilton – 13 October 2007, 10am – 1pm Barwell Library – 16 October 2007, 5-7pm</p> <p>Parish Council Meetings (explanation of the proposals and an opportunity to discuss and debate them): Barwell Parish Council – 4 October 2007, 7pm Earl Shilton Parish Council – 16 October 2007, 7.30pm Earl Shilton Parish Council – 30 October 2007, 7.30pm Parish Forum – 6 September 2007</p> <p>Workshops: opportunities to discuss the documents with others:-</p>

	<p>Core Strategy Workshop – 25 October 2007, 6-8pm (Hinckley United Football Club)</p> <p>Barwell Parish Council Workshop – 29 October 2007, 7pm (Meadow Road Community Centre, Barwell)</p> <p>Councillors Workshop – 1 November 2007, 6-8.30pm (Hinckley United Football Club)</p>	
Barwell/Earl Shilton SUE Masterplan Phase Development	Time	Meeting
4 December 2009	2-6pm	Barwell Public Consultation
5 December 2009	10am – 2pm	Barwell Public Consultation
11 December 2009	2-6pm	Earl Shilton Public Consultation
12 December 2009	10am – 2pm	Earl Shilton Public Consultation
25 January 2010	5.30pm	Earl Shilton Town Partnership – Update
17 February 2010	3pm	Earl Shilton Town Council and Methodist Church update
2 March 2010	All Day	Barwell SUE Masterplan Workshop
3 March 2010	All Day	Earl Shilton SUE Masterplan Workshop
8 March 2010	5.30pm	Earl Shilton Town Partnership Update
12 April 2010	5.30pm	Earl Shilton Town Partnership Update
20 April 2010	10.45am	Earl Shilton Town Council and Methodist Church Update
22 April 2010	6pm	Earl Shilton and Barwell Scrutiny
26 April 2010	5.30pm	Earl Shilton Town Partnership Update
24 May 2010	5.30pm	Earl Shilton Town Partnership Update
17 June 2010	10am	Earl Shilton Town Council – Consultation re: Weavers

		Springs access
28 June 2010	5.30pm	Earl Shilton Town Partnership Update
16 August 2010	5.30pm	Earl Shilton Town Partnership Update
2 September 2010	10am	Earl Shilton and Barwell Forward
17 September 2010	5.30pm	Earl Shilton Town Partnership Update
8 October 2010	2-6pm	Barwell Public Consultation
9 October 2010	10am – 2pm	Barwell Public Consultation
15 October 2010	2-6pm	Earl Shilton Public Consultation
16 October 2010	10am – 2pm	Earl Shilton Public Consultation
21 October 2010	10am	Meeting with Barwell Parish Council re Cemetery extension requirement

As you will see, the Council has continued its engagement with residents and stakeholders on the development of the SUE Masterplan. In fact, the Council was recently congratulated by the Earl Shilton Town Council for the level of engagement we have afforded the communities on the proposals. As you will be aware, there was a further recent consultation on revised Masterplans over two weekends in October in Earl Shilton and Barwell and the level of public involvement was good. There is further consultation planned early in the New Year on the Area Action Plan for the SUEs with a final stage programmed for Summer 2011, prior to the submission of the document to the Secretary of State. Beyond this, there will be much more detailed consultation on future planning applications for the SUEs. I am also pleased to report that the Developer Consortiums for both Barwell and Earl Shilton have agreed to set up local stakeholder forums to meet with local residents, businesses and politicians. This should commence early in the New Year.

I share your desire to ensure adequate plans are made for necessary infrastructure and service provision. I can confirm that progress is being made with the support of Prospect Leicestershire to draw up an infrastructure plan that will identify the community facilities and infrastructure required with the development. This will form part of the AAPs which will be considered by Council and subject to consultation early in the New Year.

On the basis of my comments above, I consider this Authority is taking the right approach to its planning for the development of the SUEs and regeneration of Earl Shilton and Barwell.”

Following a supplementary question from Mrs. Richards Mr Bray indicated that he was happy to facilitate a meeting between Mrs. Richards and officers from this Authority and from the County Council to discuss future infrastructure and service provision.

(b) Question asked by Mr. W.J. Crooks and addressed to Mr. S.L. Bray

“In a recent leaders speech, Councillor Bray announced that the Council would be taking a more rigorous approach to tackling Planning Enforcement.

As Councillor Bray is the Executive Member for Planning, would he kindly advise me what steps/action has been taken so far?”

Response from Mr. S.L. Bray

“May I thank Cllr Crooks for this opportunity to update Members of the work being undertaken to tackling planning enforcement within the Development Services Department.

Monies have been made available from the Housing and Planning Delivery Grant to support the enforcement process. This money has allowed for the appointment of a consultant to address the backlog of enforcement complaints and provide support to the trainee enforcement officer. This has resulted in the backlog being reduced from 255 cases in August to its current level of 130 open cases as of last week.

The consultant is also looking at long-term enforcement cases to seek a resolution and also to look at cases that were closed but have been re-opened following concerns from some Members.

She is also helping to draft an enforcement protocol on which we are seeking to consult with the community early next year before taking it to Planning Committee. This protocol will look at how the section responds to enforcement complaints as well as setting out the process for resolving/closing cases and reporting progress to Members.

Councillor Crooks will be aware that the manager of the enforcement section took early retirement on the grounds of ill health in the middle of this year. A decision was taken to remove the post of enforcement manager and have two enforcement officers reporting directly to the Development Management Manager. These jobs have had to be drawn up and evaluated. This has resulted in an existing post being re-graded and the other post being advertised last week with a view to interviewing in late December and having a person in post in January/early February 2011.

It will be the first time for some time that there have been 2 full time enforcement officers working purely on a caseload and it is envisaged that this will allow for a more pro-active enforcement team closely linked to development control officers.

Members will be aware that officers recently successfully undertook direct action at The Klondyke and are also pursuing other breaches of control through the courts.

I should remind Members that a breach of planning control is not in itself an offence. There is always an option for the Authority to consider retrospective applications which have to be assessed on their own merit. I should also state that enforcement action should only be taken when it is expedient in the public interest to do so and planning permission would not ordinarily be granted. Having said that the Authority will continue to investigate all breaches of planning control with vigour and take the appropriate action where necessary. I look forward to a fully staffed and resourced enforcement section and the revised practices that will be brought forward in the early part of next year following the measures being put in place.“

(c) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

“Bearing in mind that it was no secret the Hinckley & Bosworth Local Plan was to be replaced after 2006 with a Local Development Framework to cover a 20 year period 2006 – 2026, can the Leader please enlighten the Council why no provision was made by the Council to clearly identify a continuous 5 year housing land supply from 2006.

This is a particularly important question in that recent events have proved that having left this vacuum, strategic and valuable Green Wedges, Green Belt and other important Green Spaces throughout the Borough have been left to the mercy of the ambition of resurgent developers who are now successfully applying for planning permissions that would not normally be granted had this vacuum not existed.

The irony is that in all probability the majority of these speculative applications when granted will be “mothballed” until a stronger housing market re-emerges after a nominal “start” has been made on the sites.”

Response from Mr. S.L. Bray

“Thank you for your question on this matter Councillor Batty. The national requirement for the provision of a five year housing supply has been in existence for a number of years and is a requirement of Planning Policy Statement 3 ‘Housing’. The adopted Hinckley & Bosworth Local Plan identified housing and employment allocations to help deliver this Councils’ target set by the former County Structure Plan. To meet a five year supply relies on housing allocations coming forward and planning permissions being granted. The Regional Spatial Strategy has set targets to 2026. The Council is in a position through

its adopted Core Strategy to demonstrate how these can be met to assist in delivering a five year supply. The fact that we have been able to advance the Core Strategy positions the Council effectively to meet this requirement, as we are now able to bring forward major new allocations in the form of the SUE's that can facilitate planning applications for new housing and related facilities. The key issue is timing. There is an argument that if we had not commenced this work on the LDF and advanced to the current position, our position on five year supply could get worse.

A green belt designation does not bestow the administrative boundary of the Hinckley and Bosworth or even the County. There is not a policy vacuum; there are still national planning policy statements, saved Local Plan policies, and Adopted Core Strategy and Supplementary Planning Documents. The Judicial Review at the High Court in which CALA Homes challenged Eric Pickles decision to revoke Regional Spatial Strategies was found that the Government acted unlawfully and therefore illegal. As a result, the Regional Plan remains a material consideration."

Following a supplementary question from Mr. Batty Mr. Bray indicated that he would arrange for a written response on housing supply between 2006-2009 to be sent to Mr. Batty.

(d) Question asked by Mr. P.R. Batty and addressed to Mr. S.L. Bray

"Notwithstanding the laudable motion to be proposed by Cllr Bray at the December 2010 Borough Council meeting, would the Leader agree that the current 5 year housing land supply figure needs to be robustly challenged with Central Government as this figure was based on an existing formula and normal housing market supply and demand projections at a time when the housing market has been anything but normal.

Bearing in mind the Global Financial Crisis and the resultant once in a lifetime deep recession which led to a collapse in the housing market, it is clear that the methodology used (based largely on projected demand) to arrive at the 5 year housing land figure would have been fundamentally flawed.

This assumption is supported by the housing market downturn, with new build starts at an all time low during the height of the recession. Developers with severe cash flow pressures were unable or unwilling to bring new sites forward for planning and many existing sites were "mothballed".

Consequently, during the last 18 months, an average downturn in the sale and completion of new build in excess of 40%. These crucial factors have directly contributed to the shortfall in the current "false" 5 year housing land figure.

Therefore, does the Leader agree that Local Authorities and communities in their area should not be harshly penalised for circumstances entirely beyond their control and that developers should not be encouraged to embark on a frenzy of Green Space land grabbing by unreflective and unhelpful Government planning policies and guidelines.

Whilst this is unlikely that the Coalition Government will agree, as they should to a moratorium on the 5 year housing land supply, does the Leader agree that in any event this Council should make robust representation to Government that in light of the direct affect of the recession and the housing market downturn on the 5 year housing land supply figure, to reduce this figure by a minimum of 20% for the period 2009 – 2012 inclusive?"

Response from Mr. S.L. Bray

"Thank you for your question. I consider the motion I have put before Council sends a clear message to the Coalition Government to remove the requirement for a five year land supply until such time legislation is enacted and implemented to bring about changes in the national planning system.

Whilst I note your scepticism over the likelihood of the Government agreeing this request, I do not consider we should weaken our resolve and suggest reduction in targets at this stage.

I did write to Eric Pickles, Secretary of State for Communities and Local Government in July this year. The response from the Minister of Housing on behalf of the Secretary of State advised that to reduce our housing targets would need to be based on robust evidence of housing need and population projections. Under the current national system it is unfortunate that economic conditions do not have any bearing on the way housing targets are calculated."

Mr. Gould entered the meeting at 6.47 p.m.

In response to a supplementary question from Mr. Batty Mr. Bray reiterated that he had received an answer from the Rt. Hon. Eric Pickles MP relating to housing figures and could not speculate as to whether the Secretary of State was likely to reduce the five-year housing land supply figure.

339 LEADER'S POSITION STATEMENT

In his presentation the Leader referred to the various items on this evening's agenda. Reference was made to the stringencies which now faced the Council following the Comprehensive Spending Review and the impending financial settlement for 2011-12. Highlighted were some of the Council's recent achievements including

- the redevelopment of the Atkins Building

- joint working with North Warwickshire and Hinckley College on the construction of the new college building
- the Greenfields Industrial development
- the recent opening of the new Hinckley Club for Young People.

In conclusion the Leader reminded Members that on 14 December the Planning Committee would be considering the application for development of the bus station site, which would further regenerate the town.

Finally the Leader paid tribute to street scene employees who, despite the adverse weather, had been able to collect the majority of household rubbish.

340 MINUTES OF SCRUTINY COMMISSION MEETINGS – 16 SEPTEMBER (C26) AND 28 OCTOBER 2010 (C27)

In presenting these Mr. Lay paid tribute to the Commission for its diligence in helping to facilitate the process of reducing the backlog of disabled facilities grants. Also commented upon was the Commission's review of waste collection services and Mr. Lay referred to staff's hard work in delivering a service which demonstrated excellent value for money .

341 YOUTH COUNCIL ACHIEVEMENTS (C28)

Chloe Thompson, Chair and Cassie Stilladay, Vice-Chair attended to give a presentation on the achievements of the Youth Council over the past year. Highlighted were the holding of teen nights at 'Elements' night club, involvement in an inter-country European project in Germany and the annual 'Voice of Young People' conference held at the new Hinckley Club for Young People. Thanks were accorded to Council officers for their support over the year and this was followed by numerous Members complimenting the Youth Council on its impressive list of achievements and initiatives.

It was moved by Ms. Moore, seconded by Dr. Smith and

RESOLVED – the summary of the Youth Council's annual achievements be endorsed.

342 LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007 – NEW GOVERNANCE ARRANGEMENTS (C29)

Dr. Smith and Mr. Bray left the meeting at 7.17 p.m. and 7.18 p.m. respectively.

Following an on-line public consultation exercise formal adoption was sought to introduce the Elected Leader and Cabinet model of governance arrangements, as required by the above legislation. The Executive member for Corporate Services indicated that Council needed to resolve this by 31 December 2010 and that the new arrangements would take effect following the Council election in May 2011.

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

RESOLVED –

- (i) the elected Leader and Cabinet Executive model of governance be formally adopted; and
- (ii) the Constitution be amended in consequence of (i), to come into effect from the Council elections in May 2011.

Mr. Bray and Dr. Smith returned to the meeting at 7.20 p.m.

343 PRUDENTIAL CODE AND TREASURY MANAGEMENT ANNUAL REPORT 2009/10 (C30)

As required by the CIPFA code of conduct and Prudential code for Capital Finance in local authorities the Executive member for Finance presented this statutory document to Council for approval.

It was then moved by Mr. Lynch, seconded by Bill and

RESOLVED – the actual Prudential Indicators set out in the report of the Deputy Chief Executive (Corporate Direction) be approved and the Treasury Management Stewardship report for 2009/10 be noted.

344 RE-ALLOCATION OF FLEXIBLE WORKING CAPITAL BUDGETS (C31)

Council approval was sought to transfer the Flexible Working Capital Budget to other capital budgets.

Whilst in agreement with this proposal Members sought reassurance that flexible working was working well and that customers were being well served. Following a suggestion from Mr. Bessant the Executive member for Finance indicated that he was agreeable to the Scrutiny Commission looking flexible working arrangement, subject to the Commission being provided with hard evidence of particular areas which should be examined.

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

RESOLVED –

- (i) approval be given to the transfer of unspent flexible working capital budgets to:
 - transformation
 - shared revenues and benefits
 - relocation to the former Fludes site; and
- (ii) the Scrutiny Commission, following receipt of concrete examples of areas which Members consider should be examined, further examine the flexible working process.

345 SHARED REVENUES AND BENEFITS PARTNERSHIP CAPITAL PROJECT EXPENDITURE (C32)

Consequent upon the Council's Council Procedure Rules Members' approval was sought to the above. Capital expenditure was required in order to enhance the infrastructure of the shared revenues and benefits service with Harborough and North West Leicestershire District Councils. There were no additional costs to this Council, which held funding on behalf of the Partnership.

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

RESOLVED – the capital cost of the infrastructure enhancement to enable the Partnership to use one system, as outlined in paragraph 3.3 of the report of the Deputy Chief Executive (Corporate Direction) be approved.

346 LICENSING ACT 2003 – STATEMENT OF LICENSING POLICY (C33)

Following endorsement by the Licensing Committee and in accordance with the above legislation Council approval was sought to the above, which needed to be published before 7 January 2011.

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

RESOLVED – the revised Statement of Licensing Policy 2010 (to be effective for a three-year period) as set out in appendix A to the report of the Deputy Chief Executive (Community Direction) be approved.

Mr. Batty left the meeting at 7.35 p.m., returning at 7.37 p.m.

347 SEXUAL ENTERTAINMENT VENUES (C34)

Again having been endorsed by the Licensing Committee Council was requested to consider the adoption of the amended provisions of schedule 3 to the Local Government (Miscellaneous Provisions) Act 1982 governing 'sexual entertainment venues'.

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

RESOLVED – the following be approved

- (i) the provisions of section 3 to the Local Government (Miscellaneous Provisions) Act 1982 (as amended by section 27 of the Policing and Crime Act 2009) as they relate to the licensing of 'sexual entertainment venues' and that responsibility for the determination of applications for such licences be delegated to the Licensing Committee; and
- (ii) the application fee for the licensing of sexual entertainment venues be set at the same level as those for sex establishment licences.

348 LOCAL DEVELOPMENT FRAMEWORK: EARL SHILTON AND BARWELL AREA ACTION PLAN PREFERRED OPTION DOCUMENT (C35)

Having been endorsed by Planning Committee and the Executive this was presented to Council for approval.

Mr. Lynch left the meeting at 7.42 p.m.

Although encouraged by the response rate at the series of public exhibitions Members expressed the importance of securing the intended infrastructure to secure the intended strategy of regenerating Earl Shilton and Barwell . Some members queried whether there had been sufficiently wide consultation although the response on this matter to Cllr Richards question was noted. It was generally accepted, however, that developer contributions arising from the SUE's were the only way to bring about regeneration.

On the motion of Mr. Bray, seconded by Mr. Bill and following a show of hands with 15 Members present voting for the recommendation and 8 against it was

RESOLVED – the Preferred Option document for the Earl Shilton and Barwell Area Action Plan Development Plan document and associated Sustainability Appraisal be approved and a six-week consultation period be held from 7 January – 18 February 2011 inclusive.

349 STREET SCENE SERVICES (C36)

In presenting details of revisions to the service delivery structure the Executive member for Refuse and Recycling commended those involved in these operations and it was unanimously agreed that a formal letter of thanks be sent.

Messrs. Gould and Ladkin left the meeting at 8.16 p.m. and 8.17 p.m. respectively, returning at 8.18 p.m. and 8.20 p.m.

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

RESOLVED – the following be agreed:-

- (i) the purchase of new waste collection receptacles from the Waste Management Reserve; and
- (ii) the revised operational service delivery structure for Street Scene Services and subsequent financial savings.

350 MOTIONS IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13

(a) 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."

Following a vote by means of a show of hands with 15 Members voting in favour of the motion, 10 against and 2 abstentions it was moved by Mr. Cope, seconded by Mr. Crooks and

RESOLVED – the Motion be declared CARRIED.

(b) 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."

Dr. Smith and Mrs. Richards left the meeting at 8.48 p.m., returning at 8.50 p.m. and 8.52 p.m. respectively.

Having been proposed by Mr. Bray and seconded by Mr. Bill it was

RESOLVED – unanimously – this Motion was supported.

351 MATTER FROM WHICH THE PUBLIC MAY BE EXCLUDED

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

RESOLVED – in accordance with Section 100A(4) of the Local Government Act 1972 the public be excluded from the remaining item of business on the ground that it involves the likely disclosure of exempt information as defined in paragraphs 2, 3 and 10 of Part 1 of Schedule 12A of that Act.

352 DRAFT RESPONSIVE REPAIRS BUSINESS CASE (C37)

Presented to Members were options for the future provision of the Responsive Repairs Contract.

Mr. Bill left the meeting at 8.57 p.m., returning at 9.02 p.m.

Members were generally fully supportive of the case being put forward, whilst having regard to satisfying the needs of the community. Following a lengthy debate it was moved by Mr. Cope, seconded by Mr. Bray and

RESOLVED – option 4 set out in the business case and arrangements for the future provision of the Council's Responsive Repairs Service be agreed.

(The meeting closed at 9.25 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

9 DECEMBER 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, Mr CG Joyce, DR JR Moore, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Mr Michael Brymer, Mr B Cullen, Mr S Curtis, Mr M Evans, Miss L Horton, Ms L Kirby, Mr S Kohli, Miss R Owen, Mr P Scragg and Ms J Sturley.

353 **APOLOGIES AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Mrs Hall and Mr Inman, with the substitution of Dr Moore for Mr Inman authorised in accordance with Council Procedure Rule 4.3.

354 **MINUTES (SC48)**

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

RESOLVED – the minutes of the meeting held on 28 October 2010 be confirmed and signed by the Chairman.

355 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

356 **ATKINS BUILDING PROJECT UPDATE (SC49)**

Mr Joyce arrived at 6.35pm.

Members were provided with an update on the tenancy and related financial position of the Atkins Building Project in comparison to the predictions made in the original business case produced by Greenborough and the projections in the Council's Medium Term Financial Strategy. Members thanked officers for their positive work in securing this regeneration project.

Mr Gould arrived at 6.45pm.

357 **GREENFIELDS DEVELOPMENT UPDATE (SC50)**

The Scrutiny Commission was informed of the current tenancy and financial position of the Greenfields Development Project in comparison to the predictions made in the Council's Medium Term Financial Strategy. The

excellent BREEAM rating, the amount of interest in the units and the project being on time and within budget was highlighted. Members were pleased with the positive development.

358 NEIGHBOURHOOD WARDENS ENFORCEMENT POLICY (SC52)

Members were informed of the proposed new enforcement policy and procedures for the Neighbourhood Wardens. It was explained that this had been prompted by changes in best practice and had been subject of a borough-wide consultation.

In response to Members' requests it was agreed that ward councillors would be sent contact details for the wardens in their area. It was noted that these had already been sent to town and parish clerks. It was also agreed that the production of periodic reports on fixed penalty notices issued would continue and would include any issued by the parking wardens. It was further noted that parking wardens had been trained to serve fixed penalty notices for environmental crimes which had increased the number of wardens with those powers from three to nine and had resulted in improved resilience.

Members expressed concern about horse manure on pavements and whilst it was acknowledged that this did not fall within the scope of environmental legislation and therefore could not be dealt with, it was requested that local stables be reminded that it was an offence to ride horses on the pavement.

RESOLVED –

- (i) the report be noted and endorsed for approval by the Executive;
- (ii) Members be sent contact details for wardens in their area;
- (iii) periodic reports on fixed penalty notices issued be sent to Members;
- (iv) the possibility of reminding local riding stables that it is an offence to ride on the pavement be investigated.

359 COMPREHENSIVE SPENDING REVIEW

The Deputy Chief Executive (Corporate Direction) informed Members of the financial situation of the authority based on information received so far. It was noted that managers were looking for savings to reduce the significant gap in the budget. The Chief Executive reminded Members of the commitment that there would be no compulsory redundancies before 2012. It was noted that natural turnover would account for the necessary reduction in salaries (some posts were already vacant) and balances and reserves would also be used.

It was requested that further information be brought back to the Scrutiny Commission when available.

360 TOWN CENTRE MASTERPLAN UPDATE (SC51)

Members received an update on the regeneration activity on the nine development sites as identified within the Hinckley Town Centre Area Action Plan.

It was stated that the college was on schedule to open in September 2011 for the new term.

The proposals for Argents Mead and the land north of Mount Road were discussed. Whilst a Member expressed concern about the need for a retirement village in that location, some Members emphasised the local support for providing such accommodation close to the Town Centre. In response it was noted that independent advice indicated that such uses were a viable commercial proposition for developers wishing to operate retirement homes on this site. It was also anticipated that the site could also contain a community hub.

Questions were raised about the impact of each major development on the other areas of the town centre and the need to link the areas and attract shoppers to all parts of the town centre. The need to look at the traffic regulations on Regent Street was also acknowledged and it was noted that the White Young Green study had sought to do this and that the County Council were being encouraged to look holistically at the strategic transport requirements of the town centre.

Mr Batty left the meeting at 8.15pm.

361 MOTION TO COUNCIL – 30 SEPTEMBER 2010 (SC53)

The actions taken in response to Councillor Richards' motion to Council on 30 September were summarised for Members. It was reported that the District Chief Executives had received the motion positively as had the Director of Children's Services at Leicestershire County Council.

362 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC54)

Members received the Work Programme for 2010/11. It was requested that now Members had been supplied with up to date contacts for officers, the flexible working arrangements be reviewed at the next meeting.

Mr Batty returned at 8.18pm.

It was also requested that a financial update on Hinckley Club for Young People be provided to a future meeting, and also suggested that the issue of the shortage in employment, particularly for young people, be the subject of a future review. It was agreed that this be included in the work programme for 2011-12.

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

363 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC45)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

364 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Scrutiny Environment Group, 9 June 2010 (SC56);
- (ii) Finance & Audit Services Select Committee, 8 November 2010 (SC57);
- (iii) Scrutiny Transport Review working group, 16 November 2010 (SC58).

The Scrutiny Commission was also informed that the Civic Facilities Scrutiny group had met again.

(The meeting closed at 8.29 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

20 JANUARY 2011 AT 6.30 PM

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

Mr DM Gould, Mrs A Hall, Mr DW Inman, Mr C Ladkin, Mr K Nichols, Mrs S Sprason, Mr R Ward and Ms BM Witherford.

Officers in attendance: Mr Michael Brymer, Mr D Bunker, Mr B Cullen, Mr S Coope, Miss L Horton, Miss R Owen and Mr S Wood.

417 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Mr Bannister, Mr Batty, Mr Joyce, Mr Morrell and Mr Sutton, with the substitution of Mr Ward for Mr Sutton authorised in accordance with Council Procedure Rule 4.3.

418 MINUTES (SC59)

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

RESOLVED – the minutes of the meeting held on 9 December 2010 be confirmed and signed by the Chairman.

419 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

Mr Brymer, Chief Officer Business, Contracts and Street Scene Services, was in attendance to provide a verbal update on the changes to the refuse and recycling collections. This was considered urgent as the changes had been implemented that week and issues had only just come to light.

It was reported that there had been some confusion in areas where there had been a change to the timetable but that when this became apparent staff had started informing residents door to door in advance where possible.

Mr Ladkin arrived at 6.34pm and Mr Ward arrived at 6.35pm.

With regard to the delay in delivery of some of the new blue bags, it was stated that temporary bags had been issued but the supply and preparation of these had come at a cost for which there had been no budget.

Mr Gould arrived at 6.38pm.

It was reported that the hire of an additional wheeled bin for mixed recycling had been popular.

420 DECLARATIONS OF INTEREST

No interests were declared at this stage.

421 PLANNING AND ENFORCEMENT APPEAL DECISIONS (SC60)

Members received a report which informed them of the planning and enforcement appeal determinations which had been made contrary to the decision of the Local Planning Authority. It was noted that there had been thirteen appeals since the last report, of which seven had been allowed, which was an improvement on the previous report. It was reported that the Planning Committee had recommended that work be undertaken with the Highways Authority to encourage them to get involved in applications earlier in the process and to robustly challenge their comments to ensure they are able to sustain their objections at appeal.

Mr Ladkin and Mr Ward left the meeting at 6.49pm.

It was highlighted that recently there didn't appear to be a pattern of appeals being lost where an officer recommendation had been overturned by Members.

RESOLVED – the report be noted.

Mr Ladkin and Mr Ward returned at 6.53pm.

422 DEVELOPER CONTRIBUTIONS (SC61)

The Scrutiny Commission was informed of the position in respect of the Section 106 Contributions that had not been spent within the five year period and contained a five year claw back clause, and those that were over four years old but not beyond five years. Progress on seeking commitments to spend outstanding contributions was highlighted.

Concern was expressed with regard to the difficulty in enforcing conditions, and in response it was stated that a spreadsheet was being compiled in order to monitor this. Members also expressed concern that the Section 106 forum had not met for some time, and it was agreed that a meeting of this group be convened.

423 RESTRUCTURING OF PAYMENT OPTIONS (SC62)

Mr Gould, Mr Ladkin and Mr Nichols left the meeting at 7.05pm with Mr Nichols returning at 7.06pm.

Further to a report to a previous meeting, Members received an update on the implementation of new payment options following the closure of the cash

office. It was reported that the changes had been successful with positive feedback and only one complaint. In response to a Member's question, the Commission was informed that the cashiers had now been incorporated into the Accountancy team to continue to deal with the payments which were now being received by alternative methods.

Mr Gould returned at 7.10pm and Mr Ladkin returned at 7.13pm.

A Member reported that Burbage Post Office had increased business since the implementation of the new payment options, but had asked about the possibility of having a swipe card to assist with payment, as is currently supplied to some council tenants. Various suggestions were discussed and officers agreed to look into the possibilities of this.

424 SPECIAL EXPENSES AREA (SC63)

The Commission was reminded that the Council Services Select Committee had asked for information on the functions of the Special Expenses Area and use of the budget and on considering a report had asked for further information. Due to the nature of the information and the potential overlap with the remit of the Finance & Audit Services Select Committee, it was requested by the Chairman and Vice-Chairmen that this report be brought to the Scrutiny Commission.

Members discussed the history of the Special Expenses Area and parishes and the inequity with regard to capital funding, which was due to accounting regulations. Some Members felt that residents in rural areas were paying their parish precept and towards some expenditure in the Special Expenses Area, whilst Hinckley residents had access to facilities not easily accessible to those from outside of the urban area.

The possibility of Hinckley having a Town Council was discussed, and it was acknowledged that this would be a long process, and that it would not be a Council decision but had to be driven by the community, with the Secretary of State having the final decision. The possibility of the Wards or communities within Hinckley being defined separately rather than the entire Special Expenses Area becoming an administrative area was also considered.

It was requested that the matter be investigated further, including the relevant parts of the Localism Bill in order to understand the benefits of parishes, and a scrutiny review be scoped in the 2011-12 Work Programme with a view to the issue being debated by Council.

RESOLVED – the matter be investigated further.

425 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC64)

Members received the Work Programme for 2010/11. Concern was expressed that the cycle of meetings would not allow for the Scrutiny Commission to consider the budget and it was requested that an alternative way for the Commission to receive the budget be considered.

It was also requested that an update from the Transport Working Group be included in the work programme for March.

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

426 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC65)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

427 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Council Services Select Committee, 16 December 2010 (SC66);
- (ii) Finance & Audit Services Select Committee, 20 December 2010 (SC67).

428 DATE OF NEXT MEETING

It was agreed that the date of the next meeting be changed from 10 March to Wednesday, 9 March 2011.

(The meeting closed at 8.00 pm)

COUNCIL - 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)

RE: GENERAL FUND REVENUE BUDGET 2011/12

1.0 PURPOSE OF REPORT

The General Fund Revenue Budgets have been prepared taking into account the Capital and HRA budgets. The Capital and HRA budgets are presented as separate reports but should be read in conjunction with this report.

2.0 RECOMMENDATIONS

- 2.1 The General Fund service expenditure shown in Table 1 (page 2) be approved.
- 2.2 The Special Expenses area expenditure shown in Table 2 (page 3) be approved.
- 2.3 The total General Fund service expenditure for the Council shown in Table 3 (page 4) be approved.
- 2.4 The proposed movement of General Fund Reserves as set out in Table 5 (page 13/14) be approved.

3.0 BACKGROUND TO THE REPORT

3.1 The General Fund Revenue Budget for 2011/12 has been drawn up in accordance with the principles set out in the Budget Strategy endorsed by Finance & Audit Services Select Committee in September 2010 and Executive in October 2010 and in accordance with the Medium Term Financial Strategy. The key objectives can be summarised as follows:-

- i) To align expenditure on services to the Council's Corporate Performance Plan.
- ii) To identify corporate-wide pressures for 2011/12 (and future years) and to provide accordingly for such expenditure. These corporate pressures are set out in section 3.8.
- iii) To maintain acceptable and viable levels of General Fund balances and reserves, to make provisions for known future funding and expenditure pressures as identified in the MTFS.
- iv) To maintain an acceptable and viable level of balances in the Special Expenses Area. Details are provided in paragraph 3.3.2 of this report.

- v) To keep the overall increase in average Band D Council Tax (including Special Expense Areas) to 0%. The General Fund budget presented in this report achieves this. Details are provided in section 6 of this report.

3.2 Budget Summary

The revised budget for 2010/11 and the original budget for 2011/12 are set out in Table 1 below. (Please note that for 2010/11 a formal revised budget has not been prepared)

Table 1 - General Fund Revenue Budget (excluding Special Expenses Area)

	Original Estimate 2010/11 £	Revised Estimate 2010/11 £	Original Estimate 2011/12 £
Central Services	2,856,530	3,057,570	3,083,350
Leisure and Environment	6,989,650	6,885,940	6,540,290
Housing (General Fund)	1,048,850	1,024,780	1,319,890
Planning	1,629,040	2,071,600	1,219,680
Support Services	468,230	99,960	100,470
Direct Service Organisations	53,690	49,700	54,200
Identified Savings		(207,030)	
Further Savings in Year			(175,000)
Total service expenditure	13,045,990	12,982,590	12,142,880
<i>Less:</i>			
<i>Special Expenses Area</i>	<i>(561,050)</i>	<i>(564,170)</i>	<i>(531,080)</i>
<i>Capital Accounting Adjustment</i>	<i>(1,894,020)</i>	<i>(1,808,150)</i>	<i>(1,133,060)</i>
<i>Net external interest (received)/paid</i>	<i>7,540</i>	<i>95,320</i>	<i>52,010</i>
<i>FRS17 Adjustment</i>	<i>392,510</i>	<i>392,510</i>	<i>(285,280)</i>
<i>Transfer to/(from) balances</i>	<i>(16,990)</i>	<i>42,689</i>	<i>(253,910)</i>
<i>Transfer to reserves</i>	<i>91,260</i>	<i>349,260</i>	<i>133,000</i>
<i>Transfer from reserves</i>	<i>(140,330)</i>	<i>(358,420)</i>	<i>(563,000)</i>
<i>Transfer to/(from) pensions reserves</i>	<i>95,860</i>	<i>(101,080)</i>	<i>115,470</i>
HBBC Budget Requirement	11,020,770	11,030,549	9,677,030

3.3 Special Expense Area

3.3.1 This represents the cost of parks, cemeteries and poop scoop schemes in the non-parished area of Hinckley. Whilst the cost will only fall on the residents of this area, the net expenditure is built into the service totals of Table 1 and must be included in the Council's overall budget requirement for capping purposes.

The proposed budgets for the Special Expenses area have been compiled in accordance with the approved General Fund Strategy.

Table 2 - Special Expenses Budget

	Original Estimate 2010/11 £	Revised Estimate 2010/11 £	Original Estimate 2011/12 £
Expenditure	561,050	564,170	531,080
<i>Transfer to balances</i>	45,090	41,970	50,950
<i>Transfer to Projects Reserve</i>			30,000
Net Expenditure	606,140	606,140	612,030

3.3.2 Balances in the Special Expenses Area at 31st March 2012 are estimated as follows:

	£
Estimated Balance at 1 st April 2011	153,010
Transfer to Balances	50,950

Estimated surplus at 31 st March 2012	203,960

3.3.3 Earmarked reserves at 31 March 2012 are estimated to be £30,000 (31 March 2011: nil) The amount of £30,000 has been put aside to meet the cost of Green Space projects within the Special Expenses Area principally the Brodick Road Open Space.

A separate report was presented to the Hinckley Area Committee on 24 January 2011 and the Committee supported the recommendations contained in this report.

3.4 Total Council Budget for 2011/12

The total overall budget for 2011/12 in the direct control of the Council is therefore:

Table 3 - Total Council Budget 2011/12

	Original Estimate 2010/11	Revised Estimate 2010/11	Original Estimate 2011/12
HBBC Budget Requirement (Table 1)	11,020,770	11,030,549	9,677,030
Special Expenses Budget Requirement (Table 2)	606,140	606,140	612,030

Total Council Controlled Budget Requirement	11,626,910	11,636,689	10,289,060
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3.5 Revised Original Budget 2010/11

3.5.1 At Council on 25 February 2010, the total service expenditure totals and the Authority's net budget requirement for the 2010/11 year were approved. As part of setting the budget for the forthcoming 2011/12 year, a revised budget for the current 2010/11 has not been prepared as the original budget for 2010/11 has been revised during the year to take account of Supplementary Budgets and Virements that have been approved during the year. To date it has been agreed that a net amount of £42,689 will be added to General Fund Balances, £41,970 added to Special Expenses Balances and a net £9,160 taken from Earmarked Reserves to meet these changes in the budget.

At its meeting on 29 June 2010 the Council, when considering the final outturn position for 2009/10, agreed that £109,000 of the 2009/10 underspend should be carried forward to 2010/11 to allow for the completion of projects that were budgeted for in 2008/09 but not completed in that year. This was to be financed as follows

	£'000
General Fund Balances	84
Reserves	14
Special Expenses Balances	11
TOTAL	109

During the year additional pressures and savings have been identified in the budget and these include the following significant items

	£'000
<u><i>Additional Pressures</i></u>	
Land Charges – impact of transfer of Service to Shared Service	+60
Reduction in HB subsidy	+81
Car Park Income lower than expected	+112
Change in timing of development of industrial Units at Greenfields resulting in an over estimate Of budgeted income (capital saving of £500,000) And reduced occupancy of other existing units	+57
Building Control Fee Income lower than anticipated	+26
TOTAL	+336
<u><i>Identified Savings</i></u>	
Pay Award lower than budgeted	-86

Saving in DSO vehicle rental costs	-70
Additional recovery of overpaid HB	-110
Additional recycling income	-44
Planning fee income higher than anticipated	-75
Concessionary Travel – reduced cost of Reimbursement to operators	-57
Net savings in Council Office costs resulting from not moving to Atkins	-78
IT Support – savings as a result of not relocating	
And additional Income from Oadby & Wigston	-80
Staff Vacancies	-207
TOTAL	-807

3.6 Original Budget 2011/12

The 2011/12 General Fund revenue budget has been prepared following a robust budget process. This process is outlined below:-

3.6.1 Budget Strategy

The budget strategy for 2011/12 was presented to the Executive in October 2010. In brief, the strategy was as follows:-

Each service area's "base budget" for the year 2011/12 to be based on the 2010/11 original budget after adjusting for capital accounting and external interest received. Supplies and Services budgets were to be based on the 2010/11 original budget. Non-recurring items were deducted from the base and recurring growth bids approved in 2010/11 were included. The "target" for 2011/12 budget is the "base budget" plus inflationary increases, taking into account pay and price increases (see paragraph 3.6.4 below). Each service manager reviewed the budgets for deliverable savings and where commitments or discretionary growths increased the budget above the target then these have been evaluated separately by the Strategic Leadership Board (SLB), Finance & Audit Select Committee and Executive members.

3.6.2 Consultation, Prioritisation and Resource Allocation

The Council consulted with the people of Hinckley & Bosworth Borough Council by conducting surveys through the Citizen's Panel. The purpose of the Survey was to obtain the views of people living in the Borough as to whether they considered the top five and bottom five priorities that they identified in 2006 remained the same and also asked the panel to identify areas where they would like to see more or less money being spent.

Managers have been tasked with examining the budgets under their control and to identify potential reductions in Expenditure or additional sources of Income in order to close the gap in the budgets.

3.6.3 Links with Strategic and Service Objectives

Clarity about priorities has allowed the Council to shift resources to support these priorities.

Clarity of priorities has also enabled cross-party members to prioritise the projects included in the Capital Programme. Although the Capital Programme is the subject of a separate report, it is important to note that there are links between Capital and Revenue (e.g. interest from capital receipts, interest on borrowing, staffing costs etc). Therefore, the Revenue Budgets have been prepared in conjunction with the Capital Budgets and not in isolation.

Service Improvement Plans have been prepared to support the Council's priority objectives. These Plans give a guide to how the Council will deliver the priorities and further clarify the resources needed to support them. This enables the service planning process to feed into the budget process and provides a mechanism for considering and approving changes and enhancements to service levels. The Service Improvement Plans for 2011/12 will be presented to the Strategic Leadership Board for approval in April 2011.

3.6.4 Pay and Price Increases

In order to drive efficiency savings within the cost of supplies and services, a rate of -2% has been applied to the 2010/11 original budget for non-contract related expenditure. As the average Retail Price Index for 2010/11 and 2011/12 is anticipated to be around 4.5%, the application of -2% represents an effective saving on running costs of around -6.5% or around £97,500. In addition, it is envisaged that further efficiencies will be gained through the implementation of a more effective procurement strategy which is presently being developed by the Council's Procurement Manager.

For contracts, an inflation rate of 3% has been used, unless otherwise specified within the terms of the specific contract.

At just under £11m (including HRA : £1.4m) for 2011/12 the salaries and wages budget is a significant part of the total budget. For pay costs the 2011/12 estimates include an zero increase for those earning over £21,000 (full time equivalent) and £250 for those earning less than £21,000 full time equivalent from 2010/11 levels for salaries and wages, reduced by 3% to allow for savings on vacancies.

Turnover of staff usually results in increased costs with advertising and use of temporary staff to cover key operational roles but inevitable delays in appointment arising from the Council's normal recruitment process will result in overall savings.

As usual, a full breakdown of the salary and wages figures by service areas will be supplied to members when final tax and spending decisions have been made.

The other significant change in the payroll budget is the increase in the employer's contributions for pensions' payments. The provision included in the 2011/12 budget and the implications for future years is dealt with in detail in paragraph 3.8.vi. below.

3.7 Service Growths

No Service Growths have been included in the budget

3.8 Corporate Issues

In addition to service pressures, there are a number of corporate issues which have been addressed through the budget setting process and included in the base budget. These are fully detailed in the MTFs approved by Council on 26th January 2010 and the Budget Strategy approved by Executive in October 2010. A summary of these items is provided below.

i) Concessionary Travel

Since April 2008 the Council has been providing travel concessions to eligible persons based on the national statutory scheme of free off-peak travel anywhere in England together with some enhancements including half fare travel at peak times within Leicestershire and to specified destinations outside the County and half fare travel on certain other modes of transport.

From 1 April 2011 responsibility for the administration and funding of the scheme will transfer to the Leicestershire County Council. The funding for this (based on 2009/10 actual spend) has been removed from the Council's Grant Allocations for 2011/12. Appropriate adjustments have been made in the Budget for this item.

ii) Income Reductions

A significant proportion of the Council's overall income comes from fees and charges made to users of particular services provided by the Council. The three major income streams are

- a) Car Parks income
- b) Planning Application Fees
- c) Building Regulation Fees

In 2010/11 each of these income streams has behaved differently, Car Parks fees have been below budget due in the main to a lack of demand arising from the general economic climate. It is estimated that income in 2010/11 will be £110,000 under budget and the budget for 2011/12 has been reduced by £123,000.

In respect of Planning Application Fees it is anticipated that the 2010/11 budget will be exceeded due in the main to a very large unexpected application being received. In view of major developments planned for the Borough in the next year the budget provision for Planning Fees has been increased by £100,000 to £490,000. This does not take into account the potential to increase the level of these fees mentioned in the Localism Bill.

Building Control Fees are likely to be under budget in 2010/11 and the provision in 2011/12 has been reduced by £69,460 to £163,530, however this reduction will be offset by reduced costs of the service.

iii) Interest Rate

The Base Rate is currently 0.5%. It has been at this level since March 2009. It is recognised that it is unlikely that the Base Rate will decrease any further and the next movement will be upwards, however there is a significant degree of uncertainty in the markets as to when this increase will occur, but it is not expected to be in the short term. HBBC has a positive cash flow i.e. its investments exceed its long-term and temporary loans. For the purpose of forecasts it is considered prudent to apply an average base rate of 0.75% for 2011/12. Reductions in interest rates have a significant impact on the Council's budget as its investment income has been significantly reduced in recent years.

iv) Benefit Payments

With a total budget for Council Tax Benefit and Housing Benefit of just over £15m a 1% variation can lead to an overspend (or underspend) of around £150,000. It was therefore considered prudent when agreeing the MTFS to set aside some funding as a contingency against an adverse variance. This reserve currently has a balance of £170,000. Because of the financial pressures no further contribution will be made to the Reserve in 2011/12 but the position will be kept under continued review and any in year under spends will be used to make further contributions to this reserve.

v) Local Development Framework (LDF)

The Local Development Framework consists of a series of statutory documents which set out the Council's spatial planning strategy for the local planning authority area. The requirement to produce this documentation is provided by the Planning and Compulsory Purchase Act 2004. This Act changes the approach to developing adopted policies used essentially to outline development plans across the Borough up until 2026 and to assess planning applications submitted to the Authority. Work on the LDF is ongoing and the timetable is laid out in the Local Development Scheme (originally published September 2004), a revised timetable for which was reported to Council in September 2009. An estimate of expenditure required to produce these documents has now been provided and profiled over the next 3 years. Qualifying expenditure will be funded

from the Local Plan Reserve and provision will be made in future years to replenish this reserve and equalise the cost to the Tax payer over the years

vi) Pension Fund Contributions

The Leicestershire Pension Fund was revalued as at 31 March 2010 in accordance with Statutory Requirements and was found to be in actuarial deficit i.e the assets of the fund were less than those required to meet the long term liabilities in terms of benefits due to members. Whilst action is needed to remedy this position the timescales involved mean that there is sufficient time to recover the position in a phased manner over a number of years and valuations. To this end the Actuary has indicated that a phased increase in contribution rates of 2%, 1% and 1% of pay for each of the years 2011/12, 2012/13 and 2013/14 will be required taking the contribution rates to 18.4%, 19.4% and 20.4% in each of the 3 years stated. Provision for the 2011/12 increase has been included in the figures above. The increase in 2011/12 will partly be financed from the Pensions Contributions Reserve

vii) Local Elections

The next Local Elections are scheduled to take place in May 2011. It has been the practice of this Council to meet the cost of these elections in the year they take place. It is estimated that the cost of the next election will be of the order of £80,000 to £100,000. To increase the budget by this amount in one year would have a detrimental effect on the Council Tax and budget in that year. Therefore, an Elections Reserve was previously created with an annual contribution of £25,000. A contribution for 2011/12 for this amount has been included in the budget and the balance in this reserve will meet the full cost of the elections in May 2011.

3.9 Efficiency Savings

The details of the Service savings included in the budget are attached at appendix A

3.10 Local Authority Business Growth Incentive Scheme (LABGI)

LABGI has now been abolished and therefore no provision for income from this source has been included in the budgets for 2010/11 and 2011/12

3.11 Housing and Planning Delivery Grant (HPDG)

HPDG has been abolished and therefore no provision for income from this source has been included in the budgets for 2010/11 and 2011/12

3.12 New Homes Bonus

The government is currently consulting on the introduction on an incentive payable to Local Planning Authorities who promote development in their area to be known as the New Homes Bonus. In effect the grant would give match funding to authorities that increase the Council Tax collected in their area. Whilst indicative figures of the amounts that could be payable to Councils have been made available as part of the consultation exercise no provision has been made in the budget for this grant as at the present time no firm figures are available nor are the conditions for securing such funds.

3.13 Major Projects

Appropriate provision has been made in the budget for the Revenue consequences of the Council's Major Projects in the 2011/12 Budget . These projects are

- Atkins Building
- Flexible Working
- Greenfields
- Bus Station site redevelopment

3.14 Housing Community Safety Restructure

A restructure has taken place in the Housing Management and Community Safety Service Areas to strengthen the authority's response to Anti Social Behaviour around Council properties and to rationalise the Service Areas that had been brought under a single senior manager. The budget adjustments have been included in the budget that is being presented to this meeting.

4.0 THE FINANCE SETTLEMENT

The Council's budgets are highly sensitive to changes in the finance settlement. The outcome of the Spending Review 2010 is having a significant impact on the financial position of the Council for 2011/12 and will continue to do so in subsequent years. Considerable work has already taken place to identify further savings (beyond those already delivered under CSR04 and CSR07) for 2011/12. More work will be required during the period of the next MTFS to identify areas for income/revenue generation and invest to save projects in order to meet the funding gap in 2011/12, 2012/13 and 2013/14.

The movement in Block Grant from 2010/11 to 2011/12 is as follows

	£,000	£,000
Block Grant 2010/11		7,386
Reductions due to formula changes		
Concessionary Travel	466	
Other changes	39	
Total Changes		505
Adjusted Block Grant 2010/11		6,881

Block Grant 2011/12	5,972
Reduction in grant 2011/12	909

As well as a reduced Block Grant the Council will not receive any Area Based Grant in 2011/12. In 2010/11 the Council budgeted to receive £29,000.

In addition to the block grant, if the Council adopts a zero increase in Council Tax for the year 2011/12 it will receive an additional £105,260 in grant. This figure has been factored into the budget calculations

5.0 CONTRIBUTION FROM THE COLLECTION FUND

The latest estimates of the Collection Fund Balance at 31 March 2011 shows that there is likely to be a small surplus on the fund amounting to £15,000. This amount is available to be placed in the Pensions Contributions Reserve to meet any significant increases in Employers Pension Contributions that may arise from future triennial valuations of the Pension Fund.

The policy is that any surplus on the Collection Fund in the future is used to support either the capital programme or minimise the impact of the triennial revaluation of the Pension Fund.

The Pension Fund has been valued as at 31 March 2011 and the Actuary has recommended a phased increase in Employer's contributions from 2011/12 to meet the deficit. It is therefore recommended that any surplus on the Collection Fund is transferred to the Pensions Contribution Reserve to help finance future increases in Employers Pension Contributions.

6.0 COUNCIL TAX

One of the directions of the Comprehensive Spending Review (CSR10) published in October 2010 was that Council's should seek to set a zero increase in Council Tax for the year 2011/12, with additional grant funding equivalent to a 2.5% increase in Council Tax payable to those Council's who froze their tax level. This grant should also be payable in 2012/13. The budget proposals set out in this report seek to achieve a zero Council Tax increase, as set out by CLG and incorporates the "Freeze" grant in the calculations of the proposed tax levels. This will retain the Council's current national position of having the 10th lowest Council Tax level.

Provisions exist for the Secretary of State for Communities and Local Government to introduce a capping regime to curb excessive increases in Council Tax. Details of the scheme for 2011/12 have been announced. The criteria are that the budget requirement is more than 92.5% of the Alternative Notional Amount (a figure calculated to allow for the statutory changes in service provision e.g Concessionary Travel between 2010/11 and 2011/12) and the Band D Council Tax increases by more than 3.5%

The Council is clearly restricted by the amount that Council Tax can be increased and thus if service expenditure rises Council Tax cannot necessarily

be increased to match it. Instead, alternative financing needs to be obtained or reductions in other areas of service made.

7.0 USE OF GENERAL FUND RESERVES AND BALANCES

7.1 The Council has the following policies:

- Maintain general balances at a minimum 10% of Hinckley & Bosworth Borough Council's budget requirement (a minimum of around £1.1m for 2010/11 and 2011/12. The proposals in this Budget Report meet this minimum level.
- All actual service under-spends for 2010/11 be transferred to earmarked reserves.
- There is no direct contribution from revenue to capital except for specific identified projects.
- Any notional profit earned by the Direct Service Organisations will be transferred to general fund balances.

7.2. General Fund Balances

The projected movement of the General Fund Balances is as follows

Table 4

	Total	General	Special Expenses
	£'000	£'000	£'000
Balances at 1 April 2010	1,661	1,550	111
Amount Taken to (+) from (-) Balances 2010/11	85	43	42
Balances at 31 March 2011	1,746	1,593	153
Amount Taken to (+) from (-) Balances 2011/12	- 203	- 254	51
Balances at 31 March 2012	1,543	1,339	204

7.3 Table 5 provides a summary of general fund reserves together with estimated movements during the year.

Table 5

Reserve Movements 2010/11 Revised and 2011/12 Original

Specific Reserve	Balance as at 1/4/10	Movements In year		Balance as at 31/3/11	Movements in year		Balance as at 31/3/12
		In	Out		In	Out	
	£'000	£'000	£'000	£'000	£'000	£'000	£'000
Commutation &	247			247		125	122

Feasibility Reserve							
Benefits Reserve	170	30	30	170			170
Local Plans	330	136	50	416	68	115	369
Historic Buildings	14			14			14
Land Charges	51			51			51
Disaster Recovery	118			118		118	0
Building Control	54			54			54
ICT Reserve	241			241		50	191
Grounds Maintenance Health & Safety	14		14	0			0
Project Management/ Masterplan	343		17	326			326
Shared Services Reserve	74			74			74
Pensions Contributions	67	41		108	15	75	48
Waste Management	188		109	79			79
Elections	60	25		85	25	80	30
Planning Delivery Grant	373		182	191			191
Flexible Working	162	92	178	76			76
IFRS Capacity Support	15			15			15
FOI training	3			3			3
New Performance Improvement	10			10			10
Corporate Services (1)	6			6			6
Home Energy Efficiency Training	11			11			11
Finance Capacity Fund	20			20			20
Priority Improvement Fund	70			70			70
Workforce Strategy	3			3			3
Grounds Maintenance Machinery	25	25		50	25		75
Planning Legal Costs	20			20			20
Transformation	50			50			50
Special Expenses Projects	0			0	30		30
Total GF Earmarked Reserves	2,739	349	580	2,508	163	563	2,108
<i>Included in the detail above are:-</i>							
Amounts transferred to ring					30		

fenced Reserves							
Reserves utilised to support the Capital Programme			222				
Transfers to/from Reserves impacting on the General Fund balance as per Table 1		349	358		133	563	

The use of reserve during 2010/11 and for 2011/12 are attributable to the following:

2010/11

Benefits - £30,000
to fund additional administration work in Benefits as a result of the economic climate

Local Plans - £50,000
to fund expenditure relating to the LDF

Grounds Maintenance Health & Safety - £14,000
to fund purchase of machinery required by Health & Safety inspections

Project management/Masterplan - £17,000
To fund masterplanning work on Renaissance Masterplan sites

Waste Management - £109,000
To fund Capital Expenditure required to extend the service

Planning Delivery Grant - £182,000
To meet costs of approved service enhancements in the Planning Service

Flexible Working - £178,000
To meet costs of Flexible working scheme

2011/12

Future Capital Schemes - £125,000
To meet part of cost of Minimum Revenue Provision

Local Plans - £115,000
To meet approved LDF expenditure

Disaster Recovery - £118,000
To meet budget shortfall

ICT Reserve - £50,000
To meet budget shortfall

Pensions Contributions -£75,000
To meet part of cost of additional employers contributions

Elections Reserve - £80,000
To meet cost of Elections

8.0 FINANCIAL IMPLICATIONS (SK)

As contained in the report.

9.0 LEGAL IMPLICATIONS

As contained in the report.

10.0 CORPORATE PLAN IMPLICATIONS

None.

11.0 CONSULTATION

Citizens Panel, Executive Members

12.0 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/decision were identified from this assessment:

Management of Significant (Net Red) Risks		
Risk Description	Mitigating Actions	Owner
None		

13.0 KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The Budget sets out the Council's expenditure plans and takes into account rural and equality issues

14.0 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

Contact Officer : Sanjiv Kohli, Director of Finance, ext. 5607
David Bunker Accountancy Manager ext 5609

Executive Member : Councillor K.W.P. Lynch

4C24feb11

COUNCIL - 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
RE: CAPITAL PROGRAMME 2010/2011 TO 2013/14

1.0 PURPOSE OF REPORT

1.1 To consider the Capital Programme for the years 2010/11 to 2013/14.

2.0 RECOMMENDATIONS

2.1 Bids supported by SLB and the Special Executive included in paragraph 5.1 are supported for approval.

2.2 Council approve that £2,045,321 is borrowed to fund the shortfall of resources in 2010/11 pending the sale of land at Stoke Road, at which time, the receipt from that sale will be applied to repay the debt.

2.3 Note the financial implications contained in section 7.

3.0 BACKGROUND

3.1 Projects in the programme have been submitted by Project Officers and reflect outcomes from the Officers Capital Forum Group, SLB and the Special Executive held on 9th December and Finance and Audit Service Select Committee (FASC) on the 21st December.

3.2 From financial year 2011/12 onwards there has been a significant reduction within the programme. This reflects major projects being closed off and the reduction in resources to fund new developments. Over the past 5 years the Council has been very successful in securing external funding to fund projects and has had reserved capital receipts from the land sales. Both the potential to raise external funding and the ability to raise Capital Receipts from the sale of assets is diminishing.

3.3 Officers will continue to re-assess the Capital Programme on a quarterly basis and will continue to seek external funding to finance projects wherever possible.

3.4 Details for the forthcoming programme are attached as follows:

Page 6	General Summary with estimated resources.
Page 7 to 11	Individual project costs in Sections 1 to 3 and Housing.
Page 12 to 15	Description of Projects

4.0 Changes after February 2010

4.1 The following major updates have been allowed for within the current programme:-

Section 1

- Re-profiling of the Richmond Park budget based on a proposed bid to the FA to fund pitch improvements. (Project LE4)
- Change in Burbage Common funding – The Council was unsuccessful in securing external funding. The scheme specification will therefore be changed to ensure the Council does not have to change its funding element. (Project LE8)
- Additional Recycling receptacles – Reflect changes in the waste recycling service to be funded from reserves (Project LE12)

Section 3

- Greenfields Project Budget has been reduced to reflect the reduced contract cost (Project CS13).
- Re-profiling of the demolition of Argents Mead (Project CS16).
- Council Office Relocation Project – £498,000 partly funded from savings from flexible working. The budget has been increased by £40,000 to allow for IT costs which had previously been built into the revenue budget (Project CS10).
- Revenues and Benefits Shared Services Project – Estimated cost is £618,000, to be funded from earmarked reserves and external contributions (Project CS17).
- Flexible Working Project - Earmarking £49,000 from the project for Business transformation to enable more efficient working.

General fund Housing

- Disabled Facilities Grants have been increased by £308,000. This is to be funded from Private Sector Decent Homes Funding for 2010/11. (Approved by Council June 2010)
- Based on current demand over the next two years a redistribution of budgets resulting in a one off net reduction of £50,000.

HRA

- Additional one off increases to fund Adaptations for disabled people (re-profiling of budget from 2009/10 – Approved by Council June 2010)
- Additional one off increase to fund car parking improvements at the Northfield Car Park (Funding resulted from underspend in 2009/10 - Approved by Council June 2010)

4.2 The following change to current schemes which impact on the Council's resources has been allowed for within the current capital programme.

- An annual increase of £9,000 plus inflation per annum to the programme for the replacement of wheeled bins for the Refuse and Recycling service (project LE12).

5.0 New Bids

5.1 The two bids below have also been previously reviewed and were supported for recommendation to Council for approval.

- A request for £50,000 for partitioning of the top floor of the Atkins building. The estimated annual revenue financing cost would be £5,250 based on an asset life of 20 years. This would enable one large tenant and up to 8 smaller tenants to occupy the floor. If the floor was to be fully occupied this should generate an additional c£40,000 income.
- A request for £25,000 for a spare Refuse Vehicle to be funded from the Waste Management Reserve.

6.0 OTHER ITEMS FOR CONSIDERATION

- 6.1 Based on the deficit within the current programme the Capital Forum group suggested that SLB/Members could consider reducing the Parish and Communities Initiatives Fund and Borough Improvement Initiative. Based on the current economic climate and the type of support that is given through the schemes, Project Officers consider this could be cut by a total of £60,000. Many of the grants that are approved are not high priority based on the citizens panel results. Finance and Audit Services Select Committee and the Executive have recommended that these schemes are not changed.
- 6.2 As a result of EMDA's central government support being revised £190,964, which was anticipated to have been received in 2010/11, has been delayed to 2011/12. Officers are in negotiation with EMDA to ensure that the reimbursement is received in 2010/11 if EMDA's financial position changes.

7.0 FINANCIAL IMPLICATIONS (IB)

Capital resourcing and borrowing implications arising from this report will be reflected within the Medium Term Financial Strategy and the Prudential Code (Treasury Management) report.

7.1 Capital Implications

Capital Receipts

Based on the current economic climate there has been a significant reduction in anticipated capital receipts.

The Programme presented to Council in February 2010 assumed receipts of £3,490,000 would be received by 2012/13 to fund the current programme. Although this may still be realised it will not be by 2012/13. Negotiations are underway on the sale of the former Stoke Road Boys Club Site.

The programme which was presented to Council in February 2010 estimated £5,000,000 from the sale of part of the Argents Mead site to fund the programme from 2012/13 onwards. Based on current market conditions and development proposals it is unlikely that a receipt of this value will be realised. If this receipt (or a similar receipt from other disposals) is not realised the Council will not have any earmarked funding available to fund the current Capital Programme in future years.

7.2 Revenue Implications

As part of the CSR announcement on October 21st the government has increased PWLB borrowing rates by an average of one per cent. Additional costs resulting from the increase have been built into the borrowing assumptions.

To fund the resource shortfall in 2010/11 £2,045,321 will need to be borrowed. From 2011/12 onwards based on a short fixed interest rate of 2.96 per cent the impact of borrowing in 2010/11 will be £49,424. **From 2011/12 onwards the impact will be an additional £101,448. The only way to nullify this impact would be use the receipt from the sale of land at Stoke Road to pay off the debt.**

The additional £49,424 within 2010/11 highlights the impact that additional borrowing can have on the revenue account.

Large increases in the councils cost of borrowing are unsustainable. Ultimately, once the economic climate has improved, the Council will need to approve land assets for disposal

Implications arising from the programme including flexible working, income arising from the Greenfields site and revenue savings arising from the relocation have been built into revenue budgets and the updated Medium Term Financial Strategy.

8.0 LEGAL IMPLICATIONS (AB)

8.1 None arising directly from the report.

9.0 COPORATE PLAN IMPLICATIONS

9.1 The report provides a refresh of the Council's rolling Capital Programme. Any item included in the programme has to contribute to the achievement of the Council's vision, as set out in the Corporate Performance Plan.

10.0 CONSULTATION

10.1 Expenditure proposals contained within this report have been submitted after officer consultation. Appropriate consultation with relevant stakeholders takes place before commencement of individual projects.

11.0 RISK MANAGEMENT

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

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

12.0 KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

12.1 The programme contains schemes which will assist in equality and rural development. Equality and rural issues are considered separately for each project.

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
If the schemes were not implemented this would impact on Service Delivery. It would also mean an inability to meet corporate plan objectives and have an impact on the reputation of the Council.	Projects are to be managed through an officer capital forum group and reported to SLB on a quarterly basis. Monthly financial monitoring statements are provided to project officers and the programme will now be reviewed twice a year.	Individual Project Officers/ Capital Forum
The risk of external funding not being granted. This would result in additional borrowing costs in the short term if funding is delayed or long term if funding is withdrawn.	Six monthly review of capital programme would mean that it is easier to switch resources.	Project Officer / Accountancy section
Risk of Capital Receipts not being realised.	The Executive approve the disposal of surplus assets as recommended by the Asset Management Strategy Group	Estates and Asset Manager / Deputy Chief Executive (Corporate Direction)

13.0 CORPORATE IMPLICATIONS

13.1 The Council has an agreed corporate approach to project management. This approach has been developed in collaboration with the Leicestershire and Rutland Improvement Partnership. This approach ensures that a consistent and coherent approach is applied across the Council (and across the county).

13.2 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: Capital Estimates 1011 - 1314, Civica Reports

Contact Officer: Ilyas Bham ext. 5924

Executive Member: Cllr K..Lynch

COUNCIL - 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)

RE : HOUSING REVENUE ACCOUNT ESTIMATES 2011/12

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to seek the Council's approval of the proposed budget for 2011/12, in respect of the Housing Revenue Account (HRA) and to the level of rent increases to apply in 2011/12.. This report should be read in conjunction with the Capital Budget reports.

2. RECOMMENDATIONS

- 2.1 That the budgets presented in Annexes "A", "B", and "C" are approved.

3. BACKGROUND TO REPORT

- 3.1 The budgets covered by this report relate to the Council's responsibilities as the landlord of around 3400 dwellings. The Housing Revenue Account is the account which groups the subsidiary activities of :
- ◆ Supervision & Management (General), e.g. lettings, waiting list, rent collection, tenant consultation
 - ◆ Supervision & Management (Special) e.g. sheltered schemes, hostel, roads, paths, fences and grounds, which are not part of an individual property
 - ◆ Housing Repairs & Maintenance, which has a separate account and deals with the maintenance of individual properties.
- 3.2 The rent calculation for 2011/12 continues the government's rent restructuring model, which the Borough Council applied for the first time in 2004/05. The impact of the restructuring model will produce different percentage increases for individual properties. However, the average increase is 6.8%. At the present rate on convergence it is anticipated that Social Rented Sector rents will converge by 2014/15.
- 3.3 The supporting people legislation means that the responsibility for charging tenants, where necessary, falls on Leicestershire County Council, who transmit a share of supporting people grant to the Borough Council. There are private householders, who pay for "Piper" or "Solo" rental or "Central Control" connection
- 3.4 Government support for council dwellings is provided by a Major Repairs Allowance element of subsidy. This is paid into a reserve, which is used to

finance repairs and improvements to maintain the present standard of the dwelling stock.

3.5 A summary of the HRA budgets is Shown in the Table below and the detailed budgets shown in Annexes A, B and C

	2010/11 Original Estimate	2010/11 Latest Estimate	2011/12 Original Estimate
	£	£	£
Housing Revenue Account			
Income	(10,295,100)	(10,266,880)	(11,029,760)
Expenditure	12,228,920	12,299,050	12,977,190
Net Cost of Service	1,933,820	2,032,170	1,947,430
Transfer from Major Repairs Reserve	(1,992,940)	(2,007,900)	(1,976,800)
Other Reserve Transfers and Interest Receivable	42,700	42,700	(19,700)
(Surplus)/Deficit on the year	(16,420)	66,970	(49,070)
Balance at 1 April	(1,394,440)	(1,506,744)	(1,439,774)
Balance at 31 March	(1,410,860)	(1,439,774)	(1,488,844)
Housing Repairs Account			
Administration	847,560	816,380	847,260
Programmed Repairs	521,000	521,000	536,630
Responsive Repairs	1,008,500	1,008,500	1,039,670
TOTAL Expenditure	2,377,060	2,345,880	2,423,560
Income	(2,290,850)	(2,290,850)	(2,414,630)
Net Expenditure	86,210	55,030	8,930

Balance at 1 April	(237,210)	(293,130)	(238,100)
Balance at 31 March	(151,000)	(238,100)	(229,170)
Overall movement in balances			
Balance at 1 April	(1,631,650)	(1,799,874)	(1,677,874)
Balance at 31 March	(1,561,860)	(1,677,874)	(1,718,014)

3.6 The working balance (including the Repairs Account) decreases in 2010/11 to £1,677,874 due to an overall deficit on the year of £122,000 and in 2011/12 increases to £1,718,014 as a result of a surplus in the year of £40,140. An ongoing reassessment of programmed and capital repairs to reduce responsive variations continues to help to reduce the net expenditure and maintain the working balance above the level of £600,000 which is currently considered to be the target prudent minimum.

3.7 The reasons for variation between the Original and Revised Estimate for 2010/11 are shown in section 1 of Appendix A

3.8 The reasons for the major variances in the provisional budgets for 2011/12 compared with the approved budgets for 2010/11 are shown in Section 2 of Appendix A

4. FINANCIAL IMPLICATIONS

As contained in the report.

5. LEGAL IMPLICATIONS

As contained in the report.

6. CORPORATE PLAN IMPLICATIONS

The proposed budgets will allocate resources to enable the council to achieve its objectives for its own housing stock.

7. CONSULTATION

Relevant council officers have been consulted in the preparation of the budgets.

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/decision were identified from this assessment:

Management of Significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to achieve projected income levels	Regular monitoring and corrective action.	Chief Officer for Housing , Community Safety and Partnerships

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The budget will allow management and maintenance of properties throughout the Borough in accordance with the HRA Business Plan.

10. CORPORATE IMPLICATIONS

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

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

Background Papers : Housing Revenue Account Subsidy Determinations 2011/12

Contact Officer : David Bunker ext 5609

Executive Member: Cllr K W P Lynch

11C24feb11

Appendix A

Section 1

Reasons for variation between Original Estimate 2010/11 and Revised Estimate 2010/11

1. Annex A item 1 – Dwelling Rents – level of voids greater than anticipated in the budget.
2. Annex A Item 3– Negative Subsidy – increased assessment for 2010/11 and impact of adjustment re 2009/10
3. Annex A – Item 2 - Item 8 debit additional depreciation following revaluation of properties
4. Annex A – Item 4 - Transfer from Major Repairs Reserve – increase to cover additional depreciation
5. Annex B – Supervision and Management General – Employees – Impact of restructure met from savings in S&M Special employees costs
6. Annex B – Supervision and Management (Special) - Employees – Savings as a result of restructure
7. Annex B – Supervision & Management (Special) – Income – Increased income from Supporting People
8. Annex C – Repairs Administration – Employees – Savings resulting from Vacancies

Section 2

Reasons for variation between Original Estimate 2010/11 and Original Estimate 2011/12

1. Annex A – item 1- Dwelling Rents

The increase in dwelling rents between 2010/11 original and 2011/12 original results from the implementation of the rent formula. Rents for 2011/12 have been increased in line with formula which gives an average 6.8% increase

2. Annex A - items 2 and 4 - Transfer from Major Repairs Reserve & Item 8 Debit

The changes reflect the depreciation provision arising from the March 2010 revaluation of the Housing Revenue Account assets (£60,000). The increase must be shown in the Item 8 debit, but is reversed by the transfer from the Major Repairs Reserve (£-15,000), so that tenants only have to meet a sum equivalent to the Major Repairs Allowance (£2,083,000).

3. Annex A – item 3 - Negative HRA Subsidy

The HRA subsidy calculation is largely predetermined by the HRA subsidy determination issued each year by central government. The increase in 2011/12 is £433,000 follows the increase in dwelling rents detailed in 1 above

4. Annex A – item 5 and Annex C item 3 - FRS17 Pension Adjustment

The increases reflect increases in the relevant charges included in Employee Costs. There is no net effect on overall expenditure.

5. Annex B – item 1 – Employee costs Supervision & Management General

Increase is due in part to the costs of a restructure being financed from savings in Supervision and Management Special and FRS 17 Adjustment (see annex A item 5)

5. Annex B - item 2 - Supervision and Management (General) Supplies & Services

This decrease (£52,670) arises from reduced legal fees £17,000, consultancy costs £15,000 and costs in respect of Choice based lettings £20,000

6. Annex B – item 3 – Employee costs Supervision & Management General

Increase is due to FRS 17 Adjustment (see annex A item 5)

7. Annex C - Item 1 – Repairs Administration Employees

Increase is due to FRS 17 Adjustment (see annex c item 3)

	2010/11 ORIGINAL ESTIMATE (Published) £	2010/11 LATEST ESTIMATE £	2011/12 ORIGINAL ESTIMATE £
SUMMARY HOUSING REVENUE ACCOUNT			
INCOME			
Dwelling Rents	1 (10,212,510)	(10,184,290)	(10,943,540)
Non Dwelling Rents	(67,740)	(67,740)	(69,800)
Contributions to Expenditure	(14,850)	(14,850)	(16,420)
	(10,295,100)	(10,266,880)	(11,029,760)
EXPENDITURE			
Supervision & Management (General)	1,402,410	1,429,300	1,476,000
Supervision & Management (Special)	775,660	667,210	759,860
Contribution to Housing Repairs A/C	2,300,000	2,300,000	2,400,000
Item 8 Debit	2 4,045,180	4,104,400	4,200,910
Capital Charges : Debt Management	4,750	4,720	7,260
Increase in Provision for Bad Debts	50,000	50,000	50,000
Negative HRA Subsidy	3 3,650,920	3,743,420	4,083,160
	12,228,920	12,299,050	12,977,190
Net Cost of Services	1,933,820	2,032,170	1,947,430
Transfer from Major Repairs Reserve	4 (1,992,940)	(2,007,900)	(1,976,800)
Interest Receivable	(22,930)	(22,930)	(9,640)
FRS17 Adjustment	5 42,340	42,340	(33,350)
Net Operating Expenditure	(39,710)	43,680	(72,360)
CONTRIBUTIONS			
Contribution to Piper Alarm Reserve	10,400	10,400	10,400
Contribution to Pensions Reserve	12,890	12,890	12,890
(Surplus) / Deficit	(16,420)	66,970	(49,070)
Relevant Year Opening Balance at 1st April	(1,394,440)	(1,506,744)	(1,439,774)
Relevant Year Closing Balance at 31st March	(1,410,860)	(1,439,774)	(1,488,844)

	REF	2010/11 ORIGINAL ESTIMATE (Published) £	2010/11 LATEST ESTIMATE £	2011/12 ORIGINAL ESTIMATE £
SUPERVISION & MANAGEMENT (GENERAL)				
Employees	1	393,710	425,600	507,680
Premises Related Expenditure		98,410	98,410	91,390
Transport Related Expenditure		19,000	19,000	24,540
Supplies & Services	2	150,910	145,910	92,240
Central & Administrative Exp		768,270	768,270	790,940
Gross Expenditure		1,430,300	1,457,190	1,506,790
Revenue Income		(27,890)	(27,890)	(30,790)
Net Expenditure to HRA		1,402,410	1,429,300	1,476,000
SUPERVISION & MANAGEMENT (SPECIAL)				
Employees	3	675,550	583,120	703,010
Premises Related Expenditure		430,920	430,920	401,910
Transport Related Expenditure		6,020	14,000	15,470
Supplies & Services		136,080	136,080	144,260
Central & Administrative Exp		141,040	141,040	137,570
Gross Expenditure		1,389,610	1,305,160	1,402,220
Revenue Income		(563,950)	(587,950)	(591,880)
Recharges		(50,000)	(50,000)	(50,480)
Total Income		(613,950)	(637,950)	(642,360)
Net Expenditure to HRA		775,660	667,210	759,860

Housing Revenue ACCOUNT

		2010/11 ORIGINAL ESTIMATE (Published) £	2010/11 LATEST ESTIMATE £	Annex C 2011/12 ORIGINAL ESTIMATE £
HOUSING REPAIRS ACCOUNT				
Administration				
Employee Costs	1	318,360	307,380	355,970
Transport Related Expenditure		18,390	18,390	26,220
Supplies & Services	2	185,950	165,750	152,470
Central Administrative Expenses		324,860	324,860	312,600
Total Housing Repairs Administration		847,560	816,380	847,260
Programmed Repairs		521,000	521,000	536,630
Responsive Repairs		1,008,500	1,008,500	1,039,670
GROSS EXPENDITURE		2,377,060	2,345,880	2,423,560
Contribution from HRA		(2,300,000)	(2,300,000)	(2,400,000)
Interest on Cash Balances		(4,000)	(4,000)	(2,020)
Enhancement Exp Recovered and Other		(2,000)	(2,000)	(2,000)
FRS17 Adjustment	3	15,150	15,150	(10,610)
TOTAL INCOME		(2,290,850)	(2,290,850)	(2,414,630)
NET EXPENDITURE		86,210	55,030	8,930
Opening Balance at 1st April		(237,210)	(293,130)	(238,100)
Closing Balance at 31st March		(151,000)	(238,100)	(229,170)

COUNCIL – 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: HINCKLEY BUS STATION - COMPULSORY PURCHASE ORDER

1. PURPOSE OF REPORT

To seek member approval to make a Compulsory Purchase Order to acquire land and property interests at the Hinckley Bus Station site in connection with the Bus Station redevelopment project, to delegate authority to the Deputy Chief Executive (Community Direction) to take necessary steps to implement the Order and to note that progress is being made to acquire a number of land interests by negotiation.

2. RECOMMENDATION

That Council resolves:

1. It being satisfied that:

(a) the acquisition of the land and interests contained in the Order (the maximum extent of which being those boundaries shown on the drawing attached to this Committee Report) will facilitate the carrying out of development, redevelopment and improvement of the Bus Station site and its surrounds in Hinckley which will contribute to the achievement of the promotion and improvement of the economic, social and environmental well being of the area; and

(b) the Order is proportionate in all the circumstances and that there is a compelling case in the public interest that requires the Order to be made sufficient to justify the interference with human rights of the parties affected

to make the Hinckley Bosworth Borough Council (Bus Station) Compulsory Purchase Order 2011 (once the final form has been settled in accordance with the delegated authority set out below) and to submit the same for confirmation by the Secretary of State

2. to delegate authority to the Deputy Chief Executive (Community Direction) as follows:

(a) pursuant to the provisions of Sections 226(1)(a), 226(1A) and 226(3)(a) of the Town and Country Planning Act 1990 (as

amended), section 13 of the Local Government (Miscellaneous Provisions) Act 1976, the Acquisition of Land Act 1981 and all other relevant powers and provisions the Deputy Chief Executive (Community Direction) in consultation with the Chief Officer Corporate and Customer Resources, Scrutiny and Ethical Standards and any other appropriate officer be authorised to make, seal and submit to the Secretary of State for confirmation, an order entitled “The Borough of Hinckley and Bosworth (Bus Station) Compulsory Purchase Order 2011” (“the Order”) to acquire land and other interests in respect of the land shown coloured pink and blue on the plan at Appendix 1 to this report (“the Land”) referred to as “Map referred to in the Hinckley & Bosworth Borough Council (Bus Station) Compulsory Purchase Order 2011 or in respect of such lesser areas of that land should he consider it appropriate;

- (b) that the Deputy Chief Executive (Community Direction) be authorised to agree and adopt in consultation with the Council’s appointed legal advisors (Eversheds LLP) a Statement of Reasons (a draft of which is attached at Appendix 2) which may be subject to minor amendment(s) as required until the time the Order is made for the making of the Order in order to promote the regeneration of the Bus Station Site;
- (c) that the Deputy Chief Executive (Community Direction) be authorised to publish and serve upon all persons entitled thereto the Notice of the making of the Order and to authorise publication of the Order and to take all other necessary steps to enable the Order to be confirmed by the Secretary of State;
- (d) that in the event the Order is confirmed by the Secretary of State the Deputy Chief Executive (Community Direction) be authorised to serve Notices to Treat under Section 5 of the Compulsory Purchase Act 1965 and where necessary to serve Notices of Entry under Section 11 of the Compulsory Purchase Act 1965 in respect of the Land, or at his discretion to execute a General Vesting Declaration and in any event to take all steps considered necessary to obtain possession of the land included in the Order;
- (e) That the Deputy Chief Executive (Community Direction) be authorised to make or approve or support such orders and such applications to extinguish, stop-up, divert or create highways or public rights of way within or adjacent to the Land as are considered necessary under the Highways Act 1980 (as amended) and/or the Town and Country Planning Act 1990 (as amended) to promote the regeneration of the Bus Station Site;
- f) That the Deputy Chief Executive (Community Direction) be authorised to instruct the Council’s Development Partner, The Tin Hat Regeneration Partnership LLP (“Tin Hat”) to:

(i) continue to negotiate and attempt to negotiate with a view to agreeing terms for purchase by agreement or payment of compensation for any interests in or rights over the Land;

(ii) where considered appropriate, agree terms for relocation;

(iii) if considered appropriate, appoint specialist external consultants to perform or assist in the performance of these tasks; and

(iv) in the event that such terms are not agreed and following confirmation of the Order, to refer those matters where no agreement has been reached to the Lands Tribunal for determination.

3. **BACKGROUND TO THE REPORT**

3.1 The regeneration of the Bus Station site in Hinckley has been a corporate aim for some years and the Council has previously resolved to support the use of Compulsory Purchase Orders in respect of unlocking key Town Centre regeneration sites when it adopted the Hinckley Town Centre Renaissance Masterplan in 2005/06.

3.2 In November 2007 the Council issued a Development Brief for the redevelopment of the Bus Station Site in Hinckley Town Centre with the strategic aim of regenerating that part of the Hinckley Town Centre which is considered to currently be generally underused and in need of significant environmental improvement. In particular, the Development Brief set out the aim to redevelop the site in accordance with the Council's aims for the site including to:

3.2.1 build on the aspirations of the Hinckley Town Centre Area Action Plan in providing a clear vision for future social, economic and environmental enhancement and development of Hinckley Town Centre through the promotion and coordination of the entire site for mixed use development;

3.2.2 promote sustainable development by increasing accessibility for pedestrians, cyclists and public transport through the retention and enhancement of Hinckley Bus Station as well as improving and rationalising car parking facilities in Hinckley through the provision of a 560 space consolidated car park;

3.2.3 provide an opportunity for additional quality convenience retail development as well as ancillary comparison retail, residential uses, a cinema and associated other leisure uses.;

3.2.4 promote high quality design that aims to 'place shape' the Town Centre and address existing issues relating to poor public realm and site connectivity, through the creation of a landmark development at

a key entrance to the town and to achieve high quality public realm improvements linked to the town centre pedestrian preference area; and

3.2.5 achieve a comprehensive, mixed use redevelopment of the site which accords with national planning policy and the Local Development Plan.

3.3 During a procurement process proposals for development, were assessed on the following criteria:

3.3.1 The extent to which the submitted schemes met the objectives set out in this brief;

3.3.2 The size, quality, range and style of the proposed retail development;

3.3.3 The quality, attractiveness and scale of the new development;

3.3.4 The quality and design of the scheme;

3.3.5 The financial offers and viability of the scheme;

3.3.6 The track record of the developers in bringing forward similar, high quality developments in conjunction with local authority partners;

3.3.7 The sources of funding available for the proposals; and

3.3.8 The quality and track record of the developer's professional team.

3.4 Following the above mentioned procurement exercise, Tin Hat were appointed as the Council's Development Partner as the development proposal they put forward best met the criteria of the Council and produced a scheme which would provide:

3.4.1 the demolition of the town's existing Bus Station, and clearance of the whole Site;

3.4.2 the stopping up of Brunel Road;

3.4.3 a supermarket with service yard (9,674 sqm Gross Internal Area);

3.4.4 a 556 space undercroft car park featuring 'park mark standard' security and lighting;

3.4.5 a 5 screen cinema (2,093 sqm Gross Internal Area);

3.4.6 a 12 lane bowling alley (1,526 sqm Gross Internal Area);

3.4.7 family cafés and restaurants (1,454 sqm Gross Internal Area);

- 3.4.8 18 retail units (9,764 sqm Gross Internal Area);
 - 3.4.9 office space (706 sqm Gross Internal Area);
 - 3.4.10 a new 5 stop Bus Station on Waterloo Road (plus one lay over bay);
 - 3.4.11 highway improvements;
 - 3.4.12 improved Site access points for pedestrians, cycles, customers, public transport vehicles and delivery vehicles;
 - 3.4.13 Public Realm improvements; and
 - 3.4.14 opportunity to improve links with the town centre.
- 3.5 The Site is to be redeveloped through a public-private partnership between this Council and Tin Hat. Tin Hat specialise in town centre urban regeneration projects. Tin Hat has the benefit of a strong capital base. The Development Agreement and CPO Indemnity Agreement which were put in place between this Council and Tin Hat on 31st July 2009 secures arrangements for the Developer to meet the Acquiring Authority's acquisition costs and all other costs associated with the Order. The only exception to these arrangements is in respect of those interests currently in the ownership or under the control of this Council.
- 3.6 The redevelopment of the site has been formulated by this Council and Tin Hat, who consider that the proposed scheme will bring substantial benefits to Hinckley Town Centre as a whole. It is essential that the scheme is carried out a comprehensive manner. This Council has previously satisfied itself that the Developer has the necessary funding and resources to carry out the development. The provisions of the Development Agreement and CPO Indemnity Agreement secure arrangements for the transfer of the freehold interest in the Land to the Developer following the confirmation of a Compulsory Purchase Order. The Developer has confirmed its intention to implement the Scheme at the earliest possible stage subject to confirmation of the CPO.
- 3.7 The outline planning permission for the redevelopment of the site was considered by the Planning Committee on the 14 December 2010 and it was resolved to permit the development subject to the conditions contained in the officer's report and late items. Planning Permission was granted on the 18th January 2010.
- 3.8 Since the completion of the Development Agreement the Council through Tin Hat and its representatives Lambert Smith Hampton have been in negotiation with the landowners on the site to acquire those interests required for site assembly. The majority of the Land is now either owned by the Council or subject to an option agreement in favour of Tin Hat.

However, to date, Tin Hat have not been able to secure the assembly of the remainder of the site and without it the redevelopment cannot proceed. With the strong encouragement of Council Officers, Tin Hat are continuing to negotiate outstanding land interests and is seeking to secure appropriate relocations for some uses where required. In order to secure the remaining interests in the Order Land the Council is requested to intervene and approve the use of its compulsory purchase powers. The acquisition of the Land is required to ensure that the Scheme can be delivered as a whole and to maximise the benefits which will be brought to the town centre.

- 3.9 In order to deal with this issue it is necessary that the Council make and submit to the Secretary of State for confirmation a compulsory purchase order. The making of this order will not prevent the continued attempts by Tin Hat to agree a voluntary purchase of the outstanding interests in the Land.

4. **FINANCIAL IMPLICATIONS (DB)**

All costs incurred in creating the Compulsory Purchase Order and in acquiring the land will be borne by Tin Hat under the terms of the Compulsory Purchase Order Indemnity Agreement. Therefore there are no financial implications for this Council arising from this report. This will include the costs of compensation to any owners/occupiers affected by the CPO as well as all fees incurred as a result of the CPO process including but not limited to any public Inquiry in to the proceedings.

5. **LEGAL IMPLICATIONS (AB)**

- 5.1 The procedures for making a compulsory purchase order are governed by various statutes, including (but not limited to) the Compulsory Purchase Act 1965, the Acquisition of Land Act 1981 and the Town and Country Planning Act 1990.
- 5.2 Section 226(1) of the Town and Country Planning Act 1990 gives the Council power to make the a compulsory purchase order on condition that it thinks that the acquisition of the land will facilitate the carrying out of development, redevelopment or improvement on, or in relation to, the land. The Council must not exercise the power unless it is satisfied that the development is likely to contribute to the achievement of the promotion or improvement of the economic, social or environmental well being of the Council's area.
- 5.3 The Council is advised that the proposed compulsory acquisition of the land and interests contained in the Order (the maximum extent of which being those boundaries produced shown on the drawing attached to this Committee Report) will facilitate the carrying out of development,

redevelopment and improvement of the Bus Station site and its surrounds in Hinckley and that the redevelopment will contribute to the achievement of the promotion and improvement of the economic, social and environmental well being of the area;

5.4 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights (“ECHR”/ “the Convention”).

5.5 The position is conveniently summarised in paragraph 17 of Part 1 of the Memorandum to ODPM Circular 06/2004, which states that a compulsory purchase order should only be made where there is “a compelling case in the public interest”. The Circular makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.

5.6 Article 1 of the First Protocol states that:

“...Every natural or legal person is entitled to peaceful enjoyment of his possessions” and “no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law...”

5.7 Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed, this will be done in accordance with the law. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the scheme are set out earlier in this Statement. It is considered that the Order will strike a fair balance between the public interest in the implementation of the scheme and those private rights which will be affected by the Order.

5.8 Article 6 of the Convention provides that:

“In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law”

5.9 The Scheme has been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make representations and/or objections to the Secretary of State for Communities and Local Government, and to be heard at a public inquiry. It has been held that the statutory processes and associated right for those

affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

5.10 Article 8 of the Convention states that:

“Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”

5.11 It is considered that such interferences as may occur with the pursuance of the Order are in accordance with the law, pursue a legitimate aim, namely the economic well-being of the area and/or the protection of the rights and freedoms of others, and are proportionate having regard to the public interest that the scheme will bring which will benefit the economic well-being of the area. It is also proportionate having regard to the alternative means of securing the regeneration of the area.

5.12 Those directly affected by the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Code, assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Council (backed by the indemnity from the Developer). The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.

5.13 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate.

5.14 The Council should consider the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the site. The Council is advised that interference with Convention rights in this instance is considered to be justified in order to secure the economic regeneration, environmental and public benefits which the scheme will bring.

5.15 The Council is further advised that the redevelopment of the Order Land will have a positive impact on the social and economic well-being of the local residents as the redevelopment will revitalise Hinckley town centre and provide much needed transport infrastructure improvements and leisure facilities, and will contribute towards employment opportunities in the area. The scheme also contributes towards the delivery of the aims in

the Council's Corporate Plan 2010-2015. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.

5.16 The draft Statement of Reasons attached at Appendix 2 to this Report sets out in detail the reasons why the Council should resolve to acquire the Land and other interests.

6. **CORPORATE PLAN IMPLICATIONS**

The redevelopment of the Bus Station site is specifically referred to in the Corporate Plan as a key driver for the improvement of Hinckley Town Centre supporting the Corporate Aim of providing a thriving economy in the Borough.

7. **CONSULTATION**

None specific to this report

8. **RISK IMPLICATIONS**

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to make or confirm the Compulsory Purchase Order may prevent the site assembly required to regenerate the Bus Station Site	The Council have retained the expertise of Eversheds LLP (at the cost of Tin Hat) to provide experienced legal advice to aid in securing the confirmation of the Compulsory Purchase Order	Adam Bottomley

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

The recommendations contained within the report present no implications with regard to equalities or rural areas. However, the wider redevelopment proposals which have been previously approved by the Council have given full consideration to equality and rural considerations. The development will be of benefit to all groups within the community and all areas of the Borough.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications

- Human Resources implications
 - Planning Implications
 - Voluntary Sector
-

Background papers: Plan of the Site

Contact Officer: Adam Bottomley Senior Solicitor ext 5621

Executive Member: Cllr Stuart Bray

9C24feb11

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

(HINCKLEY BUS STATION)

COMPULSORY PURCHASE ORDER 2011

**SECTION 226 OF TOWN & COUNTRY PLANNING ACT 1990
SECTION 13 OF THE LOCAL GOVERNMENT (MISCELLANEOUS
PROVISIONS) ACT 1976
AND
THE ACQUISITION OF LAND ACT 1981**

STATEMENT OF REASONS

1. INTRODUCTION

- 1.1 This document is the Statement of Reasons of the Hinckley and Bosworth Borough Council ("the Council" or "the Acquiring Authority") prepared in connection with the making of a compulsory purchase order, entitled the Hinckley and Bosworth Borough Council (Hinckley Bus Station) Compulsory Purchase Order 2011 ("the Order"). The Council has made the Order pursuant to the powers provided at Section 226 (1)(a), Section 226 (1A) and Section 226(3)(a) of the Town and Country Planning Act 1990 (as amended by the Planning and Compulsory Purchase Act 2004), Section 13 of the Local Government (Miscellaneous Provisions) Act 1976 and the Acquisition of Land Act 1981. In this Statement of Reasons land included within the Order is referred to as "the Order Land". This Statement of Reasons has been prepared in compliance with both paragraphs 35 and 36 of Part 1 of the Memorandum and Appendix R of ODPM Circular 06/04 - Compulsory Purchase and the Crichel Down Rules.
- 1.2 The Order has been made by the Acquiring Authority for the purposes of securing a mixed use development on land at Hinckley Town Centre, Hinckley, which includes the Order Land. The development will consist of retail, leisure, and offices together with all the associated infrastructure, plant, public realm, landscaping and servicing works to include the provision of a part undercroft, part surface public car parking area and new Bus Station ("the Scheme").
- 1.3 The compulsory acquisition of the Order Land is sought because the Acquiring Authority think that the acquisition of the Order Land will facilitate the carrying out of development redevelopment or improvement on or in relation to the Order Land. The Acquiring Authority believe, in particular, that the Scheme is key to strengthening and extending the retail core of Hinckley Town Centre. The Acquiring Authority is satisfied that the Scheme is likely to contribute to the promotion or improvement of the economic, social and environmental well being of the administrative area of the Acquiring Authority. It is proposed that the Scheme (and its public benefits) will be delivered by the Council's development partner, The Tin Hat Regeneration Partnership LLP ("the Developer").
- 1.4 The Acquiring Authority has incorporated Parts 2 and 3 of Schedule 2 of the Acquisition of Land Act 1981 as part of the Order, in recognition that interests in the mineral rights in some parts of the Order Land have been severed from the legal interest in the remainder of those parts. The incorporation of this part of the Acquisition of Land Act 1981 is intended to exclude any existing mineral reserves that comprise part of the Order Land from the proposed compulsory acquisition.

2. DESCRIPTION OF LAND

- 2.1 The Order affects land that is located to the south and immediately adjacent to the existing retail area linked to Castle Street via Station Road with the commercial area to the north, predominantly residential to the south and west and a mixed area to the east. It forms a gateway entrance to the town centre from both Rugby Road and Station Road.
- 2.2 The area that is required for the Scheme is approximately 4 hectares and currently comprises a mix of uses including the existing Bus Station, a car dealership, employment, retail, community, leisure and surface car parking ("the Site"). The buildings on Site are varied in both design and scale. Of prominence is a projecting chimney from a 20th century building fronting Station Road and a chimney on the old Benco Works building on the west of the Site. The levels across the Site vary considerably with the highest point being to the east on Station Road at 114.75m and the lowest point being to the west on Rugby Road at 107.35m. There are also 2m level changes from north to south. The Site currently comprises little landscaping and a mix of surface areas. Built form exists mainly fronting Station Road, Lancaster Road, Brunel Road and Rugby Road, with large areas of surface car parking to the south of Brunel Road and centrally within the Site.
- 2.3 The surrounding area comprises a wide variety of architectural styles. The character of the residential streets either side of the Site vary with properties along Rugby Road being Victorian style terraces whilst properties along Station Road comprise 2/3 storey semi-detached Edwardian houses with bay fronts. Properties in Clarendon Road are a mix of both these styles with larger town houses at either end. The commercial area to the north comprises some original old buildings often set between modern buildings. The market square located to the north along Station Road boasts 7 listed buildings. There are examples of 19th century architecture, early 20th century architecture with Art Deco influences, and more recent 20th century architecture in the surrounding area.

3. OWNERSHIP OF THE ORDER LAND

- 3.1 The Order Land is currently held in multiple ownership. Although the Developer already owns part of the proposed Order Land, this land is included in the Order to ensure that no third party interests such as restrictive covenants or easements are discovered or come to light at a later stage which could otherwise prevent the envisaged scheme from proceeding.
- 3.2 The Order seeks the acquisition of all interests in the Order Land, save for those specifically excluded in the Order (see paragraph 11 below regarding Impediments to the Scheme).

4. DESCRIPTION OF THE PROPOSED DEVELOPMENT

4.1 The Council in its capacity as the Local Planning Authority has considered the outline planning application assigned the reference 10/00743/OUT and has resolved to grant outline planning permission for the redevelopment of land, which includes the Order Land, in accordance with the Scheme. The planning permission was granted subject to conditions on 18 January 2011.

4.2 The Scheme comprises a mixed use development including retail (A1, A2 and A3 uses); leisure (D2 uses); offices (B1a uses); associated infrastructure and plant; public realm; servicing, a new public car park and a new Bus Station. Illustrative details of appearance and landscaping were provided in the planning application however full details of these elements are to be submitted as reserved matters.

4.3 The proposals are presented as a comprehensive development scheme for the Site identified as the 'Bus Station Site' in the Council's Development Brief 2007, the Core Strategy 2009 and the submitted Hinckley Town Centre Area Action Plan 2010. The proposals include the following: -

- the demolition of the town's existing Bus Station, and clearance of the whole Site;
- the stopping up of Brunel Road;
- a supermarket with service yard (9,674 sqm Gross Internal Area);
- 556 space undercroft car park featuring 'park mark standard' security and lighting;
- a 5 screen cinema (2,093 sqm Gross Internal Area);
- a 12 lane bowling alley (1,526 sqm Gross Internal Area);
- family cafés and restaurants (1,454 sqm Gross Internal Area);
- 18 retail units (9,764 sqm Gross Internal Area)
- office space (706 sqm Gross Internal Area);
- a new 5 stop Bus Station on Waterloo Road (plus one lay over bay);
- highway improvements;
- improved Site access points for pedestrians, cycles, customers, public transport vehicles and delivery vehicles;
- Public Realm improvements; and

- opportunity to improve links with the town centre.
- 4.4 The concept for the Scheme was the result of a competition by Hinckley and Bosworth Borough Council to determine their preferred development partner for the comprehensive redevelopment of the Site in July 2008. Since this time there have been a number of consultation events involving the key stakeholders and public that has helped shape and refine the Scheme.
- 4.5 The Scheme, known as The Crescent, is anchored by the new foodstore and undercroft parking to the west and the cinema over the retail units to the east. The route between the anchors is formed with retail units to the south and café/restaurant uses to the north in a crescent shape. A break in the crescent provides a link through to the new Bus Station. Servicing for the business uses on Site is provided to the south accessed off Rugby Road; to the east off Station Road and to the north off Lancaster Road and Waterloo Road. Parking is provided for the public and staff, with 10 additional spaces allocated for residents parking associated with Clarendon Road to replace the garages to the rear of properties on Clarendon Road.
- 4.6 The Scheme is a comprehensive development essentially provided in 3 inter-related blocks with the largest being located along the southern boundary of the Site to the rear of properties along Clarendon Road. At ground floor this block (Block A) accommodates the foodstore to the west and 9 retail units, at first floor the bowling alley sits above 3 of the retail units. To the east of this block there is a 2 storey office unit. Undercroft car parking is provided under the foodstore and extends under 3 of the retail units and part of the A3 units. This car park makes use of the change in levels across the Site so the retail units are all at the same level within the Scheme. The foodstore forms the largest unit in this block and would be a maximum height of 12.6 metres above ground level (only a small element is this high), the majority of the unit measures 11.25 metres above ground level (including undercroft) and sits at a distance of 22.5 metres from the rear boundary of the Site. The rear elevation of the foodstore is between 37 and 46 metres from the rear elevations of properties in Clarendon Road. The 3 retail units adjacent to the foodstore also located above the car park, are 13.25 metres above ground level but sit 60 metres from the rear elevation of properties in Clarendon Road. The bowling alley above the retail units sits at a maximum of 15.75 metres above ground level, and at its highest is 50 metres from rear elevations of properties in Clarendon Road, at this point the properties along Clarendon Road sit 1.5 – 2 metres higher than the ground level on Site. The 2 storey office is a maximum of 12.1 metres above ground level fronting a public square on Station Road. When viewed from Rugby Road the foodstore will be a maximum height of 8.9 metres above ground level opposite the residential properties and will sit 23 metres at its closest from the front elevation of the residential properties across Rugby Road. The highest

- 4.7 The second block (Block B) forms a crescent shape and comprises 5 units for café/restaurant use. This block sits to the north of the Site wrapping round the Bus Station on Waterloo Road and provides the built form on the north side of the Scheme. These units are low level with a maximum height of 9.25 metres above ground level (Bus Station side) this decreases towards Lancaster Road due to levels differences across the Site. The third block (Block C) sits in the north-east corner of the development and comprises 6 retail units facing into the Scheme and 3 smaller retail units facing Station Road all at ground floor, the Cinema entrance and atrium is located on the south of this block at ground floor level leading up to the cinema above. The cinema does not entirely cover the ground floor with it not extending over the northern most retail unit. The maximum height of the cinema is 16.25 metres above ground level (Lancaster Road) and 15.2 metres above ground level (Station Road). The (indicative) details contained within the approved planning application show a raised feature on the retail unit at the corner of Lancaster Road and Station Road. However it is not indicated that this is as high as the cinema.
- 4.8 Due to the level difference across the Site, the Scheme provides steps and ramps at both the east and west of the development. The new Bus Station will have wheelchair access to both the development and the town centre and new shelters for each bus stand. Waterloo Road will be reconfigured to provide 'saw tooth' design bus lay-bys and buses will be re-routed in a clockwise direction to enable passenger pick up and drop off from the retail side of the development. The cinema and bowling alley are provided at first floor level, both accessible from street level from within the Scheme.
- 4.9 Whilst the planning application included layout and scale, the Scheme builds in tolerances both vertically and horizontally, and the height measurements provided above are the maximum. Horizontal deviations are proposed to enable architectural expression. However there are elevations where no tolerance has been proposed, these elevations include the southern elevation of Block A facing Clarendon Road and the east elevation of Block C facing Station Road. Tolerances are provided along other elevations, these vary between 0.5 metres and 3 metres.
- 4.10 The planning application gives an indication of appearance; however this is a reserved matter. It has been indicated that the Scheme will be modern, contemporary in expression, but one that will blend in with the surroundings by use of a limited pallet of traditional materials and textures. Illustrations show a mix of materials including brick, cladding and glazing. Again landscaping is a reserved matter although a Landscape Design Philosophy has been developed, which creates a distinctive, well defined series of spaces within the public realm.

This philosophy looks at town centre linkages, existing landscaping, a planting strategy, and a paving strategy. It seeks to create an attractive public realm with outdoor seating areas and details how the larger areas of public realm at each entrance of the Site could function.

5. **STATUTORY FUNCTIONS OF THE ACQUIRING AUTHORITY**

5.1 The Council is the local planning authority for the area in which the Order Land is situated. By virtue of Section 226(1)(a) of the Town and Country Planning Act 1990 ("the Act"), the Council has the power to acquire compulsorily any land in their administrative area which the authority think will facilitate the carrying out of development, redevelopment or improvement and that is likely to contribute to the achievement of the promotion or improvement of the economic, social and environmental well being of their administrative area.

5.2 ODPM Circular 06/2004 provides updated and revised guidance on the use of compulsory purchase powers following the implementation of the relevant parts of the Planning and Compulsory Purchase Act 2004. The Introduction to Circular 06/2004 states that:

"Ministers believe that compulsory purchase powers are an important tool for local authorities and other public bodies to use as a means of assembling the land needed to help deliver social and economic change. Used properly, they can contribute towards effective and efficient urban rural regeneration, the revitalisation of communities, and the promotion of business - leading to improvements in quality of life. Bodies possessing compulsory purchase powers - whether at local, regional or national level - are therefore entitled to consider using them proactively wherever appropriate to ensure real gains are brought to residents and the business community without delay."

5.3 The main body of the Circular provides general guidance on the use of compulsory purchase powers by acquiring authorities whilst Appendix A provides specific guidance for local authorities on the use of their compulsory purchase powers in Section 226 of the 1990 Act.

5.4 Paragraph 2 of Appendix A to Circular 06/2004 provides that "The powers in Section 226 as amended by section 99 of the Planning and Compulsory Purchase Act 2004 are intended to provide a positive tool to help acquiring authorities with planning powers to assemble land where this is necessary to implement the proposals in their community strategies and Local Development Documents"

(which will include "saved" Unitary Development Plans such as that adopted by the Council's planning authority).

- 5.5 The guidance in the Circular emphasises the need for local authorities to link their consideration of the use of compulsory purchase powers contained within Section 226 of the 1990 Act, with the over-arching objective of delivering sustainable communities. In particular, the guidance requires local authorities to consider how the use of their compulsory purchase powers will contribute to the achievement of the promotion of the economic, social and environmental well-being of their area and how the compulsory acquisition will assist in the achievement of the objectives set out in their adopted Corporate Plan and Hinckley and Bosworth Community Plan.
- 5.6 The Council considers that the redevelopment of the Order Land will make a significant contribution to the achievement of the promotion and improvement of the economic, social and environmental well-being of Hinckley and the wider area through the implementation of the redevelopment proposals.
- 5.7 In particular, it is anticipated that the comprehensive remediation and redevelopment of the Order Land in accordance with the development proposals will improve the economic, social and environmental well-being of the area by:-
- 5.7.1 providing a major employment opportunity in a sustainable town centre location, creating new investment opportunities and creating new jobs;
 - 5.7.2 providing retail leisure and other facilities for the local community;
 - 5.7.3 vastly improving the amenity of the area for those who work and live in the vicinity of the Site;
 - 5.7.4 contributing to the growth and improvement of the town centre with new quality retail and leisure facilities, leading to improved investor and visitor confidence in Hinckley;
 - 5.7.5 bringing significant improvements to the built environment and landscape of the town centre;
 - 5.7.6 addressing the existing transport issues by providing an improved
 - 5.7.7 Bus Station for the town, together with enhanced public parking provision;

5.7.8 creating/enhancing pedestrian and cyclist routes through the Site and enhancing its linkages with the rest of the town centre; and

5.7.9 creating new areas of landscaping and open space to improve the environmental and public amenity of the area.

5.8 Further details as to how the proposals for the Order Land will assist in the achievement of the objectives set out in the Council's policy framework are provided below.

6. REASONS WHY THE ORDER LAND SHOULD BE REDEVELOPED

There are overwhelming reasons why the Site should be redeveloped:

6.1.1 it is generally underused and of poor environmental quality, both in terms of building form and open spaces, though it occupies an important town centre gateway location;

6.1.2 it is positioned between the heart of the town centre and local residential areas but has poor connections and linkages to and from each;

6.1.3 the present built environment within the Order Land is in a poor state of repair;

6.1.4 The existing land is underused (and unused in part) and includes open car parking, semi-derelict factory units, outdated retail provision, poor quality bus station and unattractive public realm all of which are a clear threat to the long term viability and vitality of the town centre; and

6.1.5 the Site occupies a logical area for expansion of Hinckley Town Centre, to provide a range of new attractions that can ensure that the town centre remains competitive.

6.2 The Order Land is of a size capable of accommodating a mix of uses and the Acquiring Authority is confident that the Scheme will add to the vitality of the town centre meeting identified retail needs and support its viability through the provision of a high quality, comprehensive development Scheme, together with the associated provision of extensive public realm works. At the same time, the Scheme will address the environmental issues facing the Site, foster social inclusion by providing new accessible town centre facilities and through the realisation of employment opportunities. The Scheme will also contribute economically to the overall strength of Hinckley Town Centre.

7. THE CASE FOR COMPULSORY PURCHASE

The Purposes of the Acquiring Authority for Acquiring the Order Land

- 7.1 It is intended that the compulsory acquisition of the Order Land will facilitate the Scheme which include the redevelopment and regeneration of an under-used but prominent area of Hinckley Town Centre. The proposals seek to provide a mixed use Scheme in a location which complements the existing retail and business core of the town centre and surrounding residential development. New space will be provided to expand the town centre and accommodate a wide variety of new uses. The Scheme includes a mixture of retail units, leisure uses, food and drink and office accommodation, as well as providing a new Bus Station and public car parking provision.
- 7.2 The Scheme seeks to address the poor environmental quality of the area through new development which can provide a place of distinction and local pride, improve the public realm and achieve a high quality of urban design. The new development will be integrated into its surroundings and the Scheme seeks to improve connections and accessibility for all forms of transport, including those without access to a car.
- 7.3 The Site is to be redeveloped through a public-private partnership between the Acquiring Authority and the Developer. The Developer specialises in town centre urban regeneration projects and has been selected by the Acquiring Authority as the development partner for this project. The Developer has the benefit of a strong capital base. The Development Agreement which was put in place between the Developer and the Acquiring Authority on 31 July 2009 secures arrangements for the Developer to meet the Acquiring Authority's acquisition costs and all other costs associated with the Order. The only exception to these arrangements is in respect of those interests currently in the ownership or under the control of the Acquiring Authority.
- 7.4 The Scheme has been formulated by the Developer and the Acquiring Authority, who consider that the proposed Scheme will bring substantial benefits to Hinckley Town Centre as a whole. The Acquiring Authority is keen to see the implementation of the Scheme in a comprehensive manner and are satisfied that the Developer has or can secure the necessary funding and resources to carry out the Scheme. The provisions of the Development Agreement secure arrangements for the transfer of the freehold interest in the Order Land to the Developer following the confirmation of the Order. The Developer has confirmed its intention to implement the Scheme at the earliest possible stage subject to confirmation of the Order.
- 7.5 The majority of the land required by the Scheme is in the ownership or control of the Acquiring Authority and the Developer. However, the land in the ownership/control of these parties is insufficient to deliver the entirety of the proposed Scheme. The Developer has been unable to secure the assembly of the residual land comprising the Order Land by agreement. As a consequence, the Acquiring Authority has resolved to intervene and use its compulsory

8. THE PLANNING CONTEXT

National and Regional Planning Policy

8.1 National policy advice in relation to the development of sites for retail and other town centre uses is provided, in the main, by:

- PPS1, published in February 2005; and
- PPS4, published in December 2009.

8.2 The Council has assessed the compatibility of the Scheme with the main objectives and requirements of PPS1 and PPS4, as well as other relevant national policy statements.

8.3 Following the conclusion of R. (on the application of Cala Homes (South) Limited v Secretary of State for Communities and Local Government (CO/8474/2010) (and related litigation) which resulted in the Regional Space Strategy being reinstated, the Government has confirmed its intention to abolish the RSSs. Regardless of the stated intention, the policies contained within the East Midlands Regional Plan are arguably still material to the Scheme and an appraisal of the Scheme against these policies has been undertaken.

PPS1: Delivering Sustainable Development (2005) and the Supplement to PPS1: Planning and Climate Change (2007)

Compliance with PPS1 and the Supplement to PPS1

8.4 The proposed development is entirely consistent with the objectives and requirements of PPS1 and the Supplement to PPS1. In formulating and refining the scheme, the design team has taken on board the views of local residents, businesses, other stakeholders and CABE, and opportunities have been taken wherever possible to conserve energy and reduce carbon dioxide emissions.

8.5 The development will particularly support the objectives for sustainable economic development by strengthening Hinckley's role as a sub-regional centre, thereby resulting in a range of environmental and social benefits including job creation and improved access to facilities in a highly accessible town centre location.

PPS4: Planning for Sustainable Economic Growth (2009)

Compliance with PPS4

- 8.6 The Scheme is entirely consistent with the objectives and requirements of PPS4. It is a planned release of land within the town centre which is sequentially appropriate and entirely acceptable in impact terms. Moreover, the scheme delivers social, environmental and economic benefits to the town.
- 8.7 The redevelopment of the Site embodies sustainable development principles by reusing underused, previously developed land to provide high quality, modern retail uses and associated facilities in a town centre location, close to existing shops/services and public transport facilities, thereby enhancing consumer choice and promoting social inclusion. The Scheme will deliver significant physical regeneration, boost local employment opportunities, improve accessibility, minimise impacts on climate change through high quality design and the co-location of uses in a central location alongside the bus station, and it will improve the economic performance of a defined Sub-Regional Centre.

PPG13: Transport (2002)

Compliance with PPG13

- 8.8 The Scheme will support all of the key objectives and the locational strategy of PPG13 by locating significant new retail and leisure uses in a town centre location immediately adjacent to the town's bus station. The Council has been proactive in promoting the intensive redevelopment of the Site in accordance with paragraph 21 of PPG13. The Scheme's siting will maximise accessibility by sustainable transport and, particularly, opportunities to access key services using public transport.
- 8.9 The development will also provide a new town centre bus station, consistent with paragraph 48 of PPG13 which encourages the location of interchange points close to travel generating uses. As demonstrated by the Retail Statement which accompanied the planning application, and recognised in local planning policy, the proposed development will bolster Hinckley's role as a defined Sub-Regional Centre and thereby reduce the need for residents within the town's catchment to travel to more distant locations such as Leicester City Centre and Fosse Park to access retail and leisure facilities.
- 8.10 Further details of the scheme's compliance with PPG13 are provided in the Transportation Statement which accompanied the planning application.

PPS5: Planning for the Historic Environment (2010)

- 8.11 Details of the scheme's compliance with PPS5 are contained within the Archaeological & Cultural Heritage section of the Environmental Statement.

PPG24: Planning and Noise (1994)

- 8.12 The Site is adjoined by residential properties to the south. Paragraph 13 of PPG24 sets out measures to mitigate noise, which include engineering solutions, changes to the layout of development and administrative solutions such as restricting operating hours. PPG24 encourages early consultations between developers and LPAs.
- 8.13 The Noise & Vibration Chapter of the Environmental Statement explains how the proposed development complies with the requirements of PPG24.

Crowded Places: The Planning System and Counter-Terrorism (2010)

- 8.14 The Council's consultants consulted the Leicestershire Constabulary on the risk of terrorism. Details of the design team's approach to designing out crime were contained within the Design and Access Statement which accompanied the planning application. Moreover, the Constabulary made recommendations about matters to be covered by the later submission of details. The proposed development therefore complies with the 'Crowded Places' guidance in incorporating measures to minimise the risk of terrorist attacks.

Summary of the Scheme's Compliance with National and Regional Planning Policy

- 8.15 The Scheme is fully in accordance with relevant national planning policy guidance. The Scheme is a mixed use development on previously developed land in a sustainable town centre location, and therefore accords with PPS1.
- 8.16 The proposed development will deliver a vibrant mix of retail, leisure and office uses, including a range of restaurants, cafés, a multi-screen cinema and a bowling alley/family entertainment centre, in a town centre location next to the replacement bus station. The Scheme therefore represents sustainable economic development and will significantly improve and expand the overall town centre offer, in line with PPS4.
- 8.17 As well as providing a new bus station, thereby delivering significant benefits in terms of public transport infrastructure, the Scheme will markedly improve the functional relationship between the Site and the rest of the town centre. The proposed development will bolster Hinckley's role as a Sub-Regional Centre, and thereby reduce the need for residents within the town's catchment area to travel to more distant locations to access retail and leisure facilities. The scheme complies with PPG13.
- 8.18 The Environmental Statement also demonstrates that the Scheme is fully in accordance with the provisions of PPS5 and PPG24, and the approved plans and the Design and Access Statement confirm how the Scheme responds to designing-out crime and the counter-terrorism issues raised by the recent 'Crowded Places' publication from the CLG and the Home Office.

- 8.19 The Scheme accords with the East Midlands Regional Plan by significantly enhance Hinckley's role as a Sub-Regional Centre within the Three Cities Sub-area, and will enable Hinckley to better serve its catchment through the provision of new, high-quality retail and leisure services and modernised public transport infrastructure. The Scheme is therefore consistent with the relevant objectives and policies of the Regional Plan.

Local Planning Policy

- 8.20 The Scheme accords with the saved policies of the Hinckley & Bosworth Local Plan as well as the Hinckley & Bosworth Core Strategy and emerging, related development plan documents.

Hinckley & Bosworth Local Plan (February 2001)

- 8.21 A number of policies contained within the Local Plan were saved by direction of the Secretary of State in September 2007.
- 8.22 Saved Policy R1 addresses the 'General Retail Strategy' for the Borough, and explains that Hinckley Town Centre is the preferred location for major retail development. Paragraph 7.3.1 states that *'safeguarding and enhancing the quality and character of Hinckley Town Centre is a prime objective of the Borough Council. The town centre is the main shopping focus for the Borough providing a wide range of retail facilities and services together with excellent access for all the community.'* The Site is located with the town centre and so the proposed development is consistent with saved Local Plan Policy R1.
- 8.23 Policy EMP1 considers 'Existing Employment Sites' within the Borough. The policy seeks to retain a number of sites which are considered suitable for ongoing employment uses. It goes on to identify existing employment sites that may be suitable for other employment activities or alternative uses, and sites that are experiencing environmental problems and where alternative uses will be encouraged. Whilst several parts of the Site are designated for employment use under saved Policy EMP1, these parts of the Site are evidently not of high quality or strategic importance and paragraph 3.3.8(b) of the Local Plan categorises them as potentially being suitable for alternative uses. Their redevelopment to provide appropriate alternative uses that will make a considerable contribution to local economic development and employment opportunities therefore does not conflict with saved Policy EMP1.
- 8.24 A new, modern bus station will be provided as part of the proposed development, thereby according with saved Local Plan Policy T3, which requires appropriate supporting infrastructure, including bus access, to be made available as part of major new development schemes.

- 8.25 Large parts of the Site are currently used for car parking and saved Local Plan Policy T4 states that the loss of off-street parking facilities will only be permitted where there is demonstrable over-provision or alternative provision is proposed. The loss of the surface level car parks to the north and south of Brunel Street will be compensated for by the provision of 546 car parking spaces in a part-undercroft/part-surface level car park, thereby satisfying saved Policy T4.
- 8.26 Highway design and parking standards are addressed by saved Policy T5, which states that new development will be subject to the highway design standards set out by Leicestershire County Council's 'Highway Requirements for Development'. The Council will also apply the parking standards set out at Appendix D of the Local Plan unless a different level of provision can be justified. The Transportation Statement explains the measures that have been taken to ensure that these requirements are satisfied.
- 8.27 Saved Local Plan Policy BE1 concerns the wider issues of the design and siting of development. This re-iterates the Council's objectives to secure attractive development and to safeguard and enhance the existing environment. Planning permission will be granted where, amongst other things, development complements or enhances the character of the surrounding area; incorporates design features which reduce energy consumption, encourage recycling and minimises the impact of the development on the local environment; incorporates landscaping to a high standard; ensures access for those with mobility difficulties; does not adversely affect the occupiers of neighbouring properties; and does not prejudice the comprehensive development of a larger area.
- 8.28 The Scheme has been designed in order to address all of the design/highways/accessibility requirements outlined above. In summary, however, the Scheme will incorporate high quality landscaping and sustainable design solutions, and it will therefore significantly enhance the character and appearance of the Site and the surrounding area without adversely impacting on neighbouring properties.

Hinckley & Bosworth Core Strategy

- 8.29 The Core Strategy for Hinckley & Bosworth was adopted in December 2009, and provides the overarching strategy and core policies to guide the future development of the Borough in the period up to 2026.
- 8.30 Paragraph 3.17 of the Core Strategy explains that Hinckley is currently underperforming as a sub-regional town centre due to a number of factors including lack of investment, poor quality public realm, a low retail and cultural offer, vacant property, and limited night-time economy. Due to these factors, the town centre is currently losing trade to nearby surrounding centres, primarily Fosse Park, Leicester City Centre and Nuneaton Town Centre.

- 8.31 In order to address the issues outlined above, Spatial Objective 2 of the Core Strategy ('Regeneration of Urban Centres') is: '*To deliver the regeneration of Hinckley Town Centre, as a vibrant, thriving sub-regional centre, which provides opportunities for retail, leisure and commercial activities*'. Paragraph 4.16 further explains that new retail development is required in order to revitalise the shopping offer, and that a new cinema and associated leisure uses are needed which will add a leisure dimension to the town centre.
- 8.32 Policy 1 ('Development in Hinckley') then goes on to specifically identify the Site as a key opportunity to meet the future retail needs of the Borough. Policy 1 states that, to support Hinckley's role as a Sub-Regional Centre, the Council will:
- 'Support the development of approximately 21,100 sq.m (net) of new comparison sector sales floorspace (13,100 sq.m by 2021 and 8,000 sq.m from 2021 – 2026), primarily located in a redeveloped Britannia Centre and on the bus station redevelopment site and the development of an additional 5,300 sq.m (net) up to 2021 of convenience floorspace, primarily located on the bus station redevelopment site...' (emphasis added).*
- 8.33 The Site is, therefore, now identified for major retail redevelopment in the adopted Core Strategy. Policy 1 also supports the provision of a new bus station as well the efficient provision and management of town centre car parking and transport to reflect Hinckley's role as a Sub-Regional Centre. New development is also required by Policy 1 to enhance the 'poor public realm' within the town centre.
- 8.34 Policy 5 identifies a range of 'transport interventions' relating to the provision and management of car parking and public transport which are intended to support new development in and around the defined Hinckley Sub-Regional Centre. The proposals deliver on all of these requirements, by replacing the town centre bus station and improving its accessibility, providing modern car parking facilities, and improving the public realm within and around the Site.
- 8.35 Policy 20, addressing green infrastructure, states that strategic interventions will be supported in Hinckley Town Centre to reduce the urban 'heat island' effect by increasing the number of street trees, cooling and air quality improvements, green roofs and swales where appropriate.
- 8.36 The proposed development accords with Spatial Objective 2 of the adopted Core Strategy, which seeks to ensure the regeneration of the defined Sub-Regional Centre of Hinckley through the provision of retail, leisure and commercial uses. The Site is specifically identified by Core Strategy Policy 1 as an appropriate location for major development. The proposed development represents a unique opportunity to deliver most of the additional convenience goods floorspace identified for the town centre under Policy 1 and nearly half of the required

comparison goods floorspace. It will also deliver the new leisure facilities that are required in order to extend the functions and broaden the appeal of the town centre, as well as a new town centre bus station.

Emerging Hinckley Town Centre Area Action Plan

8.37 Consultation on the Proposed Submission version of the Hinckley Town Centre Area Action Plan (HTCAAP) took place during June and July 2010, the HTCAAP was examined in public in December 2010 and the Inspector's Report is expected to be issued in March 2011. The emerging HTCAAP has thus reached a relatively advanced stage.

8.38 The HTCAAP sets out eight Spatial Objectives for Hinckley Town Centre, several of which are particularly relevant to the proposed scheme, namely the objectives to:

- Increase and improve accessibility within, to and from the town centre for pedestrians, cyclists and public transport (Spatial Objective 2).
- Increase and improve the range of retail provision in the town centre to support Hinckley's role as a sub-regional centre (Spatial Objective 3).
- Enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality, well-designed, environmentally friendly development in the town centre (Spatial Objective 4).
- Support the development of new leisure and cultural facilities to improve the quality of life and leisure within Hinckley Town Centre, whilst adding value and attractiveness to the town centre to encourage active recreation (Spatial Objective 5).
- Promote Hinckley Town Centre as part of a wider tourism initiative and to develop the evening economy (Spatial Objective 6).
- Retain and enhance employment opportunities in Hinckley Town Centre (Spatial Objective 8).

8.39 The emerging HTCAAP goes on to identify nine Strategic Development Areas within Hinckley Town Centre, one of which is the Site. The HTCAAP explains in paragraph 8.42 that the Bus Station Site is well-suited in terms of its location for a new development to provide a mix of retail, leisure and commercial uses. Proposed Policy 9 then specifies the Council's key aspirations for the Site's redevelopment, which are to:

- provide an enhanced bus station and associated passenger facilities;

- create an exciting landmark development at this key gateway Site;
- provide a mixed-use scheme anchored by a food superstore, with other potential uses including office/commercial floorspace, cafés, restaurants, comparison retail units, a cinema and other leisure uses;
- achieve high quality public realm improvements including improved pedestrian connectivity within the Site and to other parts of the town centre;
- improve links to Hinckley railway station; and
- provide a consolidated car park of approximately 560 spaces.

8.40 The HTCAAP identifies the Bus Station for 2,000 to 3,000 sq.m of office floorspace, 8,000 to 9,000 sq.m of comparison retail floorspace and 5,500 sq.m of convenience retail floorspace.

8.41 Overall, it is clear that the proposed development is fully in line with the Council's aspirations for the Bus Station Site, as set out in both adopted and emerging local planning policy, which are focused around major retail development with complementary leisure uses alongside a new bus station and improved car parking facilities. In addition to providing the mix of uses sought by the Council, the amount of retail floorspace that is proposed at the Bus Station Site accords with the floorspace figures identified for the Site, as described above.

8.42 Policy 11 identifies Station Road, which forms the eastern boundary of the Site, as an area where the Borough Council will seek contributions from developers to carry out public realm improvements. In the case of Station Road the proposed works include potential pavement widening, the introduction of increased levels of landscaping and the provision of improved pedestrian crossings to ensure good access to both the library and the bus station.

8.43 Policy 17 refers to 'Transport Infrastructure Delivery and Developer Contributions'. Major new development in the town centre should be supported by the timely delivery of transport related infrastructure deemed necessary to provide for the regeneration and increased sustainability of the town centre. The emerging policy states that developers will either make direct provision to the identified infrastructure or will make financial contributions by way of S106 agreements. Policy 19 states that developments should provide secure cycle facilities near the bus and railway station interchanges.

8.44 The proposed development is consistent with Spatial Objectives 2 and 3 of the HTCAAP because it will improve the accessibility of the town centre and its mix of uses. The Scheme will also encourage further investment in Hinckley by

improving the town's image to investors, residents and visitors (Spatial Objective 4) and the leisure components of the scheme will help to improve quality of life within the town and provide a significant boost to the centre's evening economy by broadening its appeal (Spatial Objectives 5 and 6). The development will create new jobs in a town centre location, consistent with Spatial Objective 8, and it also satisfies the requirements of Policies 9, 11 and 17 of the emerging HTCAAP.

Summary – Compliance with Local Planning Policy

8.45 For the reasons given above, the Scheme accords with the objectives and policies of the adopted Core Strategy and the emerging Hinckley Town Centre AAP.

Other Relevant Local Documents

Hinckley Town Centre Renaissance Masterplan (May 2006)

8.46 The Town Centre Masterplan was produced for the Council by Atkins, in association with ABL Cultural Consulting, Social Research Associates and Lambert Smith Hampton. The aim of the Masterplan was to provide a clear vision for the future social, economic and environmental enhancement and development of Hinckley Town Centre over the next 5 to 15 years. Its key points relating to the Scheme are set out below.

8.47 The Masterplan identified seven 'Strategic Aims' for Hinckley Town Centre, two of which are particularly relevant to the current application:

- **Strategic Aim 3:** To enhance Hinckley Town Centre's image to developers, retailers, residents and visitors by ensuring high quality development on prominent gateway sites into the town centre; and
- **Strategic Aim 4:** To support the development of new leisure and cultural facilities to improve the quality of life and leisure within Hinckley Town Centre, whilst adding value and attractiveness to the town centre.

8.48 The Masterplan identified eight 'Strategic Development Areas' within the town centre, one of which is the Bus Station Site. The Masterplan explained that the area of land around the bus station is relatively run down, and would benefit from redevelopment to provide a high quality, landmark development. It recommended a co-ordinated mixed-use redevelopment of the entire Site, to include offices, residential units, a cinema and a supermarket, as well as other retail floorspace and an enhanced bus station. Redevelopment of the Site was identified in the Masterplan as a medium-term opportunity, to be undertaken in the period 2008 to 2011.

- 8.49 The Masterplan informed the Core Strategy and the preparation of the HTCAAP. The proposed development is consistent with the original vision set out by the Masterplan, including the specific proposals for the Bus Station Site (with the only exception being the masterplan's recommendation that residential units form part of the mix of uses on the Site).

Conclusion

- 8.50 The Scheme is therefore in accordance with National, Regional and Local planning policy and meets the objectives set out within the various policies.

Views Expressed by Government Departments

- 8.51 The proposed scheme was referred to CABE for comment in early 2010 and a series of comments were received from CABE. A number of positive alterations to the Scheme were incorporated as a result of the CABE recommendations and the details of these recommendations and the resultant scheme changes are detailed within the Design and Access Statement submitted as part of the planning application process for the Scheme.

9. FINANCIAL VIABILITY

- 9.1 The Council prepared a Development Brief for the Bus Station Site, which was published in late 2007. The Development Brief explained that the Council was seeking a *'flagship, comprehensive proposal for the redevelopment of the Bus Station Site'*.
- 9.2 More specifically, the Development Brief stated that the Council's objectives were *'to provide an opportunity for additional quality convenience retail development as well as ancillary comparison retail, residential uses, a multi-screen 5 to 7 screen cinema, and associated other leisure uses'*. The Development Brief also explained that the mixed-use development of the Site should be of high quality, *'through the creation of a landmark development at a key entrance to the town'*, and that it should *'achieve high quality public realm improvements linked to the town centre pedestrian preference area'*.
- 9.3 Based on the requirements of the Development Brief, the Council launched a two-stage selection process to choose a developer consortium to take forward the Council's vision for the Site. The Tin Hat Regeneration Partnership, which is a joint venture between Wilson Bowden Developments and Centenary Ashcroft, was subsequently selected by the Council to deliver the mixed-use redevelopment of the Bus Station Site.
- 9.4 A Development Agreement was entered into between the Acquiring Authority and the Developer on 31st July 2009.

9.5 Prior to entering the Development Agreement and since that time, the Acquiring Authority has been continually provided with updated appraisals and cost plans outlining the viability of the Scheme. In addition, the Acquiring Authority have on several occasions, sought independent valuation and commercial advice from external agents. This advice has consistently indicated that:

9.5.1 the Developer has sufficient financial resource and commercial experience to deliver the Scheme to the reasonable satisfaction of the Acquiring Authority;

9.5.2 there is significant commercial interest in the Scheme to suggest that occupation rates and long term investment in the Scheme can be achieved;

9.5.3 the mechanism contained in the Development Agreement for the transfer of the freehold interest in the Order Land to the Developer coupled with the triggers for the commencement of the Scheme should ensure that the purposes of the Order are achieved within a realistic timescale; and

9.5.4 the terms of the Development Agreement provide sufficient safeguards to the Acquiring Authority to ensure that the Scheme can be delivered in a timely manner to the satisfaction of the Council.

10. **SPECIAL FEATURES AND SPECIAL CATEGORIES OF LAND**

10.1 There are no special features or special categories of land within the Order

11. **IMPEDIMENTS TO THE SCHEME**

11.1 The Territorial and Auxiliary Forces Association has a legal interest in the land and buildings on the South side of Brunel Road, which is within the Order Land. The Acquiring Authority and the Developer acknowledge that such interest cannot be acquired compulsorily and that interest has therefore been excluded from the Order. The Acquiring Authority and the Developer are in negotiations and will continue to seek to acquire The Territorial and Auxiliary Forces Association's legal interest by Agreement.

11.2 There are no other impediments to the Scheme.

12. RELOCATIONS

- 12.1 The Council is of the view that there is a compelling case in the public interest for the use of its compulsory purchase powers in order to facilitate the remediation and redevelopment of the Order Land and that the use of such powers is proportionate to the end being pursued.
- 12.2 In coming to this decision, the Council considered the advice contained in ODPM Circular 06/2004 paragraph 24 which states that, "before embarking on compulsory purchase and throughout the preparation and procedural stages, acquiring authorities should seek to acquire land by negotiation wherever practicable. The compulsory purchase of land is intended as a last resort in the event that attempts to acquire by agreement fail. Acquiring authorities should nevertheless consider at what point the land they are seeking to acquire will be needed and, as a contingency measure, should plan a compulsory purchase timetable at the same time as conducting negotiations. Given the amount of time which needs to be allowed to complete the compulsory purchase process, it may often be sensible for the acquiring authority to initiate the formal procedures in parallel with such negotiations. This will help to make the seriousness of the authority's intentions clear from the outset, which in turn might encourage those whose land is affected to enter more readily into meaningful negotiations".
- 12.3 The Acquiring Authority will work with individual developers and existing owners/occupiers to identify their future requirements and to investigate the possibility of the relocation of those affected by the Order. The potential for relocation will be dealt with on a case-by-case basis. These relocation arrangements will, in particular, be considered in detail to identify potential locations within the new Scheme and alternative premises within Hinckley respectively.
- 12.4 Negotiations for the purchase of the interests of owners and occupiers have been, and will continue to be, carried out on behalf of the Council by the Developer's appointed surveyors, Lambert Smith Hampton.
- 12.5 For any party wishing to discuss the potential acquisition of an interest in advance of the Order being confirmed the contact details are as follows:-
- 12.5.1 Andrew Cook of Lambert Smith Hampton (tel: 01212372309)
- 12.5.2 Sally Ann Beaver of Hinckley and Bosworth Borough Council (tel: 01455 255654)

13. **HUMAN RIGHTS ACT 1998**

13.1 Section 6 of the Human Rights Act 1998 prohibits public authorities from acting in a way which is incompatible with rights protected by the European Convention on Human Rights ("ECHR"/ "the Convention").

13.2 The position is conveniently summarised in paragraph 17 of Part 1 of the Memorandum to ODPM Circular 06/2004, which states that a compulsory purchase order should only be made where there is "a compelling case in the public interest". The Circular makes it clear that an acquiring authority should be sure that the purposes for which it is making a compulsory purchase order sufficiently justify interfering with the human rights of those with an interest in the land affected. In making this assessment, an acquiring authority should have regard, in particular, to the provisions of Article 1 of the First Protocol and Article 6 of the Convention and, in the case of a dwelling, Article 8 of the Convention. These are summarised and considered below.

13.3 Article 1 of the First Protocol states that:

"...Every natural or legal person is entitled to peaceful enjoyment of his possessions" and "no one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by the law and by the general principles of international law..."

13.4 Whilst occupiers and owners in the Order Land will be deprived of their property if the Order is confirmed, this will be done in accordance with the law. The Order is being pursued in the public interest as required by Article 1 of the First Protocol. The public benefits associated with the Scheme are set out earlier in this Statement. The Council consider that the Order will strike a fair balance between the public interest in the implementation of the scheme and those private rights which will be affected by the Order.

13.5 Article 6 of the Convention provides that:

"In determining his civil rights and obligations...everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law"

13.6 The Scheme has been extensively publicised and consultation has taken place with the communities and parties that will be affected by the Order. All those affected by the Order will be notified, will have the right to make representations

and/or objections to the Secretary of State for Communities and Local Government, and to be heard at a public inquiry. It has been held that the statutory processes and associated right for those affected to pursue remedies in the High Court where relevant, are compliant with Article 6.

13.7 Article 8 of the Convention states that:

“Everyone has the right to respect for his private and family life, his home and his correspondence...interference is justified however, if it is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well being of the country, for its prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedom of others.”

13.8 The Council consider that such interferences as may occur with the pursuance of the Order are in accordance with the law, pursue a legitimate aim, namely the economic well-being of the area and/or the protection of the rights and freedoms of others, and are proportionate having regard to the public interest that the scheme will bring which will benefit the economic well-being of the area. It is also proportionate having regard to the alternative means of securing the regeneration of the area.

13.9 Those directly affected by the Order will also be entitled to compensation which will be payable in accordance with the Compulsory Purchase Code, assessed on the basis of the market value of the property interest acquired, disturbance and statutory loss payment. The reasonable surveying and legal fees incurred by those affected will also be paid by the Council. The Compulsory Purchase Code has been held to be compliant with Articles 8 and Article 1 of the First Protocol.

13.10 The European Court of Human Rights has recognised in the context of Article 1 of the First Protocol that “regard must be had to the fair balance that has to be struck between the competing interests of the individual and the community as a whole”. Both public and private interests are to be taken into account in the exercise of the Council’s powers and duties. Similarly, any interference with Article 8 rights must be “necessary in a democratic society” i.e. proportionate.

13.11 In pursuing this Order, the Council has carefully considered the balance to be struck between the effect of acquisition on individual rights and the wider public interest in the redevelopment of the Site. Interference with Convention rights is considered by the Council to be justified and proportionate in order to secure the

economic regeneration, environmental and public benefits which the Scheme will bring.

- 13.12 The Council is satisfied that the redevelopment of the Order Land will have a positive impact on the social and economic well-being of the local residents as the redevelopment will revitalise Hinckley town centre and provide much needed transport infrastructure improvements and leisure facilities, and will contribute towards employment opportunities in the area. The Scheme also contributes towards the delivery of the aims in the Council's Core Strategy, Community Plan and Corporate Plan. Compulsory acquisition of individuals' property situated within the Order Land is necessary to allow this comprehensive redevelopment to proceed and for these benefits to be delivered.

14. **RELATED ORDERS**

- 14.1 As a result of the Scheme, Brunel Road will be stopped up in accordance with planning permission reference 10/00743/OUT.
- 14.2 An application shall be made to the relevant Government Office under section 247 (and/ or section 248 and/ or Section 253, if appropriate) of the Town and Country Planning Act 1990 by the Developer and/or the Acquiring Authority. It is anticipated that any objections to the order (if any) will be considered together with any objections to the Order in the event that an inquiry is arranged.

15. **COMPULSORY PURCHASE NON MINISTERIAL ACQUIRING AUTHORITIES (INQUIRIES PROCEDURE) RULES 1990**

- 15.1 This Statement is not a statement under Rules band Rule 7 of the Compulsory Purchase Non-Ministerial Acquiring Authorities (Inquiries Procedure) Rules 1990 and the Acquiring Authority reserves the right to alter or expand it as necessary.

16. **CONCLUDING REMARKS**

- 16.1 There are overwhelming reasons why the Site should be redeveloped. The Site as it currently exists is of poor environmental quality with poor linkages between the heart of the city centre and adjacent residential areas. There is a need for the Scheme to proceed in order to address these issues and to meet the identified need for improvements to and expansion of the existing retail floorspace within Hinckley Town Centre. The Site is an important gateway location occupying a logical area for expansion of Hinckley Town Centre. It is only through compulsory acquisition of the Order Land that the development can be delivered thus there is a compelling case in the public interest for compulsory acquisition of the Order Land.

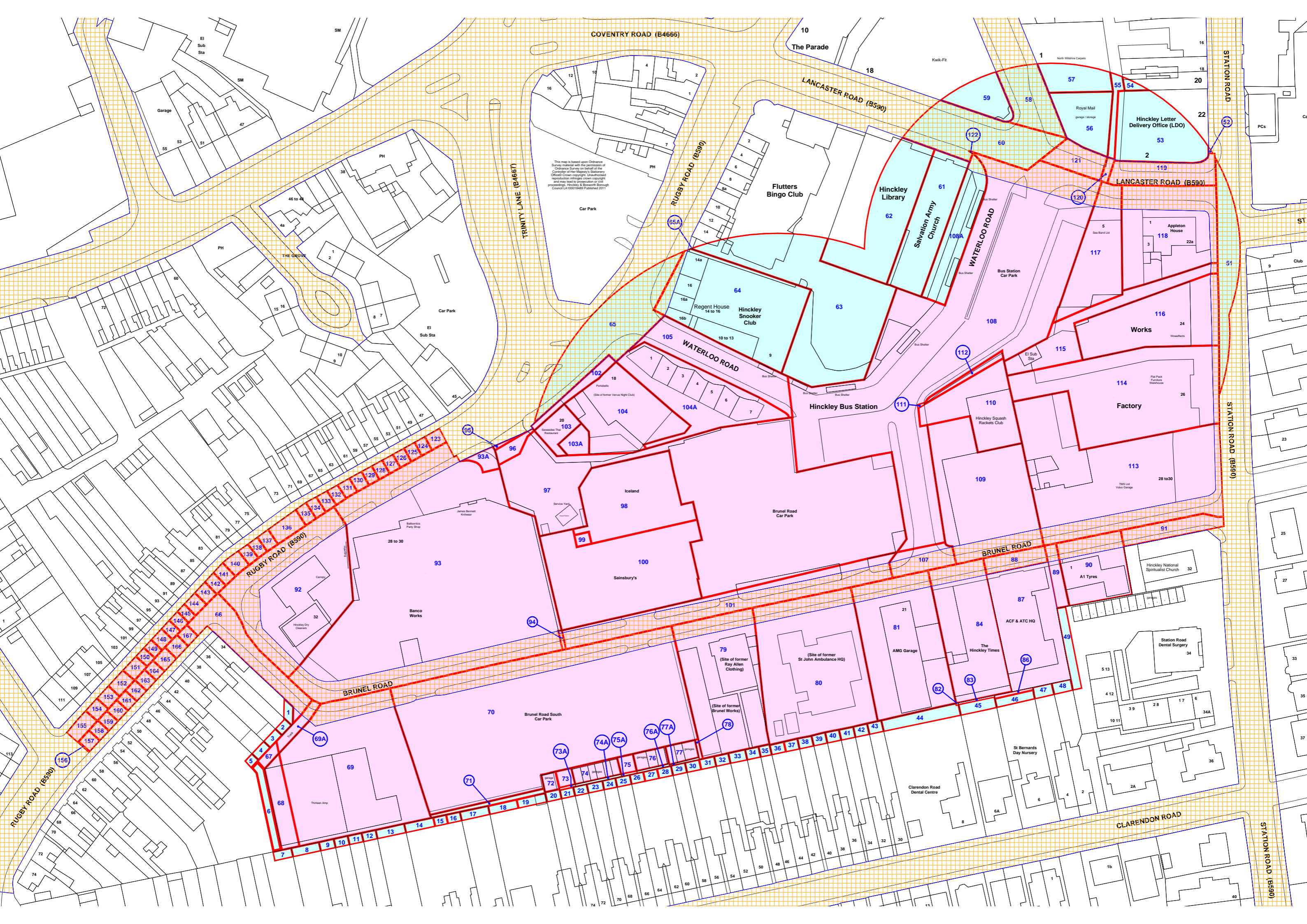
17. **LIST OF DOCUMENTS**

- 17.1 Government Planning Policy Guidance PPS 1, PPS 4, PPG 13, PPS 5
- 17.2 Regional Spatial Strategy
- 17.3 Planning Permission reference no [] dated []
together with all associated plans and supporting documentation
- 17.4 All relevant Committee Reports and associated public documentation produced
by the Council
- 17.5 The Order and Order Maps
- 17.6 The section 247 and section 248 application and associated draft Order
- 17.7 Retail Statement
- 17.8 Planning Statement
- 17.9 Transportation Statement
- 17.10 Environmental Statement
- 17.11 Design and Access Statement
- 17.12 Town Centre Master Plan
- 17.13 Bus Station Development Brief

[Insert details of times and places where these documents will be available for Inspection
when the Order is made]

APPENDIX 1

DRAFT



COVENTRY ROAD (B4666)

LANCASTER ROAD (B590)

STATION ROAD (B590)

TRINITY LANE (B4667)

RUGBY ROAD (B590)

WATERLOO ROAD

STATION ROAD (B590)

BRUNEL ROAD

BRUNEL ROAD

CLARENDON ROAD

STATION ROAD (B590)

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Flutters Bingo Club

Hinckley Library

Salvation Army Church

Bus Station Car Park

Works

Factory

Hinckley Bus Station

Regent House

Hinckley Snooker Club

IceLand

Sainsbury's

ACF & ATC HQ

Station Road Dental Surgery

Station Road Dental Surgery

St Bernards Day Nursery

Clarendon Road Dental Centre

Station Road Dental Surgery

Garage

PH

Car Park

El Sub Sta

Suburbics Party Shop

Banco Works

Service Yard

Brunel Road Car Park

AMG Garage

Hinckley National Spiritualist Church

Hinckley National Spiritualist Church

Clarendon Road Dental Centre

Station Road Dental Surgery

THE GROVE

Thames Amp

The Hinckley Times

Station Road Dental Surgery

Station Road Dental Surgery

St Bernards Day Nursery

Clarendon Road Dental Centre

Station Road Dental Surgery

Garage

PH

Car Park

El Sub Sta

Suburbics Party Shop

Banco Works

Service Yard

Brunel Road Car Park

AMG Garage

Hinckley National Spiritualist Church

Hinckley National Spiritualist Church

Clarendon Road Dental Centre

Station Road Dental Surgery

THE GROVE

Thames Amp

The Hinckley Times

Station Road Dental Surgery

Station Road Dental Surgery

St Bernards Day Nursery

Clarendon Road Dental Centre

Station Road Dental Surgery

COUNCIL MEETING – 24 FEBRUARY 2011

REPORT OF THE MEMBERS CHAMPION FOR OLDER PEOPLE

RE: UPDATE ON ACHIEVEMENTS AND PRESENTATION OF VISION FOR OLDER PERSONS' SERVICES IN THE BOROUGH

1. PURPOSE OF REPORT

- 1.1 To update Members on the achievements of the Members Champion for Older People and to present the vision for older people in the Borough of Hinckley and Bosworth.

2. RECOMMENDATION

- 2.1 That Members acknowledge the work undertaken and approve the vision and actions in Appendix 2 to this report.

3. ACHIEVEMENTS

- 3.1 As Members Champion for Older People in the Borough, I have driven a number of achievements for the service including:-
- 3.2 The planning and development of a Vision for Older Person' Services in the Borough.
- 3.3 Regular attendance at the County Member Champions Group, representing older people within the Borough.
- 3.4 Supporting the Older Voices Forum, and working to secure resources to enable the forum to continue its work.
- 3.5 Working with statutory and voluntary groups to produce an A-Z guide of information services and activities for older people living in the borough.

4. BACKGROUND TO THE VISION

- 4.1 As the Members Champion for Older People, I have met with other Members Champions in the county and have agreed to produce a vision for older persons' services in this Borough.
- 4.2 Accordingly, I presented a draft to the Scrutiny Commission on 10 September 2009 and to the Executive on 20 January 2010. At the meeting of the Executive, it was agreed to send out the draft that I had prepared for consultation.

- 4.3 That consultation has now taken place and comments from that process are summarised in Appendix 1 to this report.
- 4.4 The draft vision has been amended to take into account the results of the consultation and also to provide for developments that have taken place over the last twelve months. The revised vision document is contained in Appendix 2 to this report.
- 4.5 The main changes from the original draft are as follows:-
- Revising the section on financial matters to take into account the merging of Age Concern Hinckley and Bosworth with Age Concern Leicestershire and Rutland.
 - Changes in the community involvement section with regard to a dedicated centre for older people and to reflect possible changes in the Council's participation in the countywide Older People's Month.
 - Revising the section on education to widen the areas of interest.
 - Emphasising the Council's commitment to the establishment of a scheme for Extra Care housing in the Borough and promoting the services of Care and Repair.

5. **FINANCIAL IMPLICATIONS**

- 5.1 None arising directly from this report.

6. **LEGAL IMPLICATIONS**

- 6.1 None arising directly from this report.

7. **CORPORATE PLAN IMPLICATIONS**

- 7.1 The contents of the report relate to and support the following strategic aims:-
- Thriving economy.
 - Safer and healthier Borough.
 - Strong and distinctive communities.
 - Decent, well managed and affordable housing.

8. **CONSULTATION**

- 8.1 Full consultation has taken place with the Council's partners, with tenants in sheltered housing schemes, with voluntary bodies working with older people and generally with the public.

9. **RISK IMPLICATIONS**

- 9.1 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 opinion of the Member and Officer, based on the information available, that the significant risks associated with this project have been identified, assessed and that controls are in place to manage them effectively.

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

- No Net Red Risks.

10. **RURAL IMPLICATIONS**

- 10.1 The delivery of this vision will improve the accessibility and provision of services in the rural areas.

Background Papers: Leicestershire County Council Strategy for Ageing Well 2008-2011.

Contact Member: Councillor David Inman, 01455 614157.

Contact Officer: Clive Taylor, Older Persons Services Manager, ext 5890.

10C24feb11

(APPENDIX 1)

Strategy for Older People Living in Hinckley and Bosworth

Consultation Summary

Following the Executive Committee endorsement of a member led Older Persons vision for Hinckley & Bosworth, a period of consultation was carried out with local citizens, including workshops and an online consultation.

Summary of Consultation Workshops.

Consultation workshops were held at five sheltered housing schemes across the borough; Overall 47 tenants attended the workshops, 36 female and 11 males, their ages ranged between 62 to 94 years of age. Ethnic make of the attendees 96% white British, 2 % Black Caribbean and 2% other.

Residents were invited to discuss their experiences of being an older person living in the borough and issues they felt could be improved and their aspirations for the future. There then followed discussions about the vision headings, to gather their thoughts about the vision to feed into the wider consultation process.

General Discussion Points

On the whole most of those attending the workshops felt that Hinckley and Bosworth was a good place to live, the majority of people had lived in the borough most of their lives and many had moved into the area to be closer to family for support.

Most had previously lived in larger family homes, as tenants and private owners, the most common reason for moving was because of health needs and difficulty managing their own property. Nearly all of the attendees also said that they were attracted to sheltered housing for its increased security, communal meeting areas and social interaction.

Vision Discussion

Introduction

- Like the point that older people can still have a positive impact on society and not just a 'drain'.

- The groups agreed that more needed to be done to improve the positive image of older people particularly with younger people, many of the groups suggested projects such as older people going into schools and intergenerational projects.
- Some people questioned the need for a separate Strategy for Hinckley & Bosworth and the resources that would be used to achieve the actions many felt that that Leicestershire Older Peoples Strategy would achieve better outcomes for older people living in the borough.

Discrimination and employment

- Older people should be allowed to work past retirement age if they wanted to but many felt that many older people had worked from a much earlier age, some had started work as early as 14.
- A lot of the discussions around this section centred on the current economic problems and unemployment. Many felt that older people working past normal retirement age could be viewed as taking jobs from younger people.

Financial problems, information and advice

- Older people often find form filling difficult and would like more help with form filling in their local areas or at home.
- Councils rely a lot on websites and online forms for giving information and advice and many people don't have access or find it difficult using a computer to find information.

The place of older people within the community

- Many who participated in the consultation were unaware of the Older Voice's Forum, but were supportive of the idea and of the groups work.
- Those in the urban areas found attending social activities relatively easy, however many who lived in rural locations felt that they were forgotten with too many activities and leisure facilities being located in the main towns. This made it difficult for many to access due to poor public transport etc...

Education and Training

- The proposals were broadly supported but again many in the rural areas felt that there should be more local training and access to

computers, as they would benefit the most from being able to use IT to pay bills, and access services etc...

- Most said they would welcome training in a variety of subjects including more creative subjects such as art and craft.

Transport and access to buildings

- This proposal was supported by all those consulted, and although those in urban areas are generally happy with their transport links they supported better transport links in rural areas.

Accommodation and Support

- All agreed that they would prefer to live in their own homes, and value their independence. They would welcome more measures to promote this including adaptations when required and access to sheltered housing and/or Extra Care housing rather than residential or nursing care.
- Those living in sheltered schemes felt that there should be greater access to wardens and were concerned at what they felt was the reducing role of the warden on their schemes.
- Care and Repair was a valued service and many people had used this service and felt it should be more widely available. Many felt that they were at risk of being conned by bogus tradesmen and trusted the council sponsored schemes. Many felt that the scheme should be extended to cover gardening and decorating services which many found the most difficult to manage.

Health

- All agreed with the proposal, but felt that access to health services and provision was not an issue.

**A Vision & Action Plan
for Services for
Older People
Living in
Hinckley & Bosworth

2010 – 2015**



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Contents

1. Introduction
2. Discrimination & Employment
3. Financial Problems, Information and Advice
4. The Place of Older People Within the Community
5. Education and Training
6. Transport and Access to Buildings
7. Accommodation and Support
8. Health
9. Safeguarding Adults and Older People's Champions

A Vision and Action Plan for services for Older People living in Hinckley and Bosworth.

1. Introduction

Older people are living longer and are a vital part of our society. By 2028 it is estimated that a quarter of the population will be over 65. They are sometimes seen as a burden in terms of the resources they require the younger population to provide, but this plan is based on the potential of older people in terms of choices and opportunity in addition to meeting their needs in care and welfare. Older people must be seen as an integral part of the community, not a separate group of frail and dependant geriatrics. Hinckley and Bosworth does not have responsibility for many of the services vital for the continued well-being of older people, but it is responsible for community housing, it is a major employer, and it can influence its partners in the voluntary, public, and private sectors.

This document therefore looks at helping older people in their management of money and time, in giving support when needed and increasing their educational opportunities in a world that is constantly changing. Even the concept of old age is frequently changing with different ages used for its onset in different situations. This plan recognises that, and some proposals are aimed at everyone over 50, while some actions are directed at residents who are older than that. Separate sections deal with employment, discrimination, financial problems, information, training, transport, housing, advice, community involvement, health and support. Leicestershire County Council has produced a strategy for services for older people, and this document develops that policy in line with local needs. It is intended as a springboard for action rather than a document designed to be looked at once and then forgotten.

Initially more information is needed as to the needs of older people within the Borough as a coherent strategy should be a response to the actual needs of this age-group within the Borough rather than perceived needs.

2. Discrimination and employment

It is now recognised nationally that individuals should not be treated differently because of their age. The main area where this principle is important is in the field of employment. Longer life expectancy and reductions in the value of pensions make a longer working life desirable in some cases and essential in others. Traditionally retirement has been compulsory for men at 65 and women at 60. This structure has been swept away through recent government announcements on the retirement age, which will enable older people to continue in the workplace beyond these ages.

3. Financial problems, information and advice

Although more help and advice for older people is now available than ever before, many of them are failing to take advantage of things that would vastly improve their quality of life. For example it is estimated that nationally there are unclaimed benefits for older people totalling £5 billion. Where Council employees are made aware of failures to claim, they will encourage and help older people to apply for benefits to which they are entitled. Age Concern and Citizens' Advice have provided vital help in this area. Within current financial constraints the Council will fund agencies specifically tasked with providing advice and assistance. Too many older people are unable to deal with the variety of agencies that can provide help, and where appropriate the Council will encourage enquirers to use the First Contact service to direct their query to the correct agency and take all reasonable steps to ensure that the fullest possible help is given. The Council will provide or support publications giving advice and information relevant to older people, and will ensure that they are widely distributed, and are kept up-to-date.

4. The place of older people within the community

Once employment has ceased, older people have more time than their younger contemporaries for involvement in community activities. Many volunteer to help in a variety of organisations, or take advantage of the social opportunities offered by groups run by churches and other agencies. On the whole these deserve more publicity so that their viability is increased. The Council should use its own publicity to make people aware of the various activities open to them. The council provides a meeting space and administrative support for an Older Voices' Forum to meet quarterly and has assisted in the running of an activities day annually in the Leisure Centre. One problem is that there is not in Hinckley a dedicated centre for older people where individuals would instinctively go to get information or informal social activity. This need should be sympathetically considered when dealing with redevelopment schemes within the Town Centre.. Isolation is another problem affecting older people and the Council should actively encourage their inclusion in social activities, and should encourage activities that involve interaction with young people.

A major concern with many older people is their vulnerability to criminal and anti-social behaviour.

Statistics tend to show that it is the fear of crime rather than crime itself which is increasing.

The Council will continue through the Safer Communities' Partnership to reduce this fear, and to increase the involvement of older people in keeping their area free of crime

5 Education and Training

It has been frequently stated that education is a life-long process. Older people should therefore have easy access to learning opportunities. Encouragement should be given to organisations like the North Warwickshire and Hinckley College and U3A to provide courses and activities that are interesting and accessible for older people. The increased use and availability of IT is a challenge to many older people and specific courses for this should be run or encouraged by the authority. The increase of interest in the arts generated by the redevelopment of the Atkins building and the new College building should be used to provide extra interests for older people.

6. Transport and access to buildings

After reaching the age of 50, the number of individuals having their own transport starts to reduce, in line with financial viability and state of health. Access to public transport becomes more important, and this is recognised by the provision of free travel for the over 60s, a scheme which the Council supports financially. There is however little point in providing free travel if buses are not available to the locations used by older people and with sufficient frequency. Timetables need to be analysed to ensure that an effective service is provided. Transport in the rural area is a particular concern, and efforts need to be made to ensure that older people in the villages are better able to access activities in the urban area. The Council should also promote schemes which benefit older people such as Dial-a-ride which provides cheaper transport for medical appointments and similar journeys. One concern about public transport is to ensure that older persons can gain access easily to the hospital site at Sunnyside, Ashby Road following the decision of the PCT to locate more services there.

A survey has been proposed of access to business premises in Hinckley Town Centre with a view to providing information for disabled people and to encourage the proprietors of shops and other business premises to improve access for disabled people.

7. Accommodation and support

For most people over 50, at some point in their lives, housing needs will change. The change may be brought on by a traumatic event such as the loss of a spouse or the onset of a serious illness, or it may be more gradual after children leave home. The Borough Council needs to provide two kinds of assistance to deal with this. The first is to provide accommodation and support suitable for those who require it. The second is to provide help and advice for those who prefer to live in private accommodation. There has been a significant trend recently for older people to seek to avoid moving into care or residential homes, and the principle of independent living is vital to a large proportion of the ageing population. The Council has recognised this in the past by building sheltered housing schemes, involving a group of bungalows and/or flats with a resident warden and some community facilities. Recently the rationale for such schemes has been revisited, and the Council has changed the scheme for warden provision, so that wardens do not have to reside on the scheme where they work. Some community facilities in such schemes need upgrading

Increased assistance should be provided for older people living in private accommodation to enable them to stay longer in their own homes. Grants are made to provide adaptations for disabled residents in both Council and private housing. The finance for this comes from two different sources. While facilities within its own housing stock are funded through the Housing Revenue Account, Central Government provides the finance for improvements to private homes. This assistance needs to be managed as fairly and effectively as possible to deal with the actual needs of disabled people.

All of these policies seek to retain independent living for older people, but there may come a point when something more is required. To reduce the need to go into residential care a form of accommodation called extra care housing has been developed whereby cooked meals, continuous onsite warden provision and other support are provided. In this Borough, the only schemes currently available are in the private sector, and a scheme involving the Borough Council is urgently required.

Another problem that occurs as people age, is a reduction in the ability to carry out house and garden maintenance. There is an organisation called 'Care and Repair' which can assist with this. The Council should continue to publicise this. A handyman scheme for Council tenants to carry out work above the normal maintenance programme should also be investigated.

8. Health

The Council has a major part to play in helping residents to maintain and improve their mental and physical health through the opportunities it provides for exercise recreation and leisure. Where it is possible to provide incentives for older people to increase physical activity, i.e. through abolishing or reducing charges at the leisure centre this should be done. Where older people are found to be at risk, the Council should make them aware of facilities available in the County to deal with falls prevention, depression stroke prevention and the onset of other illnesses.

9. Safeguarding Adults and Older People's Champions

In Leicestershire, there are policies and procedures in place to ensure that all agencies work together to prevent the abuse of older people, and to support vulnerable people. Hinckley and Bosworth Council strongly supports this programme, and is working with others to ensure that all individuals with additional needs are safeguarded from harm and are kept safe. The needs of such individuals may include a variety of disabilities, physical or mental illness, problems with drugs or alcohol, or serious injury. These individuals need to be protected from abuse which can be physical, sexual, psychological, financial or mental. Abuse can also occur through discrimination or neglect or be institutional. The Council commits itself to training and awareness programmes to ensure that such abuse is eliminated, and joins with Leicestershire County Council and others in promoting Dignity in Care in all situations involving the welfare of vulnerable people.

The Council has recognised the need to improve the situation of older people within the Borough by appointing an Older People's Champion and an Older People's Officer, and has committed itself to recruit and train dignity champions throughout its organisation. This Dignity Campaign needs to be extended to all providers of services within the Borough.

Vision for Services for Older People Living in Hinckley & Bosworth 2011 – 2015

Action Plan

Theme	Current Activities	Planned Actions
Access to Services	<ul style="list-style-type: none"> • Introduction of First Contact 'Leicestershire' Scheme, enabling older people easier access to services via a single referral. • Concessionary Travel provision. • 'Take up Strategy' to maximise the income of older people. • CAB surgery/ outreach provision at Markfield Community Centre and Earl Shilton Community House. • Internet access at three sheltered housing schemes. • New Tenancy Support Officer and two Sheltered Housing Support Officers. • Using different communication techniques. • Disabled Facilities Grants. • Concessionary Travel • Parks and open spaces are DDA compliant. • Shopmobility • Localised services at Community Houses (Earl Shilton, Wykin, Barwell) • Equality Impact Assessments are 	<ul style="list-style-type: none"> • To provide help and advice for older people through the Council's own officers, through the First Contact service or through other agencies. . To provide or support a directory giving contact information for older people and to support and distribute other publications providing advice. • Continue to promote the First Contact 'Leicestershire' Scheme, through positive media stories/case studies, council website, Borough Bulletin. • Continue to offer training sessions for council officers and new starters as part of their corporate induction. • Identify local needs and work with Community Houses to provide additional services for older people. • Increase access to learning opportunities, specifically in

	<p>carried on a regular basis to ensure council services are inclusive.</p>	<p>relation to ICT.</p> <ul style="list-style-type: none"> • Work with partners to provide better access to services particularly in rural areas, by offering the use of council owned facilities particularly sheltered housing community rooms and community centres. • Increase the take up of benefits for older people. • Continue to work with transport providers to ensure transport links are accessible and meet peoples needs. • Provide sheltered housing services and support services to older living in their own homes. • To press the PCT and County Council to ensure that public transport can be accessed on site at the Hinckley and Bosworth Community Hospital Ashby Road Hinckley. To encourage the review of bus routes and timetables to ensure that these meet the needs of older people. To seek ways of increasing transport opportunities for older people in the rural area. To support a survey of disabled access
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		throughout the Borough.
Involvement/Consultation	<ul style="list-style-type: none"> • Older Voices Forum • Citizens Panel • Tenants Advisory Panels • Establishment of a dedicated Resident Involvement Team. • Council owned car parks reviewed with members of the Disability Action Group. • Age Concern and Voluntary Action Hinckley and Bosworth represented on Community Safety Partnership. 	<ul style="list-style-type: none"> • To continue to survey the needs and aspirations of older people within the Borough, and to ascertain their views to make this action plan more effective. • Continue to support the Older Person' Champion, and seek to expand the Champions network across all services that it provides or supports. • Work with the Citizens Panel and Resident Involvement Team to engage with older people to develop services.
Active Engagement/Volunteering	<ul style="list-style-type: none"> • Provided administration support and meeting rooms for the Older Voices Forum. • Played an active part in the organisation of the Annual Over 50's Day event in support of the National Older Peoples Day. 	<ul style="list-style-type: none"> • Promote the work of OPEN and actively work to increase the membership. • Play an active part in National initiatives, such as National Older Persons Month, 'Silver Surfers' Day. • Continue to facilitate and provide administration support to the Older Voices Forum. • Community Payback

		<p>opportunities promoted at Community Safety consultation meetings to encourage Parishes throughout the Borough to consider the scheme.</p>
<p>Stay Safe, Active and Healthy</p>	<ul style="list-style-type: none"> • Continue to promote good practice in all health issues and co-ordinate the work of agencies • Improved leisure centre facilities and make them more accessible. • Work with the police to promote neighbourhood watch schemes and no cold calling zones. • Support the introduction of awareness training re safeguarding of adults to all front line staff. 	<ul style="list-style-type: none"> • To ensure that there is an ongoing challenge to the Hinckley and Bosworth Health & Wellbeing Board, to define how the needs of older people is being profiled, within the Boards key priorities and underpinning delivery plans. • The Council will continue to appoint and support a Member to be the Council's Older People's Champion, and will seek to expand the Champions' network over all services it provides or supports. • Continue to work with County Council and providers to facilitate the provision of an Extra Care Sheltered Housing Scheme within the Borough. • Actively promote good practice in all health issues and will seek to co-ordinate the work of the various agencies. • The Council will continue to improve leisure facilities and

		access for older people.
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COUNCIL – 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: AFFORDABLE HOUSING SUPPLEMENTARY PLANNING DOCUMENT, RURAL
NEEDS SUPPLEMENTARY PLANNING DOCUMENT AND RATBY VILLAGE
DESIGN STATEMENT– VERSIONS FOR ADOPTION.

1. PURPOSE OF REPORT

To seek Members approval to adopt the Affordable Housing Supplementary planning Document, Rural Needs Supplementary Planning Document and the revised Ratby Village Design Statement (see appendices 1, 2, and 3) as part of the Hinckley and Bosworth Local Development Framework.

2. RECOMMENDATION

That Members adopt:

- (i) The Affordable Housing Supplementary Planning Document;
- (ii) The Rural Needs Supplementary Planning Document;
- (iii) The revised Ratby Village Design Statement.

3. BACKGROUND TO THE REPORT

The Affordable Housing Supplementary Planning Document and the Rural Needs Supplementary Planning Document form part of the Local Development Framework. They will expand upon and provide further details to policies set out in the Core Strategy but do not carry the same weight in determining planning applications as the policies set out in the adopted Core Strategy.

Affordable Housing Supplementary Planning Document

The purpose of the Affordable Housing Supplementary Planning Document (SPD) is to clarify, supplement and update the Council's policies on affordable housing – policies 15, 16, 17 and 18 of the Core Strategy. Once adopted it will replace the Affordable Housing Supplementary Planning Document, which was adopted in April 2008.

The key objectives of this Affordable Housing Supplementary Planning Document are:

- To provide guidance to strengthen the Core Strategy policies 15, 16 , 17 and 18;
- To optimise the provision of affordable housing as part of new housing developments in the Borough;

- To develop the conditions to optimise the supply of affordable housing by increasing targets, reducing thresholds and encouraging a mix of dwelling types and sizes and dispersing the location of affordable homes on sites.
- To set out the conditions under which the Council will accept off site commuted sums and how those sums will be calculated.

Rural Needs Supplementary Planning Document.

The purpose of the Rural Needs Supplementary Planning Document is to clarify, supplement and add detail to the policies set out in the Core Strategy. The specific policies relating to the Rural Needs Supplementary Planning Document are policies 7, 8, 9, 10, 11, 12, 13 and 17. This is a new document intended to provide guidance to developers working in rural areas of the Borough, and, for housing guidance, should be read in conjunction with the Affordable Housing Supplementary Planning Document.

The key objectives of the Rural Needs Supplementary Planning Document are to support initiatives to increase the supply of affordable housing and employment activities in rural areas and to ensure:

- There is no sustainability trap where development is only approved in areas that are already considered sustainable;
- That rural communities are mixed communities where young and old, higher and lower incomes are able to live in rural settlements;
- That rural economic development is supported and encouraged;
- That existing services in rural areas are supported and maintained.

Consultation on both of these Supplementary Planning Documents was undertaken between Monday 11th October 2010 and Monday 22nd November 2010. There were 32 responses to the Affordable Housing Supplementary Planning Document and 26 responses to the Rural Needs Supplementary Planning Documents. The formal responses have been analysed and amendments made to the documents where appropriate.

A summary of the changes that have been made in response to the consultations are shown as appendix 4.

The Council's Local Development Scheme has scheduled adoption of these documents for April 2011. Should Members agree to adopt these Supplementary Planning Documents, the Council will have successfully met this target.

Ratby Village Design Statement SPD.

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

The Ratby Village Design Statement does not attempt to provide design solutions but rather to highlight the distinctive elements and characteristics of Ratby that

should be considered in any new design. In addition, the VDS does not determine the location of development, instead it helps to manage change and development if and when it occurs.

Residents of Ratby and the Parish Council have developed the Village Design Statement with support from officers of Hinckley and Bosworth Borough Council and the Leicestershire and Rutland Rural Community Council. The Village Design Statement SPD forms part of the planning policy framework used by the Borough Council in making decisions on planning applications.

Ratby Village Design Statement was originally adopted by the Council in December 2009, however, following the confusion regarding the revocation of the East Midlands Regional Plan (June 2010), amendments were necessary to ensure the document remains current.

Whilst the amendments were only very minor and merely removed references to the East Midlands Regional Plan; Regulation 17 of the Town & Country Planning Act 2004 (as amended 2008) requires that a public consultation must be undertaken to legitimise these minor amendments. In order to comply with this and notify stakeholders and the community the SPD underwent consultation between Monday 11th October 2010 and Monday 8th November 2010. The consultation resulted in only 8 responses each of which supported the document, one of which merely referred to a possible word change.

4. **FINANCIAL IMPLICATIONS (DB)**

None arising from this report.

5. **LEGAL IMPLICATIONS (AB)**

Contained within the body of the report and the appendices.

6. **CORPORATE PLAN IMPLICATIONS**

The Affordable Housing Supplementary Planning Document, the Rural Needs Supplementary Planning Document and the Ratby Village Design Statement support the following aims of the Corporate Plan 2010 -2015:

- Cleaner and greener neighbourhoods;
- Thriving economy;
- Safer and healthier Borough;
- Strong and distinctive communities;
- Decent, well managed and affordable housing.

7. **CONSULTATION**

The Affordable Housing Supplementary Planning Document and the Rural Needs Supplementary Planning Document were originally scheduled for public consultation from Monday, 10th October 2010 to Monday 8th November 2010.

This was extended at stakeholders' request to a full 6 week period of consultation, ending on Monday 22nd November 2010.

Public consultation for the Ratby Village Design Statement took place between Monday 10th October 2010 and Monday 8th November 2010.

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
Failure to adopt the documents would result in the Council not being able to meet the targets set out in the Local Development Scheme	All consultation and preparation has taken place in a timely manner with finalised documents completed by February 2011.	Sally Smith
Failure to consult would result in the Council being unable to implement the documents, thus preventing the successful attainment of the objectives	Consultation has taken place in a timely manner and consultation responses taken into account in the preparation of the final documents	Sally Smith
Failure to adopt the documents would make it difficult to optimise the delivery of affordable housing, especially delivery of rural housing on Rural Exception Sites.	All consultation and preparation has taken place in a timely manner with finalised documents completed by February 2011.	Sally Smith

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

The Affordable Housing Supplementary Planning Document highlights the importance of a supply of decent affordable for vulnerable groups, and in sites in rural areas. The Rural Needs Supplementary Planning Document stresses the importance of the supply of housing, employment land and community facilities in

rural areas to promote sustainable communities. The Ratby Village Design Statement sets out guidance for people wishing to develop in a rural settlement.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications: The importance of designing out crime is recorded in the guidance in the Affordable Housing Supplementary Planning Document.
- Environmental implications: The environmental impact of development in rural areas is contained within both the Rural Needs Supplementary Planning Document, and, specific to the rural settlement of Ratby, the Ratby Village Design Statement.
- ICT implications: None arising directly from this report.
- Asset Management implications: None arising directly from this report.
- Human Resources implications: None arising directly from this report.
- Planning Implications: Contained within the report.
- Voluntary Sector: None arising directly from this report.

Background papers: Appendix 1: Affordable Housing Supplementary Planning Document.
Appendix 2: Rural Needs Supplementary Planning Document.
Appendix 3: The Ratby Village Design Statement SPD.
Appendix 4: Summary of amendments to the draft Affordable Housing SPD and Rural Needs SPD post consultation.

Contact Officer: Valerie Bunting – Housing Strategy and Enabling Officer x 5612.

Executive Member: Councillor Stuart Bray.

6C24feb11

COUNCIL- 24 FEBRUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

**RE: DELEGATED PLANNING DECISION FROM NORTH WARWICKSHIRE
BOROUGH COUNCIL**

1. PURPOSE OF REPORT

To inform Members of the proposal that North Warwickshire Borough Council delegates its planning function in respect of a planning application to be received from MIRA, and to recommend that Council grant the Chief Executive delegated powers to accept the delegation on behalf of the authority.

2. RECOMMENDATION

That Council delegate to the Chief Executive power to accept on its behalf a delegation of part of the planning function of North Warwickshire Borough Council under Section 101 of the Local Government Act 1972 and negotiate any specific terms of the delegation. The Delegation would be to deal with the entirety of any planning application, received from MIRA, relating to a development site which crosses the boundaries of HBBC and NWBC respective administrative areas.

3. BACKGROUND TO THE REPORT

3.1 MIRA is seeking to carry out a major redevelopment of its site north of the A5 and will shortly be in a position to apply for planning permission for the development.

3.2 The majority of the site is within Hinckley and Bosworth Borough Council's administrative area. However, part of the site comprising a narrow strip of land required for improvements to be made to the A5, falls within North Warwickshire Borough Council's administrative area. Applications of this type require planning consent from both authorities and unless delegated require two separate planning applications.

3.3 In order to ensure as smooth a process as possible it has been proposed that NWBC delegate its planning function in respect of the site to HBBC, who will receive a single application for the whole site.

3.4 The planning application would then be dealt with by HBBC's planning service, who will consult with NWBC throughout. When considering the application in respect of the part of the site with NWBC's administrative area HBBC will apply NWBC's Local Development Framework policies. It

should be noted that this will require close working between the two authorities planning services throughout the process.

3.5 At present NWBC have not formally approved, through a council decision, the delegation of its function in respect of the site to HBBC although it is understood that a report is presently being prepared for this purpose, it is therefore necessary for the Council to delegate its power to accept the delegation in anticipation of such a delegation being agreed.

4. **FINANCIAL IMPLICATIONS (DB)**

None raised directly by this report. As the majority of the site is within Hinckley and Bosworth the entirety of the planning fee will be payable to HBBC irrespective of whether the matter is delegated or dealt with by separate application.

5. **LEGAL IMPLICATIONS (AB)**

There is no bar to a delegation of the type proposed under legislation and S101 of the Local Government Act 1972 can be applied for this purpose.

6. **CORPORATE PLAN IMPLICATIONS**

None

7. **CONSULTATION**

Not Applicable

8. **RISK IMPLICATIONS**

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Officers and members will be dealing with a planning application by applying the Local development Framework of a separate planning authority	Close consultation throughout the process with North Warwickshire will limit the risks resulting from unfamiliarity with the Framework	Simon Wood

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/decision were identified from this assessment

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

None.

10. **CORPORATE IMPLICATIONS**

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

- Human Resources implications
- Planning Implications [

Background papers: None

Contact Officer: Adam Bottomley Senior Solicitor

Executive Member: Cllr Stuart Bray

7C24feb11

COUNCIL – 24 FEBRUARY 2011

REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: CHARGING FOR STREET NAMING AND NUMBERING

1. PURPOSE OF REPORT

To seek approval from members for the instigation of charges for the Street Naming and Numbering Service and the formal adoption of the facilitating Acts of Government

2. RECOMMENDATION

- i) Members approve the adoption of Section 18 of the 1925 Public Health Act
- ii) Members approve the scale of charges to be made for the Street Naming and Numbering Service.

3. BACKGROUND TO THE REPORT

- 3.1 The Council has a statutory obligation for the naming and numbering of streets and buildings within its administrative boundary.
- 3.2 The purpose is to ensure that any new or amended street and building names and/or numbers are allocated logically and in a consistent manner to facilitate effective service delivery from both public and private sector bodies. And in particular to ensure that emergency services are able to locate any address to which they may be summoned.
- 3.3 Part 3 Section 19 of the 1985 Leicestershire Act states that the owner or occupier of a building shall maintain the mark of the building (its number) in such a way that it is legible from the street, and that it is not obstructed wherever possible.
- 3.4 No charge is currently levied by H&BBC for the provision of Street Naming and Numbering service function or the additional discretionary services and ancillary work undertaken which requires a significant administrative effort in terms of consultation, liaison and preparation of schedules and plans.
- 3.5 Since combining the service with the internal Local Land and Property Gazetteer (LLPG) function, much duplication of effort has been removed, thus meaning that simple name changes or updating of records can be preformed comparatively quickly. Larger sites however, and sites which require new Street Naming, still involve quite an administrative effort.
- 3.6 Section 93 of the Local Government Act 2000 provides the Council with a general power to charge for discretionary services, where there is no such

statutory duty to provide that service and no specific charging powers. However, such charges can only be imposed on a cost-recovery and “not for profit” basis and this power is to be distinguished from the general trading powers set out in the 2003 Act.

- 3.7 In the case of Street Naming and re-naming, it would appear the Council has traditionally exercised powers under Section 18 of the Public Health Act 1925 in providing this service. Although this is an adoptive Act there is no formal minute which can be found, confirming its original adoption. Notwithstanding this, if any developers or residents did not agree to pay the charges, the Council would simply not provide the discretionary service.
- 3.8 As these are discretionary street naming powers, then the Section 93 charging powers are engaged and the Council is able to charge for this service on a cost-recovery basis and to impose a scheme of differential charges, as set out in the appendix to this report.
- 3.9 With regard to enquiries relating to street names and numbers the Council already has the ability to charge for this service, where the enquiries are raised in the context of potential land sales, under the Local Authorities (Charges for Land Searches) Regulations 1994. Therefore the Section 93 powers would not be used in these circumstances.
- 3.10 The suggested fees are of the same structure to those levied by North West Leicestershire District Council. North West Leicestershire District Council operates similar back office systems to ourselves, with similar internal processes.

4 **FINANCIAL IMPLICATIONS (CB)**

- 4.1.1 As stated in the report the costs related to operating this service are currently met within existing budgets. If the proposed charges were accepted this would provide extra income for the Authority. Though it is hard to estimate accurately how many new developments will take place each year, based on the four major developments processed this year the proposed charges would have raised in excess of £10,000.

5. **LEGAL IMPLICATIONS [ABm]**

Contained within the body of the report.

6. **CORPORATE PLAN IMPLICATIONS**

- 6.1 Appropriate street naming can contribute towards creating **Strong and Distinctive Communities** by generating a sense of place and connecting new developments to the communities within which they sit.
- 6.2 **Decent, well managed & affordable housing** is contributed to by clear numbering schemes and road signage enabling easy navigation and orientation. This can improve the overall feel of an area and contribute to safer environments.

7. **CONSULTATION**

In the writing of the report numerous other authorities which have already started to charge for this service were looked at, and in particular North West Leicestershire were consulted in depth. Previously local planning agents have been consulted via the agent's forum. The response was mixed, but there were no strong objections as increasingly other authorities are doing the same.

An equality impact screening assessment was also undertaken, but it was found that a full assessment was not required. (see attached)

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.

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

There are no significant (Net Red) risks associated with this project.

9. **RURAL IMPLICATIONS**

No implications

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications

Given the nature of the report, there are no implications for the above.

Background Papers:

Contact Officer: Lee McMahon x5896

8C24feb11

Appendix 1

Service	Charge
Renaming/renumbering of existing property	£40.00
Naming/Numbering of 1-5 properties	£40.00 each
Naming/ Numbering for more than 5 plots	£20.00 each additional
Naming of a street	£150 each
Change to a development after notification	£50 admin fee plus £15 per plot
Street re-naming at residents request	£250 plus all compensation met by applicant with a two thirds majority agreement from residents
Written Confirmation of postal address details	25.00
Numbering of new flat complex	£25 per flat

Equality Impact Assessment

Hinckley and Bosworth Street Naming and Numbering Charges

Equality Questionnaire

This questionnaire will enable you to decide whether or not the **new or proposed or significantly changed** function, policy, procedure or service needs to go through a full Equality Impact Assessment.

Title of what is being assessed:	Proposal to charge for Street naming and Numbering	Is it a function, policy, procedure or service?	Procedure and Service			
Name of officers completing assessment:	Lee McMahon	Department and Section:	ICT			
			Yes		No	
1.	Is it relevant to equality and diversity? (see guidance here)			√		
2.	What is its purpose? Charging for SN&N seeks to recover the cost of providing the service and to further formalise the existing service.					
3.	What are its main objectives? Raise income on a cost recovery basis. Formalise the existing service to make it more transparent.					
4.	What will it achieve? Who are its beneficiaries? It should hopefully achieve an income estimated at £10k per annum. The main beneficiaries are Council Tax payers as a whole, as they will no longer be subsidising the process.					
5.	Who is responsible for implementing it? The Land and Property Data Manager.					
6.	Who is likely to be affected by the proposal? Which of the equality strands? (please tick)					
	Race	Gender	Disability	Age	Sexual Orientation	Religion or Belief
	√	√	√	√	√	√
7.	If ticked any of the above, explain how each equality strand is likely to be affected below: [NB. Alternatively, if no equality strand is deemed to be affected, please explain why]					
	Race	Gender	Disability	Age	Sexual Orientation	Religion or Belief
	All strands are affected in the same way. Increased cost of developing or naming a property(s)	All strands are affected in the same way. Increased cost of developing a property(s)	All strands are affected in the same way. Increased cost of developing a property(s)	All strands are affected in the same way. Increased cost of developing a property(s)	All strands are affected in the same way. Increased cost of developing a property(s)	All strands are affected in the same way. Increased cost of developing a property(s)
			Yes		No	
8.	Has prior consultation on the proposal been undertaken?		√			
9.	Has this consultation indicated any dissatisfaction with		√			

	it from a particular section of the community?		
10.	If yes to Question 9, please state what this dissatisfaction is: Developers complained that it was another cost added to their industry, however they did not think it was prohibitive to development, and felt that the structure of fees was reasonable		
		Yes	No
11.	Is there evidence or any other reason to suggest that it could have a different effect or adverse impact on any section of the community? Or more specifically, one or more of the six equality strands? The policy, by it's nature, mainly affects those who are developing new properties, therefore it's unlikely that the cost would be prohibitive. Renaming/ formal naming of a property may have an impact on those who can not afford it, however legislatively this is seen as a "vanity" element of the address, and in most cases is not required. This issue has been explored with the Authority's Equality and Diversity officer, it if felt that there is no negative impact upon any particular group.		√
12.	Is a system in place to monitor its impact? However a formalisation of the process will enable performance to be measured better.		√
13.	If yes to Q12, what does this monitoring show?		
Note: If no to Question 12, you will need to ensure that monitoring systems are established to check for impact on all six equality strands.			
14.	Other comments:		
Decision: Full Impact Assessment not required			
15.	No Impact <input type="checkbox"/>	Positive Impact <input type="checkbox"/>	Neutral Impact <input checked="" type="checkbox"/> Negative Impact or Impact Not Known ¹ <input type="checkbox"/>
Note: If ticked 'Negative Impact or Impact Not Known' box at Question 15, will need to progress to full EIA.			
16.	Proceed to full EIA?	Yes	No √
17.	What are your reasons for your decision? The policy is aimed at cost recovery based upon a service. The service will affect businesses, but in terms of the impact upon development viability it is negligible. The only element which may affect individuals will be charging to name or rename a property, which is seen as a "vanity" choice in nearly all cases and therefore not an unfair charge.		

¹ 'Impact Not Known' – tick this box if there is no up-to-date data or information to show the effects or outcomes of the function, policy, procedure or service on all of the equality strands.

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

DATES OF MEETINGS MAY 2011 - MAY 2012

	2011								2012				
	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
COUNCIL	17*	28		9	27		8	20	31	23	13	24	15*
EXECUTIVE	25	22		3	14		2	14	25		7	18	30
PERSONNEL COMMITTEE		29			28				4		28		
PLANNING COMMITTEE	24	21	19	16	13	11	15	13	10	7	6	3	1 29
SCRUTINY COMMISSION		16	28		8	27		8	19		1	12	24
STANDARDS COMMITTEE			29			28			27			27	
COUNCIL SERVICES SELECT COMMITTEE		9	21		1	13		1	26		8	19	
FINANCE & AUDIT SERVICES SELECT COMMITTEE		13	25		12	24		5		6	19	30	