

Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive



Date: 27 June 2011

**Hinckley & Bosworth
Borough Council**

A Borough to be proud of

Dear Sir/Madam

I hereby summon you to attend a meeting of the **HINCKLEY & BOSWORTH BOROUGH COUNCIL** in the Council Chamber at these offices on **TUESDAY, 5 JULY 2011 at 6.30 pm.**

Yours faithfully

A handwritten signature in black ink, appearing to read 'Steve Atkinson'.

Mr S Atkinson
Chief Executive

AGENDA

1. Apologies
2. To confirm the minutes of the meetings held on 21 March and 17 May 2011, attached marked 'C1' & 'C2'.
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 in accordance with the Council's Petitions' Scheme.
7. To deal with questions under Council Procedure Rule number 11.1.
8. To receive the Leader of the Council's Position Statement.
9. To receive for information only the minutes of the Scrutiny Commission meetings held on 9 March and 14 April 2011, attached marked 'C3' and 'C4'.
10. To consider the following reports:-
 - (a) Final Outturn 2010/11, attached marked 'C5' (pages 1 - 12). This should be read in conjunction with the Capital & Revenue Outturn book, which will be circulated under separate cover.
 - (b) Regeneration Service Budget Arrangements, attached marked 'C6' (pages 13 - 16).
 - (c) Approval to Fund Cost of Voluntary Redundancy, attached marked 'C7' (pages 17 - 19).
 - (d) Standards Committee Annual Report 2010/11, attached marked 'C8' (pages 20 - 31).
 - (e) Overview & Scrutiny End of Term Report 2007 - 2011 incorporating Annual report 2010/11, attached marked 'C9' (pages 32 - 44).
 - (f) Amendments to Constitution, attached marked 'C10' (pages 45 - 59).
11. To agree the Council's revised calendar of meetings 2011 - 2012. Copy attached marked 'C11' (page 60).
12. To agree an amendment to membership of the Planning Committee – Mr LJP O'Shea to replace Mr MR Lay.
13. To agree representation on Charitable Bodies:-
 - (a) The Dixie Educational Foundation (revision) – (four, including one female, for a terms of three years) - Mrs JM Glennon, Mr AJ Goodwin, Mr BE Sutton and Mr R Ward (until May 2014).
 - (b) Poors Platt Charity Barwell – (two for a term of four years) – Mrs E Hemsley and Mr A Wheeler (from August 2011 until August 2015).

14. MATTERS FROM WHICH THE PUBLIC MAY BE EXCLUDED

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

- (a) Improvement to Recycling Containers, attached marked 'C12' (pages 61 - 66).

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

HINCKLEY AND BOSWORTH BOROUGH COUNCIL
21 MARCH 2011 AT 6.30PM

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

Mrs M Aldridge, Mr JG Bannister, Mr PR Batty, Mr PS Bessant, Mr DC Bill, Mr CW Boothby, Mr SL Bray, Mrs R Camamile; Mr MB Cartwright, Mr DS Cope, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr PAS Hall, Mr DW Inman, Mr CG Joyce, Mr C Ladkin, Mr MR Lay, Mr KWP Lynch, Ms WA Moore, Mr K Morrell, Mr K Nichols, Mrs J Richards, Mrs S Sprason, Mr BE Sutton, Mr R Ward, Ms BM Witherford and Mr DO Wright.

Officers in attendance: Mr SJ Atkinson, Mrs D Bonser, Mr B Cullen, Mr S Kohli, Mrs PI Pitt, Mrs J Puffett and Ms M Wykes.

531 **PRAYER**

The Reverend Andrew Murphy, offered prayer.

At this juncture the Mayor referred to the death recently of Mr Mike (Charles) Halliday MBE, a former member and Leader of this Authority. The Mayor then invited Mr Batty to read out a short tribute to Mr Halliday, following which tributes were also paid by Messrs Lay, Lynch and Ward.

532 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr JC Bown, Dr JR Moore, Mr LJP O'Shea and Dr AJ Smith.

533 **PRESENTATION OF LONG SERVICE AWARD**

The Mayor presented Mrs Aldridge with gardening vouchers to recognise formally her years' service to this Authority, following which Mr Ward, on behalf of the Conservative Group, also made a presentation to Mrs Aldridge. Tributes were then paid to Mrs Aldridge by Messrs Bill, Bray, Lay, Nichols and Ward.

534 **MINUTES (C56)**

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

RESOLVED – the minutes of the meeting held on 24 February 2011 be confirmed and signed by the Mayor.

535 **DECLARATION OF INTERESTS**

No interests were declared at this stage.

536 MAYOR'S COMMUNICATIONS

The Mayor referred to two forthcoming charity events, one at the George Ward Centre, Barwell on 31 March and a lunch at Barwell Bowls Club on 13 April. Tickets for both were available from the Mayor's Secretary.

The Mayor concluded by announcing that Mr Bannister had written a novel, copies of which were available on line or, signed, from Mr Bannister.

537 PETITIONS

Petitions were presented (all relating to proposals for the siting of telecommunications masts) as follows:-

- By Mr Bray and containing 152 signatures from residents in the Queens Park area
- By Mr Cope and signed by 390 people in the Stoke Road/Wykin Road area
- By Mr Mayne and containing 738 signatures from residents in the Rugby Road/Three Pots area of Burbage
- By Mr Bannister containing 264 signatures and on behalf of residents in the Barwell Lane area.

538 LEADER'S POSITION STATEMENT

In his final position statement before the May elections the Leader summarised the significant achievements of the Council over the last four years, namely the Greenfields project, the Atkins Building, the Bus Station site and the forthcoming Hinckley Hub.

The future would see the development of the MIRA site and more immediately the 'topping out' ceremony at the new college site on 28 March.

The Leader referred to the continued success of Hinckley market and also to ongoing partnership working with other authorities and agencies. Front line services were continuing to perform well with recycling levels reaching nearly 50%. Tribute was paid to the joint working of officers and Members to deliver the public's priorities, despite the financial constraints.

Pleasing to note was that the Westfields Centre had secured its own future, without any input from the Authority, whose short term support (at no cost to the Council) had not proved necessary.

In conclusion the Leader thanked the Mayor for the way in which she had presided at meetings, thanked those Members of the Council who would not be seeking re-election and, supported by all those present, paid tribute to the long and valued service of Mrs Pat Pitt, whose final Council meeting this was.

539 SHARED S151 OFFICER AND DELEGATION OF INTERNAL AUDIT FROM OADBY AND WIGSTON BOROUGH COUNCIL (OWBC) C57)

In considering this proposal to share S151 services with OWBC and to accept the delegation of the internal audit function from OWBC, a query was raised as to the respective savings for this Authority and OWBC and the need to ensure that the S151 Officer received full service management support. The Chief Executive explained that the savings would be greater for the latter because it had engaged an interim Director of Finance and S151 Officer on a consultancy basis and that the senior management at this Council would give full support to Mr Kohli. These proposals had been agreed by OWBC on 24 February 2011.

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

RESOLVED –

- (i) the delegation of OWBC's internal audit function under section 101 of the Local Government Act 1972 be approved and accepted;
- (ii) once delegated to Hinckley & Bosworth Borough Council Oadby and Wigston Borough Council's internal audit service be provided by RSM Tenon; and
- (iii) the shared service approach to the S151 officer role be supported.

540 LOCAL DEVELOPMENT FRAMEWORK: HINCKLEY TOWN CENTRE AREA ACTION PLAN DEVELOPMENT PLAN DOCUMENT – ADOPTION (C58)

Council's agreement was sought to the above, as being an integral part of the Hinckley and Bosworth Local Development Framework. This final document incorporated the Planning Inspectorate's required changes.

In response to Members' concerns regarding transport requirements the Executive Member for Planning indicated that as part of consultation on the Local Transport Plan these had been notified to the County Council and that he would welcome discussion on the Area Action Plan at the next meeting of the Hinckley Highways Forum. Following a request from Mr Gould and with four additional Members calling for a recorded vote that vote was taken and recorded as follows:-

For the Recommendation

Mr Mayne, Mrs Aldridge, Mr Bannister, Mr Bessant, Mr Bill, Mr Boothby, Mr Bray, Mrs Camamile, Mr Cartwright, Mr Cope, Mr Crooks, Mr Gould, Mrs Hall, Mr Hall, Mr Inman, Mr Joyce, Mr Ladkin, Mr Lay, Mr Lynch, Ms Moore, Mr Morrell, Mr Nichols, Mrs Richards, Mrs Sprason, Mr Sutton, Mr Ward, Ms Witherford and Mr Wright (28 votes)

Against the Recommendation

None

Abstention

Mr Batty (1 vote)

Having thanked officers for their work on producing this document it was thereupon moved by Mr Bray, seconded by Mr Bill and

RESOLVED – agreement be given to the adoption of the Hinckley Town Centre Area Action Plan Development Plan Document.

541 MOTION IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13 – MR CROOKS

“In view of the threat to the future of the pharmacies associated with the doctors’ surgeries at Barlestone, Newbold Verdon, Desford, Market Bosworth and Stoke Golding, this Council re-iterates its support for the continuation of the network of rural pharmacies and instructs the Chief Executive to ensure that the PCT is made fully aware of the strong feelings of the local community that this most essential of all public services should flourish and prosper.”

This motion was seconded by Mr Bill.

Circulated at the meeting was an amendment from Mr Morrell, seconded by Mr Ward, as follows

"That the Borough Council, having concerns about reductions in the availability of pharmacy and GP dispensing services to the Borough residents, notes that the Primary Care Trust is obliged to use national criteria in defining "rurality" in its current consultation about the future service provision, the outcomes may have a detrimental effect on many rural areas.

Therefore, the Borough Council:

1. requests along with other Leicestershire councils', a meeting with the PCT separate from the consultation engagement events, as part of an approach to Government to ensure that any unintended consequences of the exercise can be avoided; and
2. that any unintended consequences are avoided in the Borough we support our local Member of Parliament to raise our concerns with Ministers.”

Following a request from Mr Morrell that both of these Motions be withdrawn to afford the Group Leaders and the Chief Executive the opportunity to meet to discuss dispensing services within rural communities there was a brief adjournment at 7.40 p.m.

The meeting reconvened at 7.46 p.m., at which time on the Motion of Mr. Bray, seconded by Mr Crooks it was

RESOLVED – unanimously – both the original and the amended Motions be withdrawn and a meeting be held between the three Group Leaders, Mr Crooks and the Chief Executive to agree the Council's stance on dispensing service provision locally.

(the meeting closed at 7.47pm).

ANNUAL MEETING OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL
HELD IN THE COUNCIL CHAMBER
AT THE OFFICES OF HINCKLEY AND BOSWORTH BOROUGH COUNCIL
17 MAY 2011 AT 6.30 PM

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

Mr R Allen, Mr JG Bannister, Mr PR Batty, Mr PS Bessant, Mr DC Bill, Mr CW Boothby, Mr SL Bray, Mrs R Camamile, Mr MB Cartwright, Mrs T Chastney, Mr DS Cope, Mr WJ Crooks, Mr DM Gould, Mrs A Hall, Mr PAS Hall, Mrs L Hodgkins, Mr MS Hulbert, Mr DW Inman, Mr C Ladkin, Mr MR Lay, Mr KWP Lynch, Mr J Moore, Mr K Morrell, Mr T Mullaney, Mr K Nichols, Mr LJP O'Shea, Mrs J Richards, Mrs H Smith, Mrs S Sprason, Mr BE Sutton, Miss DM Taylor, Mr R Ward and Ms BM Witherford.

Officers in attendance: Mr S Atkinson, Mr B Cullen, Miss L Horton, Mr S Kohli and Miss R Owen.

1. **PRAYER**

Prayer was offered by Reverend Andrew Murphy.

2. **ELECTION OF MAYOR**

On the motion of Mr Inman, seconded by Mr Bill it was

RESOLVED – Mr Mayne be elected Mayor for the ensuing municipal year.

Mr Mayne made the requisite declaration of acceptance of office and the retiring Mayor invested him with the Chain of Office.

The Mayor, Mr Mayne, in the Chair.

In addressing the meeting the Mayor announced that The Reverend Andrew Murphy and Reverend David Jennings had agreed to be his Mayor's Chaplains. Having welcomed everyone to the meeting, the Mayor indicated his intention to support four causes, namely Breathe Easy Hinckley & Bosworth, the Menphys nursery at Sketchley Hill Primary School, Hinckley Sea Cadets and he would also be setting up a fund to support anyone from the borough who would be taking part in the Olympics or Para-Olympics in 2012, to help fund any training. Additionally the Mayor then presented to the meeting his Sea Cadet who would accompany him to civic events.

On the motion of Mr Gould, seconded by Mr Bray and following tributes from Mr Bessant and Mr Lay it was

RESOLVED - a vote of thanks be accorded to Mrs Francks for service during her term of office as Mayor.

Mrs Francks reflected on her mayoral activities during the year, responded to the vote of thanks and thanked Reverend Andrew Murphy, The Mayor's Secretary and her consorts for their support and commitment during the last year. The Mayor then presented Mrs Francks with her past Mayor's commemorative medallion.

3. APPOINTMENT OF DEPUTY MAYOR

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

RESOLVED – Mr MB Cartwright be appointed Deputy Mayor for the ensuing municipal year.

Mr Cartwright then made the requisite declaration of acceptance of office and the Mayor invested him with his Chain of Office.

4. PRESENTATION OF LEADER'S MEDAL

Mr Bray presented the Leader's medal to Mrs Hemsley and Mr Morris, former Mayor's Consorts.

5. DECLARATIONS OF INTEREST

No interests were declared at this stage.

6. APPOINTMENT OF THE LEADER

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

RESOLVED – Mr SL Bray be appointed Leader of the Council for the ensuing four years.

7. MEMBERSHIP OF THE EXECUTIVE AND AREAS OF RESPONSIBILITY

Mr Bray announced that, together with himself, the Executive would comprise Mr Bill, Mr Cope, Mr Crooks, Mr Lynch, Mr Mullaney and Ms Witherford and that their respective areas of responsibility would be:-

- | | |
|--------------|--|
| Mr SL Bray | - (Leader of the Council & Chairman of the Executive)
Regeneration, Town Centre & Planning portfolio |
| Mr DC Bill | - (Deputy Leader & Vice-Chairman of the Executive)
Executive Member for Community Safety & Partnerships |
| Mr DS Cope | - Executive Member for Environment & Housing |
| Mr WJ Crooks | - Executive Member for Refuse, Recycling & Rural Affairs |
| Mr KWP Lynch | - Executive Member for Finance, ICT & Asset Management |

Mr MT Mullaney - Executive Member for Culture, Leisure, Parks & Open Spaces
Ms BM Witherford- Executive Member for Corporate Services and Equalities.

8. CHAIRMANSHIP AND MEMBERSHIP OF COMMITTEES

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

RESOLVED - the membership of the undermentioned Committees and Panels be:-

(1) Planning Committee

Mr DM Gould (Chairman), Mr R Mayne (Vice-Chairman), Mr RG Allen, Mr JG Bannister, Mr PR Batty, Mr CW Boothby, Mr DC Bill, Mrs T Chastney, Mr WJ Crooks, Mrs WA Hall, Mr MR Lay, Mr J Moore, Mr K Nichols, Mr BE Sutton, Ms DM Taylor, Mr R Ward and Ms BM Witherford.

(2) Scrutiny Commission

Mr MR Lay (Chairman), Mr PAS Hall (Vice-Chairman), Mr C Ladkin (Vice-Chairman), Mr PR Batty, Mr PS Bessant, Mrs WA Hall, Mrs L Hodgkins, Mr DW Inman, Mr K Morrell, Mr K Nichols, Mrs S Sprason and Ms DM Taylor.

(3) Standards Committee

Mrs WA Hall, Mr DW Inman and Mr LJP O'Shea.

Mr MD Clarricoats, Mr C Headley, Mr ABG Stokes (independent members); Mr M Fryer, Mr DA Reid & 1 vacancy (parish council representatives)

(4) Hinckley Area Committee

Mr JG Bannister (Chairman), Mrs L Hodgkins (Vice-Chairman), Mr DC Bill, Mr SL Bray, Mr DS Cope, Mr KWP Lynch, Mr MT Mullaney, Mr K Nichols, Ms DM Taylor and Ms BM Witherford.

(5) Licensing Committee

Mr K Nichols (Chairman), Mr MS Hulbert (Vice-Chairman), Mr PR Batty, Mr SL Bray, Mr MB Cartwright, Mr DS Cope, Mr MT Mullaney, Mr LJP O'Shea, Mrs J Richards, Ms H Smith and Mrs S Sprason.

(6) Licensing (Regulatory) Committee

Mr K Nichols (Chairman), Mr MS Hulbert (Vice-Chairman), Mr PR Batty, Mr SL Bray, Mr MB Cartwright, Mr DS Cope, Mr MT Mullaney, Mr LJP O'Shea, Mrs J Richards, Ms H Smith and Mrs S Sprason.

(7)

Personnel Committee

Mr MB Cartwright (Chairman), Ms BM Witherford (Vice-Chairman), Mr DC Bill, Mrs R Camamile, Mr KWP Lynch, Mr K Morrell and Mr LJP O'Shea.

(8) Finance & Audit Services Select Committee

Mr PAS Hall (Chairman), Ms DM Taylor (Vice-Chairman), Mrs R Camamile, Mr DM Gould, Mr MS Hulbert, Mr J Moore and Mr K Morrell.

9. APPEALS PANEL

It was proposed by Mr Bray, seconded by Mr Bill and

RESOLVED - the following be appointed to a pool from which Panels of at least three members will be drawn as and when required to determine internal appeals

Mr DW Inman (Chairman), Mrs WA Hall (Vice-Chairman), Mr JG Bannister, Mr CW Boothby, Mr SL Bray, Mrs T Chastney, Mr PAS Hall, Mrs L Hodgkins, Mr K Morrell, Mr LJP O'Shea, Mrs S Sprason and Ms BM Witherford.

10. LOCAL JOINT AND SAFETY PANEL

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

RESOLVED - the employer's representatives on the above be:-

Mr MB Cartwright, Mrs L Hodgkins, Mr MR Lay, Mr R Ward and Ms BM Witherford.

11. OUTSIDE BODIES

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

RESOLVED – the following be appointed as the Council's representatives on the Bodies indicated:-

- (1) Bradgate Landfill Liaison Committee
Mr MB Cartwright, Mrs S Sprason
- (2) Care and Repair (West Leicestershire) Ltd. Management Committee
Mr DS Cope
- (3) Caterpillar Logistics Limited - Liaison Committee
Mr MB Cartwright
- (4) Cliffe Hill Quarry Liaison Committee
Mr MR Lay, Mrs S Sprason

- (5) Community Safety Partnership
Mr DC Bill, Mr DW Inman
- (6) Desford Brickworks Liaison Committee
Mr BE Sutton
- (7) East Midlands Councils
Mr DC Bill (Mr SL Bray substitute)
- (8) Groby Quarry Liaison Committee
Mr MB Cartwright
- (9) Hinckley and Bosworth Local Strategic Partnership
Mr DC Bill
- (10) Hinckley Citizens' Advice Bureau Trustee Board
Mrs L Hodgkins, Mr MS Hulbert
- (11) Hinckley-Herford Town Twinning Association
Mrs WA Hall
- (12) Hinckley Highways Forum
Mr RG Allen, Mr WJ Crooks, Mr DM Gould, Mr PAS Hall, Mr DW Inman, Mr MR Lay, Mr K Morrell, Mr BE Sutton and Ms BM Witherford.

Substitutes:

Mrs J Richards (for Mr Allen), Mr MB Cartwright (for Mr Crooks), Mr MS Hulbert (for Mr Gould), Mr K Nichols (for Mr PAS Hall), Mr R Mayne (for Mr Inman), Mr J Moore (for Mr Morrell), Mr R Ward (for Mr Sutton), Mr DS Cope (for Ms Witherford).

- (13) Hinckley Shopmobility
Mr DW Inman
- (14) Hinckley Theatre Management Committee
Mr JG Bannister
- (15) Leicestershire Rural Partnership Membership Group
Mr WJ Crooks
- (16) Leicestershire and Rutland Playing Fields Association
Mr R Mayne
- (17) Local Government Association General Assembly
Mr SL Bray (Mr DC Bill substitute)
- (18) Local Government Association Rural Commission
Mr WJ Crooks
- (19) Local Government Association Urban Commission
Mr DC Bill

- (20) MIRA Community Liaison Group
Mr BE Sutton
- (21) Next Generation (3)
Mr DC Bill, Mr KWP Lynch, Ms H Smith
- (22) Orbit Housing Management Committee
Mr WJ Crooks, Mr K Morrell
- (23) Stepping Stones Countryside Management Project Members'
Steering Group
Mr MB Cartwright
- (24) University of Leicester Court of Governors (1 for initial term of 3
years)
Mr SL Bray
- (25) Voluntary Action Leicestershire
Mr MT Mullaney, Ms BM Witherford
- (26) West Leicestershire Mind
Mr DW Inman

12. CHARITABLE BODIES

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

RESOLVED – the following be appointed as the Council's
representatives on the bodies indicated:-

- (1) Alderman Newton's Educational Foundation, Barwell (1 for term of 3
years) – Mrs E Hemsley.
- (2) The Dixie Educational Foundation (4 for term of 3 years) – Mr AJ
Goodwin, Mr K Morrell, Mr BE Sutton, Mr R Ward.
- (3) Spence's Pension Charity for Market Bosworth (2 for term of 4 years) –
Mrs T Chastney, Mr K Morrell

(The meeting closed at 7.05 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

9 MARCH 2011 AT 6.30 PM

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

Mr PR Batty, Mr DM Gould, Mrs A Hall, Mr DW Inman, Mr CG Joyce, Mr K Morrell, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

Officers in attendance: Mr Michael Brymer, Mr R Crosthwaite, Ms L Fray, Miss L Horton, Miss R Owen and Mr S Wood.

507 **MINUTES (SC68)**

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

RESOLVED – the minutes of the meeting held on 20 January 2011 be confirmed and signed by the Chairman.

508 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

509 **UPDATE ON RECYCLING SERVICE**

Members were provided with an update on the new refuse and recycling arrangements. It was reported that there had been problems with the dry recycling service due to training issues, increased tonnages collected and need for additional vehicle capacity. However the contractor had employed two additional crews and vehicles. It was also reported that the wheeled recycling bins had been very well received and 3,200 had been rented so far, with a further 800 on order.

Mr Gould entered the meeting at 6.42pm.

The Chief Officer (Business, Contract & Streetscene Services) and his team were thanked for their hard work.

Mr Morrell entered the meeting at 6.47pm.

510 **CONTACT CENTRE / CUSTOMER SERVICES (SC69)**

In response to a request of the Council Services Select Committee, the Scrutiny Commission was presented with a report which provided an update on current performance and recent challenges facing customer services. In presenting this report it was highlighted that a customer survey had indicated

that callers were willing to wait 45 seconds for their call to be answered, hence the reason for setting this as the target. It was also reported that whilst waiting for their call to be answered there was a recorded message playing which listed alternative options for contacting the Council, making payments etc.

Some of the events that had led to increased number of calls during January 2011 (an increase from 15,000 attempted calls in an average month to 24,000 in January 2011) were outlined including the new recycling service, confusion with regard to refuse and recycling calendars, and the training of new staff.

In response to a Member's query it was reported that the closure of the cash office had not led to an increase in calls to the contact centre and had not resulted in negative feedback.

511 PRIMARY CARE TRUST (PCT) AND SECTION 106 CONTRIBUTIONS (SC70)

Members were informed of the position in respect of the PCT Section 106 contributions that had been collected by HBBC but not spent by the PCT. Discussion ensued on the future demise of PCTs and it was noted that the issue was complex and would be addressed with GP Boards once these were set up.

Further concern was expressed with regard to the closure of pharmacies in villages and whether Section 106 monies could be used to safeguard some of these pharmacies. In response it was considered unlikely but officers were happy to raise the issue in the relevant forum.

512 SCRUTINY TRANSPORT REVIEW WORKING GROUP UPDATE (SC71)

The Commission was provided with an update on the Transport Scrutiny Review. It was stated that the comments of the working group were included at the end of the appendix to the report.

Members expressed concerns with regard to the Highways Agency not having funding to undertake necessary works, the need for developer contributions to travel plans and transport and the requirement to resolve traffic problems on the A5. With regard to Hinckley Town Centre, concern was raised that whilst needs had been acknowledged, there were no plans for safe pedestrian access from the bus station site to the town centre and no planned cycle routes. Officers stated that there was a meeting arranged with regard to the A5 and pressure would be put on the Highways Agency, however it was also reported that the Highways Agency had warned of potential severe reductions in improvements to road networks and public transport as a result of budget cuts.

A Member suggested that it would be useful to discuss these issues and request attendance from agencies at the Highways Forum.

It was agreed that the working group be requested to continue to look at transport across the Borough and that this be built into the work programme including the opportunity to invite the relevant agencies to discuss Members' concerns.

RESOLVED – the working group be requested to continue.

513 FLEXIBLE WORKING UPDATE (SC72)

Members were provided with an update on the flexible working project, including the numbers of staff taking part in flexible working arrangements (five home workers, one mobile worker, two term-time workers and 43 mixed base). In response to Members' concerns at the previous meeting with regard to officers working from home and not being contactable, it was noted that the problem was with those working at home on an ad hoc basis, rather than contractual home workers.

Mr Morrell left the meeting at 7.24pm and returned at 7.27pm.

During discussion, the following points were raised:

- Technical issues for home workers could be dealt with remotely;
- Most staff were eligible to apply for flexible working;
- Performance information for home workers was not available for teams other than housing benefits. Officers agreed to obtain this information and bring it back to the Commission;
- There were no additional costs of supervision or quality control of those staff working from other locations as all staff were managed in the same way regardless of location;
- Home workers still interacted with other staff in team meetings and by regular 'phone and email contact;
- Home working was not an alternative to paid childcare.

It was agreed that the situation be monitored.

514 LOCALISM BILL (SC73)

Members were provided with an update on the progress of the Localism Bill, and it was noted that the government was taking steps to remove unnecessary specific duties on local authorities, such as the prescribed way of dealing with petitions and hosting e-petition facilities.

515 OVERVIEW AND SCRUTINY WORK PROGRAMME 2010/11 (SC74)

Members received the Work Programme for 2010/11.

RESOLVED – the work programme be agreed.

516 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC75)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

517 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

- (i) Council Services Select Committee, 10 February 2011 (SC76);
- (ii) Finance & Audit Services Select Committee, 14 February 2011 (SC77).

(The meeting closed at 7.44 pm)

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

14 APRIL 2011 AT 6.30 PM

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

Mrs A Hall, Mr C Ladkin, Mr K Morrell, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

Mr Crooks was also in attendance as the relevant Executive Member for items 8 and 10 on the agenda (minutes 559 and 561 refer).

Officers in attendance: Mr S Atkinson, Ms E Grant, Miss L Horton, Ms P Lavender, Miss R Owen, Mrs C Roffey and Mrs S Stacey.

Howard Crane of Community Action Hinckley & Bosworth was in attendance for item 9 on the agenda (minute 560 refers). Inspector Rich Ward, LPU Commander, was in attendance for item 6 (minute 557 refers).

554 **APOLOGIES**

Apologies for absence were submitted on behalf of Messrs Batty, Gould and Inman.

555 **MINUTES (SC78)**

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

RESOLVED – the minutes of the meeting held on 9 March 2011 be confirmed and signed by the Chairman.

556 **DECLARATIONS OF INTEREST**

Mr Ladkin declared a personal interest in report 'SC80' as Treasurer of Community Action Hinckley & Bosworth.

557 **COMMUNITY SAFETY 6-MONTH UPDATE**

Members were provided with an update on the effectiveness of the Community Safety Partnership and on local crime statistics including information on the reduction in antisocial behaviour and the current battle against travelling criminals. Important projects, such as the use of the 637 bus to engage young people, the taxi marshal scheme and the victim support project, were highlighted.

In response to a question about the value of the partnership, Inspector Ward referred to the good relationship between partners, particularly the Borough Council and the Police, and stated that should the partnership no longer be enforced by statute, they would still continue with it as positive outcomes had been achieved through the partnership that would not otherwise have been realised.

Some Members expressed concerns with regard to current issues such as speeding and the use of mobile phones whilst driving and it was noted that a lot of work had been, and would continue to be, undertaken on these issues. Inspector Ward encouraged local initiatives such as community speed watch.

Members welcomed the very positive progress and outcomes reported to them in respect of Community Safety in the Borough in 2010/11

558 CHOICE BASED LETTINGS

Members were provided with a verbal update on the implementation of the Choice Based Lettings scheme. It was reported that the scheme had been successful so far in that many bids for properties had been received, the site had been well used for viewing properties, bidding on them and updating personal details, and those properties that were usually hard to let had received bids.

Members noted the progress made on choice based lettings.

559 PARISH & COMMUNITY INITIATIVE FUND ALLOCATION OF GRANTS FOR 2011/12 (SC79)

Members received a report which outlined the proposals of the assessment panel in relation to allocation of the Parish & Community Initiative Fund. It was reported that the fund had been oversubscribed and allocations had been based on the lowest quoted cost to allow as many applications as possible to be approved.

At this juncture Mr Lay declared a personal interest in this item as Chairman of a parish council which was a proposed recipient of funding.

The Executive Member highlighted the positive aspect of the number of applications received, and that this included smaller parishes. He also thanked Caroline Roffey and her team for processing all of the applications.

With regard to the future management of the fund in light of Participatory Budgeting, it was agreed that if the scheme was continuing to work in the right way for all communities then it would not need to change. However the Chief Executive advised that, should any change be considered appropriate by the Strategic Leadership Board, the Scrutiny Commission would have an input into the proposed changes before they were finalised.

On the motion of Mr Nichols, seconded by Mr Ladkin, it was

RESOLVED – the proposals of the assessment panel be endorsed for approval by the Strategic Leadership Board.

560 VOLUNTARY AND COMMUNITY SECTOR INFRASTRUCTURE SUPPORT SERVICES REVIEW 2010/11 (SC80)

The Scrutiny Commission was informed of the outcomes of the infrastructure support services review 2010/11 which had been commissioned in autumn 2010 to assess the effectiveness of the new arrangements.

Howard Crane, representing Community Action Hinckley and Bosworth, reported that the infrastructure had been found to be working less well than had been anticipated, which had led to a decision to consider the merits of setting up a regeneration and social enterprise organisation, enabling the facility to bid for funding and service delivery contracts and therefore creating a sustainable model going forward. Help in setting this up would be received from Voluntary Action LeicesterShire and it was hoped that Transition funding would be received for the project.

RESOLVED – the intention to apply for Transition Funding be supported.

561 RURAL AREAS REVIEW – ANNUAL REPORT (SC81)

The Scrutiny Commission was informed of the outcomes of the annual rural areas review 2010/11. Members discussed the Parish Forum and the need to review the Parish Forum meetings as, whilst they were well supported and attended, they had become very busy meetings and had the potential to lose some of the objectives of the forum. Concern was also expressed by some Members that the Council Chamber was too formal a venue for the meetings and also that it would be more appropriate to hold them in different venues in the rural area.

RESOLVED – the good progress on service delivery within rural locations in 2010/11 be noted and a fresh approach to delivery of the Parish Forum in future be endorsed.

562 UPDATE ON FUTURE CIVIC FACILITIES (SC82)

Councillor Bron Witherford presented a report following a meeting about civic facilities in the new Council Offices. It was reported that the facilities would be multi-functional, there were “ample” meetings rooms, lifts and disabled access. She agreed to report back following receipt of design proposals.

Members welcomed the positive progress report.

563 OVERVIEW & SCRUTINY DRAFT ANNUAL REPORT 2010/11 AND END OF TERM REPORT 2007-2011 (SC83)

The Chairman of the Scrutiny Commission presented the draft Overview & Scrutiny End of Term report 2007-2011 which incorporated the draft 2010/11 Annual report, stating that he was proud of the work and achievements of the Overview & Scrutiny function. He highlighted some key reviews that had been undertaken over the four years including the review of the Community Safety Partnership and Income Poverty. Successes with regard to reducing the waiting time for disabled adaptations were also acknowledged. All Members involved in the Overview and Scrutiny function including panels and working groups were thanked, along with the Executive Members for their support. The Chairman also thanked officers for their support.

Mrs Camamile as Vice-Chairman thanked Mr Lay on behalf of Members for his hard work and dedication as Chairman of the Commission. Members agreed that the Overview & Scrutiny function had been impartial, pragmatic and effective and hoped that the culture and ethos of the work would continue into the future with the new Council.

RESOLVED – the draft End of Term and Annual report be endorsed and RECOMMENDED to Council for approval.

564 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC84)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

565 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the Council Services Select Committee on 17 March 2011 were received and noted.

(The meeting closed at 8.05 pm)

COUNCIL – 5 JULY 2011**REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)****RE: FINAL OUTTURN 2010/11****1. PURPOSE OF REPORT**

To report to Council the financial outturn for 2010/11.

2. RECOMMENDATIONS

- 2.1 That Council approves the General Fund Outturn for 2010/11 and approves the transfers to Earmarked Reserves and Balances outlined in paragraphs 3.5 and 3.6 of the report.
- 2.2 That Council approves the carry forward to 2011/12 of the specific underspends on the General Fund incurred in 2010/11 as set out in paragraph 3.8 of the report and detailed in Appendix 2.
- 2.3 That Council approves the recommendation to transfer the year end underspend on the Housing Revenue Account (HRA) to the HRA Fund Balance, as set out in paragraph 3.10.
- 2.4 That Council approves the recommendations in respect of the year end Outturn for the General Fund Capital Programme and the Housing Revenue Account Capital Programme, as set out in paragraph 3.11.

3. BACKGROUND

- 3.1 In February 2011 the Council adopted a General Fund Revised Budget for 2010/11 which indicated that £12.983m would be spent on services with £0.084m to be transferred to General Fund Balances and a net £0.110m being transferred from Earmarked Reserves. After taking account of further adjustments to the budget and savings identified in the monthly and quarterly budget monitoring exercises the final budget showed £13.380m being spent on services with £0.110m being taken from Earmarked Reserves and £0.372m being taken from General Fund Balances.

	Budget £000	Actual £000	Movement from Budget £000
Net Budget Requirement	12,110	10,634	(1,476)
Non Service Specific Grant Income	7,457	7,484	27
Available for transfer to balances or reserves	(482)	1,021	1,503
Transfer to balances	(372)	321	693
Transfer to Reserves	(110)	700	810

Table 1: General Fund Outturn Summary

	Original 2010/11 £000	Revised 2010/11 as per budget book £'000	Revised 2010/11 £000	Provisional Actual 2010/11 £000
Service Costs	13,046	12,983	13,380	12,146
Less items not chargeable to Council Tax included above				
Capital Accounting	1,894	1,808	1,758	1,690
Pensions re FRS17	(393)	(393)	(393)	(59)
Total Deduction	1,501	1,415	1,365	1,631
Gross Cost of Services to Council Tax Payer	11,545	11,568	12,015	10,515
Net Interest Paid	8	95	95	119
Met from Taxation & Grants	11,553	11,653	12,110	10,634
Council Tax	4,171	4,171	4,171	4,171
RSG & NNDR	7,386	7,386	7,386	7,386
Area Based Grant	29	29	29	40
Other grants	0	0	0	16
Collection Fund Surplus/(Deficit)	42	42	42	42
Total Tax & Grants	11,628	11,628	11,628	11,655
Available for Balances/ Reserves (+) Required from Balances/Reserves (-)	+75	-25	-482	+1,021
Suggested transfers to Balances/Reserves				
Reserves	+47	-110	-110	+700
Balances	+28	+85	-372	+321

A full list of the budgeted and proposed contributions to or from Reserves is shown in table 2.

3.2 The major variations can be summarised as follows

	£'000s (Saving)/Increase
Salaries and Wages –level of vacancies in all services greater than expected	(486)
Increased Income from Shared ICT Services	(118)
Additional Income from Recycling activities (quantity Of waste recycled and sold and recycling credits)	(116)
Additional recovery of overpaid Housing Benefit	(150)
Additional Planning fee income	(198)
Concessionary Travel – lower than anticipated demand	(103)
Car Park Income lower than anticipated due to Current economic conditions	95
Other	55

3.3 Adjustments due to application of Accounting Code of Practice

In compiling the above table a number of transactions that need to be included in the cost of services in the Statement of Accounts (and have been included in the Cost of Services in the Outturn Book) but are taken out “below the line” in determining the movement on the General Fund Balance have been excluded from the Cost of Services in the above table. These transactions arise from the receipt of information during the closedown process and relate to matters that are not determinable at the time the budget is prepared so no provision is made in the Cost of services or “below the line” in the statement of movements in the General Fund Balance. In 2010/11 three major adjustments were required to bring the Accounts into line with the requirements of the Code of Practice which, if they were reflected in the Budget Comparison would have resulted in a significant distortion of the results

These adjustments which total a net £2,124,157 are:-

a) A credit in respect of past service costs of pensions of £5,716,000 which arose from the decision of the Coalition Government announced in the Emergency Budget of 22 June 2010 that in future Public Sector Pensions would be increased in line with the Consumer Price Index rather than the historically higher Retail Price Index. This has resulted in a decrease in the Council’s long term Pensions Liability as former employees will be receiving a lower pension going forward than they otherwise would have

b) A debit of £362,000 as a result of Curtailment costs identified in the Actuary’s valuation of the Pensions Liability/Assets

c) A credit of £2,443,477 in respect of Grants and contributions that had been received before they are applied to finance expenditure which under the requirements of IFRS need to be taken to the Revenue Account in the year they are received and any unapplied portion be transferred to an unapplied grants and contributions reserve.

d) a credit of £20,152 in respect of adjustments required to bring the Accounts into line with the Code of Practice but can be reversed out under regulations so as to have no impact on the General Fund Balance.

e) a debit of £9,941,157 in respect of a market value impairment (downward revaluation) of property assets

3.4 Members have a choice as to whether they wish to transfer some or all of the realised underspend to the General Fund Balance or whether they wish to transfer some of the underspend to specific earmarked reserves to address future pressures on service areas. Details of the proposals for the Reserve Movements are set out in the paragraph below. It is suggested that a number of transfers are in effect made from General Fund balances to Reserves as there will be a number of specific pressures in future years where it will be prudent to have earmarked resources available to meet these costs.

Earmarked Reserve Transfers

3.5 When the Revised Budget was approved by Council in February 2011 it was proposed that a net £110,000 would be transferred from Reserves. Some of the expenditure that was due to be funded from reserves in 2010/11 was not incurred in that year as the proposed schemes were delayed; therefore, it is not proposed to make the planned transfer in 2010/11 as the expenditure is likely to be incurred in 2011/12 and the transfer made then.

Table 2 below sets out the actual contributions to and from Reserves against planned transfers. Items marked * were treated as part of the movement in General Fund Balances but need to be treated as Reserve movements in the final accounts as the balances held in respect of these items need to be earmarked

Table 2: Summary of changes to planned contributions to/from Reserves 2010/11

Reserve	Planned Contribution to Reserve £'000	Actual Contribution to Reserve £'000	Planned Contribution from Reserve £'000	Actual Contribution from Reserve £'000
Benefits Reserve	30	60	30	30
Local Development Framework	136	136	50	76
Building Control*	0	10	0	0
Land Charges				
Grounds Maintenance Health & Safety	0	0	14	14
Planning Delivery Grant	0	0	137	72
Flexible Working Reserve	92	-90	110	57
IFRS Capacity Support Reserve	0	0	0	13
Election Reserve	25	25	0	0
Grounds Maintenance Machinery Replacement	25	25	0	0
Planning Legal Costs	0	0	0	20
Finance Capacity Support	0	10	0	0
Pensions Contributions	41	41	0	0
Pensions Reserve re Early Retirements	0	0	101	25
Waste Management Reserve	0	93	0	0
Masterplan/Project management	0	0	17	10
Relocation Reserve	0	182	0	0
Modern.gov	0	20	0	0
Greenfields Industrial Units		19	0	0
Future Capital Projects	0	486	0	0
TOTAL	349	1,017	459	317

3.6 After the suggested transfers the total of earmarked revenue reserves available would be £4.119m. A complete list of the proposed closing Reserves position is set out in the table in **Appendix 1**.

General Fund Balances

- 3.7 It is recommended that a total of £0.321m be transferred to General Fund Balances at 31 March 2011. This would leave a total closing balance of £1,982m. This meets the criteria of having 10% of net budget requirement held in balances. (The net budget requirement for 2010/11 being £10.666m)

Carry Forward of 2010/11 budgets

- 3.8 In a number of cases Budget Managers have identified the reason for a significant underspend as being income received in 2010/11 and delays in implementing a particular scheme or project during 2010/11 and have requested that the underspend be carried forward to 2011/12. Requests totalling a net £207,250 have been received (to be funded as detailed below).

Source of Funding	Amount
General Fund Balances	63,100
Special Expenses Balances	2,840
Reserves	58,730
Earmarked Grants and Income	4,050
Housing Revenue Account balances	78,530
Total	207,250

- 3.9 Details of the requests received and those recommended for approval are shown in **Appendix 2**.

Housing Revenue Account

- 3.10 In February 2011, the Council adopted a Housing Revenue Account Revised Budget which predicted that that £67,000 would be taken from the HRA Balance, The Outturn figure is for £161,000 to be taken to balances. (A net underspend of £228,000). The main reasons for this underspend are explained in the Outturn Book but can be summarised as follows:-

	£'000
Supervision and Management General	
Supplies and Services	38
Reduced requirement for Software Support, reduced use of Consultants and Legal services	
Supervision and Management Special	
Premises Related Expenses	91
Reduced Cost of Utilities	
Supplies and Services	41
Reduced demand for purchase and maintenance of equipment	
Income	40
Additional Income re Supporting People	

It is recommended that the total underspend of £228,000 be transferred to HRA Balance.

Housing Repairs Account

The Revised Estimate showed that an amount of £55,000 would be taken from the Housing Repairs Account balance however the outturn position shows that an amount of £105,000 can be added to balances (a net underspend of £160,000). This has principally arisen from

	£'000
Supplies and Services	73
Reduced requirements for Consultants, External Legal Costs and Audit fees	
Reduced demand for Responsive and Programmed repairs	77

3.11 Capital

An amount of £1,243,689 (summarised on page 133 within Revenue and Capital Outturn Book) will be carried forward to fund contractual commitments and delays which have occurred in 2010/11.

3.11.1 General Fund Capital Programme

The General Fund Capital Programme was under-spent by £1.060m due to delays in schemes principally Private Sector Housing Grants (£238,000), Revenues and Benefits Shared Service set up costs (£365,000) and Burbage Common enhancements (£108,000). The budgets in relation to these items will be carried forward to the new year when the money will be spent.

3.11.2 Housing Revenue Account (HRA) Capital Programme

The HRA Capital Programme was underspent by £442,000 made up principally of an underspend of £148,000 on the repairs element and an underspend of £72,000 on adaptations plus an underspend of £232,00 in respect of the new build scheme at Alexander Gardens which was delayed due to changes to the HCA funding regime following the General Election in 2010. Repairs costs and budgets were closely monitored during the year to ensure that the overall budget was not exceeded.

4 **FINANCIAL IMPLICATIONS**

These are contained in the report.

5 **LEGAL IMPLICATIONS (AB)**

These are contained within the report.

6 **CORPORATE PLAN IMPLICATIONS**

This report contributes to the achievement of the following Corporate Plan Priorities:

Proud of our Probity and Honesty in Governance and Management
Value in Service Delivery and Investment in People

7 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		

8. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

There are none.

9. CORPORATE IMPLICATIONS

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

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

Background Papers: Civica Authority Financials reports
Closedown files

Author: Sanjiv Kohli, Director of Finance ext 5607
David Bunker Accountancy Manager ext 5609

Executive Member: Councillor KWP Lynch

Appendix 1

Reserves at 31 March 2011

General Fund

	£
Commutation & Feasability Reserve	248,113.99
Benefits Reserve	171,370.00
Local Plan Procedure	389,961.00
Historic Buildings Loan Fund	14,000.00
Relocation Reserve	182,000.00
Future Capital Projects	486,000.00
Modern.E Gov Reserve	20,000.00
Greenfields Reserve	19,000.00
UG&C Non S106 Developer Contributions	42,008.00
UG&C Section 106 Reserve	449,314.39
UG&C Unapplied Conts Earmarked Reserve	206,516.37
UG&C Other Open Space Receipts	20,326.43
UG&C POS Reserve	80,755.60
UG&C Ferndale Grove & Netherley Crt adop	61,323.00
Disaster Reserve (Corporate & I T)	118,000.00
Building Control Reserve	63,820.41
Land Charges Reserve	50,851.00
Pensions Contribution	108,761.00
ICT Reserve	241,000.00
Waste Management Reserve	172,765.06
Project Management/Master Plan Reserve	333,000.00
Shared Services Reserve	74,000.00
Planning Delivery Grant Reserve	247,696.13
Flexible Working Reserve	15,000.00
IFRS Capacity Support Reserve	2,277.00
Freedom of Information Training Reserve	3,000.00
New Performance Improvement Reserve	10,000.00
Housing Energy Cert Training Reserve	10,500.00
Finance Capacity Fund Reserve	20,103.20
Well Being Fund Reserve	70,000.00
Workforce Strategy Reserve	3,000.00
Election Reserve	85,000.00
Grounds Maintenance	49,720.00
Transformation	50,000.00
Total General Fund	<u>4,119,182.58</u>

HRA

UG&C Unapplied Conts Earmarked Reserve	6,626.47
HRA Piper Contribution Revenue Balance	118,186.00
HRA Communal Furniture	4,913.43
Total HRA	<u>129,725.90</u>

Appendix 2

Requests for Carry forward of Budgets to 2010/11

Detail	Amount	Source of Funds
Community Safety Salaries - to support 1 day per week support in the JAQUAL team to manage specific ASB Cases jointly with the Police	3,000	gfb
Procurement Training - additional requirements in 2011/12 due to restructure	980	gfb
Private Sector Housing - Training - delay in implementation of new modules of IDOX Uniform	1,000	gfb
Community Safety Salaries - to contribute to Blaby DC for management services re Domestic Violence & drugs work	3,000	gfb
Tourism Promotion - Tourism Initiatives - Tourism Partnership website update required information delayed	420	gfb
Environmental Health - Materials - Health Improvement Officer and EH promotion work delayed	1,400	gfb
Environmental Health - Salaries - Student EHO carry forward to new year	5,000	gfb
Human Resources - Workforce Strategy - delays to Equality Framework Assessment being delayed	5,000	gfb
Development Control Applications - Salaries - Carry forward of provision for admin support to Head of Planning	5,000	gfb
Development Control Applications - Salaries - Carry forward of provision for support re major applications	7,500	gfb
Accountancy - Training _ to provide resources for knowledge transfer re restructure	2,100	gfb
Neighbourhood wardens - Minor projects - Pride in Barwell delayed by residents objections	12,520	gfb
Mayors Civic Budgets - differences between Civic & Financial Year	8,690	gfb
Council Offices - External Works - Contractor unable to complete work in 2010/11 due to other work pressures	5,000	gfb
Middlefield Lane Depot - External Works - Contractor unable to complete work in 2010/11 due to other work pressures	1,500	gfb
Debtor management Consultancy- required for development of Civica Debtor module to accept Direct Debit as payment method	990	gfb
	63,100	gfb Total
Housing Repairs Account Legal fees delays in case with external solicitors	10,000	hra
Choice based Lettings - Agency Salaries & Wages - delays in implementation	3,000	hra
Choice based lettings - Software maintenance & upgrade - delay in software delivery delayed snagging	5,170	hra
Choice based lettings - Contributions to other funds - fixes to Housing Register System not yet delivered	1,300	hra
Choice based lettings - Publications - entry in Homeswapper mutual exchange scheme	2,280	hra

Supervision & Management General Tenancy Fraud work	3,000 hra
Supervision 7 management General Consultancy - Tribal work re HRA Subsidy Reform	3,500 hra
Supervision & management Special Groby CC to be funded from Mayflower Court Furniture - delay in delivery	1,280 hra
Strategic Tenant participation from Salary Savings	11,000 hra
Supervision & Management Salaries to support restructure	38,000 hra
	78,530 hra Total
Open & Training Fund - Ring fenced grant received from County Sports Partnership to fund training of local physical activity instructors some course have run over into the new year	5,650 i
Open & Training Fund - Ring fenced grant received from County Sports Partnership to fund training of local physical activity instructors some course have run over into the new year	-5,650 i
GP Referral Scheme - ringfenced funding from PCT	3,890 i
GP Referral Scheme - ringfenced funding from PCT	-3,890 i
Sport Unlimited - ringfenced funding from County Sports Partnership payments made 50% in advance 50% in arrears	14,770 i
Sport Unlimited - ringfenced funding from County Sports Partnership payments made 50% in advance 50% in arrears	-14,770 i
Private Sector Housing - Salaries - EHO cover budget set for full year only part used	16,700 i
Private Sector Housing - Decent Homes Grant to fund EHO	-16,700 i
Private Sector Housing - Consultancy - Evaluation of Decent Homes Insulation Scheme delayed funding is ring fenced	7,000 i
Private Sector Housing - Consultancy - Evaluation of Decent Homes Insulation Scheme delayed funding is ring fenced	-7,000 i
Private Sector Housing - Energy Conservation Promotions -delay in delivering equipment	2,230 i
Private Sector Housing - Energy Conservation Promotions -delay in delivering equipment	-2,230 i
Homelessness - Mortgage Rescue Scheme - balance of grant received to be carried forward to 2011/12	16,610 i
Homelessness - Mortgage Rescue Scheme - balance of grant received to be carried forward to 2011/12	-16,610 i
Beacon Scheme Award - minor projects - remaining beacon grant to be spent in summer campaign	10,090 i
Beacon Scheme Award - minor projects - remaining beacon grant to be spent in summer campaign	-10,090 i
Domestic Violence - minor projects - ring fenced funding from Domestic Violence forum	2,600 i
Domestic Violence - minor projects - ring fenced funding from Domestic Violence forum	-2,600 i

Delivery Group - contributions to other bodies - underspend on BCU contribution to Delivery Group	3,530 i
Delivery Group - contributions to other bodies - underspend on BCU contribution to Delivery Group	-3,530 i
Positive Action for Young People - Positive Activities - Ring fenced external funding to be used in summer 2011	1,550 i
Positive Action for Young People - Positive Activities - Ring fenced external funding to be used in summer 2012	-1,550 i
Planning Policy - Earl Shilton & Barwell SUE Masterplan Delays in Consultancy work	29,250 i
Planning Policy - Earl Shilton & Barwell SUE Masterplan Delays in Consultancy work income	-25,200 i
	4,050 i Total
Development Control - Enforcement - Agency Salaries & Wages - ongoing support to enforcement team being funded from PDG	4,670 r
Planning Policy - Earl Shilton & Barwell AAP consultancy - delays in work to be funded from LDF Reserve	13,010 r
Planning Policy - Hinckley Town Centre AAP - delays in work to complete AAP document	5,580 r
Planning Policy - PPG17 Study - delays in completion of final document due to consultant going into administration	1,500 r
Development Control - Appeals - legal costs to be met from Planning Delivery Grant	16,500 r
Planning Delivery Grant Development Control - Back Scanning Fees - delays in undertaking work	6,470 r
Fee Earning Building Control - Back Scanning - Delays in carrying out work	11,000 r
	58,730 r Total
Cemeteries - Software Maintenance - delays in implementation	2,840 seb
	2,840 seb Total
	207,250 Grand Total

Sources of Funds

General Fund Balances
 Income from External Sources
 Reserves
 Special Expenses Balances
 Housing Revenue Account balances

COUNCIL– 5 JULY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

RE: REGENERATION SERVICE BUDGET ARRANGEMENTS

1. PURPOSE OF REPORT

This report is being brought in order to obtain formal approval for the budget arrangements for the Council's regeneration team, now that the shared service agreement has been set up between this Council and Oadby & Wigston Borough Council.

2. RECOMMENDATION

Council is asked to endorse the arrangements outlined in this report.

3. BACKGROUND TO THE REPORT

3.1 Members will recall that the East Midlands Regional Development Agency (EMDA) funded the Town Centre Regeneration Support Project that enabled the Council to employ a support officer and a consultant to assist the senior economic regeneration officer in bringing forward the regeneration of identified town centre masterplan sites. However the funding for this initiative ended on 31st March 2011.

3.2 Once the EMDA funding ceased, the Council looked at whether it could maintain the regeneration team, with its mix of professional skills, in the form that had operated for the previous twelve months, to enable both the town centre work and wider regeneration work to proceed in the most beneficial way.
The HBBC regeneration team comprises:

Senior Economic Regeneration Officer – full time post
Regeneration Officer –funded by EMDA – contract expired 31 March 2011
Regeneration Consultant – funded by EMDA – contract expired 31 March 2011.

3.3 In the knowledge that Oadby & Wigston Borough Council were looking for a regeneration officer, a decision was made to look into whether an arrangement could be made that would serve both Councils well in terms of economic regeneration and allow HBBC to retain the experience and expertise brought to the Authority by the two temporary officers..

4. SHARED SERVICE ARRANGEMENT

4.1 Following discussions with Oadby and Wigston BC a decision was made that the following pilot project arrangement would work well both in respect to service provision and in financial terms:

- Senior Economic Regeneration Officer – 3 days per week at Hinckley & Bosworth Borough Council and 2 days per week at Oadby & Wigston Borough Council
- Regeneration Officer - 3 days per week at Hinckley & Bosworth Borough Council and 2 days per week at Oadby & Wigston Borough Council
- Regeneration Consultant - 2 days per week at Hinckley & Bosworth Borough Council and 2 days per week at Oadby & Wigston Borough Council

4.2 This pilot project started on 1 April 2011 on an initial one year basis.

4.3 The impact arising from the fact that the Senior Economic Regeneration Officer is working two days fewer per week at the Council, is being offset by the fact that there is funding provision for the extra capacity of the Regeneration Officer and the Regeneration Consultant who work at the Council for three and two days respectively.

5 **FINANCIAL ARRANGEMENTS**

5.1 The budgets required to enable this arrangement are:

£48,000 – Regeneration Consultant
£34,800 – Regeneration Officer
 £82,800

This will be funded by:

£54,116 – income from Oadby & Wigston BC
 £25,287 – salary saving from Graduate Planning officer post in planning policy
£3,397 – the balance to be funded from the Masterplan Reserve
 £82,800

It is considered that this arrangement offers value for money in terms of the economic development and regeneration service provision at the council.

5. **FINANCIAL IMPLICATIONS [CB]**

In order to fund this proposition the proposal detailed above was put forward.

It was agreed on the 1st April 2011 with Oadby & Wigston BC that they would contribute £54,116 for their element of the Officers' time. The budgets required for this additional income and corresponding expenditure will need to be approved, as will a virement of £25,287 from the vacant Graduate Planning Officer post. The only cost to the Council in addition to existing budgets will be £3,397 which it is proposed is drawn from the Masterplan Reserve.

6. **LEGAL IMPLICATIONS (AB)**

The current pilot arrangement is governed by a consultation agreement under the Local Authorities (Goods and Services) Act 1970. It is envisaged that this contract would be extended should the arrangement between the Council and Oadby and Wigston be continued,

7. **CORPORATE PLAN IMPLICATIONS**

This arrangement works towards meeting the Corporate Plan's aim of 'achieving a thriving economy'. In addition it works towards meeting the target of 'regenerating Hinckley Town Centre'.

8. **CONSULTATION**

Not applicable

9. **RISK IMPLICATIONS**

It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives. It is not possible to eliminate or manage all risks all of the time. However managing risk is considered of prime importance to both this Council and Oadby & Wigston Borough Council.

The following significant risks associated with this project are considered to be:

Management of Significant (net red) Risks		
Risk Description	Mitigating Actions	Owner
Failure to achieve economic regeneration aspirations of either or both councils	The economic regeneration team meets every Monday morning to discuss the work programmes for both councils	Judith Sturley
	The Chief Executive of Oadby & Wigston BC and the Council's Deputy Chief Executive (Community Direction) have programmed regular meetings to discuss the joint service arrangement	Bill Cullen
	The Council's Head of Planning and the Head of the Built Environment at Oadby & Wigston BC have regular update meetings	Simon Wood

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

There are no implications arising as a direct result of this project.

11. **CORPORATE IMPLICATIONS**

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

Community Safety Implications:

None as a direct consequence of this report.

Environmental Implications:

None as a direct consequence of this report.

ICT Implications:

More work needs to be done with Steria to ensure a seamless working arrangement in terms of IT systems between Hinckley & Bosworth and Oadby & Wigston councils

Asset Management Implications:

None as a direct consequence of this report.

The human resource implications:

None as a direct consequence of this report.

Planning Implications:

None as a direct consequence of this report.

Voluntary Sector

None as a direct consequence of this report.

Contact Officer: Judith Sturley Extension 5855

Executive Member: Councillor SL Bray

COUNCIL – 5 JULY 2011**REPORT OF THE DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)****RE: APPROVAL TO FUND COST OF VOLUNTARY REDUNDANCY**

1. PURPOSE OF REPORT

To seek approval from Council to fund requests for voluntary redundancy and capital costs of early retirement from General Fund Revenue Balances.

2. RECOMMENDATION

Approve the redundancy costs and capital cost of early retirement to be funded from General Fund Revenue Balances summarised below:

	2010/11	2011/12	2012/13	2013/14	2014/15
	General Fund	General Fund	General Fund	General Fund	General Fund
Total redundancy costs	£38,056				
Capital cost of early retirement	£3,962	£3,962	£3,962	£3,962	£3,962
Total Cost of Redundancy	£42,018	£3,962	£3,962	£3,962	£3,962

3. BACKGROUND TO THE REPORT

Three members of staff submitted applications for voluntary redundancy in 2010/11.

These applications were considered by the Strategic Leadership Board (SLB) on a case by case basis and all three requests were approved. Although the posts will not all be deleted from the establishment, all three posts will be recruited at a lower grade at reduced hours to provide additional administrative support.

Officers recommend that the cost of the voluntary redundancies is funded from General Fund Revenue Balances.

The costs of these voluntary redundancies fall into two categories:

1. One off redundancy costs in 2010/11 £38,056
2. The impact on the Pension Fund of paying the pensions benefits early to those members of staff over the age of 50 (the Capital Cost of Early Retirement). This amounts to £19,810. It is recommended that this capital cost is spread over a five year period. The total amount of £19,810 is made of capital costs of £17,577 and interest costs of £2,233.

Although the capital cost of early retirement will be spread over five years, the full liability of £19,810 will have to be recognised in the 2010/11 accounts. The cost in respect of future years will be transferred from the Pensions Reserve leaving a charge of £3,515 in 2010/11. The interest cost of £2,233 for the capital cost of early retirement will be funded from the General Fund annually (at £447 per annum). In future years an amount will be transferred to the Pension Reserve each year to meet the cost of the annual instalment. This position is summarised in the following table:

	2010/11	2011/12	2012/13	2013/14	2014/15	5 YEAR TOTAL
Capital cost of early retirement	£3,515	£3,515	£3,515	£3,515	£3,517	£17,577
Interest on capital cost of early retirement	£447	£447	£447	£447	£445	£2,233

4. **FINANCIAL IMPLICATIONS [DMe]**

The financial implication to the authority is the capital cost of early retirement of £19,810 over the five years and the redundancy costs £38,056 (2010/11) and will be charged to revenue and funded from General Fund Balances. The Capital cost of the early retirement will result in a charge to the General Fund of £3,962 per annum for a period of five years commencing in 2010/11. The three posts approved for voluntary redundancy will not be fully deleted as managers have requested the budgets for some administrative support. Savings from these posts will therefore be the net savings after appointing for administrative support.

5. **LEGAL IMPLICATIONS (AB)**

None raised directly by the report

6. **CORPORATE PLAN IMPLICATIONS**

This report should provide input to the Medium Term Financial Strategy MTFS 2010-2013 to be prepared by the Deputy Chief Executive (Corporate Direction)

7. **CONSULTATION**

Strategic Leadership Board (SLB), Corporate Operations Board (COB), External Auditors, S151 Officer.

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 fund the costs from general revenue balances will impact on capital programme for capitalisation of costs.	Monitor the savings on a quarterly basis and implement the ongoing savings in the base budget during budget process.	Finance Officer

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

None attached to this report.

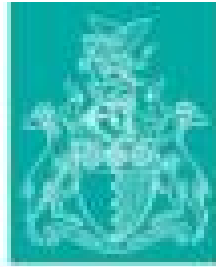
10. **CORPORATE IMPLICATIONS**

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

Background papers: Restructuring Working Papers 2010/11

Contact Officer: Daksha Mehta, ext 5710

Executive Member: Cllr Keith Lynch



Hinckley & Bosworth
Borough Council

A Borough to be proud of

THE STANDARDS COMMITTEE

Hinckley & Bosworth Borough Council

Promoting high standards within Hinckley and Bosworth
and its Town and Parish Councils

SECOND ANNUAL REPORT
2010/2011

The Standards Committee of Hinckley and Bosworth Borough Council Annual Report 2010-2011

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Foreword

This is the second Annual Report of the Standards Committee and covers the period April 2010 – April 2011.

The Standards Committee takes a key role in facilitating and promoting the Council's ethical framework for the maintenance of high standards of conduct within its authority.

The diverse make-up of the Committee; namely elected, independent and parish members, provides a clear signal that the Committee acts impartially and that business is conducted with integrity and without political bias.

The Committee has twelve separate functions, which, although separate in title, form part of an integrated system to accomplish the primary aim of achieving the highest standards in creating a sense of ethical well-being.

This report will enable members of the public as well as Members of the Borough, Town and Parish Councils to see the range of work carried out by their Standards Committee.

The role of the Standards Committee

The main role of the Standards Committee is to promote and maintain high standards of conduct amongst the 34 members of the Borough Council and 213 members of 24 Parish and Town Councils in the Borough.

The Standards Committee is currently responsible for the following main activities:

- Promoting and maintaining high standards of conduct by Borough Councillors, Parish and Town Councillors and co-opted members
- Ensuring members are trained to carry out their duties effectively
- Advising on the Members' Code of Conduct and protocols
- Monitoring the operation of the Code of Conduct
- Dealing with the local assessment of complaints
- Conducting local hearings and determination of sanctions should a breach of the Code of Conduct be found
- Monitoring performance and making returns to Standards for England
- Overview of Council complaints
- Dealing with dispensations
- Oversight of the Council's Constitution
- Oversight of the Council's Anti Fraud Strategy
- Overview of the Council's Whistleblowing Policy

From 8 May 2008 the Standards Committee became responsible for receiving all complaints about alleged breaches of the Code of Conduct made against members of Hinckley and Bosworth Borough Council and Parish/Town Councillors within the Hinckley and Bosworth Borough. There is an initial assessment stage when a Standards Assessment Sub Committee made up from 3 members of the Standards Committee meets to consider whether the complaint relates to a local member, if it

discloses a potential breach of the Code of Conduct and if it does, whether it ought to be investigated or dealt with by other means such as mediation or training. Some decisions can be appealed by the complainant and if an appeal is made, this will be considered by a Standards Review Sub Committee made up from 3 different members of the Committee.

If a complaint is referred for investigation, the Monitoring Officer appoints an independent investigating officer, who produces a report for a Consideration Sub Committee. This Sub Committee determines whether it supports the findings of the investigation, either that no breach of the Code has been found or that it is a minor breach, which does not warrant any further action. If a complaint has been investigated and a breach of the Code is disclosed then a Standards Sub Committee (Hearing) of 5 members will meet to hear evidence and representations and to determine if there has been a breach of the Code of Conduct and, if so, what sanctions are appropriate.

The Localism Bill – A new Challenge

The government set out its intention to abolish the ‘Standards Board Regime’ in the coalition agreement published in May. The Localism Bill was introduced to Parliament On 13 December 2010.

The Bill abolishes the standards regime overseen by the Standards Board for England, including the Model Code of Conduct for members of relevant local authorities in England and their Standards Committees. The abolition arrangements also affect the First- tier Tribunal (Local Government Standards in England) because the Tribunal will receive no further cases after those that it is already dealing with on the abolition date have been determined.

Authorities will be under a duty to promote high standards of conduct. The new arrangements for standards to help them comply with this duty will in part be voluntary, and in part mandatory, with criminal sanctions where certain interests are concerned.

The Standards Board for England will no longer exist and none of its functions will transfer to any other body. There will no longer be a requirement for relevant authorities to adopt a code of conduct for their members and there will be no mandatory enforceable code of conduct for members that they have to undertake to follow when they take up office

Parish Councils will be responsible for their own standards instead of the relevant district authority.

There will still be a requirement, expressed as a duty, to promote high standards of conduct, but this will now be the function of the Authority and not Standards Committees.

Matters relating to standards will be the responsibility, of the relevant authorities and the adoption of a voluntary code must be done by the Authority (Full Council).The duty and any voluntary arrangements adopted by an Authority still only apply to members of Authorities who can vote. This means that voting co-opted members will be covered by any new arrangements, but non-voting co-opted members will not.

Relevant authorities can create a voluntary code either by revising an existing code or adopting a code to replace an existing one. Because the code is voluntary, an Authority can also withdraw an existing code without replacement. The Authority can publicise what it has done about the code as it sees fit.

Where an Authority has adopted a code, it can put in place any procedure it wishes to deal with complaints and take any action it sees fit, although this may exclude suspension or disqualification as these sanctions are expressly forbidden by provisions relating to how the Council deals with failure to register or declare interests.

The arrangements regarding interests and criminal sanctions will be dealt with by way of Regulations issued by the Secretary of State, and the main requirement to maintain a register will remain with the Monitoring Officer for authorities which have Monitoring Officers. The Bill allows a specified person in parish councils to be responsible for maintaining a register but it may be that the regulations specify that this responsibility will remain with Monitoring Officers for parish councils in their area.

The Regulations will be able to specify –

- The interests to be registered
- The requirements for disclosure
- Participation in decision-making
- Dispensations
- Sanctions (but these cannot include suspension or disqualification) and
- Access and publicity arrangements for a register.

Prosecutions in relation to interests can only be brought with the consent of the DPP. Offences can only be dealt with in the Magistrates Court, and will relate to:

- a failure to register without reasonable excuse;
- a failure to disclose without reasonable excuse; and
- taking part in relevant authority business (which could be wider than taking part in formal meetings).

Sanctions available to the court on conviction are

- A fine, the current maximum for which is £5,000
- Disqualification for up to 5 years from any relevant Authority or from standing or becoming a member.
- The time limit for prosecutions is 12 months from when the prosecutor decides there is sufficient evidence to support a case, but no later than 3 years from when the offence occurred.

The transitional provisions will be made by secondary legislation and there is still much to be made clear on how some of these matters are to be dealt with in practice and how they link with existing legislation and the general law. This will be the primary challenge for the Council in terms of standards in the coming year and the Standards Committee are in the best position to offer practical advice and support based on its experience in the last 3 years.

Members of the Committee

The Standards Committee is composed of three Independent Members, three Borough Councillors and three Parish Council Members.

Independent Representatives

Mr Michael Clarricoats
Mr Gordon Stokes
Mr Ron Birch (until June 2010)
Mr Colin Headley (from August 2010)

Elected Representatives

Mr John Bown
Mrs Ann Hall
Mr Reginald Ward

Parish Representatives

Mr David Reid
Mr Michael Fryer
Mr Terence Gallagher

Officers who Support the Committee

The Standards Committee and Sub Committees are supported by the Monitoring Officer or the Deputy Monitoring Officer. The Corporate Governance Officer services the Committee and makes arrangements for the distribution of agendas, reports and minutes of the Standards Committee and Sub Committee's meetings.

The Monitoring Officer:

Under the provisions of the Local Government and Housing Act 1989, Councils have a duty to appoint a Monitoring Officer to ensure the lawfulness and fairness of Council decision making. The Monitoring Officer effectively serves as the guardian of the Council's Constitution and the decision-making process.

The Monitoring Officer also works closely with the Council's Standards Committee to assist it in its role of promoting and maintaining high standards of conduct amongst members of the Borough Council and members of Parish and Town Councils in the Borough.

The Monitoring Officer is responsible for establishing and maintaining the register of members' interests.

The Monitoring Officer is the main advisor to the Standards Committee. She is responsible for ensuring the decisions of the Standards Committee are implemented. If the Standards Committee refers an allegation for investigation, the Monitoring Officer will arrange for it to be investigated.

The Monitoring Officer is also the main point of contact with Standards for England (formally Standards Board For England) and submits quarterly returns on the complaints received and dealt with by the Standards Committee.

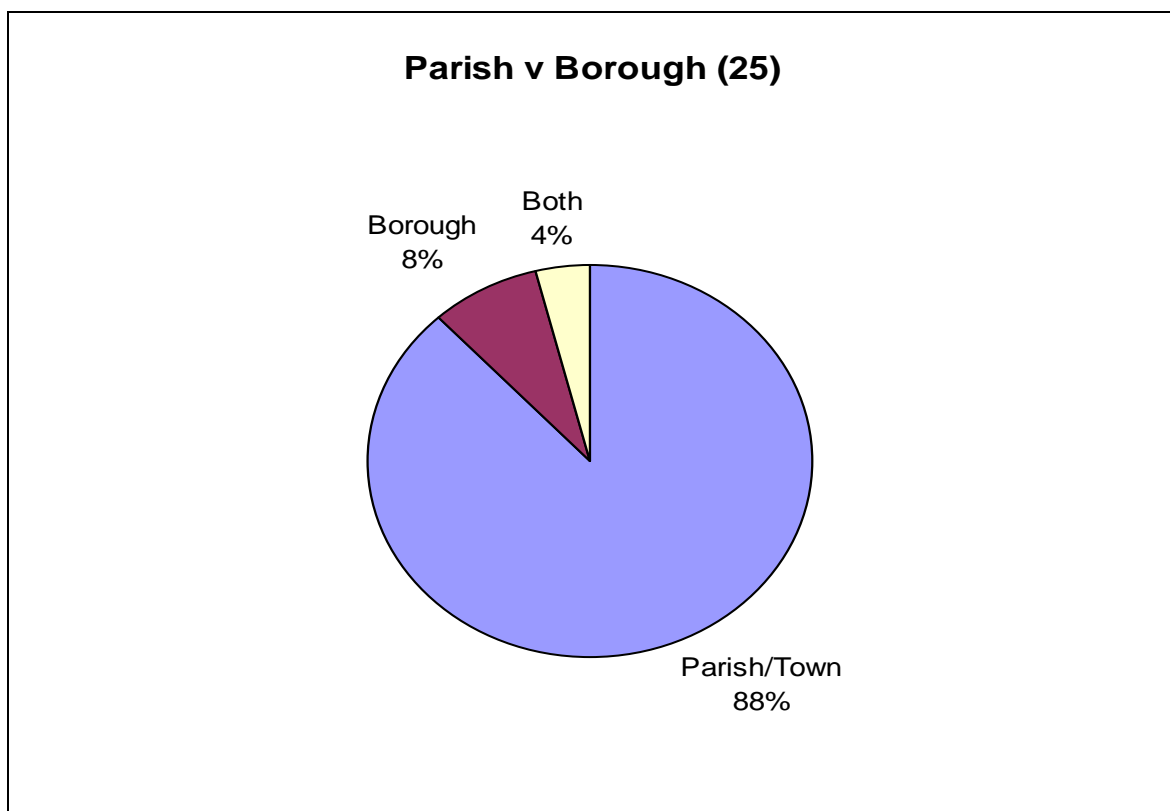
Meetings of the Standards Committee April 2010 – April 2011

Standards Committee	5
Assessment Sub-Committee	9 (25 complaints assessed)
Review Sub-Committee	1
Consideration Sub-Committee	2
Hearing Sub-Committee	1

Complaints Statistics May 2008 – March 2010

Total number of complaints received 1 April 2010 and April 2011 = 25
of which

- 25 were considered by an Assessment Sub Committee
- 0 were considered by a Review Sub Committee as there was no requests for a review
- 22 concerned the actions of a Parish/Town Councillor only
- 2 concerned the actions of a Borough Councillor only
- 1 concerned the actions of a Borough & Parish Councillor combined

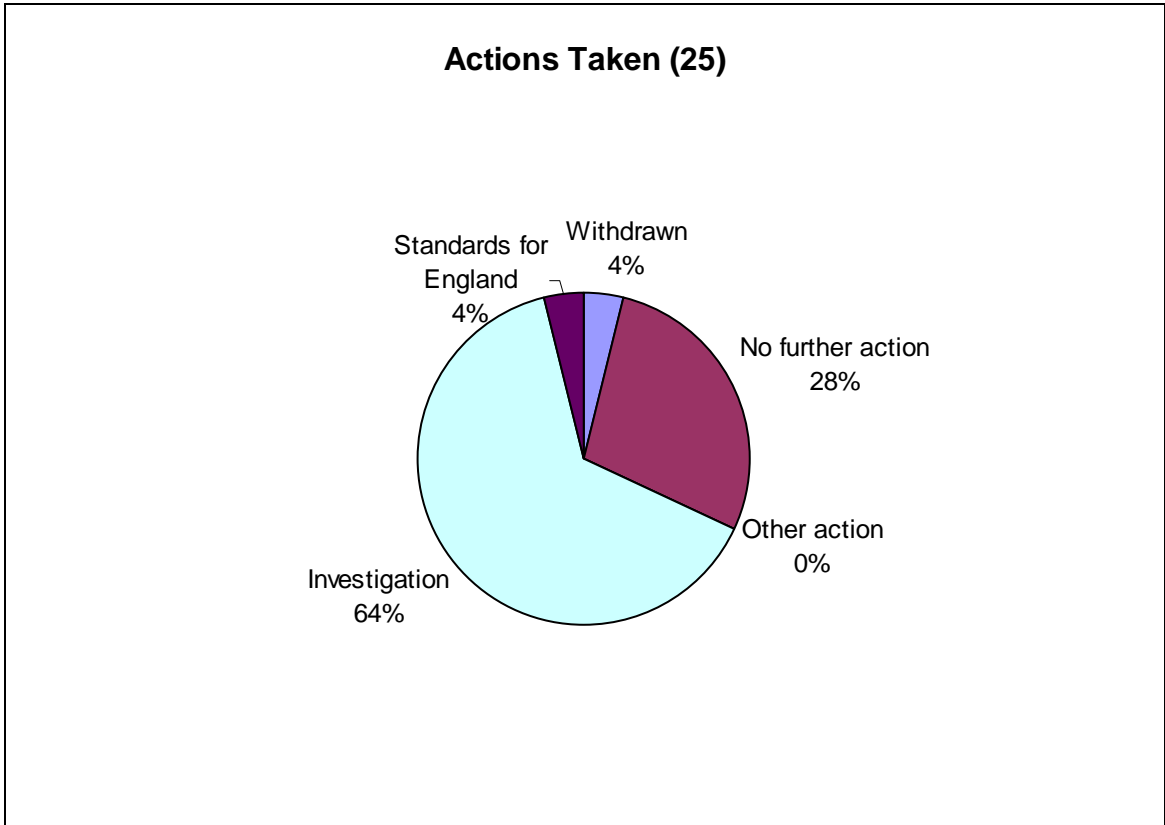


The complaints about Parish Councillors in this year covers 4 Parish Councils. Many of the complaints were identical in nature as there was more than one complainant citing the same potential breach.

- Grobby PC = 4
- Barwell PC = 8
- Burbage PC = 8
- Bagworth and Thornton PC = 1

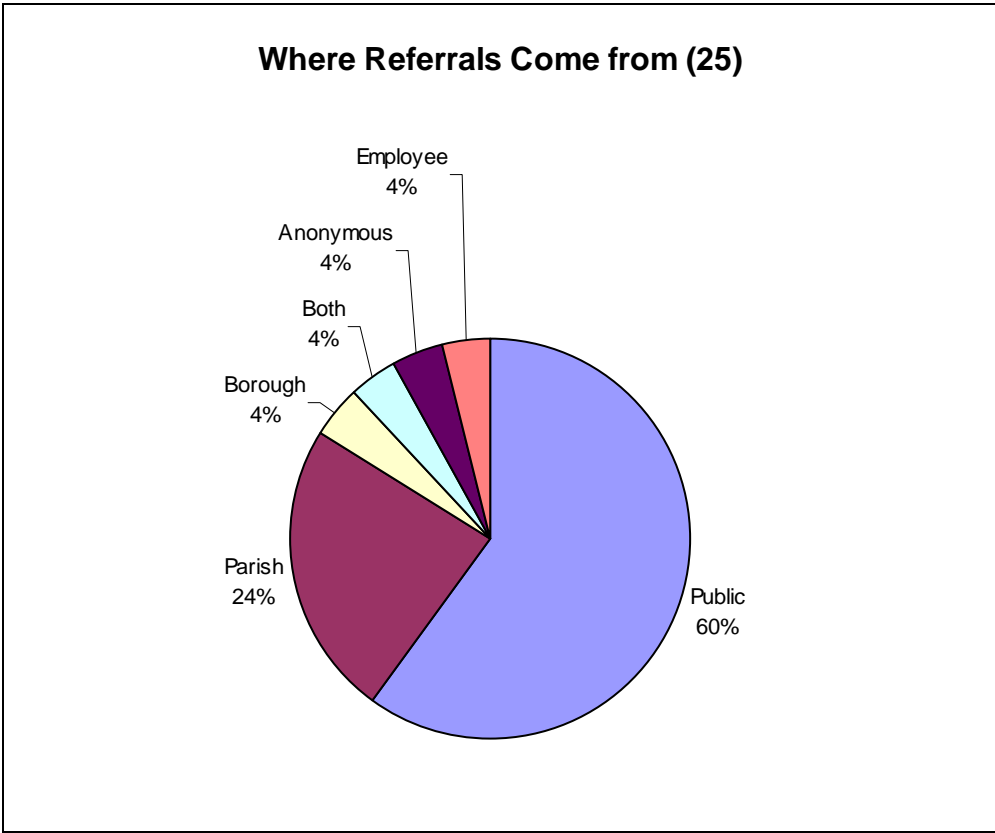
Actions Taken

- 1 complaint was withdrawn
- 7 were considered to warrant No Further Action
- 0 were referred for Other Action by the Monitoring Officer
- 16 were referred for investigation
- 1 was referred to Standards For England



Who makes the Complaint?

The majority of the complaints were received from members of the public, with the remainder being made up of either Parish or Borough Councillors or those who are both. 1 complaint was anonymous and another was from an employee.



**The Work of the Standards Committee
April 2010 – April 2011**

1. Local Assessment of Complaints

The arrival of local assessment on 8 May 2008 saw the transfer of functions from the Standards Board for England to local level. From that date all complaints about the conduct of Councillors had to be submitted to the local Standards Committee.

In preparation for local assessment we have had to ensure that members were suitably trained to carry out this new work and that we had proper written procedures in place.

2. Register of Members' Interests

Members must tell the Monitoring Officer in writing within 28 days of taking office or within 28 days of any change to their register of interests, of any interests which fall within the categories set out in the Code of Conduct.

In accordance with best practice, all Borough Councillors are invited annually to review their registrations. Parish Clerks are asked to place an item on their parish council agenda each year reminding members to do the same. The

registrations are available to view on request by any Member of member of the public and consideration is currently been given to the registers of Elected Members interests being displayed on the Council's website.

3. **Council Complaints**

The Standards Committee has an oversight of the Council Formal Complaints Process and receives comparative data with other authorities and previous years figures on a regular basis.

4. **Constitution**

The Standards Committee is the guardian of the Constitution and takes a proactive role in its annual review, recommending changes in order to improve the smooth running of Council business.

5. **Dispensations**

The procedure and application form for dispensations were agreed and their existence promoted.

6. **Persistent and unreasonable complainants policy**

This Policy was presented and endorsed.

7. **Process for Feedback to Standards Committee on the outcomes of "Other Action" and "Referral to Standards For England"**.

The outcome of standards complaints 8 May 2008 – 15 February 2011 was presented in March 2011 by the Monitoring Officer

8. **Anti Fraud and Corruption Policy**

This Policy was presented and endorsed.

9. **Regulation of Investigatory Powers Act 2000**

Policy document considered and slight amendments suggested.

10. **Local Government Ombudsman Annual Report**

The 2009/10 report was considered.

Draft Forward Work Programme 2011-12

- 1) The local assessment and review of complaints
- 2) Consideration and determination of applications for dispensations
- 3) Preparation of the Annual Report for presentation to the Council
- 4) Annual review of the Ombudsman report
- 5) The New Regime following the Localism Bill
- 6) Shared Standards Committees

- 7) Training of Borough Councillors, Independent Members, Parish Councillors, Town Councillors and Parish/Town Clerks
- 8) Appointment and training of independent Members – 2012/2013
- 9) Other matters as determined by the Committee during the course of the year

Contacts

For further information about the role of the Standards Committee or standards issues in general, please contact either of the following:

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Details are also available on the Council's website www.hinckley-bosworth.gov.uk

Standards for England
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Email: enquiries@standardsforengland.gov.uk
Website: www.standardsforengland.gov.uk



Hinckley & Bosworth
Borough Council

A Borough to be proud of

Overview and Scrutiny

END OF TERM REPORT

2007 – 2011

Incorporating Annual report
May 2010 – April 2011

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2. Introduction to the role of Overview and Scrutiny
3. Overview & Scrutiny Work 2010-2011
4. Achievements in Overview and Scrutiny over the last four years
5. Select Committees and Panels
6. Future challenges for Overview and Scrutiny
7. Contacts

FOREWORD by the Scrutiny Chairman and Vice-Chairmen



Councillor M Lay
Chairman of Scrutiny Commission



Councillor Mrs R Camamile
Vice Chairman of Scrutiny
Commission and Chairman of
Council Services Select
Committee



Councillor P Hall
Vice Chairman of Scrutiny
Commission and Chairman of
Finance and Audit Services Select
Committee

Welcome to Hinckley and Bosworth Borough Council's end of term report which encompasses the seventh Overview and Scrutiny Annual Report covering the municipal year 2010-2011. We hope that our report will:

- raise the profile of scrutiny among councillors, officers and the public;
- provide a greater understanding of the role and benefit of scrutiny;
- provide awareness of the role of scrutiny in developing policy and improving performance;
- provide evidence of effective scrutiny of external organisations;
- allow for more effective scrutiny of Executive decisions.

We have an effective overview and scrutiny function that contributes towards the work of the council and its vision. We manage and prioritise the work of overview and scrutiny function through the use of an annual work programme, this also allows the effective 'tracking' of previous decisions. We have received the Forward Plan at each meeting of the Scrutiny Commission, which has assisted us with monitoring the work of the Executive and in many cases has enabled us to be proactive during the policy development stage.

The scrutiny commission continues cross-party working and applies a 'critical friend' approach to scrutiny. An opposition member is chair and has been highly commended by the Centre for Public Scrutiny for his innovative and creative approach to chairing the commission. The Commission has named officer support a dedicated research budget.

We would like to take this opportunity to thank fellow Scrutiny Councillors and Executive members for their support and commitment over the last four years. We would also like to thank officers for their support and hard work. We look forward to building further on our success in the coming year.

Councillor Matthew Lay

Chairman of Scrutiny Commission

Councillor Ruth Camamile

Vice Chairman of Scrutiny Commission and Chairman of Council Services Select Committee

Councillor Peter Hall

Vice Chairman of Scrutiny Commission and Chairman of Finance and Audit Services Select Committee

INTRODUCTION TO THE ROLE OF OVERVIEW AND SCRUTINY

The Role of Overview and Scrutiny

The objectives of the Council's Overview and Scrutiny function are to:

- provide 'critical friend' challenge to the Executive as well as external authorities and agencies;
- reflect the voice and concerns of our public and our communities;
- lead and own the scrutiny process on behalf of the public; and
- make an impact on the delivery of public services.

The above objectives are the "Successful Scrutiny Criteria" adopted as best practice by the Centre for Public Scrutiny and is used to report achievement in this report.

Further details of the role of scrutiny and the terms of reference for the Scrutiny Commission and the Select Committees are contained in Part 2 Article 6 of the Council's Constitution.

The Structure of Overview and Scrutiny

During the last four years, the length of the current Council, the Council appointed a Scrutiny Commission, of 15 non-executive councillors from all political groups.

The Scrutiny Commission was supported in its role by two permanent select committees:

- Council Services; and
- Finance and Audit Services.

The Scrutiny Commission and Select Committees were also supported by working groups/task groups, during the past four years these have included:

- ICT Panel;
- Scrutiny Environment Group;
- Barwell and Earl Shilton Scrutiny Group;
- LDS Scrutiny Group;
- Civic Facilities Scrutiny Group;
- Rural Areas Review group;
- Scrutiny Transport working group;
- Constitution working group;
- Affordable housing working group;
- Housing task group.

OVERVIEW AND SCRUTINY WORK 2010 - 2011

In November 2005, the Scrutiny Commission reviewed progress of the Overview and Scrutiny Function and in line with best practice, the council's effective scrutiny criteria was refined in line with the principles of Centre for Public Scrutiny's effective scrutiny criteria. We continue to review and improve the scrutiny function to ensure outcomes are achieved and both internal and external scrutiny is effective, a number of workshops have been held during the last four years to offer this challenge.

The following highlights our achievements under each principle across the overview and scrutiny function including the Commission, Select Committees, working groups and panels over the last year.

1. PROVIDE 'CRITICAL FRIEND' CHALLENGE TO THE EXECUTIVE AS WELL AS EXTERNAL AUTHORITIES AND AGENCIES

Our work this year included:

- Monitoring annual and monthly **capital and revenue outturn** reports, the Statement of Accounts and Medium Term Financial Strategy;
- Considering the **General Fund Budget Strategy**, ensuring the Council maintains a strong financial position;
- Reviewing the **Housing Revenue Account Subsidy** and making recommendations
- Monitoring the progress of the **Barwell and Earl Shilton Sustainable Urban Extension**
- Completing the review of the service provided by **Registered Social Landlords**
- Making recommendations regarding the future **ICT arrangements** for councillors
- Reviewing the position of the **Special Expenses Area** and related accounting arrangements
- Reviewing the progress and financial accountability of major projects including the **Atkins development, Hinckley Club for Young People, Greenfields, Bus Station redevelopment** and **Council Offices**
- Approving reports of the **Internal and External Auditors** and recommended action arising

2. REFLECT THE VOICE AND CONCERNS OF OUR PUBLIC AND OUR COMMUNITIES

Our work this year included:

- Monitoring the **Borough Wide Anti Poverty Strategy**
- Monitoring the development of a **Credit Union** for Hinckley & Bosworth
- Concluding a review of **Registered Social Landlords**

- Leading to the reduction in waiting times for **disabled adaptations**
- Continuing as a consultee in **health matters** affecting the residents of the borough as part of PCT consultation processes
- Reviewing the impact of the closure of the cash office and restructuring of **payment options** for payments to the council
- Considering the condition and siting of the **Hansom cab** as a local historic attraction
- Having an input into the **Town Centre Masterplan**
- Considering the implications of the **Localism Bill** on the community.

3. LEAD AND OWN THE SCRUTINY PROCESS ON BEHALF OF THE PUBLIC

Our work this year included:

- Actively managing the Overview and Scrutiny Function **Work Programme**
- Utilising the **research and development** fund of the overview and scrutiny function
- Carrying out a **Rural Areas Review** and setting up a working group to consider requirements in rural areas in light of planning guidelines
- Continuing to act as formal consultee in the **Community Healthcare Review**
- Making recommendations with regard to the implementation of a new **Petitions Scheme**
- Continuing to monitor the performance of the **Community Safety Partnership**
- Reviewing public and green transport in light of the **Local Transport Plan (LTP3)**
- Considering the implications of the **Comprehensive Spending Review**

4. MAKE AN IMPACT ON THE DELIVERY OF PUBLIC SERVICES

Our work this year included:

- Undertaking a focussed and detailed performance **scrutiny of key front line service areas**, including: street cleansing; planning; leisure centre; Environmental Health; planning and enforcement appeals
- Continuing to monitor progress with the development of people management policies and strategies as the Council moves to **Flexible Working**
- Monitoring **sickness absence** leading to a reduction in working days lost through sickness
- Reviewing **Performance against our stated objectives** in the Corporate Performance Plan and against our key Performance Indicators
- Reviewing the process of **developer contributions** to maximise the impact on improving public facilities
- Reviewing the **disabled adaptations** service.

ACHIEVEMENTS OF THE SCRUTINY COMMISSION **2007 – 2011**

Over the past four years during this term of office, the Scrutiny Commission has undertaken several reviews. These included reviews of the Hinckley & Bosworth Community Safety Partnership, Poverty in the Borough, the Local Strategic Partnership, East Midlands Ambulance Service, Concessionary Travel, Out of Hours Healthcare, Registered Social Landlords, Affordable Housing, Winter Gritting and the impact of the LDF in rural areas. In addition to these reviews there have been many examples of pre-decision scrutiny and recommendations arising from scrutiny topics which have been adopted and implemented by the relevant decision making body.

Below are some examples of reviews and recommendations which resulted in tangible outcomes and benefits for the community, and show the success of the Overview & Scrutiny function of Hinckley & Bosworth Borough Council.

Community Safety Partnership

The first review concluded by the Scrutiny Commission in 2007/08 was a review of the Community Safety Partnership following concern regarding the effectiveness and accountability of the partnership. As a result of the review, which led to a change in structure of the Community Safety Partnership, the Partnership developed priority action plans and became one of the best performing partnerships in the county. The Scrutiny Commission continues to monitor the performance of the partnership and makes recommendations where relevant to ensure the safety of residents of the borough and that work towards reducing crime and disorder continues.

East Midlands Ambulance Service (EMAS)

In 2007/08 the Scrutiny Commission expressed concern about the plans of the East Midlands Ambulance Service to reduce the number of ambulances operating in the area. Representatives of EMAS were invited to the Commission as witnesses to discuss these plans.

As a result of these discussions, a closer working relationship between the authority and EMAS ensued, resulting in the reinstatement of one of the ambulances and improved healthcare for the residents in Hinckley & Bosworth.

Creation of an Anti Poverty Strategy for Hinckley & Bosworth

During 2007/08 a review into income poverty in the Borough was commissioned following identification of the possibility that whilst the Borough as a whole was not a 'deprived' area, there were particular pockets of deprivation. The Commission's objective for the review was to improve the quality of life of people living in poverty in the area. An initial report was produced which identified areas and types of deprivation within the Borough.

Following this initial report a stakeholder group was created and over several months and Anti-Poverty Strategy and Action Plan was created. Wider stakeholders were

consulted and had an input into the action plan and the Scrutiny Commission monitored its development and implementation in 2009/10.

The review into income poverty and subsequent creation of the Anti Poverty Strategy is a strong example of how the overview and scrutiny function of the authority has brought about improvements for the community. By identifying pockets of deprivation and causes of poverty and bringing together all sectors to agree the multi-agency strategy and actions, the quality of life of residents of the borough has been improved. In undertaking this work, the Scrutiny Commission has left a lasting legacy which will continue to support the community and address poverty issues, which remains a primary concern in the current economic climate.

Development of a Credit Union for Hinckley & Bosworth

As part of the production of the Anti-Poverty Strategy in 2009/10, the Scrutiny Commission identified the need for financial advice and assistance for those on low incomes, particularly due to the concern that many people were victims of 'loan sharks'. Following research and consideration by the Commission, the authority entered into a partnership with Clockwise Credit Union to provide financial advice and services to residents including bank accounts and low cost, safe loans. Clockwise Credit Union was launched on 23 March 2010.

Clockwise now operates part-time from two locations in the borough – one in Earl Shilton and another in Hinckley, providing a valuable service to the community, based within the communities it serves.

Disabled Adaptations

Following referral from the Council Services Select Committee, in January 2010 the Scrutiny Commission received a report on demand and waiting times for disabled adaptations. In some cases the wait was up to 12 months. The Commission recommended that work and spending be prioritised in order to reduce the waiting list to three months in order to provide a more acceptable service to the public. The recommendations were implemented and partly as a direct result of these recommendations the waiting list for disabled adaptations was reduced entirely within just a few months.

Parish & Community Initiative Fund

Each year the Scrutiny Commission has received information on recommended allocations of the Parish and Community Initiative fund before a decision being made by the Strategic Leadership Board. In 2009/10 the scheme, despite receiving applications for more than the amount of funding available, delivered an underspend. The Commission recommended that the underspend be carried over to 2010/11 as the over-subscription had demonstrated increasing take-up of the funding. This recommendation was subsequently agreed and as a result communities within Hinckley & Bosworth will benefit from the opportunity to bid for more funding for community projects.

SELECT COMMITTEES AND PANELS

COUNCIL SERVICES SELECT COMMITTEE

Over the last four years the Council Services Select Committee has delivered its planned work programme, which has enabled us to successfully follow up our recommendations and track improvements in performance.

We are keen to ensure that the Council's key services, which affect the quality of life of the Borough's residents, are continuing to improve and that an appropriate balance is struck between quality and cost.

Our Achievements over the last four years include:

- Monitoring sickness absence and reviewing the attendance management framework, resulting in a dramatic reduction in the number of days per employee to 6.49 days
- Proactively monitoring and scrutinising the Performance Management Framework
- Receiving front line reports from Streetscene services, Grounds Maintenance, Neighbourhood Wardens, Environmental Health, Housing, Planning, Leisure Centre and Revenues and Benefits
- Actively monitoring performance against the Corporate Objectives contained in the Corporate Plan with regard to Housing
- Reviewing the impact of void council housing and commercial properties;
- Undertaking an annual review of the Children and Young People's Strategy;
- Considering and making recommendations for alternative methods of making payments to the council;
- Referring debate on the waiting lists for disabled adaptations to the Scrutiny Commission, resulting in prioritisation of budgets and reduction in waiting times.

FINANCE AND AUDIT SERVICES SELECT COMMITTEE

Finance and Audit Services Select Committee aims to constructively challenge and investigate the financial stability, probity in corporate governance and full consideration of risks, so that the Council is better placed to face future challenges.

During the last four years the Finance & Audit Services Select Committee has considered and reviewed a number of matters relating to the financial affairs of the Council.

As in previous years the Select Committee has provided “back-bench” input into the major financial processes of the Council considering the following matters:

- Statement of Accounts
- Review of Revenue and Capital Outturn
- Capital Programme
- Revenue Budget
- Council Tax proposals
- External Auditors ISA 260 letter
- Annual Audit and Inspection Letter
- Quarterly Budget Monitoring
- Prudential Indicators and Treasury Management Policy
- Investment Returns
- Internal Audit plan and reports
- Data Quality Assessments
- Risk Management Framework
- Corporate Governance Statement
- Budget adjustments
- Medium Term Financial Strategy

The Select Committee also received copies of all Internal Audit reports and reviewed the level of Internal Control Assurance that could be derived from each area under audit and monitored the recommendations.

FUTURE CHALLENGES FOR OVERVIEW AND SCRUTINY

Changing times

With the move towards community-led scrutiny of local decisions there is a need for public scrutiny to evolve. Engagement with stakeholders, including residents, will be essential in order to ensure accountability for the use of public resources. Whilst the Hinckley & Bosworth Scrutiny Commission has been proactive in undertaking external scrutiny and in consulting communities and other stakeholders in internal scrutiny, actions to engage the public and promote democracy will be key to achieving public accountability.

The Business of Overview and Scrutiny

There are a number of ways through which Overview and Scrutiny can carry out its business, which can be constantly developed and utilised, these include:

- conducting research and other consultation to assist with the analysis of possible options;
- encouraging and enhancing community participation in the development of Council policy; and
- liaising with other organisations operating in the area, to ensure that the interests of local people are enhanced by collaborative working.

Scrutiny is not restricted in the way it carries out the above tasks, it may:

- hold inquiries;
- appoint advisers and assessors;
- make site visits;
- conduct public surveys;
- hold public meetings; and
- commission research.

Call-in

The Council's Executive Portfolio Holders and Chief Officers are required to take decisions based on principles set out in Article 13 of the Council's Constitution. Scrutiny has a role monitoring these decisions and should a scrutiny body or an individual Councillor believe that these principles have not been followed then they have 7 working days from the publication of the decision to "call-in" that decision for further discussion by Scrutiny.

Scrutiny can review the decision, the advice given and the process used for making the decision, e.g. consultation, procedure etc. and if it believes that errors were made in the decision making process it can request that Executive reconsiders the decision or that the decision is considered by full Council.

Councillor Call For Action

This new initiative will enable the Commission to take on individual Ward issues to improve things for the public influencing the Executive and Partners to push solutions.

Overview and Scrutiny and Community Leadership

“Overview and Scrutiny is a key mechanism by which a Council can give life to its Community Leadership role and develop imaginative approaches to the use of the well-being power” (ODPM Development of Overview and Scrutiny in Local Government, September 2002). Scrutiny can engage partners and citizens in the work of the Council and find imaginative ways of researching and consulting.

In addition, Scrutiny is able to use these techniques to monitor and evaluate issues of local concern that fall outside the Council’s powers. There are wide ranging provisions to engage with other public bodies, especially relating to health and public safety but also with the voluntary and private sectors. This power gives scrutiny a unique position in terms of being able to inform policy decisions and co-ordinate partnership working on projects, which are important to the Borough as a whole but responsibility for them falls to a wide range of organisations.

Engaging with the Public

The Overview and Scrutiny function needs to improve its dialogue with the public to ensure that future scrutiny is focussed on the needs and views of the public and that communities feel that they have an input into the scrutiny process.

CONTACTS

Scrutiny Commission, its Panels and Select Committees are directly supported by the Corporate & Customer Resources, Scrutiny & Ethical Standards service, which has responsibility for Scrutiny planning, improvement and research support as well as member development and committee support.

For more information concerning Scrutiny please contact

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REPORT OF THE MONITORING OFFICER
RE: AMENDMENTS TO CONSTITUTION

1. PURPOSE OF REPORT

To seek Council approval of proposed amendments to its Constitution as outlined in paragraphs 3.2 to 3.9 of this report.

2. RECOMMENDATION

- (i) the proposed amendments as outlined in paragraphs 3.2 – 3.9 of this report be approved and adopted in the Constitution with immediate effect;
- (ii) the Constitution be updated as necessary at its next annual review date.

3. BACKGROUND TO THE REPORT

- 3.1 Since the last revision of the Constitution in August 2010 some amendments have become necessary to the Constitution due to staffing changes, minor word changes for reasons of clarity, and changes to membership and Terms of Reference of the Council's bodies following agreement to changes in those bodies agreed by Annual Council on 17 May 2011.
- 3.2 Due to the deletion of the title 'Corporate Governance Officer', relevant changes are required. It is proposed that this be amended to 'Democratic Services Officer' throughout. With regard to 4.1 on page 210 of the Constitution, it is proposed that 'Corporate Governance Officer' be amended to 'Democratic Services Officer or nominee'.
- 3.3 Council Procedure rule 11.3(a) on page 102 requires the word 'clear' inserting before 'working days' for the purpose of clarity.
- 3.4 Annual Council on 17 May agreed changes to the structure of the Overview & Scrutiny function which are reflected in the revision of Article 6 of the Constitution (attached at appendix A to this report). This change in structure has already been agreed by Council as a change to the Constitution and is included here to confirm the wording of the revised Article 6 only. Other minor amendments to wording throughout the Constitution are also required in accordance with this, for example removing reference to 'Select Committees'.
- 3.5 Paragraph 7.4 of Article 7 should remove reference to the Council appointing the Deputy Leader and refer to the Leader appointing to this role.
- 3.6 Annual Council on 17 May agreed revised numbers of members on Committees. This is reflected in the revised Article 8 (attached at appendix B to this report). The revision also included an increase in the number of Executive Members who may sit on the Planning Committee from two to

three. These changes have already been agreed by Council as an amendment to the Constitution and are included here for clarification only.

3.7 As a result of the changes to the Overview & Scrutiny function agreed at Annual Council, the relevant Procedure Rules require revision. The proposed Overview & Scrutiny Procedure Rules are attached at appendix C to this report. The amendments also clarify the reporting pathway for audit matters which are a function of Council but delegated to the Finance, Audit & Performance Committee as the body charged with Governance.

3.8 In the Members' Allowances Scheme in Part 6 (page 202) of the Constitution, a new (b) requires inserting referring to the reimbursement of fares for other modes of transport as follows:

“(b) Reimbursement of taxi or public transport costs for authorised journeys on ‘approved duties’ will be approved on production of a valid receipt.”

The original (b) will then become (c) and so on.

3.9 It is recommended by the Group Leaders that the frequency of some meetings is amended, namely that Council and Executive meet every eight weeks and Finance, Audit & Performance and Personnel meet quarterly. The Constitution will be amended as appropriate.

4. **FINANCIAL IMPLICATIONS (AB)**

4.1 None.

5. **LEGAL IMPLICATIONS (AB)**

A two thirds majority of those members at Council will be required to approve any changes to the constitution.

6. **CORPORATE PLAN IMPLICATIONS**

The recommendations contained within this report support all of the Council's values, aims and objectives in providing a framework within which the authority as a whole operates.

7. **CONSULTATION**

No groups have been consulted in the preparation of this report.

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
Lack of clarity of decision making process through amendments to the Constitution not being agreed	Ensure understanding of the need for the amendments and support during the transitional period	Louisa Horton

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

The recommendations within this report do not impact on any particular group within the community but will ensure effective decision making and governance which will benefit the community as a whole.

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: HBBC Constitution

Minutes of Annual Council, 17 May 2011

Contact Officer: Becky Owen, Democratic Services Officer, ext 5879

Executive Member: Councillor Bron Witherford

PROPOSED REVISION OF ARTICLE 6 OF CONSTITUTION

ARTICLE 6 – OVERVIEW & SCRUTINY FUNCTION

6.1 TERMS OF REFERENCE

The Overview & Scrutiny Function consists of the Scrutiny Commission and the Finance, Audit & Performance Committee. These will be appointed by the Council to discharge functions conferred by the Local Government Act 2000.

6.2 GENERAL ROLE

Within their terms of reference and with the aim of improving services to the public and on their behalf, the Scrutiny Commission and Finance, Audit & Performance Committee will:

- i) review and/or scrutinise decision made or actions taken in connection with the discharge of any of the Council's functions, as an internal "critical friend";
- ii) make reports and/or recommendations to the full Council and /or the Executive in connection with the discharge of any functions;
- iii) consider any matter affecting the area or its inhabitants or the activity of other public bodies operating within the Borough;
- iv) exercise the right to call-in, for reconsideration, decisions made but not yet implemented by the Executive or Executive decisions delegated to individual Executive Members or officers;
- v) consider Audit Commission inspections and advise the Council on their appropriateness, focus and recommendations;
- vi) approve an annual work programme;
- vii) the Scrutiny Commission will put in place a system to ensure that referrals to the Executive, either by way of report or for reconsideration, are managed efficiently within the terms of the Constitution;
- viii) appoint where appropriate a Panel to review a specific issue or topic on a task and finish basis;
- ix) consider "Councillor Calls for Action" and Petitions as referred under the Petitions Scheme.

6.3 SPECIFIC FUNCTIONS

(a) Policy development and review

The Scrutiny Commission and Finance, Audit & Performance Committee may:

- i) assist the Council and the Executive in the development of its budget and policy framework by in-depth analysis of policy issues;
- ii) conduct research, community and other consultation in the analysis of policy issues and possible options;

- iii) consider and implement mechanisms to encourage and enhance community participation in the development of policy options;
- iv) question members of the Executive and the Strategic Leadership Board about their views and professional opinions on issues and proposals affecting the area;
- v) liaise with other external organisations operating in the area, whether national, regional or local, to ensure that the interests of local people are enhanced by collaborative working;
- vi) the Finance, Audit & Performance Committee will be responsible for ensuring effective scrutiny of the Treasury Management Strategy and Policies.

(b) Scrutiny

The Scrutiny Commission and Finance, Audit & Performance Committee may:

- i) review and scrutinise the decisions made by and the performance of the Executive and council officers both in relation to individual decisions and over a period of time;
- ii) review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and/or particular service areas and monitor the eventual effectiveness of decisions taken and compare to original output forecasts;
- iii) question members of the Executive and/or committees, senior officers or contractors about their decisions and performance, whether generally in comparison with service plans and targets over a period of time, or in relation to particular decisions, initiatives or projects;
- iv) make recommendations to the Executive and/or appropriate committee and/or Council arising from the outcome of the scrutiny process;
- v) review and scrutinise the performance of other public bodies operating in the area and invite reports from them;
- vi) question and gather evidence from any person (with their consent);
- vii) co-opt non-Council members to assist in the scrutiny of specific issues on which they might have expert knowledge.

(c) Treasury Management

The Finance, Audit & Performance Committee will be responsible for ensuring effective scrutiny of the treasury management strategy and policies.

(d) Annual report

The Scrutiny Commission should prepare and present an Annual Report to full Council on each full year's workings and make recommendations for future work programmes.

(e) **Officers**

The Finance, Audit & Performance Committee may determine the work programme it requires within the resources made available by Council.

6.4 PROCEEDINGS OF OVERVIEW & SCRUTINY BODIES

The Scrutiny Commission and Finance, Audit & Performance Committee will conduct their proceedings in accordance with the Overview & Scrutiny Procedure Rules set out in Part 4 of this Constitution.

6.5 MEMBERSHIP

The Scrutiny Commission will consist of 12 members of Council and Finance, Audit & Performance Committee of seven members of Council. All will be politically proportionate. The Mayor and members of the Executive may not be a member of the Scrutiny Commission. The Chairmanship of the Scrutiny Commission will be allocated to a Councillor from the opposition or minority groups, by decision of the Council, and two Vice-Chairmen appointed from each of the other two Groups. One of these Vice-Chairmen will be Chairman of the Finance, Audit & Performance Committee. Non-Council members may be co-opted to Overview & Scrutiny bodies in a non-voting capacity for specific areas of investigation, by agreement of the Scrutiny Commission.

6.6 PARTY WHIP

The Council has decided that the use of the party whip is not appropriate for the business of Overview & Scrutiny bodies.

PROPOSED REVISION OF ARTICLE 8 OF CONSTITUTION

ARTICLE 8 – COMMITTEES

(no change to details of Committees which Council will appoint).

MEMBERSHIP OF COMMITTEES

Planning Committee	will consist of 17 members of the Council chosen to represent the authority as closely as possible the political and geographical balance of the Council. The Committee will not include the Executive member with the responsibility for Development Control matters, but can include a maximum of three other Executive Members.
Personnel Committee	will consist of seven members of the Council and will include the Executive member with the relevant portfolio.
Licensing Committee	will consist of 11 members of the Council.
Regulatory Committee	will consist of 11 members of the Council.
Standards Committee	will consist of nine members made up of one elected member from each Political Group (other than the Mayor or Leader), three independent members and three Parish members.
Emergency Committee	will consist of seven members of the Council including the Leader of the Council, three other Executive Members (appointed by the Leader of the Council), the Leader and Deputy Leader of the opposition group and one Member representing any other party(ies) on the Council.

PROPOSED REVISION OF PART 4 OF CONSTITUTION

Overview & Scrutiny Procedure Rules

1. NUMBER AND ARRANGEMENTS FOR OVERVIEW & SCRUTINY BODIES

- 1.1 The Overview & Scrutiny Function will consist of a Scrutiny Commission and a Finance, Audit & Performance Committee. These two bodies may appoint panels for specific functions on a task and finish basis, on completion of which they shall cease to exist.
- 1.2 The membership and Terms of Reference are as set out in Article 6 – Overview & Scrutiny Function.
- 1.3 Reference to the Overview & Scrutiny bodies includes the Scrutiny Commission and the Finance, Audit & Performance Committee.

2. MEMBERSHIP OF OVERVIEW & SCRUTINY BODIES

- 2.1 All councillors, except members of the Executive and the Mayor, may be members of the Overview & Scrutiny bodies. No member may be involved in scrutinising a decision in which he/she has been directly involved.

3. CO-OPTEEES

- 3.1 The Finance, Audit & Performance Committee shall be entitled to recommend to Scrutiny Commission the appointment of a number of people as non-voting co-optees, if appropriate.

4. MEETINGS OF THE OVERVIEW & SCRUTINY BODIES

- 4.1 There shall be at least six ordinary meetings of the Scrutiny Commission in each year, and four ordinary meetings of the Finance, Audit & Performance Committee. In addition, extraordinary meetings may be called from time to time as and when appropriate. Extraordinary meetings may be called by the Chairman of the body, by any five members of the body, or by the proper officer if he/she considers it necessary or appropriate.

5. QUORUM

- 5.1 The quorum for Overview & Scrutiny bodies shall be as set out for Committees in the Council Procedure Rules.

6. CHAIRING THE MEETINGS

- 6.1 Chairmanship of the Scrutiny Commission shall be agreed by Council in accordance with Article 6 of this Constitution. Two Vice-Chairmen shall also be appointed and one will act as Chairman of the Finance, Audit & Performance Committee.

7. WORK PROGRAMME

- 7.1 The Overview & Scrutiny Function will be responsible for setting a work programme.
- 7.2 It must also have regard to:
- Executive Forward Plan
 - Corporate Plan
 - Corporate Budgets and Medium Term Financial Strategy
 - Current local issues and initiatives
 - Performance management
 - Local Strategic Partnership themes.

8. AGENDA ITEMS

- 8.1 Any member of the Overview & Scrutiny Function, including Panels, shall be entitled to give notice to the Proper Officer that he/she wishes an item relevant to the functions of the body to be included on the agenda for the next available meeting. On receipt of such a request the Proper Officer will ensure that it is included on the next available agenda.
- 8.2 The Leader of any political party with two or more members may require the Proper Officer to include an item on the agenda of the relevant Overview & Scrutiny body for consideration. The Proper Officer shall inform the Chairman of the relevant body of the request at the earliest opportunity, and make arrangements for the matter to be included on the agenda at the next available meeting of that body.
- 8.3 Any member of the Council who is not a member of that Overview & Scrutiny body may request permission from the Chairman to include an item on the agenda.
- 8.4 The Overview & Scrutiny bodies shall also respond, as soon as their work programme permits, to requests from the Council and, if it considers it appropriate, the Executive, to review particular areas of Council activity. Where they do so, the body shall report their findings and any recommendations back to the Executive and/or Council. The Council and/or Executive shall consider the report of the Overview & Scrutiny body within one month of receiving it.

9. POLICY REVIEW AND DEVELOPMENT

- 9.1 The role of the Overview & Scrutiny function in relation to the development of the Council's budget and policy framework is set out in detail in the Budget and Policy Framework Procedure Rules.
- 9.2 In relation to the development of the Council's approach to other matters not forming part of its policy and budget framework, Overview & Scrutiny Bodies may make proposals to the Executive for developments in so far as they relate to matters within their terms of reference.

- 9.3 Overview & Scrutiny bodies may hold enquiries and investigate the available options for future direction in policy development and may appoint advisers and assessors to assist them in this process. They may go on site visits, conduct public surveys, hold public meetings, commission research and do all other things that they reasonably consider necessary to inform their deliberations. They may ask witnesses to attend to address them on any matter under consideration and may pay to any advisers, assessors and witnesses a reasonable fee and expenses for doing so, within the resources made available by Council.

10. REPORTS FROM SELECT COMMITTEES

- 10.1 Once it has formed recommendations on proposals for policy development, the Overview & Scrutiny body will prepare a formal report and submit it to the Proper Officer for consideration by the Executive, if the proposals are consistent with the existing budgetary and policy framework, or to the Council, as appropriate (eg if the recommendation would require a departure from or a change to the agreed budget and policy framework).
- 10.2 If the body cannot agree on one single final report to the Council or Executive as appropriate, then up to one minority report may be prepared and submitted for consideration by the Council or Executive with the majority report.
- 10.3 The Council or Executive shall consider the report of the body within eight weeks of it being submitted to the Proper Officer.

11. MAKING SURE THAT OVERVIEW & SCRUTINY REPORTS ARE CONSIDERED BY THE EXECUTIVE

- 11.1 Once a body has completed its deliberations on any matter it will forward a copy of its final report to the Head of Paid Service who will allocate it to either or both the Executive and the Council for consideration, according to whether the contents of the report would have implications for the Council's budget and policy framework. If the Head of Paid Service refers the matter to Council, he/she will also serve a copy on the Leader of Council with notice that the matter is to be referred to Council. The Executive will have eight weeks in which to respond to the Overview & Scrutiny report, and the Council shall not consider it within that period. When the Council does meet to consider any referral from an Overview & Scrutiny body on a matter which would impact on the budget and policy framework, it shall also consider the response of the Executive to the body's proposals.
- 11.2 The agenda for Executive meetings shall include an item 'matters arising from the Scrutiny Commission'. The reports of Overview & Scrutiny bodies referred to the Executive shall be included at this point on the agenda unless they have been considered in the context of the Executive's deliberations on a substantive item on the agenda within eight weeks of the body completing its report / recommendations.
- 11.3 Overview & Scrutiny bodies will in any event have access to the Executive's forward plan and timetable for decisions and intentions for consultation. Even where an item is not the subject of detailed proposals from an Overview & Scrutiny body following consideration of possible policy/service developments,

the body will at least be able to respond in the course of the Executive's consultation process in relation to any key decision.

12. RIGHTS OF OVERVIEW & SCRUTINY MEMBERS TO DOCUMENTS

- 12.1 In addition to their rights as councillors, members of the Overview & Scrutiny function have the additional right to documents and to notice of meetings as set out in the Access to Information Procedure Rules in Part 4 of this Constitution.
- 12.2 Nothing in this paragraph prevents more detailed liaison between the Executive and Overview & Scrutiny bodies as appropriate depending on the particular matter under consideration.

13. MEMBERS AND OFFICERS GIVING ACCOUNT

- 13.1 Any Overview & Scrutiny body or panel may scrutinise and review decisions made or actions taken in connection with the discharge of any Council functions. As well as reviewing documentation, in fulfilling the scrutiny role, it may require any member of the Executive, the Head of Paid Service and/or any senior officer or contractor to the Council, to attend before it to explain in relation to matters within their remit:
- a) any particular decision or series of decisions;
 - b) the extent to which the actions taken implement Council policy; and/or
 - c) their performance.

And it is the duty of those persons to attend if so required.

- 13.2 Where any member, officer or contractor is required to attend an Overview & Scrutiny body under this provision, the Chairman of that body will inform the Proper Officer. The Proper Officer shall inform the person in writing giving at least seven working days notice of the meeting at which he/she is required to attend. The notice will state the nature of the item on which he/she is required to attend to give account and whether any papers are required to be produced for the body. Where the account to be given to the body will require the production of a report, then the member or officer concerned will be given sufficient notice to allow for preparation of that document.
- 13.3 Where, in exceptional circumstances, the person is unable to attend on the required date, then the Overview & Scrutiny body shall, in consultation with the member or officer, arrange an alternative date for attendance to take place within a maximum of 42 days from the date of the original request.

14. ATTENDANCE BY OTHERS

- 14.1 An Overview & Scrutiny body may invite people other than those people referred to in paragraph 13 above to address it, discuss issues of local concern and/or answer questions. It may for example wish to hear from residents, stakeholders and members and officer in other parts of the public sector and shall invite such people to attend.
- 14.2 An Overview & Scrutiny body may specifically invite an Executive member to attend meetings when their presence will inform the debate.

15. CALL-IN

15.1 Call-in should only be used in exceptional circumstances. These are where members of the appropriate Overview & Scrutiny body have evidence which suggests that the Executive did not take a decision in accordance with the principles set out in Article 13 (Decision making).

- a) Professional advice was not taken from officers or not duly considered;
- b) The decision conflicts with respect for human rights or is not in accordance with the Council's equality policies;
- c) The decision was taken in the absence of adequate evidence;
- d) There was inadequate consultation with stakeholders;
- e) The decision does not reflect the core values of the Council;
- f) The decision does not comply with the Council's Strategy, Policy or Budget.

15.2 Exceptions

In order to ensure that call-in is not abused, nor causes unreasonable delay, certain limitations are to be placed on its use. These are:-

- a) that an Overview & Scrutiny body may only call-in ten decisions per year;
- b) only decision involving expenditure or reductions in service over a value of £50,000 may be called in;
- c) three members of an Overview & Scrutiny body covering more than one political party are needed for a decision to be called in.

16. CALL-IN PROCESS

16.1 When a decision is made by the Executive, an individual member of the Executive or a formally delegated decision is made by an officer with delegated authority from the Executive, the decision shall be published, including where possible by electronic means, and shall be available at the main offices of the Council normally within two working days of being made. All Members of the Council will be sent copies of the records of all such decisions within the same timescale, by the person responsible for publishing the decision.

16.2 That notice will bear the date on which it is published and will specify that the decision will come into force, and may then be implemented, on the expiry of seven working days after the publication of the decision, unless the Scrutiny Commission or Finance, Audit & Performance Committee objects to it and calls it in. The notice will specify whether or not a decision is subject to call-in and if not, the reason.

16.3 During that period, the proper officer shall call-in a decision for scrutiny by the Commission/Committee if so requested by any three members of that body, covering more than one political party, and shall then notify the decision-taker of the call-in. He/she shall call a meeting of the body on such date as he/she may determine, where possible after consultation with the Chairman of the Overview & Scrutiny body. The issue shall be considered at the next scheduled meeting of the Commission/Committee, unless the Chairman or relevant Executive member believe a special meeting is required sooner.

- 16.4 If, having considered the decision, the Overview & Scrutiny body is still concerned about it, then it may refer it back to the decision making person or body for reconsideration, setting out in writing the nature of its concerns or refer the matter to Council. The option to refer to Council shall not be chosen routinely and may be used in exceptional circumstances only. The Overview & Scrutiny body must state the reason for their decision. If referred to the decision maker they shall then reconsider at their next meeting (unless urgent when an earlier meeting will be convened) or within ten days if the decision was taken by an individual, amending the decision or not, before adopting a final decision.
- 16.5 If following an objection to the decision the Overview & Scrutiny body does not meeting within six weeks, or does meeting but does not refer the matter back to the decision making person or body, the decision shall take effect on the date of that Overview & Scrutiny body's meeting. In cases of urgency, an earlier meeting must be convened or the Leader of Council can agree consideration at a later meeting.
- 16.6 If the matter was referred to Council and the Council does not object to a decision which has been made, then no further action is necessary and the decision will be effective in accordance with the provision below. However, if the Council does object, it has no locus to make decisions in respect of an Executive decision unless it is contrary to the policy framework, or contrary to or not wholly consistent with the budget. Unless that is the case, the Council will refer any decision to which it objects back to the decision making person or body, together with the Council's views on the decision. That decision making body or person shall choose whether to amend the decision or not before reaching a final decision and implementing it. Where the decision was taken by the Executive as a whole, a meeting will be convened to reconsider within 15 working days of the Council request. Where the decision was made by an individual, the individual will reconsider it within 15 working days of the Council request.
- 16.7 If the Council does not meet, or if it does but does not refer the decision back to the decision making body or person, the decision will become effective on the date of the Council meeting or expiry of the period in which the Council meeting should have been held, whichever is the earlier.
- 16.8 Where an Executive decision had been taken by an Area Forum, then the right of call-in shall extend to any three members of another Area Forum if they are of the opinion that the decision made but not implemented will have an adverse effect on the area to which their committee relates. In such cases, those three members may request the Proper Officer to call-in the decision. He/she shall call a meeting of the relevant Overview & Scrutiny body on such a date as he/she may determine, where possible after consultation with the chairman of the body, and in any case within five days of the decision to call in. All other provisions relating to call-in shall apply as if the call-in had been exercised by members of the Overview & Scrutiny function.

17. CALL-IN AND URGENCY

17.1 The call-in procedure set out above shall not apply where the decision being taken by the Executive is urgent. A decision will be urgent if any delay likely to be caused by the call-in process would seriously prejudice the Council's or the public's interests. The record of the decision, and notice by which it is made public, shall state whether in the opinion of the decision making person or body, the decision is an urgent one, and therefore not subject to call-in. The Mayor of the Council must agree both that the decision proposed is reasonable in all the circumstances and to it being treated as a matter of urgency. In the absence of the Mayor, the Deputy Mayor's consent shall be required. In the absence of both, the Head of Paid Service or his/her nominee's consent shall be required. Decisions taken as a matter of urgency must be reported to the next available meeting of the Council, together with the reasons for urgency.

17.2 The operation of the provisions relating to call-in and urgency shall be monitored annually by the Scrutiny Commission, and a report submitted to Council with proposals for review if necessary.

18. THE PARTY WHIP

18.1 The party whip is defined as

“Any instruction given by or on behalf of a political group to any councillor who is a member of that group as to how that councillor shall speak or vote on any matter before the Council or any committee or sub-committee, or the application or threat to apply any sanction by the group in respect of that councillor should he/she speak or vote in any particular manner.”

18.2 The Council has resolved that the party whip will not be used for Scrutiny Commission, Finance, Audit & Performance Committee, Licensing, Planning and Regulatory Committees.

19. PROCEDURE AT OVERVIEW & SCRUTINY MEETINGS

19.1 Overview & Scrutiny bodies shall consider the following business:

- a) minutes of the last meeting;
- b) declarations of interest;
- c) consideration of any matter referred to the body for a decision in relation to call-in of a decision;
- d) responses of the Executive to reports of the body;
- e) the business otherwise set out on the agenda for the meeting.

19.2 Where the Overview & Scrutiny body conducts investigations (eg with a view to policy development), the body may also ask people to attend to give evidence at meetings of that body which are to be conducted in accordance with the following principles;

- a) that the investigation be conducted fairly and all members of the body be given the opportunity to ask questions of attendees, and to contribute and speak;
- b) that those assisting the body by giving evidence be treated with respect and courtesy;

- c) that the investigation be conducted so as to maximise the efficiency of the investigation or analysis;
- d) where a witness is called, that person shall be given advance notice of the questions or detailed lines of questioning to be put. Where a new line or questioning is pursued, the witness may provide written answers at a later date.

19.3 Following any investigation or review, the Overview & Scrutiny body shall prepare a report, for submission to the Executive and/or Council as appropriate and shall make its report and findings public.

20. AUDIT MATTERS

20.1 The Finance, Audit & Performance Committee, whilst operating as part of the Overview & Scrutiny Function in the majority of its duties, functions as a committee of the Council in those Audit and Governance matters which are matters reserved to Council or delegated by statute to the Council's Audit Committee.

2011

2012

	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY
Sunday	1								1 NYD			1	
Monday	2 May Day			1					2 Bank Hol			2	
Tuesday	3			2			1		3			3 PLNG	1 PLNG
Wednesday	4	1)		3			2		4	1 EXEC		4	2
Thursday	5 Elections	2) ½ Term		4	1		3	1	5	2	1 SC	5	3
Friday	6	3)	1	5	2		4	2	6	3	2	6 Good Fri.	4
Saturday	7	4	2	6	3	1	5	3	7	4	3	7	5
Sunday	8	5	3	7	4	2)	6	4	8	5	4	8	6
Monday	9	6	4	8	5	3) Con	7	5	9	6	5	9 Easter Mon	7 May Day
Tuesday	10	7	5 Council	9	6	4) Conf	8	6	10 PLNG	7 PLNG	6 PLNG	10	8
Wednesday	11	8	6	10	7	5) PERS	9	7 EXEC	11	8	7	11	9
Thursday	12	9	7	11	8 SC	6	10	8 SC	12	9	8	12	10
Friday	13	10	8	12	9	7	11	9	13	10	9	13	11
Saturday	14	11	9	13	10	8	12	10	14	11	10	14	12
Sunday	15	12	10	14	11	9	13	11	15	12	11	15	13
Monday	16	13	11	15	12	10	14	12	16	13) ½ term	12	16	14
Tuesday	17 ACouncil	14	12	16 PLNG	13 PLNG	11 PLNG	15 PLNG	13 PLNG	17	14) ½ term	13	17 Council	15 ACouncil
Wednesday	18	15	13 PERS	17 EXEC	14	12 EXEC	16	14	18 PERS	15) ½ term	14	18 PERS	16
Thursday	19	16	14	18	15	13	17	15	19 SC	16) ½ term	15	19 SC	17
Friday	20	17	15	19	16	14	18	16	20	17)	16	20	18
Saturday	21	18	16	20	17	15	19	17	21	18	17	21	19
Sunday	22	19	17	21	18	16	20	18	22	19	18	22	20
Monday	23	20	18	22	19)	17)	21	19	23	20	19	23	21
Tuesday	24 PLNG	21 PLNG	19 PLNG	23	20) LD	18)	22	20 Council	24	21	20	24	22
Wednesday	25	22 EXEC	20	24	21) Conf	19) ½ term	23	21	25	22	21	25	23 EXEC
Thursday	26	23	21	25	22	20)	24	22	26	23 Council	22	26	24 SC
Friday	27	24	22	26	23	21)	25	23	27 STDS	24	23	27 STDS	25
Saturday	28	25	23	27	24	22	26	24	28	25	24	28	26
Sunday	29	26	24	28	25	23	27	25 Xmas Day	29	26	25	29	27
Monday	30 BH	27	25 FAP	29 BH	26	24	28	26 Boxing Day	30 FAP	27	26	30 FAP	28
Tuesday	31 ½ Term	28	26	30 Council	27 Sp Cncl	25 Council	29	27	31	28	27		29 PLNG
Wednesday		29	27	31	28	26	30	28		29	28 EXEC		30
Thursday		30	28 SC		29	27 SC		29			29		31
Friday			29 STDS		30	28 STDS		30			30		
Saturday			30			29		31			31		
Sunday			31			30							
Monday						31 FAP							

Key

- FAP** Finance, Audit & Performance Committee
- Council** Council
- Sp Cncl** Special Council (to consider Statement of Accounts)
- EXEC** Executive

- PERS** Personnel Committee
- PLNG** Planning Committee
- SC** Scrutiny Commission
- STDS** Standards Committee

Bank Holidays