

Date: 12 January 2011

To: Members of the Scrutiny Commission

Mr MR Lay (Chairman)
Mrs R Camamile (Vice-Chairman)
Mr PAS Hall (Vice-Chairman)
Mr JG Bannister
Mr PR Batty
Mr DM Gould
Mrs A Hall
Mr DW Inman

Mr CG Joyce
Mr C Ladkin
Mr K Morrell
Mr K Nichols
Mrs S Sprason
Mr BE Sutton
Ms BM Witherford

Copy to all other Members of the Council

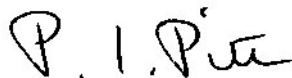
(other recipients for information)

Dear Councillor

There will be a meeting of the **SCRUTINY COMMISSION** in the Council Chamber, Council Offices, Hinckley on **THURSDAY, 20 JANUARY 2011** at **6.30pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

A handwritten signature in black ink, appearing to read 'P. I. Pitt'.

Pat Pitt
Corporate Governance Officer

SCRUTINY COMMISSION - 20 JANUARY 2011

AGENDA

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 9 December 2010 attached marked 'SC59'.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.

4. DECLARATIONS OF INTEREST

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. QUESTIONS

To hear any questions in accordance with Council Procedure Rule 10.

6. PLANNING AND ENFORCEMENT APPEAL DECISIONS

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC60' (pages 1 - 9).

A maximum of 10 minutes has been allocated for this item.

7. DEVELOPER CONTRIBUTIONS

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC61' (pages 10 - 12).

A maximum of 10 minutes has been allocated for this item.

8. RESTRUCTURING OF PAYMENT OPTIONS

Report of the Deputy Chief Executive (Corporate Direction) attached marked 'SC62' (pages 13 - 16).

A maximum of 20 minutes has been allocated for this item.

9. SPECIAL EXPENSES AREA

Report of the Deputy Chief Executive (Corporate Direction) attached marked 'SC63' (pages 17 - 19).

A maximum of 20 minutes has been allocated for this item.

RESOLVED 10. OVERVIEW & SCRUTINY WORK PROGRAMME 2010/11

To consider the work programme, attached marked 'SC64' (pages 20 - 31).

11. FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

Copy of the Forward Plan for January – April 2011 attached marked 'SC65' (pages 32 - 37).

12. MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

For noting only:

(i) Council Services Select Committee, 16 December 2010. Attached marked 'SC66' (pages 38 - 40);

(ii) Finance & Audit Services Select Committee, 20 December 2010. Attached marked 'SC67' (pages 41 - 43).

13. ANY OTHER ITEMS OF BUSINESS WHICH THE CHAIRMAN DECIDES HAVE TO BE DEALT WITH AS MATTERS OF URGENCY

To: All Members of the Scrutiny Commission with a copy of agenda to all other Members of the Council.

NOTE: AGENDA ITEMS AGAINST WHICH THE WORD "RESOLVED" APPEARS ARE MATTERS WHICH ARE DELEGATED TO THE COMMISSION FOR A DECISION. OTHER MATTERS ON THIS AGENDA WILL BE THE SUBJECT OF RECOMMENDATIONS TO COUNCIL.

HINCKLEY & BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

9 DECEMBER 2010 AT 6.30 PM

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

Mr JG Bannister, Mr PR Batty, Mr DM Gould, Mr CG Joyce, DR JR Moore, Mr K Nichols, Mrs S Sprason, Mr BE Sutton and Ms BM Witherford.

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

353 **APOLOGIES AND SUBSTITUTIONS**

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

354 **MINUTES (SC48)**

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

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

355 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

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

Mr Joyce arrived at 6.35pm.

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

Mr Gould arrived at 6.45pm.

357 **GREENFIELDS DEVELOPMENT UPDATE (SC50)**

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

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

358 NEIGHBOURHOOD WARDENS ENFORCEMENT POLICY (SC52)

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

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

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

RESOLVED –

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

359 COMPREHENSIVE SPENDING REVIEW

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

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

360 TOWN CENTRE MASTERPLAN UPDATE (SC51)

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

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

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

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

Mr Batty left the meeting at 8.15pm.

361 MOTION TO COUNCIL – 30 SEPTEMBER 2010 (SC53)

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

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

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

Mr Batty returned at 8.18pm.

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

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

363 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC55)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

364 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

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

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

(The meeting closed at 8.29 pm)

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: PLANNING AND ENFORCEMENT APPEAL DECISIONS

1. **PURPOSE OF REPORT**

To inform Members of the Planning and Enforcement appeal determinations that have been made contrary to the decision of the Local Planning Authority.

2. **RECOMMENDATION**

The report is noted.

3. **BACKGROUND TO THE REPORT**

Since the last report to the Scrutiny Commission in July 2010 there have been 13 appeal decisions made by the Planning Inspectorate. 7 appeals allowed, of which 1 was a split decision. In addition, 1 was withdrawn.

4. **APPEALS ALLOWED**

4.1.1 Appeal by Mr Kite against the refusal of consent to re-pollard 8 lime trees that are protected by a tree preservation order at The Courtyard, Higham Lane, Stoke Golding.

4.1.2 The application concerned 8 trees that command an imposing presence close to the junction of Higham lane with Station Road. Each tree is given a reference T1 to T8.

The inspector considered the main issues to be:

- i) Would the proposed works have a significant effect on their amenity value?
- ii) Are the reasons given for the proposed works sufficient to justify that course of action?

4.1.3 With regard to the first point, the inspector considered that the trees contributed to the character of the conservation area and a continuous canopy forms part of a green archway over Higham Lane that would be seriously diminished if they were re-pollarded. It was noted that the view of the trees from Station Road is limited to T1. The inspector also noted that the size of the crowns of the trees were appropriate to their settings, increasing their prominence and their value to the landscape.

4.1.4 The inspector then considered the justification for the works, noting that trees T1 to T7 had been pollarded in the past to a height of 4.5-5m above the ground. This has resulted in unstable unions which in the view of the inspector are at risk of becoming detached. The local authority considered that this could be dealt with by crown reduction; however the inspector considered this would be the option if the trees are not to be managed as pollards in the

future, which in his view could not be the case. The inspector concluded that the mechanical defects and historical treatment of trees T1 to T7 alone is sufficient justification for the removal of the many sprout stems with weak attachments.

4.1.5 T8 has a different form from the others with a dense crown and pollard heads further up the crown, resulting in the stems appearing more stable. It was the view of the inspector that this tree would respond to normal crown reduction.

4.1.6 **APPEAL DECISION**

Split decision- Appeal allowed in respect to Trees T1 to T7, appeal dismissed with regard to T8. (Delegated decision)

4.2.1 Appeal by Mr T Burton against the refusal of planning permission for the erection of the three bedroom house with integral garage at 23 Cherry Orchard, Higham on the Hill.

4.2.2 The inspector clarified the main issues as being the effect of the development on the living conditions of neighbours having regard in particular to noise, disturbance and privacy. It was noted that the side windows to No 23 would be at right angles to the access and screened by a panel fence. The side windows to No 22 would be closer to and face directly onto the access. A panel fence would provide some protection. The inspector concluded that due to the distances and angles involved, the effect on neighbour's privacy would be limited and acceptable.

4.2.3 The inspector considered that activity on the proposed access would be little different from what often arises when two adjacent houses share an access and would not significantly impair the neighbours living conditions.

4.2.4 The inspector took into account the recent revisions to Planning Policy Statement 3 housing and comments from parties regarding this. However none of the matters raised altered the conclusions that the development would not have an unacceptable effect on the living conditions of the neighbours and would be consistent with Policies RES5 and BE1 of the Hinckley and Bosworth Local Plan.

4.2.5 **APPEAL DECISION**

Appeal allowed (Committee decision contrary to officer recommendation)

4.2.6 The applicant applied for an award of costs against the local planning authority alleging they had acted unreasonable in reaching their decision in not taking into account the Officers recommendation and hence wasted the applicants time. However the inspector stated that Members are not bound to accept the recommendations of their officers. The reasons focused around concern about the impact of the proposal on the adjacent houses which is a subjective judgement. The inspector considered that the council explained adequately the cause of its concern and whilst a different conclusion was reached, the council had an arguable case for refusing planning permission.

4.2.7 COSTS DECISION

Application failed.

4.3.1 Appeal by Mr T Payne against the refusal of planning permission for shop front alterations at 7 Stockwell Head, Hinckley.

4.3.2 The inspector considered the main issue to be whether the proposal is of an appropriate design standard given the location of the proposal in the Hinckley Town Centre Conservation Area. The inspector noted that this area contained many buildings of architectural or historical interest, some with traditional shop fronts but many with modern ground floor frontages. It was concluded that the street frontage in the vicinity of the appeal site is varied in character and appearance.

4.3.3 The inspector considered that the ground floor windows of the appeal property line up with earlier and more traditional windows at first and second floor. However it was noted that the ground floor windows are severed from the upper floor windows by an existing full width fascia box. The inspector considered that this separation rendered it unnecessary to replicate the fenestration of the first and second floors.

4.3.4 The inspector considered that the proposal represented an appropriate solution that in his view would maintain the character and appearance of the Conservation Area. The inspector raised concerns regarding the possible solid lath roller shutters, however considered that this could be addressed through a condition requiring details.

4.3.5 APPEAL DECISION

Appeal allowed (Delegated Decision)

4.4.1 Appeal by Mr H Alti against the refusal of Variation of Condition 3 of planning application 02/00401/COU to amend the hours of opening for a hot food takeaway at 7 The Horsefair Hinckley.

4.4.2 Application 09/00735/CONDIT sought variation of condition 3 of planning application 02/00401/COU to amend the hours of opening. The 02 application was for a change of use of the premises to A3. Application 09/00735/CONDIT was granted subject to further conditions. Conditions 1 and 2 of application 09/00735/CONDIT are those under dispute in this appeal. Condition 1 read:- “

This permission is limited to the period expiring on 25th November 2010. Immediately on the expiry of that period the hours of opening hereby permitted shall be discontinued unless in the meantime a further planning permission has been granted.” Condition 2 read:- *“The premises shall only be open to the public between the hours of 08:00 to 00:00 on Mondays to Wednesdays, excluding bank holidays, and 8:00 to 04:00 the following morning on Thursdays to Sundays and Bank Holidays.”*

- 4.4.3 Under the appeal the application sought a permanent permission that would enable opening until 01:00 hours the following morning on Mondays to Wednesdays and until 05:00 hours the following morning on Thursdays to Sundays.
- 4.4.4 The inspector considered that the main issues were the location of development and surrounding uses, and the impacts on the amenity of these uses in light of policy BE1 of the adopted Local Plan. Policy BE1 seeks to ensure, among other things, that developments do not adversely affect the occupants of neighbouring properties.
- 4.4.5 In considering the surrounding uses the inspector felt that the occupiers most likely to be affected by noise and disturbance in the area were the occupants of Horsefair Mews (8 apartments granted planning subject to a condition requiring soundproofing). The inspector made reference to the fact that the hours sought on Thursdays to Sundays would be outside the hours approved by the Licensing Committee and also beyond the hour, (04:00) when weekend policing operations stop in the town centre. Attention was also drawn to the fact that the Elements Nightclub is open at the weekends until 04:00 hours.
- 4.4.6 In his conclusion, the inspector saw no objection to opening until 01:00 hours, but considered that opening past the closing time of the Elements nightclub and once policing operations have come to an end, could result in potential for unacceptable disturbance at weekends and Bank Holidays. Thus the inspector did not support opening beyond 04:00 hours on these days.
- 4.4.7 In respect of condition 1, which related to a “trial run”, the inspector did not consider that this would be appropriate. Bearing in mind the situation in the Horsefair and nearby, it would be legitimate for Flames Grill or other A5 uses on the site to be operated within the hours detailed. Further, the objectives of the development plan would not be prejudiced and the occupiers of neighbouring properties would not be adversely affected.

4.4.8 **APPEAL DECISION**

Appeal Allowed (Delegated Decision)

- 4.5.1 Appeal by Mr P Finney against the refusal of planning permission (09/00995/COU) for the change of use of land to private gypsy site at Land at Heath Road, Bagworth Leicestershire.
- 4.5.2 The land subject of this appeal had been used as a gypsy site by the appellant since 2003, subsequent to unsuccessful planning and enforcement appeals in 2005, a temporary permission was granted in June 2006 for a 14 month period. Subsequent to this, an application for 4 gypsy caravans for a period of 3 years was refused.
- 4.5.3 The Local Planning Authority was in agreement that the appellant was a gypsy as defined in Circular 1/2006 and accepted that there was a very substantial shortfall in provision of the 26 pitches for gypsies and travellers to be provided in the District by 2012, as set out in Policy 18 of the Hinckley and Bosworth Local Development Framework Core Strategy (CS) as adopted in December 2009. The appeal site was considered as a potential allocation

option for a Gypsy site in the early emergence of the site allocations, but was not considered as a preferred option owing to the perceived road safety hazard at its entrance.

- 4.5.4 The inspector considered the main issue to be whether the use of the access caused an unacceptable danger to occupiers of the site and to other road users consequent on the limited forward visibility to the south east, along Heath Road.
- 4.5.5 The inspector considered that none of the accidents reported by the HA was associated with the appeal site or were close to it, and noted that Heath Road was a predominantly rural, unlit road, where limited turning movements would be expected. However, despite this, the inspector was of the view that the potential for driver confusion from turning movements at the site would not be great, even in the dark.
- 4.5.6 The inspector gave weight to the County Council's HTD document, as informing the aims behind Policy T5 and assessing the 4th proviso of CS Policy 18. However, in considering the shortfall against accepted design standards, it was not considered, in practical terms, to cause undue hazard to road users or undermine the aims behind Local Plan Policy T5.
- 4.5.7 A further consideration was that Policy 18 of the CS also requires that a site should be "within a reasonable distance of local services and facilities". Although the inspector noted that Bagworth itself had no shop or school and very few other facilities, in taking account of Policy 18 and Circular 01/2006 the site was considered to be within a reasonable distance of local services and facilities.
- 4.5.8 A further concern raised was the overconcentration of gypsies and gypsy sites within the area. In response to this, the inspector did not expect that a single family site away from other dwellings would be problematic, and in the absence of evidence supplied to illustrate a serious threat to community cohesion, did not consider this an issue.
- 4.5.9 Finally, the inspector considered maintenance of confidence in the planning system as important, but noted that, since the earlier appeal, some modifications to the access had been made, national guidance has evolved, and the CS had been adopted. Further, during the hearing it was disclosed and confirmed that the appellant owned the field opposite and that there was the possibility that forward visibility could be improved. Based on this (and subject to other conditions) the inspector concluded that the highway objection was not so significant to warrant dismissal of the appeal.

4.5.10 **APPEAL DECISION**

Appeal allowed subject to conditions. (Committee Decision in line with officer recommendation)

- 4.6.1 Appeal by Jelson Ltd against the refusal of outline planning permission for residential development with access roads and landscaping on land off London Road, Markfield.

- 4.6.2 The inspector considered the main issues to be whether the proposed development would accord with the development plan; the impact of the proposed development upon the character and appearance of the surrounding area; and whether the proposed development would make an adequate contribution towards necessary infrastructure costs.
- 4.6.3 It was considered by the inspector that the proposed development conforms to Policy 8 of the Core Strategy. The number of dwellings proposed for this site conforms to the latest and most robust Rural Housing Methodology Statement (2008), which shows a need for 147 new dwellings in Markfield. Setting aside identified sites within the settlement boundary as part of the Preferred Options DPD, the proposed 112 dwellings by the appellant will meet the need in Markfield.
- 4.6.4 The inspector then refers to the current shortfall in meeting a 5 year housing supply across the borough and gives less weight on political support to reduce the future housing requirement without Minister approval or the formal adoption of a revised spatial vision.
- 4.6.5 With relation to the effect of the proposal on the character and appearance of the countryside, the inspector considers that the proposed development would be a natural extension to the existing settlement and concurs with comments made by the council in the Preferred Options DPD.
- 4.6.6 In terms of considering the impact of the development on the surrounding area, the inspector states that development would not be unacceptably intrusive or harmful to the character and appearance of the surrounding countryside. In this case, the recently adopted policy CS8 was given more credence than the restrictive NE5 Local Plan policy.
- 4.6.7 With regards to infrastructure contributions, the inspector concluded that the contribution towards meeting the identified need for affordable dwellings is substantial and supports the provision of on-site public open space and contributions towards sustainable forms of travel. These obligations are considered to comply with the CIL regulations because they are necessary to make the development acceptable in planning terms, directly relate to the development, and are deemed fairly and reasonably related in scale and kind to the development.
- 4.6.8 In relation to other infrastructure contributions - improvements to the Coalville civic amenity site, library service, local surgery facilities and police - no analysis of the impact of the proposed development upon these existing services has been provided, nor has there been any description of how the contributions would be spent to specifically address those impacts. According to the inspector this is contrary to guidance in paragraph B35 of Circular 05/2005, and considered in relation to the CIL regulations, not necessary to make the proposed development acceptable in planning terms.
- 4.6.9 The inspector has taken into account claims that residential development will lead to unacceptable levels of traffic, however, the inspector notes that the highways authority has not raised any objection and there is no evidence giving weight to this argument.

4.6.10 APPEAL DECISION

Appeal allowed (Committee decision in line with officer recommendation)

- 4.7.1 Appeal by Mr. R. Neep against the refusal of full planning permission for change of use of redundant agricultural buildings to B1/B8 at No. 1 Forest View Farm, Peckleton Lane, Desford (10/00149/FUL).
- 4.7.2 In his report the inspector noted that the site is accessed by a single track road with a junction onto Peckleton Lane, particularly noting junction improvement to a scheme that received planning permission. The site access is on the outside of a curve in the public road. The wider section of the road and junctions including the two site accesses from the Caterpillar site were noted and included as part of the consideration.
- 4.7.3 The main issue under inspection was the effect of the proposed use on the safety of road users on Peckleton Lane. This formed the basis of refusal whereby the Council's objection drew from the representations of the Highways Authority (HA) focus on traffic generation, road safety conditions, and highway design and safety standards.
- 4.7.4 Peckleton Lane was described by the HA as an unrestricted and relatively busy rural road and this was questioned by the inspector. Based on site observations and traffic data for this road, the inspector concurred that whilst there is generally a high number of turning movements onto and off the road, its recorded traffic operation is well under its capacity and therefore cannot be categorized as 'busy'. It was not considered the additional traffic resulting from change of use would compromise the capacity of Peckleton Lane.
- 4.7.5 Although it was generally accepted by the inspector there will be HGVs, particularly from the Caterpillar site, it was noted in the inspectors report that this would be spread across three accesses in which two of these are on the A47 side of the appeal site. When all circumstances are considered as a whole the inspector is satisfied there was no justifiable objection based on the grounds of traffic generation.
- 4.7.6 In terms of visibility at the junction of the farm access road with Peckleton Lane, the inspector put added emphasis and weight to how the junction has been improved, making it easier to achieve appropriate visibility in both directions on highway land. Despite the land across the inside of the curve of the lane being in private ownership, sound arrangements to ensure forward visibility is maintained from any restrictions caused by growing vegetation was considered satisfactory.
- 4.7.7 Despite the inspector accepting the HA view over the absence of street lighting and fast moving traffic not providing ideal conditions for visibility, he did point out that most traffic emerging from or entering the appeal site would do so during daylight.
- 4.7.8 With regards to the records of personal injury accidents (PIA) in Peckleton Lane, no PIA has been recorded near the appeal site access and the inspector does not generally find the PIA record to be a compelling reason to dismiss the appeal.

- 4.7.9 Reference was made to the appellant's highway consultants who suggested possible appropriate signage to increase approaching driver's awareness of the appeal site access. It was concluded the appeal development would not demonstrably endanger the safety of road users on Peckleton Lane.
- 4.7.10 Several other material matters relating to this application were considered. The inspector concurs that the proposed change of use should be satisfactory and would not conflict with countryside policy.
- 4.7.11 The inspector hastily dismissed references to other appeals which were found not to be so similar and also added allowing this appeal would not establish a precedent for similar future proposals, which would still have to be assessed against relevant development plan policy, including the effect of any further intensification on highway safety.
- 4.7.12 In terms of ecological impact, the inspector is in agreement with the view taken by the council and informed by the ecological survey that the appeal proposal is unlikely to have an adverse impact on any protected species and a watching brief should be kept.
- 4.7.13 The inspector has considered the conditions suggesting it would be appropriate for further discussions between the council and appellant regarding the external elevational materials. Other conditions include landscape planting, appropriate parking provision and restricting the uses permitted to Use Classes B1(c) and B8.
- 4.7.14 Further conditions suggested by the Highways Authority were considered and dismissed by the inspector as unnecessary but stated there is need for further signing of the access as already referred to in this report.

4.7.15 Inspectors Decision:

Appeal Allowed (Delegated decision)

7. FINANCIAL IMPLICATIONS (CB)

- 7.1 It is anticipated that the award of costs for the appeals and any other associated costs will be funded from existing revenue budgets.

8. LEGAL IMPLICATIONS (AB)

None raised directly by the report. Although the decisions set out in the report do not form a binding precedent it would be prudent for the sake of consistency to take them into account when deciding similar issues in the future

9. CORPORATE PLAN IMPLICATIONS

- 9.1 The Council needs to manage its performance through its Performance Management Framework in relation to appeals.

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

None.

11. **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
Financial implications to the Authority in defending appeals	Take into account the risk in refusing planning applications and the likely success of an appeal	Simon Wood/Tracy Miller

12. **RURAL IMPLICATIONS**

None.

13. **CORPORATE IMPLICATIONS**

None.

Background Papers: Application files and appeal documentation

Contact Officer: Simon Wood, Head of Planning, ext 5692

SCRUTINY COMMISSION – 20 JANUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)
RE: DEVELOPER CONTRIBUTIONS

1. **PURPOSE OF REPORT**

To inform members of the Scrutiny Commission of the position in respect of the Section 106 contributions that have not been spent within the 5 year period that contain a 5 year claw back clause and therefore are at risk of being clawed back by the developer, and those that are over 4 years old but not beyond the 5 years threshold.

2. **RECOMMENDATION**

That the report be noted

3. **BACKGROUND TO THE REPORT**

Developers/applicants can be requested to make financial contributions to enable planning permission to be granted, where it would otherwise be refused, to pay towards infrastructure needed as a consequence of their development, i.e. towards play and open space, libraries, education facilities etc. The contribution request has to be in accordance with Circular 05/2005 Planning Obligations and the Community Infrastructure Levy Regulations 2010.

This can be done in several ways. A Section 106 agreement can be prepared which identifies the amount of contribution and when the contributions need to be paid, i.e. on the commencement of development or first occupation.

The latter option has no claw-back period. However, the money must be used for the purposes identified otherwise the developer may be entitled to claw the money back.

Section 106 agreements have a claw-back period normally of 5 years, on the basis that if the infrastructure improvements are not in place by then, there is clearly no need for the facility.

The contributions are closely monitored through a database set-up on a parish basis and is available to the parish councils. This enables parish councils to clearly see what funds may come forward, to help them plan for improvements in their area. Open invitations have been sent to all parish council clerks with regard to receiving a presentation on understanding the full S106 process.

Whilst the database is complex, owing to the amount of information held, it helps to identify what money the development may bring in, when development has

commenced, and monies outstanding. It also indicates where money has been committed through the Green Space Strategy.

When analysing the database, there is one S106 agreement greater than 5 years old which contains a claw-back totaling £298.75 – Barlestone PC and there are three S106 agreements with unspent Play & Open Space contributions between 4 – 5 years totaling £49,198.85, the breakdown is as follows:–

- Market Bosworth PC £1.68, Residual figure remaining from funding reclaim
- Hinckley £9,000, Green Spaces aware of this funding, it is being allocated to Queens Park Improvements and will be taken to the next S106 Forum.
- Groby PC £40,197.17, the Parish Council is aware of the current funding situation and have been encouraged to bring forward a scheme for expenditure.

The Section 106 Forum was set up 4 years ago and also monitors the database.

4. **FINANCIAL IMPLICATIONS (DB)**

There are none arising directly from this report. However it should be noted that if s106 contributions are not used within the period agreed with the developer, the developer is entitled to ask for the repayment of his contribution which means the resources available to provide any additional infrastructure required by the development would be lost.

5. **LEGAL IMPLICATIONS (AB)**

None raised directly by this report.

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic aim of the Corporate Plan ‘Safer and Healthier Borough’

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

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

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

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

Risk	Mitigating actions	Owner
If monies are paid within the timescale but not used for the purpose identified or not used at all, then these may be clawed back by the developer/applicant.	Close monitoring of database.	Simon Wood / Sally-ann Beaver

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

None

10. **CORPORATE IMPLICATIONS**

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

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

Background papers: S106 Database & Circular 05/5 and the Community Infrastructure Levy Regulations 2010.

Contact Officer: Sally-ann Beaver ext 5654

SCRUTINY COMMISSION – 20 JANUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
RE: RESTRUCTURING OF PAYMENT OPTIONS

1. **PURPOSE OF REPORT**

To inform members about the successful implementation of the new payment options following the closure of the cash office.

2. **RECOMMENDATION**

The Scrutiny Commission endorse the report.

3. **BACKGROUND TO THE REPORT**

Traditionally the Council has accepted payment of accounts by cash or cheque at its offices and postal payments by cheque. Payments via the Council's bank account have also been accepted for many years. In the last 30 years collection of income by way of Direct Debit has become widely accepted and this method has proved to be popular with our citizens. In more recent times the Council has provided facilities for customers to pay via the internet and a dedicated telephone line by debit or credit card. The introduction of these alternative methods of payment which, due to their convenience over cash or cheque payments, have been widely taken up by the Council's customers has resulted in a steady decrease in the number of personal transactions at the Cash Counter. This and the desire to reduce the amount of expenditure in the relocation of the Council Offices from the current Argents Mead site led to a decision to close the Cash Office. The office finally closed on 17 September 2010.

Once the decision to close the cash office was made it was important that the alternative chosen would provide wide access to a greater number of outlets.

By using a barcoded bill or Allpay swipe card our customers can make cash payments for free at any of the 34,000 UK outlets on the Allpay payment network, comprising 22,000 PayPoint outlets, and 12,000 Post Office branches across the UK. The Post Office also accept payments by cheque or debit card for no charge .

Within Hinckley & Bosworth there are currently 16 Post Offices and 23 PayPoint outlets where customers could pay. For most customers these outlets will be closer to home, so payments can be made locally while out shopping in the Borough but they can also be made at any of the other outlets across the UK, i.e. if away on holiday or if a relative makes the payments on a customer's behalf.

With many PayPoints located in newsagents, convenience stores, supermarkets and garages this network also offers customers greater accessibility and longer and more convenient opening hours. The Cash Office

counter was open for 39.5 hours per week, whereas the average PayPoint outlet is open for some 101 hours per week (evenings, weekends and public holidays as well), offering greater freedom of when as well as where to pay.

Prior to closing the cash office on 17 September 2010 we had issued

- 10,769 bar coded letters to council tax payers
- 500 bar coded letters to business ratepayers
- 1,166 payment cards to council tenants
- Posters to PayPoint outlets and Post Offices alerting their customers to the fact that they could now pay our council bills there.

This ensured that the vast majority of our customers who had previously used the cash office had the ability to pay at a PayPoint outlet or Post Office once the cash office was closed.

A significant number of customers are now using this option to make payments and the table below identifies the number of payments and respective values for the period 1 September 2010 to 31 December 2010

	September		October		November		December		Total	
	No.	Value £	No.	Value £	No.	Value £	No.	Value £	No.	Value £
Council Tax	3,320	382,554	3,242	328,389	3,340	330,159	3,033	299,256	12,935	1,340,358
NDR	88	16,790	67	12,612	53	14,523	60	17,956	268	61,881
Benefit O/P	43	1,115	58	1,488	69	1,656	64	1,535	234	5,794
Sundry Debts	74	6,709	115	8,929	91	8,847	139	10,721	419	35,206
BID	4	598	0	0	1	107	2	430	7	1,135
Rents	1,490	119,169	1,497	119,694	1,708	136,370	1,469	118,303	6164	493,536
Total	5,109	526,935	4,979	471,112	5,262	491,662	4,767	448,201	20,027	1,937,910

In addition to giving our customers a wider choice of how, when and where they make their payments this initiative also supports:

- The local Post Office network.
- Local businesses. PayPoint is a valuable source of increased traffic to increase business, build loyalty and increase profits. Over £9 billion of household bills are paid through PayPoint each year and every payment earns commission for the retailer.

The Council continues to receive payments by postal remittance, Direct Debit and Internet and there has been some redistribution between methods of payment however the closure of the Cash Office does not seem to have any negative impact on the overall collection rates for 2010/11 as shown in the table below

	Percentage Collected to December 2009	Percentage Collected to December 2010
Council Tax	87.94	88.10
Business Rates	87.23	88.63
Rents	97.60	97.60

4. **FINANCIAL IMPLICATIONS [DB]**

There are no direct financial implications of this report. It should, however, be noted that the Authority pays the transaction charges for payments made at the Post Office and PayPoint outlets. Those charges are currently 47p per Post Office transaction and 43p per Pay Point transaction. The costs incurred to date are within approved budgets of £19,100 which was created from savings within the Cashiers Section budget resulting from the closure of the Cash Office.

5. **LEGAL IMPLICATIONS [AB]**

None arising directly from this report

6. **CORPORATE PLAN IMPLICATIONS**

The report shows how the service is contributing to the delivery of the Corporate Plan in ensuring our services are accessible to the Community.

7. **CONSULTATION**

Prior to closure users of the cash office were asked to complete a survey as to the payment option they would take up if the counter service was no longer available. The finding of the survey was that in the absence of a cashiering service current users would overwhelmingly prefer to pay for free at a Post Office or at a PayPoint facility. Following the closure if a customer comes into the building wanting to make a cash payment, they are directed to make the payment at a Post Office or PayPoint outlet they are given all of the appropriate assistance to use the alternative options available to them.

Customer feedback has been very positive.

8. **RISK IMPLICATIONS**

None arising directly from this report

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

By introducing the ability to pay council bills for free at Pay Point outlets and Post Offices throughout the Borough we have significantly increased the number of payment options for our customers living in rural areas.

10. **CORPORATE IMPLICATIONS**

None arising directly from this report.

Background papers:None

Contact Officer: Storme Coop Revenues & Benefits Manager Ext 5706
David Bunker Accountancy Manager Ext

SCRUTINY COMMISSION – 20 JANUARY 2011

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)
RE: SPECIAL EXPENSES AREA

1. **PURPOSE OF REPORT**

To inform the Commission of the functions of the Special Expenses Area.

2. **RECOMMENDATION**

That the Commission note the report

3. **BACKGROUND TO THE REPORT**

Hinckley and Bosworth Borough Council was formed in 1974 by an amalgamation under the Local Government Act 1972 of the former Hinckley Urban District Council and the former Market Bosworth Rural District Council. Basically the area of the former Rural District Council was parished and the area of the Urban District Council was not. This meant that all services in the former urban area were provided by the Urban District Council and services in the rural area were provided by either the Rural District Council or Parish Councils. On re-organisation the Borough Council took over the services provided by the former Urban District Council and the former Rural District Council whilst the Parishes continued to fund the services they had previously provided (in the main these related to Parks and Open Spaces and Cemeteries and are known as concurrent services).

This meant that if the Borough Council were to charge a uniform rate (Council Tax) over all the district tax payers in the Parished Areas would be paying for services already provided by their Parish Council. A joint working group, which reported in early 1977, was set up comprising representatives of the Borough and Parish Councils to consider various options that would give a more equitable charging mechanism for the concurrent services in the Parished and non Parished Area (which at that time included Burbage, Earl Shilton, Barwell and Stoke Golding as well as the town of Hinckley). It was agreed that the cost of the concurrent services in the non parished area would be treated as Special Expenses and a separate rate or Council Tax set for the area. Special Expenses is therefore a mechanism to charge the costs of a particular Service to a particular group of taxpayers in a locality. Burbage, Earl Shilton, Barwell and Stoke Golding have since set up Parish Councils and have been removed from the Special Expenses area.

When the Special Expenses Area was created in 1977 the legal requirement was that the Council specified the concurrent services that would be included in the Special Expenses regime by resolution of the Council. If such a resolution was not passed then such functions would be regarded as General Borough wide expenses. The Local Government Finance Act 1992 reversed this position in that it required the costs incurred by the Borough Council on concurrent services to be charged to Special Expenses unless a resolution

was passed to exclude them. In February 1993 this Council passed a resolution that included Parks, Open Spaces, Cemeteries and Poop Scoop scheme within the Special Expenses Area and expressly excluded all other items of concurrent expenditure from 1993/94 onwards. This resolution has not been revoked.

In 2002 and 2003 further resolutions were adopted that removed Argents Mead (excluding the War Memorial) and Hollycroft Park from the Special Expenses Area from 2003/04 and 2004/05 respectively.

The services currently covered by Special Expenses are:

Urban Parks in Hinckley (excluding Hollycroft Park and Argents Mead)
Ashby Road cemetery
Contribution to Hinckley Christmas Lights
Contribution to Hinckley West Neighbourhood Watch.

Any changes to the services covered by the Special Expenses will require Council approval.

Special Expenses expenditure form part of the Council's General Fund.

The actual expenditure for 2009/10 and the revised budget for 2010/11 shows the expenditure on the services within Special Expenses are as follows:

	2009/10 Actual £	2010/11 Revised £
Urban Parks	379,639	398,520
Cemeteries	169,563	160,530
Hinckley Town Centre Christmas Lights	0	2,000
Hinckley West Neighbourhood Watch	0	3,000
TOTAL	549,202	564,050

The Special Expenses area comprises the wards of Hinckley De Montfort, Hinckley Clarendon, Hinckley Castle and Hinckley Trinity.

4. **FINANCIAL IMPLICATIONS [DB]**

There are none arising from the report

5. **LEGAL IMPLICATIONS [AB]**

Contained in the body of the report

6. **CORPORATE PLAN IMPLICATIONS**

None

7. **CONSULTATION**

None

8. **RISK IMPLICATIONS**

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

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

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

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

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

None directly arising from the report.

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: Previous reports re Special Expenses

Contact Officer: David Bunker ext 5609



A Borough to be proud of

Hinckley & Bosworth
Borough Council

Overview and Scrutiny Work Programme 2010/2011

ISSUE 2010/07: JANUARY 2011

Welcome to Hinckley and Bosworth Borough Council's Overview and Scrutiny Work Programme, which sets out the work to be carried out by the Council's Scrutiny Commission during 2010/2011.

A structured, focussed and supported scrutiny process, which dovetails into the Council's wider democratic, performance and financial management processes, provides for an evidence based approach to challenging and developing the Council's long term vision and priorities and ensuring that the needs of the Borough's Citizens are met.

This is the sixth year that we have managed the work of scrutiny through a work programme. Following a review of progress in November 2005, it was proposed that future work programmes be configured into the following categories to better represent all the roles and responsibilities of the Overview and Scrutiny Function:

- **Scrutiny Topics** – This includes items of particular interest to overview and scrutiny that can be classified as 'scrutiny topics' to investigate in particular detail.
- **Performance Management Information** – Information provided by the council identifying current performance levels against performance indicators, progress with implementation of business delivery plans, best value reviews and service improvement projects. This is in accordance with the Council's Performance Management Framework.
- **Participation in Policy Development Issues** – These are issues being revised or introduced by the Council or other external organisations. The Overview and Scrutiny Function should be engaged in the development of such matters so that the decision-making body (Executive, Council or external organisation) are informed of all possible views before taking a decision / agreeing a new policy. This will need to be updated in the Council's Constitution.
- **Tracking of implementation with previous recommendations** – The scrutiny committee will review progress with the implementation of previously agreed recommendations.
- **Committee Management Issues** – These include the minutes of previous meetings, progress reports on actions, overview and scrutiny work programmes and development issues for the overview and scrutiny function.

The Work Programme ensures that Scrutiny's work is:

outcome focussed;
prioritised accordingly;
resourced properly; and
project planned properly.

The Work Programme has been designed to ensure it is a living document and it will be reviewed at each meeting of the Scrutiny Commission, and the Select Committees will also review their sections at each of their meetings, to ensure it remains focussed and relevant.

Councillor Matthew Lay
Chairman of Scrutiny Commission

SCRUTINY COMMISSION WORK PROGRAMME 2010/2011

1. Citizens' Panel Consultation Results

- Use the results of the survey improving Your Area as a Place to Live and Work to inform priorities and policy.
- Report on issues identified in the 2009 results of Council Priorities & Budget Spend.

2. Performance Improvement

- How the Council proactively manages performance to ensure that issues are addressed in a timely fashion and that there is continuous improvement; and
- Monitor the quarterly Performance Reports to Executive and the decisions they take.
- Risk Management.

3. Implementation of Rural Areas Review

- Annual progress report on implementation of outcomes;
- Looking at the impact of the LDF on the rural areas

4. Transport Review

- Look at transport in the Borough

5. Community Safety Partnership

- Six-monthly report on progress of Partnership

SCRUTINY COMMISSION

TIMETABLE

Scrutiny Commission - Thursday 20 January 2011						
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)	External Involvement
Scrutiny Topics	Planning Appeal Decisions	6-monthly review	Ensure high performance of Planning Committee		Deputy Chief Executive (Community Direction)	
	Special Expenses Area	Request following report to Select Committee	Increase awareness of the Special Expenses Area functions	Thriving Economy	Deputy Chief Executive (Corporate Direction)	
Performance Management Information						
Participation in Policy Development Issues	Review of Forward Plan to identify items	Scrutiny of Executive decisions	Identification of reports for review ahead of decision making	All Corporate Aims	Leader	
Tracking of implementation with previous recommendations	Developer Contributions update	Update progress since previous report (July 10)	Monitoring of section 106 contributions	Strong and distinctive communities	Director of Community and Planning Services	
	Restructuring of payment options	Update on implementation	Ensure adequate services for the community	Strong & Distinctive Communities / Thriving Economy	Deputy Chief Executive (Corporate Direction)	Consultation with users
Committee Management Issues	Work Programme	Review work load for the year	Agreed forward work programme	All Corporate Aims		

Scrutiny Commission - Thursday 10 March 2011						
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)	External Involvement
Scrutiny Topics	PCT section 106 contributions					
Performance Management Information						
Participation in Policy Development Issues	Review of Forward Plan to identify items	Scrutiny of Executive decisions	Identification of reports for review ahead of decision making	All Corporate Aims	Leader	
	Parish & Community Initiative Fund	Consider proposed distribution of funding	Recommendations to Executive	Strong & Distinctive Communities	Executive Member for Rural Areas / Deputy Chief Executive	
	Hinckley Town Centre Area Action Plan	Request of Commission	Receipt of information	Strong & Distinctive Communities	Deputy Chief Executive (Community Direction)	
Tracking of implementation with previous recommendations	Flexible working review	Follow up of previous discussion at request of Commission	Satisfaction with working practices	All Corporate Aims	Deputy Chief Executive (Corporate Direction)	
Committee Management Issues	Work Programme	Review work load for the year	Agreed forward work programme	All Corporate Aims		

Scrutiny Commission - Thursday 14 April 2011						
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)	External Involvement
Scrutiny Topics						
Performance Management Information						
Participation in Policy Development Issues	Review of Forward Plan to identify items	Scrutiny of Executive decisions	Identification of reports for review ahead of decision making	All Corporate Aims	Leader	
	Housing & Planning Delivery Grant	Review of allocation and unsuccessful projects	Improved service delivery resulting from grant	All Corporate Aims	Executive Member for Planning / Director of Community & Planning Services	
Tracking of implementation with previous recommendations	Rural areas review	Review progress against previous recommendations		Strong and distinctive communities	Executive Member for Rural Affairs	
	Community Safety Partnership Review	6-monthly update	Reduction in crime	Safer and Healthier Borough	Executive member for Community safety Deputy Chief Executive	
Committee Management Issues	Work Programme	Review work load for the year	Agreed forward work programme	All Corporate Aims		

COUNCIL SERVICES SELECT COMMITTEE

TIMETABLE

Council Services Select Committee – Thursday 27 January 2011					
Function	Subject	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics	Programme for each key frontline service: Environmental Health (inc Pest Control)	Monitor improvements and delivery against the councils aims stated under the Corporate Plan	Better quality services and more community focused services	Safer & Healthier Borough / Cleaner & Greener Neighbourhoods	Executive Member for Environmental Health / Chief Officer (Environmental Health)
Performance Management Information					
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme Review	Review the Work programme for the year to enable efficient work flow for the CSSC processes	Achieve Work Programme content & schedule agreed by Members	All Corporate Aims	Chairman / Democratic Services Officer

Council Services Select Committee – Thursday 17 March 2011					
Function	Subject	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics	Programme for each key frontline service: Development Control, Building Control & Local Development Framework	Monitor improvements and delivery against the councils aims stated under the Corporate Plan	Better quality services and more community focused services	All Corporate Aims	Executive Member for Planning / Head of Planning
Performance Management Information	Performance Improvement – 3 rd quarter review	Monitor the quarterly Performance Reports to Executive	Ensuring that the Executive delivers improvement to Council Services and addresses underperformance appropriately.	All Corporate Aims	Relevant Executive Members and Chief Officers
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme Review	Review the Work programme for the year to enable efficient work flow for the CSSC processes	Achieve Work Programme content & schedule agreed by Members	All Corporate Aims	Chairman / Democratic Services Officer

Council Services Select Committee – Thursday 28 April 2011					
Function	Subject	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics	Programme for each key frontline service: Leisure Centre	Monitor improvements and delivery against the councils aims stated under the Corporate Plan	Better quality services and more community focused services	Safer & Healthier	Executive Member for Culture / Cultural Services Manager
Performance Management Information					
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme Review	Review the Work programme for the year to enable efficient work flow for the CSSC processes	Achieve Work Programme content & schedule agreed by Members	All Corporate Aims	Chairman / Democratic Services Officer

FINANCE AND AUDIT SERVICES SELECT COMMITTEE

Timetable

Finance and Audit Services Select Committee – Monday 7 February 2011					
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics					
Performance Management Information	Audit Block 5	Ensure findings are considered	Recommendations are implemented	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Internal Audit
	Revenue Budget and Council Tax Proposals 2011/12	Ensure Value for Money and allow backbench input into the Budget and Council Tax setting process	Ensure the Executive delivers good value improving services	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
	Capital Programme 2010/11 to 2013/14	Backbench input to Capital Programme	Ensure the Executive provides good value improving services	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
	Treasury Management Performance report	Ensure value for Money	Ensure the Executive delivers good value improving Services	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme 2009/10	To review the Select Committee's workload	To ensure timely consideration of reports and consistency of distribution of workload	All Corporate Aims	Accountancy Manager/ Chairman

Finance and Audit Services Select Committee – Monday 21 March 2011					
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics					
Performance Management Information	Audit Block 6	Ensure findings are considered	Recommendations are implemented	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Internal Audit
	Budget monitoring – 3 rd quarter	Quarterly update report	Ensure Members are aware of current issues with regard to the budget	Thriving Economy	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
	Annual Audit and Inspection Letter	Review work of External Auditors	Matters reported by External Auditors are considered by Elected members	All Corporate Aims	Deputy Chief Exec (Corp. Direction)
	Prudential code	Ensure value for Money	Ensure the Executive delivers good value improving Services	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
	Annual Audit Plan	Provide the plan for external audit	Plan approved	All Corporate Aims	Deputy Chief Executive (Corporate Directoin)
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme 2009/10	To review the Select Committee's workload	To ensure timely consideration of reports and consistency of distribution of workload	All Corporate Aims	Accountancy Manager/ Chairman

Finance and Audit Services Select Committee – Monday 9 May 2011					
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)
Scrutiny Topics					
Performance Management Information	Audit Block 7	Ensure findings are considered	Recommendations are implemented	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Internal Audit
	Annual Audit Report 2010/11 (internal)	To provide assessment of internal control	Assurance of internal control and risk management	All Corporate Aims	Deputy Chief Executive (Corporate Direction) / Internal Audit
	Treasury Management Performance report	Ensure value for Money	Ensure the Executive delivers good value improving Services	All Corporate Aims	Deputy Chief Exec (Corp. Direction) / Accountancy Manager
Tracking of implementation with previous recommendations					
Committee Management Issues	Work Programme 2009/10	To review the Select Committee's workload	To ensure timely consideration of reports and consistency of distribution of workload	All Corporate Aims	Accountancy Manager/ Chairman



Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

JANUARY – APRIL 2011

Hinckley & Bosworth Borough Council
Council Offices, Argents Mead
Hinckley, LE10 1BZ

HINCKLEY & BOSWORTH BOROUGH COUNCIL

INFORMATION ABOUT THE FORWARD PLAN

WHAT IS THE FORWARD PLAN?

The Forward Plan contains decisions which are due to be taken by Council, Executive or under delegated powers to individual Executive members or senior officers. Each plan covers a four month period and is updated monthly. The plan includes all decisions to be taken both “key decisions” (definition opposite) and non-key decisions.

WHAT INFORMATION IS CONTAINED IN THE FORWARD PLAN?

The Forward Plan details:

- The nature of the decision to be made and whether it is a key decision (definition opposite);
- The committee or individual who will take the decision;
- The date or period when the decision is to be taken;
- The stages which will be undertaken prior to the decision, both consultation and presentation to committees;
- The documents which will be presented to the decision maker(s);
- The author of the report.

You can view copies of the current Forward Plan on our web site (www.hinckley-bosworth.gov.uk) or alternatively at:

The Main Reception, Council Offices, Argents Mead, Hinckley

WHAT IS A KEY DECISION?

A key decision is an Executive decision which:

- involves expenditure (of reduction of income) of over £20,000 on any particular scheme/project;
- adopts a policy or strategy (which the Executive has the power to adopt);
- involves the adoption or amendment of the Scale of Fees and Charges;
- is one that affects the whole of the Borough and is one which the residents of Hinckley & Bosworth would normally expect to be notified or consulted; or
- involves a recommendation by the Executive to a Partnership organisation which will take the ultimate decision.

Decisions by the regulatory committees (ie Planning, Regulatory, Licensing and Standards) and Personnel Committee are never key decisions.

A copy of this Forward Plan can be downloaded from our website (www.hinckley-bosworth.gov.uk) or can be obtained by telephoning 01455 255879, sending a fax to 01455 635692 or emailing democraticsupport@hinckley-bosworth.gov.uk

RESPONSIBILITY FOR DECISIONS

Part 3 of the Council’s Constitution sets out which committee/individual has responsibility for taking decisions.

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

1 JANUARY TO 30 APRIL 2011

JANUARY 2011

Details of Decision to be taken (* denotes key decision)	Portfolio/ Service	Decision Maker and Date(s)	Reporting Pathway and Date(s)	Consultees and Consultation Process	Documents to be submitted <i>(Report Author)</i>
Neighbourhood Wardens enforcement policy	Business, Contracts & Street Scene Services	Executive 12 January 2011	Scrutiny Commission, 9 December		Committee Report <i>(Caroline Roffey)</i>
Calendar of meetings 2011/12	Corporate Services	Council 18 January 2011			Calendar of meetings <i>(Pat Pitt)</i>

FEBRUARY 2011

Details of Decision to be taken (* denotes key decision)	Portfolio/ Service	Decision Maker and Date(s)	Reporting Pathway and Date(s)	Consultees and Consultation Process	Documents to be submitted <i>(Report Author)</i>
Budget setting and Council tax	Finance	Council 24 February 2011	Finance & Audit Services Select Committee		Committee Report <i>(Sanjiv Kohli)</i>
Affordable Housing SPD & Rural Needs SPD	Planning	Council 24 February 2011	Planning Committee		Committee Report <i>(Valerie Bunting)</i>

MARCH 2011

No decisions to be taken.

APRIL 2011

No decisions to be taken.

To Be Programmed

Council House future options	Housing / Finance		Scrutiny Commission		Committee Report (<i>Sharon Stacey</i>)
Tenant Consultation Feedback	Housing	Executive	Scrutiny Commission		Committee Report (<i>Sharon Stacey</i>)
Leicestershire Waste Partnership Strategy	Business, Contracts & Streetscene Services				Committee Report & Strategy (<i>Michael Brymer</i>)
Discounted open market sale properties	Planning				Committee Report (<i>Valerie Bunting</i>)

DETAILS OF COUNCIL DECISION MAKERS

The table below details the Council's Service Areas and the Executive Member responsible for each with the Council Official responsible for service management.

AREA OF RESPONSIBILITY / SERVICE AREA	EXECUTIVE MEMBERS AND CHIEF OFFICERS	HEAD OF SERVICE CONTACT DETAILS
Strategic Leadership	Councillor SL Bray (Leader) Mr S Atkinson (Chief Executive)	Tel: 01455 255606 Fax: 01455 890229 Email: steve.atkinson@hinckley-bosworth.gov.uk
Community Direction (including Housing, Community Safety, Partnerships, Environmental Health, Planning & Cultural Services)	Councillor D Bill (Deputy Leader) (Community Safety) Councillor SL Bray (Leader) (Planning) Councillor DS Cope (Housing & Environmental Health) Councillor Ms Moore (Cultural Services) Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk
Corporate Direction (including Corporate & Customer Resources, Scrutiny, Ethical Standards, Finance, ICT, Estates & Asset Management)	Councillor KWP Lynch (Finance, ICT & Asset Management) Councillor DO Wright (Corporate Services, Equalities) Mr S Kohli (Deputy Chief Executive, Corporate Direction)	Tel: 01455 255607 Fax: 01455 251172 Email: sanjiv.kohli@hinckley-bosworth.gov.uk
Business, contract & Streetscene Services (including Refuse Collection, Street Cleansing, Car Park Management, Housing repairs, Neighbourhood Wardens)	Councillor SL Bray (Leader) (Car Parks) Councillor DS Cope (Housing Repairs) Councillor WJ Crooks (Refuse and Recycling, Street Cleansing) Councillor Ms Moore (Green Spaces, Grounds Maintenance) Mr M Brymer (Head of Service)	Tel: 01455 255852 Fax: 01455 234590 Email: michael.brymer@hinckley-bosworth.gov.uk
Rural Issues (across all portfolios and including Village Centres)	Councillor WJ Crooks Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk

Further clarification and representations about any item included in the Forward Plan can be made to the appropriate Executive Member and Head of Service either using the contact details above or in writing to: Hinckley and Bosworth Borough Council, Council Offices, Argents Mead, Hinckley, Leicestershire, LE10 1BZ. Representations should be made before noon on the working day before the date on which the decision is to be taken.

DECISION MAKING ARRANGEMENTS

The views of local people are at the heart of decision making at Hinckley & Bosworth Borough Council, because major decisions are made by Councillors who are elected every four years by local people. Councillors work with the communities that they represent to ensure that local priorities are reflected in the work that the Council does.

The Council is made up of 34 Councillors representing 16 wards. If you want to know which Councillor(s) represents your area or you would like to contact your Councillor(s) concerning an issue, you will find contact details on our website (www.hinckley-bosworth.gov.uk) or alternatively you can contact the Council on 01455 238141.

The Council is committed to the principle of open government and everyone is welcome to attend meetings (except for confidential business) and to receive details of non-confidential items. Below are further details of the Council's democratic decision making arrangements.

The Council

The Council is responsible for setting the budget and the policy framework. Each year there is an Annual Meeting, which selects the Mayor and Deputy Mayor (who are the Chairman and Vice-Chairman of the Council) and decides the membership of the Scrutiny Commission and Regulatory Committees. There are six ordinary meetings of the Council per year, which make strategic, policy and major budget decisions. This Forward Plan details decisions to be taken by the Council over the next four months.

Executive Functions

Many day to day policy and operational decisions are taken by Executive, a group of seven Councillors comprising of the Leader, Deputy Leader and five Executive Members each responsible for an area of Council policy and activity. The Executive members and their responsibilities are detailed in the previous table.

Overview and Scrutiny Functions

Decisions of the Executive are subject to scrutiny by the Scrutiny Commission and two Select Committees, one responsible for Council Services and the other for Finance and Audit. The Scrutiny Commission and Select Committees also have a role in Policy development. In addition, Scrutiny Panels are established to oversee ad-hoc projects. The Council has a Panel which reviews ICT. The Scrutiny Commission publishes an Annual Report and a Work Programme; this is available on the Council's website (www.hinckley-bosworth.gov.uk/scrutiny) and from the Council on request.

Regulatory Functions

In addition the Council has established committees to deal with regulatory issues, these committees are Planning Committee, Licensing Committee, Regulatory Committee and the Standards Committee.

Further information about the Council's Decision Making Arrangements can be obtained from Democratic Services on 01455 255770.

HINCKLEY & BOSWORTH BOROUGH COUNCIL
COUNCIL SERVICES SELECT COMMITTEE

16 DECEMBER 2010 AT 6.30 PM

PRESENT: Mrs R Camamile - Chairman

Mr J G Bannister, Mr J C Bown, Mrs A Hall, Mr K Morrell, Mrs J Richards and Mr B E Sutton

Officers in attendance: Mr Michael Brymer, Mr D Bunker, Mr S Coop, Mrs P I Pitt and Mrs S Stacey.

374 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr D W Inman and Ms B M Witherford.

375 **MINUTES (CSSC 12)**

RESOLVED – The minutes of the meeting held on 30 September 2010 be confirmed and signed by the Chairman.

376 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

377 **SPECIAL EXPENSES AREA (CSSC13)**

As previously called for Members were advised of the functions of the Special Expenses Area, which comprise the Hinckley wards of De Montfort, Clarendon, Castle and Trinity. In response to a Member's question the Accountancy Manager indicated that there was currently £600,000 in the Special Expenses Area Budget, which existed to fund the costs of particular services to Hinckley taxpayers, as follows:-

- Urban parks in Hinckley (excluding Hollycroft and Argents Mead)
- Ashby Road cemetery
- A contribution towards Hinckley Christmas lights
- A contribution towards Hinckley West Neighbourhood Watch

As the current budget, some £300,000 to £400,000, was spent on the urban parks and some £200,000 on the cemetery. Additionally some £2,000 went towards the cost of Christmas lights. Some Members expressed the view that taxpayers within Hinckley should be asked to make an increased contribution towards Christmas lights. In order for Members to make an informed decision regarding the allocation of budgets it was

RESOLVED – a detailed breakdown of the current Special Expenses Area Budget be provided to Members at the next meeting.

378 FRONTLINE SERVICE REVIEW OF REVENUES AND BENEFITS (CSSC14)

Presented to Members were details of achievements against the Council's stated objectives within the Corporate Performance Plan, namely:

- Improvement to the local economy
- Provision of help, advice and support to businesses
- Promote the take-up of benefits in areas of deprivation and hard to reach groups in an attempt to reduce poverty
- Learn from the best to benchmark services

Recent performance figures had indicated that the Council's benefits team was one of the top 10 authorities in the country for the processing of housing/council tax benefit claims. The Committee asked that the Revenues and Benefits Manager pass on its thanks to the staff involved.

Reference was made to the impending merger of the Council's revenues and benefits services with Harborough and North West Leicestershire District Councils which would operate from the Atkins Building. The benefits of the shared service were highlighted to Members.

Confirmation had been received from central government of its intention to amend the current Small Business Rates Release Scheme from October 2010 for 12 months. This temporary arrangement would offer a 100% release for all properties with rateable values of £6,000 and under. The revenues section was responsible for the administration of the Business Improvement District (BID) Scheme, the business-led initiative giving local organisations the power to raise funds locally in order to improve their own trading environment. Some of the money accrued was used by the BID to run local events during the year. It was agreed that Jonathon White of the BID be invited to a future Select Committee meeting to give a resume on the workings of his organisation and how the funds raised were spent.

RESOLVED – the report of the Deputy Chief Executive (Corporate Direction) be endorsed, staff be commended on their impressive achievements in performance and Jonathon White be invited to a future meeting for the reasons outlined above.

379 HOUSING SERVICE – DELIVERY/ACHIEVEMENTS AGAINST THE CORPORATE PLAN (CSSC15)

The Chief Officers for Housing, Community Safety and Partnerships and Business Contract and Street Scene Services reported jointly on the achievements of the housing service against the objectives outlined in the Corporate Plan.

Members considered the broad range of areas covered by the housing service and in answer to a Member's question on the possible conversion of former wardens' accommodation in Earl Shilton into flats officers responded that this would be looked into.

In consequence of an achieved £312,000 underspend certain works had been accelerated, namely:-

- Removal of the disabled adaptations waiting list
- Reduction in the double glazing waiting list from 2 years to 12 months
- Improvements towards accommodation
- Improvements to Northfield Road car park

The Chief Officer, Business Contract and Street Scene Services undertook to circulate Members with a briefing note detailing improvements in energy efficiency.

Reference was made to the support available to tenants and to the increased participation by tenants in the Tenant Service Advisory Framework.

Discussion ensued as to the number of empty dwellings in the private sector and the Chief Officer, Housing, Community Safety and Partnerships indicated that whilst action in the past was of necessity limited the Council was now looking at long term empty properties. Enforcement action could be taken if the properties were not sold or relet and financial assistance might be available to bring properties back to habitable standards.

In response to a Member's question regarding a national proposal to introduce 2-year tenancies the Chief Officer, Housing, Community Safety and Partnerships indicated that this was only a proposal which was currently out for consultation. Members were concerned at the loss of income should properties become void after 2 years and were of the strong opinion that the proposals were impractical and indiscriminately at a time when the Council was striving to achieve sustainable communities.

RESOLVED – Members fully endorsed the progress made under the housing service.

380 WORK PROGRAMME 2010/11 (CSSC16)

The proposed work programme was agreed, with the following additions:-

27 January 2011 – Hinckley Special Expenses Budget Breakdown
27 January/17 March 2011 – report on the workings of the BID.

381 DATE OF NEXT MEETING

Noted that this was Thursday 27 January 2011.

(the meeting closed at 7.42 pm)

REPORT NO SC67

HINCKLEY & BOSWORTH BOROUGH COUNCIL
FINANCE & AUDIT SERVICES SELECT COMMITTEE
20 DECEMBER 2010 AT 6.36 PM

PRESENT: Mr PAS Hall – Chairman

Mr JG Bannister, Mr PR Batty, Mr MR Lay, Mr K Morrell, Mr R Ward and Ms B Witherford.

Officers in attendance: Mr I Bham, Mr D Bunker, Mr S Coop, Mr S Kohli, Miss R Owen and Mr S Wood.

Colin Roxburgh of RSM Tenon was also in attendance.

382 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr Gould and Mr Sutton.

383 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

384 **MINUTES (FASC35)**

RESOLVED – the minutes of the meeting held on 8 November 2010 be agreed and signed by the Chairman.

385 **INTERNAL AUDIT PROGRESS REPORT (FASC36)**

Mr Roxburgh presented the internal audit progress report. With regard to Legal it was reported that it was early in the adoption of shared services and all controls were in place. The only minor recommendations were only relevant should other authorities join the service.

Concern was expressed with regard to Section 106 monies and the need for a policy. It was stated that policies and procedures in Development Services were being updated and the Core Strategy was also now in place. It was also explained that there was now an officer group in place to monitor and enforce the execution of Section 106 agreements.

With regard to Community Safety it was noted that recording of information had been greatly improved although some training was still required and cases needed to be 'signed off' when the relevant action had been taken. Members suggested that they should be made aware of current issues in their ward (without receiving specific details) so they could deal with constituents' concerns. In response it was agreed that the request be discussed with the relevant Chief Officer and the Police.

Members raised concerns under 'other income' about the low takings for the kiosk at Burbage Common and it was agreed that a report be brought to the next meeting about the operation of this.

RESOLVED –

- (i) a report be brought to the next meeting;
- (ii) the report be noted.

386 2009/10 ANNUAL AUDIT LETTER – DRAFT

Attention was drawn to the late item prepared by PricewaterhouseCoopers LLP. It was reported that an unqualified conclusion had been issued, and that PWC felt the MTFS was robust, governance was strong, as were Member/Officer relationships. Members' attention was also drawn to the "strong" and in some areas "very strong" references in the letter to financial planning and financial management.

Members were briefed on the history of the DWP grant claims audit and the very positive progress made in successive years (2008/09 and 2009/10).

Members congratulated accountancy on the positive outcome. It was agreed that a short briefing on IFRS be given as a training exercise at a future meeting.

Mr Batty left the meeting at 7.35pm.

387 AUDIT COMMITTEE CHECKLIST (FASC37)

It was reported that consistent responses to the checklist has been received. Concern was expressed that some Members were not aware of where to find the Select Committee's Terms of Reference. They were informed that this was part of the Council's constitution and it was agreed that this be circulated.

The opportunity for Members to meet privately with external and internal auditors was discussed, and it was generally felt that this was not necessary, however the Chairman should do so once a year, and that if the Committee as a whole wished to they would arrange it when necessary.

388 CAPITAL PROGRAMME 2010/2011 TO 2013/2014 (FASC38)

Members were presented with the Capital Programme from 2010/11 to 2013/14. It was recommended that £2,045,321 be borrowed short-term to fund the shortfall in resources pending the sale of land at Stoke Road.

It was reported that additional bids had been reviewed by SLB. With regard to the request for £30,000 for a scheme at the Brodick Road site, Members felt there was not enough detail for the bid to be supported.

Mr Bannister left the meeting at 8.00pm.

In relation to the request for £7,000 to erect a permanent fixture in Hinckley Town Centre to celebrate the 700th anniversary of Hinckley Market, Members felt that it was not an appropriate time to be committing the money and therefore did not support the bid. The bids for partitioning the top floor of the Atkins building and for the spare refuse vehicle were supported.

RESOLVED –

- (i) the Capital Programme be noted;
- (ii) Council be RECOMMENDED to
 - (a) reject the bid for £30,000 for a scheme at the Brodick Road site due to lack of information;
 - (b) not approve the request for £7,000 to erect a permanent fixture in Hinckley Market;
 - (c) approve the request for £50,000 for partitioning the top floor of the Atkins building;
 - (d) approve the request for £25,000 for a spare refuse vehicle.

Mr Ward left the meeting at 8.15pm.

389 REVENUE AND CAPITAL OUTTURN 2ND QUARTER 2010/11 (FASC39)

Members were informed of the revenue and capital outturn at the end of the second quarter 2010/11. It was reported that some of the variances were due to timing differences.

Mr Ward returned at 8.20pm.

390 WORK PROGRAMME (FASC40)

Members gave consideration to the Select Committee's work programme for 2010/11. It was noted that a financial update on the Hinckley Club for Young People had been requested at the previous meeting of the Scrutiny Commission, and it was felt that it would be more appropriate to come to the Select Committee, then referred onto the Scrutiny Commission if necessary.

RESOLVED – the work programme be agreed with the abovementioned addition and those agreed at the meeting.

391 DATE OF NEXT MEETING

It was noted that the next meeting was scheduled for 7 February 2011.

(The meeting closed at 8.25 pm)