

Date: 1 March 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)

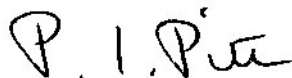
Dear Councillor

There will be a meeting of the **SCRUTINY COMMISSION** in the Council Chamber, Council Offices, Hinckley on **WEDNESDAY, 9 MARCH 2011** at **6.30pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

**PLEASE NOTE DAY AND DATE**

Yours sincerely

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

Pat Pitt  
Corporate Governance Officer

## SCRUTINY COMMISSION - 9 MARCH 2011

### AGENDA

1. APOLOGIES AND SUBSTITUTIONS

RESOLVED 2. MINUTES

To confirm the minutes of the meeting held on 20 January 2011 attached marked 'SC68'.

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. UPDATE ON RECYCLING SERVICE

Verbal update of the Chief Officer (Business, Contracts & Street Scene Services).

*A maximum of 5 minutes has been allocated for this item.*

RESOLVED 7. CONTACT CENTRE/CUSTOMER SERVICES

Report of the Chief Officer (Corporate & Customer Resources, Scrutiny & Ethical Standards) attached marked 'SC69' (pages 1 - 5).

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

8. PRIMARY CARE TRUST (PCT) AND SECTION 106 CONTRIBUTIONS

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC70' (pages 6 - 8).

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

RESOLVED 9. SCRUTINY TRANSPORT REVIEW WORKING GROUP UPDATE

Report of the Deputy Chief Executive (Community Direction) attached marked 'SC71' (pages 9 - 16).

*A maximum of 15 minutes has been allocated for this item.*

RESOLVED 10. FLEXIBLE WORKING UPDATE

Report of the Chief Officer (Corporate & Customer Resources, Scrutiny & Ethical Standards) attached marked 'SC72' (pages 17 - 19).

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

RESOLVED 11. LOCALISM BILL

Report of the Deputy Chief Executive (Corporate Direction) attached marked 'SC73' (pages 20 - 29).

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

RESOLVED 12. OVERVIEW & SCRUTINY WORK PROGRAMME 2010/11

To consider the work programme, attached marked 'SC74' (pages 30 - 38).

13. FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

Copy of the Forward Plan for March – June 2011 attached marked 'SC75' (pages 39 - 44).

14. MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

For noting only:

(i) Council Services Select Committee, 10 February 2011. Attached marked 'SC76' (pages 45 - 46);

(ii) Finance & Audit Services Select Committee, 14 February 2011. Attached marked 'SC77' (pages 47 - 51).

15. 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**

**20 JANUARY 2011 AT 6.30 PM**

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

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

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

417 **APOLOGIES AND SUBSTITUTIONS**

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

418 **MINUTES (SC59)**

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

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

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

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

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

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

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

Mr Gould arrived at 6.38pm.

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

420 DECLARATIONS OF INTEREST

No interests were declared at this stage.

421 PLANNING AND ENFORCEMENT APPEAL DECISIONS (SC60)

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

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

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

RESOLVED – the report be noted.

Mr Ladkin and Mr Ward returned at 6.53pm.

422 DEVELOPER CONTRIBUTIONS (SC61)

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

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

423 RESTRUCTURING OF PAYMENT OPTIONS (SC62)

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

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

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

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

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

#### 424 SPECIAL EXPENSES AREA (SC63)

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

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

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

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

RESOLVED – the matter be investigated further.

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

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

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

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

426 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (SC65)

Members received the Forward Plan of Executive and Council decisions.

RESOLVED – the Forward Plan be noted.

427 MINUTES OF SELECT COMMITTEES AND WORKING GROUPS

The minutes of the following meetings were received:

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

428 DATE OF NEXT MEETING

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

(The meeting closed at 8.00 pm)

**SCRUTINY COMMISSION – 9 MARCH 2011**

**REPORT OF CHIEF OFFICER (CORPORATE AND CUSTOMER RESOURCES,  
SCRUTINY AND ETHICAL STANDARDS)**

**RE: CONTACT CENTRE/CUSTOMER SERVICES**

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**1. PURPOSE OF REPORT**

This report was requested by members of the Council Services Select Committee on 10 February 2011. The purpose of the report is to update Members on the current performance and the challenges facing Customer Services over the last few months and into the future.

**2. RECOMMENDATION**

That the report is noted.

**3. BACKGROUND TO THE REPORT**

**3.1 Performance targets**

Contact Centre performance targets were revised for 2010/11 following feedback received from customers during a customer service satisfaction survey undertaken in October 2009.

During that consultation customers were asked to indicate how long they would consider to be a reasonable waiting time for their call to be answered and also how long would be a reasonable waiting time to see an advisor in our Argents Mead reception (Summary details below).

The outcome of the survey led to the setting of the targets of 85% of answered calls to be answered within 45 seconds and 85% of customers to be served within 10 minutes. Both of these targets are challenging and as a result any unexpected peaks in workload impacts on our ability to achieve them.

It is recognised that these targets are even more challenging when circumstances are extreme and out of character with expected workloads. During these peak times we look to get support from back office functions such as Council Tax and Benefits by transferring calls to them in order to free Customer Services Advisors to answer any calls queuing. This contingency process works well and helps us deliver the excellent service our customers expect and are used to.

**3.2 Telephone system changes and set-up**

During November 2010 we upgraded our call answering system and the number of telephone lines allocated to the Contact Centre for answering was set at 10. With the previous experience of attempted call volumes this figure



was revised to 30 which is the maximum number of telephone lines available across the whole council.

As part of this system change all face to face customer services advisors were given access to enable them to answer customer calls to support the business need and increase the potential to answer more calls. These advisors are now able to manage the face to face customer queue whilst answering calls to reduce the number of abandoned calls for customers contacting us by telephone. This is an enhancement to the service provided.

### **3.3 Event impacts and actions taken**

The purpose of this section is to address the concerns expressed by members of Council Services Select Committee, who had experiences of unhappy members of the public over the call answering time during January 2011.

During December 2010 new calendars with collection date changes and information regarding the different options for recycling within the borough were distributed and calls started to increase as a result. Customers were calling to confirm their understanding and seek reassurance of the new procedures due to start on 17 January 2011.

Holidays within customer services were reduced to a minimum for January 2011 to help support the business needs and during this time there were three staff vacancies within the team and new members of staff being trained in the wide range of council services covered in order to answer over 70% of calls at point of contact without transferring the call.

17 January 2011 was the 'live' day for the refuse and recycling changes and Customer Services have been severely impacted since that day. Examples of customer's calls relating to this were:

- chasing non receipt of calendars and/or recycling containers
- clarification of their collections
- chasing missing boxes/bags needed for recycling
- chasing missed collections
- ordering the new rentable recycling bin.

As a result of the increase in the volume of attempted calls all 30 available telephone lines into the council were used by customers calling Customer Services. This had an adverse impact on other officers in the Council taking directly dialled calls. A decision was therefore taken to limit the number of lines available within the contact centre to 15 to allow for direct dial calls into other areas of the council.

Customer Services arranged for support from service areas so calls could be transferred directly to Council tax, Benefits, Cashiers or the depot as appropriate in order to free telephone lines as quickly as possible.

When a Customer is in the telephone contact centre queue, our holding messages advise callers that they can make a payment by redialling the secure payment line or alternatively they can visit our website for information

and our online payment service. It is expected that some customers will abandon their call on hearing the other alternative options available to them; this assists with our ability to answer calls quicker but does show an increase in the number of calls lost in the statistics.

With lines limited to 15 a further message advising customers that we are experiencing high volumes of calls and to call back later was added to the system for callers outside of this availability. This action has stopped calls outside of the 15 line limit from being cut-off without any explanation.

The introduction of the new Choice Based Lettings service has also added to the workload of customer services in both the face to face and telephony sections since November. A summary of categories used is detailed below for both the face to face and telephony teams within customer services for January 2011 with a comparison to January 2010.

Some staff have worked extra hours to help the team during this time and absence has been within an acceptable level.

### 3.4 Performance statistics

#### **Attempted calls to Contact Centre**

January 2010	19335 (increased by weather issues)
January 2011	23937
Average month (approx)	15000

#### **Answered calls by Contact Centre**

January 2010	14069
January 2011	15048 (+50 other calls redirected)

#### **Abandoned calls**

January 2010	5266
January 2011	8839

#### **Average call time**

January 2010 *	2 minutes 51 seconds
January 2011	2 minutes 43 seconds

\* average time is proportionally higher as during this time (2010) the contact centre handled Council Tax and Benefit calls in full rather than acting as switch (2011). The average time for these types of calls is typically between 4 to 5 minutes.

#### **Refuse and recycling calendars requested**

1 December 2009 to 21 February 2010	176
1 December 2010 to 21 February 2011	1366

#### **Requests for new rentable recycling bins 3366**

(Over 50% paid for at point of contact since start of service December 2010)

## Customer Services breakdown by service request

<b>Telephone Categories</b>	<b>January 2011</b>
Benefits	765
Council info	422
Council Tax/NNDR	2305
Environmental Health	546
Housing	2277
Other	672
Planning	702
Sports\Culture	75
Waste & Recycling	7168
<b>Totals</b>	<b>14932 ***</b>

\*\*\* This figure differs slightly to calls answered figure above as these details are recorded manually.

<b>Visitor Categories</b>	<b>January 2011</b>
Council Tax	380
Benefits	996
Non Dom Rates	3
Refuse	124
Recycling	137
Pest Control	4
Environmental Health	77
Electoral Registrations	16
Dog Warden	1
Sports, Culture & Leisure	19
Planning	65
Building Regulations	7
Private Sector Housing	6
Repairs	101
Homeless	66
Accommodation	295
Rents	49
Cemeteries	0
Connect-LCC	22
Walk Off	1
<b>Totals</b>	<b>2369</b>

### 3.5 Current position in Customer Services

Customer services is now offering a full service and has taken back all diverted calls from service areas. The team is now answering over 85% of attempted calls which is in line with our normal service standards bearing in mind the number of calls which are terminated after hearing the alternative methods of contact/payment and those who repeat dial.

The whole team understand the importance of the service we offer in promoting the council and continue to work hard to deliver excellent service for all of our customers, putting them at the heart of everything we do.

We continue to monitor performance in both statistical and qualitative ways.

4. **FINANCIAL IMPLICATIONS [DB]**

None arising directly from this report

5. **LEGAL IMPLICATIONS [AB]**

None

6. **CORPORATE PLAN IMPLICATIONS**

The Customer Services function supports all areas of the Council and therefore all Corporate Aims.

7. **CONSULTATION**

Customer survey completed October 2009.

8. **RISK IMPLICATIONS**

<b>Management of Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
<p>Reputational – negative publicity as callers have been unable to get through to the council.</p> <p>As a direct result - Local targets for customer services not achievable</p>	<ul style="list-style-type: none"> <li>• Holding messages used to offer alternatives if applicable</li> <li>• Holiday availability reduced</li> <li>• Staff working extra hours</li> <li>• Training of new staff being undertaken</li> <li>• Working across departments to help free customer services advisors</li> </ul>	Lynn Fray

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

All areas of the borough are potentially affected by these issues

10. **CORPORATE IMPLICATIONS**

None found

Background papers: None

Contact Officer: Lynn Fray Ext 5625

**SCRUTINY COMMISSION – 9 MARCH 2011****REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)****RE: PRIMARY CARE TRUST (PCT) AND SECTION 106 CONTRIBUTIONS****1. PURPOSE OF REPORT**

To inform members of the Scrutiny Commission of the position in respect of the PCT Section 106 contributions that have been collected by HBBC but not spent by the PCT.

**2. RECOMMENDATION**

That the report be noted.

**3. BACKGROUND TO THE REPORT**

It was previously identified that the PCT were requesting funds via the S106 Contributions Strategy but did not have the appropriate systems in place to deal with these funds once collected by HBBC. This problem was resolved in July 2010, the result is that the PCT now have the ability to receive and reallocate S106 Contributions at a local level and have subsequently reclaimed and distributed £226,271.50.

HBBC are currently holding PCT S106 Contributions to the value of £124,584.50, the PCT are full aware of this situation with the latest position being provided to them on 17 February 2011. The PCT are currently working with the Local GP's to identify areas for expenditure.

HBBC do not pay the PCT any interest for monies held on their behalf.

- 3.1 The following is a breakdown of the PCT funding that is being held by HBBC, £78,758 is <1yr, £11,350.05 1yr-2yr, £20,471.45 2yrs-3yrs and £14,005.00 4 yrs-5yrs.

Ward	Application Number	Location of Development	Type of Obligation	Time Claw back	Current Situation	PCT Contribution
BARW	07/01360/FUL	66 Kirkby Road	S106	5 years	Payment recvd 23/10/08 PCT £12829,	£12,829.00
BARW	06/00384/OUT 07/00789/REM	Land off the Common, Barwell	S106	5 years	Payment received 4 Sept 08 PCT £7169.48. £4779 transferred to PCT July 2010	£2,390.48
CARL	08/00815/FUL	83 Main Street Carlton Leicestershire	S106	5 yrs	Payment received 15/06/10	£12,251.00

DES	08/00306/FUL	33-35 Station Road, Desford	S106	5 years	Payment recvd on 01.02.11	£22,173.00
EAR	07/00495/FUL	Land at 2 Oxford Street, Earl Shilton	S106	5 years	Payment recvd 28 Aug 08. £8557.03 transferred to PCT July 2010	£167.97
GRO	06/00898/FUL	Stone Lodge Branting Hill, Groby	S106	5 years	Payment recd on 11/12/06	£14,005.00
HIN	08/00884/FUL	Mill Hill Business Centre, 5 Mill Hill road, Hinckley	S106	5 years from payment	Payment received 12/10/2009	£11,350.05
NEWB	07/00940/FUL	Land Main Street	S106	5 years	Payment recvd 28 Aug 2008 £3916 transferred to PCT July 2010	£5,084.00
RAT	09/00211/FUL	Land Adjacent M1 Ferndale Drive Ratby Leicestershire	S106	5 Year	Payment received 17/05/10	£44,334.00
<b>Total</b>						<b>£124,584.50</b>

#### 4. **FINANCIAL IMPLICATIONS [DB]**

There are none arising directly from the report. If contributions have to be repaid to developers because they are not used within the prescribed time limit then there is a lost opportunity to enable Public Service infrastructure to be improved to meet the additional demands placed on it by new housing developments at the developers expense rather than the general taxpayer.

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

The S106 Agreements contain a clawback clause if any contribution is not spent within 5 years, if any money is not claimed by the PCT before 5 years expire the developer will be entitled to recover the monies.

#### 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 / decisions were identified from this assessment:

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
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 S106 database and working with the PCT ensures that funds are transferred and spent in a timely fashion.	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 and Circular 05/5

Contact Officer: Sally-ann Beaver ext 5654

**SCRUTINY COMMISSION – 9 MARCH 2011**

**REPORT OF REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**  
**RE: SCRUTINY TRANSPORT REVIEW WORKING GROUP UPDATE**

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**1. PURPOSE OF REPORT**

The purpose of this report is to provide the Scrutiny Commission with an update on the Transport Scrutiny Review.

**2. RECOMMENDATION**

That the Scrutiny Commission endorses the contents of the appended draft Scrutiny Transport Review Report.

**3. BACKGROUND TO THE REPORT**

- 3.1 On 16 September 2010, the Scrutiny Commission agreed to set up a Working Group to undertake a scrutiny review of transport, with the purpose of looking at a number of specific transport planning issues in the borough. The end date for the Review was agreed as 10 March 2011. On 4 November 2010 the following list of Member's was put forward to form the Working Group:

Councillor JC Bown  
Councillor DM Gould  
Councillor PAS Hall  
Councillor K Morrell  
Councillor BE Sutton  
Councillor BM Witherford

- 3.2 A meeting was held on 16 November 2010 to discuss and agree terms of reference for the scrutiny review and to consider the scope and resources required to undertake the review.
- 3.3 At this meeting it was agreed that the Scrutiny Transport Review Working Group will consider the potential impact of planned development within the Borough on the elements of the transport network identified below and gather evidence on the processes involved in planning for this.
- 3.4 The following will be considered at topic based meetings:
- Hinckley Town Centre Public Transport (including access from rural areas)
  - Road, Pedestrian and Cycle Access into/through Hinckley
  - Sustainable Urban Extensions (including the local road network, A5, A47 and A447)
- 3.5 The purpose of the Review has been to develop a shared understanding of the processes and the role of a range of organisations involved in planning for transport; and, to report recommendations to the Scrutiny Commission



relating to the mitigation of the impact of planned development on transport networks and services.

- 3.6 A number of recommendations have been included in the Scrutiny Transport Review Report, which is appended to this Report.

4. **FINANCIAL IMPLICATIONS**

None arising directly from the report.

5. **LEGAL IMPLICATIONS**

None arising directly from the report.

6. **CORPORATE PLAN IMPLICATIONS**

None arising directly from the report.

7. **CONSULTATION**

As indicated in paragraph 3.1 above, a Scrutiny Transport Review Working Group was created to undertake a Scrutiny Transport Review. Members of this Group have attended meetings and provided information that have influenced the recommendations contained in the appended Scrutiny Transport Review Report.

8. **RISK IMPLICATIONS**

None arising from this report.

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

None arising directly from the report.

10. **CORPORATE IMPLICATIONS**

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

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

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Background papers:

- Scrutiny Transport Review Report
- Scrutiny Transport Review Working Group, Note of Meeting, 16 November 2010
- Scrutiny Commission Minutes, 16 September 2010
- Report of Chief Officer (Corporate & Customer Resources, Scrutiny & Ethical Standards) RE: Scrutiny Review: Transport, 16 September 2010

Contact Officer: Richard Crosthwaite (ext:5695)

## Scrutiny Transport Review Report (9 March 2011)

### 1.0 Introduction and Background

1.1 Planned development within the borough will inevitably have implications in relation to highways and transportation over the plan period to 2026 and beyond. It is therefore vital that suitable mechanisms are available within the planning system to enable the identification, consideration and mitigation of these implications. This includes the need to promote sustainable travel choice, including the increased use of public transport, cycling and walking.

1.2 On 16 September 2010, the Scrutiny Commission agreed to set up a Working Group to undertake a scrutiny review of transport, with the purpose of looking at a number of specific transport planning issues in the borough. The end date for the Review was agreed as 10 March 2011. Member's were asked to contact the Democratic Services Officer if they wished to be part of the Working Group. On 4 November 2010 the following list of Member's was put forward to form the Working Group:

Councillor JC Bown  
Councillor DM Gould  
Councillor PAS Hall  
Councillor K Morrell  
Councillor BE Sutton  
Councillor BM Witherford

1.3 A meeting was held on 16 November 2010 to discuss and agree terms of reference for the scrutiny review and to consider the scope and resources required to undertake the review.

1.4 At this meeting it was agreed that the Scrutiny Transport Review Working Group will consider the potential impact of planned development within the Borough on the elements of the transport network identified below and gather evidence on the processes involved in planning for this.

1.5 The following will be considered at topic based meetings:

- Hinckley Town Centre Public Transport (including access from rural areas)
- Road, Pedestrian and Cycle Access into/through Hinckley
- Sustainable Urban Extensions (including the local road network, A5, A47 and A447)

1.6 The purpose of the Review has been to develop a shared understanding of the processes and the role of a range of organisations involved in planning for transport; and, to report recommendations to the Scrutiny Commission relating to the mitigation of the impact of planned development on transport networks and services.

1.7 The Planning Policy Team was nominated to support the transport scrutiny review process and officers were asked to give their time to organise and attend related meetings.

## 2.0 Conducting the Review

- 2.1 A workshop event was held on Tuesday 15 February 2011, which provided Members of the Scrutiny Transport Review Working Group with the opportunity to present questions to a panel of experts involved in different aspects of transport planning. This provided the opportunity to explore the scope of the work that they have, or are currently involved in relating to transport planning in the Borough.
- 2.2 The following section identifies the organisations that were represented at the Workshop session and provides a brief synopsis in relation to their involvement in transport planning matters within the borough.
- 2.3 **Capita Symonds** is a consultancy that has an integral role in the development of masterplans for the proposed Sustainable Urban Extensions to Earl Shilton and Barwell (the SUEs). The SUEs are being built into HBBC's Local Development Framework through the emerging Earl Shilton and Barwell Area Action Plan (AAP), which is currently at the preferred options stage, a public consultation on which was undertaken from 7 January 2011 until 18 February 2011. It is anticipated within the council's current Local Development Scheme (LDS) that further consultation will be carried out on the AAP in late August/September 2011. The next consultation stage will be on a submission draft version of the AAP, which is proposed for submission to the Secretary of State in November 2011, in anticipation of Examination in Public (EiP) in Spring 2012.
- 2.4 The evidence base required to support the AAP will include a Strategic Transport Assessment which is being developed by Capita Symonds. This evidence base is building on previous work undertaken to support the Core Strategy and involves additional transport modelling work to identify the impact of proposed development contained within the AAP and measures that can be introduced to mitigate any identified impacts. The emerging transport modelling work builds in consideration of public transport, walking and cycling. Capita Symonds are consulting with the Highways Agency and Leicestershire County Council in the preparation of this work.
- 2.5 **Highways Agency** (HA) is a statutory consultee on the Local Development Framework and on major planning applications. The role of the HA is to maintain the safe and efficient operation of the Strategic Road Network (SRN) and this is set out in DfT Circular 02/2007: Planning and the Strategic Road Network. In Hinckley and Bosworth, their interest largely focuses on the A5.
- 2.6 The HA worked with HBBC during the preparation of the Core Strategy and attended the Examination in Public in 2009. The HA has also responded to consultations on the Hinckley Town Centre Area Action Plan.
- 2.7 The HA has also been involved in discussions regarding the preparation of the Earl Shilton and Barwell Area Action Plan. The HA is a key partner in relation to the preparation of related transport studies being undertaken by Capita Symonds.
- 2.8 **White Young Green** (WYG) is a consultancy that has been actively involved in the development of supporting transport related evidence to assist the

preparation of the Hinckley Town Centre Masterplan and Area Action Plan (HTCAAP). The output of this work was the 'Hinckley Town Centre Strategic Transport Development Contributions SPD', which is a Transport Assessment Framework that identifies and provides budget costs for the highways and transportation measures required within the town centre to mitigate the impact of the proposed town centre developments. It includes a mechanism to enable the appropriate collection of contributions from developers towards identified highways and transportation improvements.

2.9 The document was adopted by HBBC in 2009 as a Supplementary Planning Document (SPD) to Local Plan Policy IMP1 – 'contributions towards the provision of infrastructure and facilities'. The SPD was reviewed by WYG in 2010 in light of the emerging HTCAAP. This included the re-assessment of land use assumptions, high level reassessment of any changes to traffic generation as a result of revised land use proposals, high level assessment of any changes to required transport infrastructure identified in the SPD, a review of cost assumptions, and consideration against Circular 05/2005 and Communities Infrastructure Levy.

2.10 **Sustrans** is a sustainable transport charity that promotes measures to increase cycling and walking. It looks to promote creative, innovative and practical solutions to transport challenges. The work of Sustrans includes the promotion of best practice, grant schemes and work within the third sector. In the past they have also been actively involved in transport planning, which included involvement in the preparation of the Hinckley Area Cycle Network Plan, which was adopted in 1999. Sustrans has recently been involved in the MIRA project on an advisory basis.

## **2.11 The Scrutiny Review Workshop**

2.12 The Working Group explored a number of themes with the panel of transport planning experts during the Workshop session. The outcome of these discussions are summarised below.

## **2.13 The impact of planned development on the A5 corridor**

2.14 The A5 is an important route through the borough and future development will undoubtedly have an impact on levels of traffic using this route. It is therefore acknowledged that appropriate mechanisms are required to ensure that the cumulative impact of development can be successfully mitigated. This is a cross-boundary issue and it is therefore vital that relevant authorities in Leicestershire and Warwickshire work together to ensure that practical and deliverable solutions can be found.

2.15 At the Workshop, the Highways Agency made reference to the A5 Transport Liaison Group has been formed to look at strategic issues. An important output of this Group will be the production of a Strategy for the A5, which is currently being progressed. The partnership work will be vital in ensuring that an appropriate strategy for the A5 can be put in place.

2.16 It is apparent that there are existing and emerging plans for improvements to the A5, however the availability of finance to implement any scheme is a fundamental issue. The Group discussed the potential of securing public

funding towards improvements to the A5. In the current economic climate, it is unlikely that any significant levels of capital will be available. It was noted that in the past, the Regional Funding Allocation process was not favourable towards the prioritisation of improvements to the A5. The impact of the economic downturn, a reduction in developer finance and the limited availability of central government funding means that a proactive approach is required to ensure that a cost effective solution can be found to ensure that developers mitigate the impact of development on the A5.

- 2.17 A Paramics microsimulation traffic flow model has been developed to provide Leicestershire and Warwickshire authorities with an effective tool for highways infrastructure planning. This can be used to test scenarios based on the impact of planned development.
- 2.18 All proposed Highways Agency schemes go through a non-motorised transport user audit, so the consideration of cycling, walking and public transport is a fundamental element of the Agency's work.
- 2.19 A number of issues were raised in relation to the A5. This included the need to consider dualling the carriageway between the A47 junctions, the need to consider pedestrian and cycle movements through the Longshoot Junction, consider improvements to the A47/Coventry Road/A5 roundabout and consider improvements to the junction at Red Gate in relation to capacity and safety.
- 2.20 The potential to implement a scheme to increase the height of the A5 rail bridge, the Highways Agency indicated that any scheme is likely to be cost prohibitive.
- 2.21 **Earl Shilton and Barwell Sustainable Urban Extensions**
- 2.22 The Sustainable Urban Extension proposals present a number of challenges in terms of mitigating their impact on traffic and transportation. An Area Action Plan for Earl Shilton and Barwell is being prepared and is currently at the preferred options stage. Work is continuing on the preparation of an evidence base that will include the production of a Strategic Transport Assessment (STA). The STA will identify key transport infrastructure improvements needed to ensure that planned development does not unacceptably impact upon the area's highway network capacity and safe operation. This work will feed into the preparation of a submission version of the AAP, which is currently timetabled for consultation in late August/September 2011.
- 2.23 The traffic modelling relating to the STA is on-going alongside the development of the AAP and is looking at the highways impacts of the proposed developments. Consideration is also being given to walking, cycling and public transport within this work. The transport requirements for the SUEs will require the consideration of the impact of the developments on the A47/A5 'Longshoot junction', links to the urban area for buses, pedestrians, bicycles and cars, improvements to the A47 (Hinckley Northern Perimeter Road and Earl Shilton By-pass) and the A447 to facilitate improved public transport movement, and the impact of SUE developments on the local road network and associated traffic calming measures.

- 2.24 The Group enquired whether consideration was being given to improved cycling and walking between the SUEs and Hinckley. It was indicated by Capita that this is something that could be taken into consideration through the on-going work. For example, cycle lanes along routes that connect the SUEs with Hinckley Town Centre should be considered.
- 2.25 **Hinckley Town Centre**
- 2.26 Hinckley acts as the main retail and business focus for the Urban Area and the wider borough. The Hinckley Town Centre AAP provides a planning policy framework for a number of potential developments within the town centre over the coming years, which would see it expand when implemented. The AAP and supporting SPD set a range of transport requirements and a developer contributions methodology, which will support the implementation of a programme of transport measures as development schemes are brought forward.
- 2.27 One of the spatial objectives contained in the Hinckley Town Centre AAP is to increase and improve accessibility within, to and from the town centre for pedestrians, cyclists, and public transport and improve and rationalise car parking facilities in Hinckley Town Centre. For this reason, the Hinckley Town Centre Masterplan, AAP and SPD look to enable opportunities to improve movement through the town centre for pedestrians and cyclists through a range of measures, including: improving road crossings, cycle parking, improving cycle routes through appropriate signs and reducing radii on side roads.
- 2.28 The Group asked whether consideration had been given to the improvement of radial routes? In the preparation of the evidence base for the AAP, WYG looked at a range of opportunities for junction improvements and identified mitigation measures as part of the balanced package of improvements that are now embedded in the AAP and SPD.
- 2.29 The Group asked whether any work had been undertaken in relation to cycle routes? WYG indicated that this was carried out as part of the masterplan transport work. In certain areas it was considered that cycling would remain on roads. The Group indicated that there are some issues relating to this, particularly on routes where there are likely to be parked cars.
- 2.30 The Group enquired whether cycling would be permitted in any planned pedestrianised areas? WYG suggested that this would be a consideration when specific schemes are drawn up.
- 2.31 The Group asked whether a town centre bus service between car parks could be an option in the future? WYG suggested that this is not likely to be feasible when taking account of the running costs of a bus service (approximately £200 to £250 per day).
- 2.32 The Group suggested that they would like to see the opportunity explored for some bus services that terminate in Hinckley to be diverted on a circuitous route via the top of Castle Street, before continuing to the bus station. This would enable shoppers to start at the top of the hill and work their way down to the bus station to catch a return bus.

2.33 It had been planned for a representative of East Midlands Trains to attend the workshop, but unfortunately they had to submit their apologies. However the Group would still wish to flag up issues at the station as part of this review and make associated recommendations. The Group has indicated that there is a lack of information available at the station. Members of Staff are only available on a part-time basis and there is often a queue when train services are due. The Group suggests that as a minimum, an audible announcement system should be provided and that the provision of display screens is taken as a realistic aspiration.

### **3.0 Recommendations**

- For HBBC Officers to continue engaging in the development of the emerging A5 Strategy and Members to engage in a forthcoming workshop relating to this Strategy.
- Consider the potential to liaise with relevant bus companies regarding the use of bus stops at the top of Castle Street, with provision to catch a return bus downhill from here at the bus station (or Regent Street as an interim measure).
- Consider opportunities to implement improvements to the cycle network within Hinckley as town centre developments are implemented, including the potential for permitting cycling within pedestrianised areas during off-peak hours.
- Consider the potential to liaise with East Midlands Trains and Cross Country regarding the provision of passenger information at Hinckley Railway Station
- To monitor and review the town centre contributions strategy (contained in the SPD) over the plan period to ensure that it remains up-to-date and relevant.
- Ensure that cycle parking facilities are provided within major town centre developments in line with Policy 19 of the AAP.
- For Capita Symonds to consider the provision of cycle routes through the on-going SUE Strategic Transport Planning process.

### **Acknowledgements**

The Scrutiny Transport Review Working Group acknowledges the involvement of the following people when undertaking its Scrutiny Transport Review:

Simon Watts, Capita Symonds  
Colin Shields, White Young Green  
Aoife O'Toole, Highways Agency  
Patrick Davis, Sustrans

**SCRUTINY COMMISSION – 9 MARCH 2011**

**REPORT OF CHIEF OFFICER (CORPORATE & CUSTOMER RESOURCES,  
SCRUTINY & ETHICAL STANDARDS)**

**RE: FLEXIBLE WORKING UPDATE**

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**1. PURPOSE OF REPORT**

To provide an update on the flexible working project and address issues raised by Members with regard to the availability of officers who are working flexibly.

**2. RECOMMENDATION**

The report be noted and project outcomes be endorsed.

**3. BACKGROUND TO THE REPORT**

3.1 The flexible working project has been undertaken over a two-year period to meet social and political drivers and take advantage of opportunities for efficiencies and change.

3.2 The project aimed to benefit the organisation and individuals, improve performance, reduce sickness absence, and allow a work/life balance whilst retaining and attracting good staff.

3.3 Several options for flexible working have been implemented – the project covered more than simply home working and included any arrangements for time or location flexibility, including:

- Mixed location working;
- Mobile working;
- Occasional home working;
- Shared and team desks;
- Touchdown sites;
- Flexitime;
- Job sharing;
- Part time hours;
- Annualised hours;
- Term time working;
- Compressed weeks/fortnights;
- Voluntary reduced hours.

3.3 Members raised some concerns at the commencement of the project, but these were addressed and a working group set up by the Scrutiny Commission, after which Members continued to be supportive of the project.



- 3.4 Flexible working targets have now been met and corporate funding for flexible working applications is no longer available.
- 3.5 Towards the end of 2010 however, concern was expressed by a Member that officers working from home were not contactable by phone. Members were subsequently provided with an updated officer telephone list, with mobile numbers where appropriate. The Scrutiny Commission agreed to discuss the matter when Members had had sufficient time to make use of the new telephone lists.
- 3.6 Following further consideration of these concerns it has been highlighted and should be noted that on occasions where officers have not been contactable at home, it is because they have been undertaking ad hoc home working, and were not taking part in formal flexible working arrangements. This is a managerial matter and not a flexible working policy issue.
- 3.7 Staff working flexibly from other locations are subject to the same customer service standards and are able to receive calls directly from the public, customer services or colleagues, at their place of work. All staff are aware of this requirement and it has been reiterated in the Chief Executive's Briefing notes.

4. **FINANCIAL IMPLICATIONS (AB)**

None.

5. **LEGAL IMPLICATIONS (LH)**

None.

6. **CORPORATE PLAN IMPLICATIONS**

This report supports all corporate aims as it relates to a council-wide policy and supports improved efficiencies and customer service.

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.

There are no risks associated with the recommendations contained in this report. For risks relating to the Flexible Working Project, please see previous reports on this matter.

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

The content of this report does not impact on any particular group within the community and has a positive impact on customer service to all communities. The flexible working arrangements, however, seek to improve the work/life balance for employees for example in allowing for flexibility to assist with caring responsibilities, and also reduce impact on the environment in reducing travel.

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

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Background papers: Previous flexible working updates to the Scrutiny Commission

Contact Officer: Becky Owen, ext 5879

**SCRUTINY COMMISSION – 9 MARCH 2011**

**REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)**  
**RE: LOCALISM BILL**

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**1. PURPOSE OF REPORT**

This report is prepared following a request at the previous meeting for more information on the Localism Bill, particularly any reference made to Parish and Town Councils, and key points of the Bill.

**2. RECOMMENDATION**

The report be noted.

**3. BACKGROUND TO THE REPORT**

3.1 The Bill is currently at the Committee stage in the House of Commons which is where detailed examination of the Bill takes place.

3.2 If the Bill has been amended then it is reprinted before its next stage.

3.3 Once the committee stage is finished the Bill returns to the Commons for the report stage where the amended Bill can be debated and further amendments proposed.

3.4 The entire process is then repeated when it passes to the Lords for consideration

3.5 There is obviously some way to go before the Bill becomes law and there will be further debate and amendments so that it is not feasible now to summarise the debates which have taken place so far.

3.6 Attached to this report is a copy of a briefing document prepared by the Local Government Association which summarises the main provisions of the Bill. Whether these provisions remain as drafted will depend on the considerations of the proposals by both Houses.

3.7 The following are short additional points on the applicability of the summarised positions to parish councils:

a) Power of General Competence  
The power is available to 'eligible' parish councils. 'Eligibility' is to be defined by the Secretary of State in secondary legislation.

b) Standards  
The intention is to abolish the Standards Board and provisions will be in relation to standards to be adopted.

3.8 Officers will be in a better position to advise members on the Bill's proposals as it passes through its various stages and an indication begins to emerge of where amendments are likely to be made or where the original proposals are likely to remain as drafted.

4. **FINANCIAL IMPLICATIONS (AB)**

None.

5. **LEGAL IMPLICATIONS (MR)**

As set out in the body of the report.

6. **CORPORATE PLAN IMPLICATIONS**

Unable to advise firmly at this stage because the Bill is in its infancy, however the recommendations in this report have no implications.

7. **CONSULTATION**

None at this stage as the report is a summary of the progress of the Bill.

8. **RISK IMPLICATIONS**

Not able to address specifically at this stage.

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

Will potentially impact on district and parish councils, however specific impacts are unknown at this stage.

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

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Background papers: Localism Bill  
LGA Briefing Paper

Contact Officer: Mike Rice, ext 5831

# Localism Bill: LG Group On the Day Briefing.

Date: 13 December 2010



## Headlines

### Powers and governance

- A General Power of Competence for local government and a wide ranging power for Fire and Rescue Authorities.
- Powers for the Secretary of State to put shadow elected mayors in place and to initiate a mayoral referendum. Powers for the Secretary of State to transfer to the elected mayors any function of any public body.

### Finance

- Powers for the Secretary of State to order English councils to contribute to the UK's obligation to pay an EU fine.
- Automatic small business rate relief.
- Requirement for local authorities to hold a referendum if they seek to set a level of council tax that is above the threshold considered excessive by reference to regulations made by the Secretary of State.
- Reforms to the Housing Revenue Account Subsidy System; including the power to set the buy out for self financing. The bill also includes powers for the Secretary of State to reopen the buy out figure at a later date and set a borrowing limit.

### Big Society

- A community right to buy requiring local councils to draw up and publish a list of assets of community value. This right provides a route for community groups to express an interest in bidding for assets.
- A community right to challenge, providing community groups, employees and parish councils with the right to bid to the council to take over the running of a service.

### Planning and Housing

- Abolition of Regional Spatial Strategies.
- Transfer of national infrastructure decisions to the Secretary of State.
- Powers and processes for parishes and newly created neighbourhood forums to develop neighbourhood plans and neighbourhood development orders.
- Greater flexibility for councils to set policies on social housing allocations and tenancies locally, and to place homeless people in private sector accommodation.

## LG Group Key Messages

- **With this bill, the government aims to significantly decentralise power and decision-making.** In particular we welcome the implementation of the General Power of Competence for councils which the LGA has lobbied for, the recognition of councils' central role in planning and the possibility of broad devolved powers for councils with directly-elected mayors.

# Briefing

Local Government House, Smith Square, London SW1P 3HZ  
Email [info@local.gov.uk](mailto:info@local.gov.uk)  
Tel 020 7664 3000 Fax 020 7664 3030  
Information centre 020 7664 3131 [www.local.gov.uk](http://www.local.gov.uk)

- **The dismantling of the current complex, bureaucratic and inefficient housing finance system, following a long campaign by LGA, is very welcome.** The potential for micro-management contained in the detail of the reforms will however limit the impact of Ministers' policy. We will be working to ensure this important reform unlocks efficient management of housing operations and assets locally and gives local government the housing settlement the sector has campaigned for.
- **The Bill also reflects policies to help people at neighbourhood level take a greater role in public services and planning – these are ideas we support in principle.** However, the drafting demonstrates how challenging it has been for the Whitehall machine to translate Ministers' policies into legislation. We will work to improve the detail by supporting constructive amendments to ensure that the Bill fully reflects the Government's localist agenda and reduces, rather than adds to, the red tape and complex processes facing local people and councils.
- **It is clear that Whitehall still has some way to go in understanding and implementing the “post-bureaucratic age” so enthusiastically championed by Ministers.** We would encourage Parliament to scrutinise the many powers within the Bill for Ministers to make regulations and issue guidance, as we believe many of these are unnecessary and contrary to the spirit of localism.
- **We oppose any moves to order English councils to contribute to EU fines imposed on the UK government.** The EU treaty clearly states that only governments are liable for fines. This measure, which has been imposed without any consultation with the sector, imposes a new regime for the government to impose fines extra judicially, by executive action. It will result in significant and unjustified financial strain on local authorities that are already facing extremely testing circumstances.
- This briefing covers the key issues within the Bill and the LG Group responses. The Group will be undertaking further analysis of the contents of the Bill and will be producing a detailed briefing for the 2<sup>nd</sup> Reading debate, due to take place early in the New Year.
- All of the changes apply to local authorities in England and a number apply to Wales, please contact the LGA via the details below for more information.

Further information: Clarissa Corbisiero, Senior Policy Consultant  
[Clarissa.Corbisiero@local.gov.uk](mailto:Clarissa.Corbisiero@local.gov.uk) / 0207 664 3060 or Emily Robinson,  
 Head of Public Affairs, [Emily.Robinson@local.gov.uk](mailto:Emily.Robinson@local.gov.uk) 0207 664 3097

## Localism Bill in detail

The bill consists of **405 pages, 208 clauses and 24 schedules.**

To accompany the bill the government has published 'Decentralisation and the Localism Bill: an essential guide'. This guide sets out six essential actions for localism and decentralisation<sup>1</sup>. The actions are sound principles and we will work with government to ensure that they are reflected in the bill.

For example; action 1 is to lift the burden on bureaucracy. The government has provided increased flexibility through the general power of competence. However **much of the detail and implementation of this bill will be taken forward through regulations, order making powers, duties, statutory guidance and requirements on local authorities. We have counted at least 142 such powers.** We want to work with government to ensure that the bill lives up to the aspirations of Ministers and provides genuine flexibility for local areas.

## Part 1 Local Government (powers and governance)

### General Power of Competence

- A **General Power of Competence** (GPC) for local government that provides local authorities with the 'power to do anything that individuals generally may do'.
- A power for the Secretary of State to remove limits to the GPC; but also to add limits to the power.
- A wide ranging power for Fire and Rescue Authorities 'for the purposes of carrying out any of its functions'.

### **LG Group View**

- We strongly support the government's decision to set out in legislation a broad and clear general power of competence which we have lobbied for. The power means local councils and Fire and Rescue Authorities will be able to respond to local issues and priorities ambitiously, confident in their legal footing.

### Local Government Standards

- A new duty on local authorities to **promote and maintain high standards of conduct.**
- Provision for the authority to adopt a voluntary code of conduct and the powers to revise, adopt and withdraw such a code.

### Repeals and other key clauses

- Repeal of the **duty to respond to petitions, the duty to promote democracy.**
- Repeal of powers to pilot incentive charging for waste collection.
- **Providing councillors with clarity on the predetermination rules.** Councillors will have the freedom to participate in a discussion of the councils business on an issue on which the councillor has already expressed a view

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<sup>1</sup> The six actions listed in the pamphlet are as follows 1. Lift the burden of bureaucracy. 2. Empower communities to do things their way. 3. Increase local control of public finance. 4. Diversify the supply of public services. 5. Open up Government to public scrutiny. 6. Strengthen accountability to local people.

### ***LG Group View***

- We are pleased that the government is taking steps to remove unnecessary specific duties on local authorities such as the requirement to respond to petitions and promote democracy. It is important that the overall burden of unnecessary duties and requirements on local authorities is reduced throughout this bill.

### Mayors and governance

- Local authorities are able to **change governance arrangements** subject to endorsement via a referendum. The Secretary of State can prescribe additional permitted governance arrangements and can direct a local authority to hold a referendum on whether they should adopt particular governance arrangements.
- **The Secretary of State will have the power to put shadow elected mayors in place and to initiate a mayoral referendum.** The referendums will not be confirmatory. There will be a broad power for the Secretary of State to transfer to the Mayor any function of any public body.

### ***LG Group View***

- The system of governance in a local area should be a decision for the local authority and its residents, at their own initiative, rather than for the Secretary of State.
- The powers to transfer the functions of any public body to mayors where they exist potentially has huge significance. Public services need to put citizens in control of how public money is spent, either directly or through their locally elected representatives. This power could potentially support the delivery of increasingly accountable, cohesive and efficient public services.
- There is no detail on when the shadow elected mayors could come into effect and we are seeking clarification from CLG on this.

### Local Government pay and remuneration

- Local authorities must publish a **senior pay** and policy statement which accords with seven mandated headings. This should be in place and voted on by council by 31 March 2012.

### ***LG Group view***

- Local councils are committed to transparency in the appointment and remuneration of staff. This is a matter for local discretion and the LG Group will work with the government to ensure that the requirements and guidance provide flexibility for councils to appoint and remunerate staff in a way that is locally appropriate.

## **Part 2 EU fines**

- A general power for the Secretary of State to **order councils to contribute to the UK's obligation to pay a fine**, if an act or omission of the council can be shown to have contributed to the fine being imposed.

### ***LG Group view***

The EU Treaty clearly specifies that fines for failure to meet agreed targets are attributable to the member state. We are concerned that a clause placing local authorities at risk of paying EU imposed fines has been



inserted without any consultation and discussion with the sector. This measure therefore would set up a new regime within the UK for the government to fine councils, extra-judicially by executive action, in order to raise money to pay fines legally imposed on the government. The proposed clauses are unfair and unworkable, and it would be impossible to calculate fairly how to attribute any liability between the countries of the UK and between councils in England. We urge the Government instead to discuss with us how local and central government can work together to ensure the UK does not have to pay fines.

### **Part 3 Non Domestic Rates**

- **Automatic small business rate relief.**
- Provisions requiring all **business rate supplements** to require a ballot.
- Specific power to cancel backdated rates by regulation.

#### ***LG Group view***

- Moves to make small business rate relief automatic and the specific powers to cancel backdated rates are important flexibilities for the sector.
- The moves to require a ballot for all business rate supplements require the kind of mature partnership between councils and business reflected in the new local enterprise partnerships.

### **Part 4 Community Empowerment**

#### Referendums

- A new duty on local councils to hold **local referendums**. The local authority must hold a referendum if it receives a petition signed by 5% of the electors and is a local matter (defined in legislation). The results of the referendum are non binding and can relate to issues outside of the council's direct control.
- The Secretary of State will set the principles for **excessive council tax**. The Billing Authority and Precepting Authorities will be required to hold a referendum on the council tax requirement if it is determined excessive.

#### Community right to buy and challenge

- **A community right to buy;** requiring local councils to draw up, hold and publish a list of assets of community value. A further requirement for the owner of the asset to abide by a moratorium on the sale of the asset if a community group express an interest in bidding for the asset (this applies to both public and privately owned assets).
- **A community right to challenge;** will allow voluntary and community bodies, employees of a relevant authority and parish councils to bid to a local authority to run a service where they feel that it could be run better.

#### ***LG Group view***

- Many councils are already involved in moves to support local people, social enterprises and community organisations to take over the running of services and assets. The LG Group will wish to work with the government to ensure that the processes behind the right to challenge and right to buy do not stifle this good practice by imposing excessive process and regulation.

## **Part 5 Planning**

### Plans and Strategies

- Regional Spatial Strategies to be abolished.
- A new duty to cooperate on councils and other key partners. This will be subject to government guidance.
- Greater flexibility for councils to react to statutory examination of their development plans.
- Developers required to engage in pre-application consultation on major schemes (within a centrally determined threshold).

### Community Infrastructure Levy (CIL)

- Reporting requirements in relation to local plans and CIL will be reduced.
- The Secretary of State will have the power to require local authorities to pass CIL on to other bodies.

### Neighbourhood planning

- Any qualifying body (a town or parish council or a body designated as a neighbourhood forum) is entitled to initiate a process for the purpose of requiring the Local Planning Authority (LPA) to make a Neighbourhood Development Order (NDO). A NDO grants planning permission in relation to a particular neighbourhood area and for development specified and of any class specified. The NDO must be examined (in accordance with regulations) and subject to a referendum. The Secretary of State may revoke an NDO at any time; the LPA must obtain consent of the Secretary of State.
- LPAs can designate a body as a neighbourhood forum within centrally specified conditions. The designation lasts for five years and may not be withdrawn once given.
- LPAs will have the power to designate a neighbourhood area where a relevant body has applied to the LPA for the area to be designated. Regulations will specify procedures, form, content and requirements for LPAs in discharging this power.
- Any qualifying body may require a LPA to make a neighbourhood development plan. This sets out the policies in relation to the development and use of land in a neighbourhood. The plan must be subject to examination and a referendum.
- Neighbourhood Development Orders and Neighbourhood Plans should in general conform to the local plan.

### Enforcement

- LPAs will have the power to decline retrospective planning applications once an enforcement order has been served.
- Applications for a planning control order can now be made up to six months after evidence of a breach is made available. Orders can only be made by a Magistrates Court and the maximum fine for a breach of condition will increase to a Level 4 fine.

### Nationally significant infrastructure

- Transfer of national infrastructure decisions from Infrastructure Planning Commission to the Secretary of State.
- Requirements to consult planning authorities outside of the immediate vicinity reduced. Powers for planning authorities to submit a formal statement of their views reduced.

### ***LG Group view***

- We support the principles behind neighbourhood planning. We agree

with the Government that local planning should be in the hands of councils, individually and working together; and that planning should be simpler, quicker and provide more certainty and transparency for local people and developers.

- We agree that people should be able to shape the places where they live and that important decisions about the future of places remain in the hands of elected and accountable local politicians.
- To make this a success it is vital that the government does not impose rigid bureaucratic processes on local people and councils, which only serves to increase complexity, delay and opportunities for litigation.
- We will be looking carefully at the very extensive and complex measures in the Bill on neighbourhood planning and proposing amendments to improve them based on the successful front line experience of councils working with their communities.
- Greater freedom and flexibility for councils to be able to work together to plan strategically for growth, without top down targets and strategies is welcome. We would question the need for central government to issue guidance to councils and their partners at the local level on how to co-operate
- Community Infrastructure Levy is important as part of a wider package of incentives and measures including the New Homes Bonus and Tax Increment Financing to stimulate and encourage growth locally. We welcome the proposed removal of unnecessary national controls and complexity, but decisions on how CIL is spent locally should be taken by democratically accountable local politicians, subject to the safeguard of independent examination.
- The decisions taken by the Secretary of State with regard to nationally significant infrastructure should be informed by evidence and understanding of the impact on local communities and this should be resourced appropriately.
- The stronger planning enforcement powers detailed in the bill will allow local authorities to discharge their duties more effectively.

## **Part 6 Housing**

### Allocation and homelessness

- Powers for local authorities to handle existing tenants' requests for transfer through separate rules and criteria from those applying to people who are not tenants.
- Greater flexibility for councils to develop their own allocations policies; subject to regulations.
- Councils permitted to discharge their homelessness obligation via a private sector tenancy; this no longer requires express permission of the tenant.
- Councils will be required to produce a tenancy strategy within 12 months of enactment. Social landlords must be consulted on the strategy and will have to set tenancies in line with the strategy.

### Social housing and tenure reform

- Flexibility for social landlords to introduce fixed tenancies of two or more years in place of the current lifetime tenancy, and to limit succession rights to a spouse or partner.
- Requirement on councils to introduce a local tenancy strategy.

### Housing finance

- Powers for the Secretary of State to set the buy-out to enable self financing.
- Powers for the Secretary of State to reopen the buy-out figure at a later

date.

- Powers for the Secretary of State to set the borrowing limit.

### Housing mobility

Proposals to make it easier for social tenants to move to a new home.

### Social housing regulation

- Tenant Services Authority to be abolished and replaced by a statutory committee of the Homes and Communities Agency. Regulator to set a tenancy standard for local landlords.

### ***LG Group view***

- In principle, greater flexibility for councils and landlords on allocation and management should bring about better outcomes for existing tenants and people in need of social housing. It is helpful that the Government is not imposing changes like fixed term tenancies on councils which do not consider them appropriate.
- However, these changes are taking place against the background of very significant changes to housing benefit rules and a very big reduction in funding for new social homes. No one should be under any illusion, therefore, that councils and social landlords will be in a position to meet the legitimate housing aspirations of all local people
- The dismantling of the current complex, bureaucratic and inefficient housing finance system, following a long campaign by LGA, is very welcome. However, it is vital that the Government drops proposed powers for the Secretary of State to re-open the buy out figure and set a limited on borrowing, and allows councils to retain all receipts from sale. Only by embracing genuine devolution will the Government enable this important reform to unlock efficient management of housing operations and assets locally.

### **Part 7 London**

- The GLA will be able to incur expense for the provision of housing and have the ability to sponsor academies.
- The Secretary of State can authorise the GLA to undertake compulsory purchase of land.
- The social housing functions of the HRA will transfer to the GLA and the Secretary of State will be able to transfer these functions to any London borough council or person as he sees fit.
- The London Development Agency is abolished.
- The Mayor may specify Mayoral Development Areas (MDA) and the Secretary of State must establish a Mayoral Development Corporation (MDC) for each MDA.



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# **Overview and Scrutiny Work Programme 2010/2011**

**ISSUE 2010/08: MARCH 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

<b>Scrutiny Commission - Thursday 10 March 2011</b>						
<b>Function</b>	<b>Activity/ Objective</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>	<b>External Involvement</b>
Scrutiny Topics	PCT & section 106 contributions	To inform of position re S106 collected not spent	Ensure funding is allocated appropriately	Safer & Healthier Borough	Deputy Chief Executive (Community Direction)	PCT
	Scrutiny Transport Review update	Inform Commission re progress of review	Formulate recommendations arising from review	Strong & Distinctive Communities	Deputy Chief Executive (Community Direction)	External consultees
	Localism Bill	Request of Commission	Awareness of key issues in the Bill	All corporate aims	Deputy Chief Executive (Corporate Direction)	
Performance Management Information	Contact Centre / Customer Services	Request of Select Cttee	Ensure performance and customer service	All corporate aims	Chief Officer	
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	Flexible working review	Update	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		



<b>Scrutiny Commission - Thursday 14 April 2011</b>						
<b>Function</b>	<b>Activity/ Objective</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>	<b>External Involvement</b>
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	
	Parish & Community Initiative Fund	Consider proposed distribution of funding	Recommendations to Executive	Strong & Distinctive Communities	Executive Member for Rural Areas / Deputy Chief Executive	
	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

<b>Council Services Select Committee – Thursday 17 March 2011</b>					
<b>Function</b>	<b>Subject</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>
Scrutiny Topics	Programme for each key frontline services: Environmental Health, 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 <sup>rd</sup> 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

<b>Council Services Select Committee – Thursday 28 April 2011</b>					
<b>Function</b>	<b>Subject</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>
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

<b>Finance and Audit Services Select Committee – Monday 21 March 2011</b>					
<b>Function</b>	<b>Activity/ Objective</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>
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 <sup>rd</sup> 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 (Corp. Direction)
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

<b>Finance and Audit Services Select Committee – Monday 9 May 2011</b>					
<b>Function</b>	<b>Activity/ Objective</b>	<b>Reason</b>	<b>Desired Outcome</b>	<b>Vision, Values and Aims</b>	<b>Responsible (member/officer)</b>
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



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# **FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS**

**MARCH – JUNE 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](http://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](http://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](mailto: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 MARCH TO 30 JUNE 2011

### MARCH 2011

<b>Details of Decision to be taken</b> (* denotes key decision)	<b>Portfolio/ Service</b>	<b>Decision Maker and Date(s)</b>	<b>Reporting Pathway and Date(s)</b>	<b>Consultees and Consultation Process</b>	<b>Documents to be submitted</b> <i>(Report Author)</i>
Climate Change Adaptation and Mitigation Strategy 2011-14	Environmental Health	Executive 30 March 2011		Scrutiny Environment Group, Consultation internal and external.	Committee Report <i>(Rob Parkinson)</i>
Financing of ill-health retirement	Finance	Executive 30 March 2011			Committee Report <i>Sanjiv Kohli</i>
Rural Areas Review	Rural affairs	Executive 30 March 2011			Committee Report <i>(Edwina Grant)</i>

### APRIL 2011

No decisions to be taken.

### MAY 2011

No decisions to be taken



**JUNE 2011**

<b>Details of Decision to be taken</b> (* denotes key decision)	<b>Portfolio/ Service</b>	<b>Decision Maker and Date(s)</b>	<b>Reporting Pathway and Date(s)</b>	<b>Consultees and Consultation Process</b>	<b>Documents to be submitted</b> <i>(Report Author)</i>
Final Accounts	Finance	Council	Finance & Audit Services Select Committee		Committee Report <i>(Sanjiv Kohli)</i>

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

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](http://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](http://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**

**10 FEBRUARY 2011 AT 6.30 PM**

**PRESENT:** Mrs R Camamile - Chairman

Mr JG Bannister, Mrs A Hall, Mr DW Inman, Mr K Morrell, Mr BE Sutton, Mr R Ward and Ms BM Witherford.

Officers in attendance: Mr C Bellavia and Miss R Owen.

**442 APOLOGIES**

Apologies were submitted on behalf of Mr Bown and Mrs Richards with the substitution of Mr Ward for Mrs Richards authorised in accordance with Council Procedure Rule 4.3.

**443 MINUTES (CSSC17)**

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

**444 DECLARATIONS OF INTEREST**

No interests were declared at this stage.

**445 PERFORMANCE MANAGEMENT FRAMEWORK (CSSC18)**

Members were provided with the Council's performance position for the third quarter of 2010/11, measured against top quartile and best practice. It was noted that performance with regard to planning appeals, whilst on target, was still below average.

Some Members expressed concern with regard to time taken to answer calls into the contact centre, and all agreed that this had become a problem recently and that they had been receiving complaints from Parish Council Clerks. Concerns were also raised with regard to difficulty contacting officers who were working at home, and Members were reminded that a progress report on flexible working was due to go to the next Scrutiny Commission.

**RESOLVED**

- (i) the report be noted;
- (ii) a report be requested on Contact Centre performance.

446 REVIEW OF KEY FRONTLINE SERVICES: ENVIRONMENTAL HEALTH (CSSC19)

This item was deferred to the next meeting of the Select Committee.

447 COUNCIL SERVICES SELECT COMMITTEE DRAFT WORK PROGRAMME 2010/2011 (CSSC36)

Members gave consideration to the draft Work Programme 2010/2011 and were asked to include any items in addition to the regular frontline service reviews, performance monitoring and attendance management.

RESOLVED – the work programme be agreed.

(The meeting closed at 7.00 pm)

**HINCKLEY & BOSWORTH BOROUGH COUNCIL**

**FINANCE & AUDIT SERVICES SELECT COMMITTEE**

**14 FEBRUARY 2011 AT 6.30 PM**

**PRESENT:** Mr PAS Hall – Chairman

Mr JG Bannister, Mr DM Gould, Mr MR Lay, Mr K Morrell, Mr BE Sutton and Mr R Ward.

Officers in attendance: Mr S Atkinson, Mr D Bunker, Mr S Coop, Mr M Dungey, Mr S Kohli and Miss R Owen.

In accordance with Council Procedure Rule 4.4, Mr JC Bown also attended the meeting.

Colin Roxburgh and Chris Williams of RSM Tenon were also in attendance.

448 **APOLOGIES**

Apologies for absence were submitted on behalf of Mr PR Batty and Ms BM Witherford.

449 **DECLARATIONS OF INTEREST**

No interests were declared at this stage.

450 **MINUTES (FASC17)**

On the motion of Mr Bannister, seconded by Mr Ward it was

**RESOLVED** – the minutes of the meeting held on 20 December 2010 be agreed and signed by the Chairman.

451 **INTERNAL AUDIT PROGRESS REPORT (FASC42)**

The Select Committee was presented with the internal audit progress report and Mr Roxburgh reported that there were no high priority recommendations, only medium and low. Particular reference was made to the following:

- (a) Income and debtors: attention was drawn to the two low and two medium recommendations which had been made in order to address lack of documented procedures and concern about the monitoring, control and recovery of debt over 120 days old. Members requested that written-off debts over £10,000 be reported to the Select Committee;

- (b) Council tax: it was noted that evidence to support student discounts had been deemed to be insufficient as a certificate was not obtained. Procedures had now been put in place to address this;
- (c) NNDR: it was reported that whilst void properties should be checked every three months, many of the sample taken had not been checked for over five months. Officers were requested to provide a cost/benefit analysis to show whether the potential debt recovered would warrant the cost of increasing the frequency of inspections, to be brought back to a future meeting;
- (d) Internet and E-mail: the four medium and five low recommendations were outlined and Members were satisfied that these had been addressed;
- (e) Green Space Strategy: Members expressed concern with regard to recommendation 3 which suggested that the Parish & Community Initiative Fund (PCIF) should prioritise the objectives of the Green Space Strategy as they felt that the PCIF was a completely separate scheme and was not linked to the Green Space Strategy. RSM Tenon was asked to look again at this issue and revise the recommendation if necessary.

RESOLVED –

- (i) Debts over £10,000 written off be reported to the Select Committee;
- (ii) A cost/benefit analysis of inspecting void commercial properties be provided to a future meeting;
- (iii) RSM Tenon be requested to review the Green Space Strategy audit.

452 STRATEGY FOR INTERNAL AUDIT 2011/12 – 2013/14 (FASC43)

Members were presented with the Audit Plan for 2011/12 to 2013/14, and it was reported that the number of operational days for internal audit had been reduced and a reduction in the cost of the service had been negotiated, which had been possible partly due to the inclusion of the Revenues & Benefits shared service for all three authorities involved.

A Member expressed concern that time had not been allocated to audit the risk of climate change, and in response it was agreed that this would be discussed with the relevant officer and included if necessary.

RESOLVED – the Strategy for Internal Audit be endorsed.

453 SHARED SECTION 151 OFFICER WITH OADBY & WIGSTON BOROUGH COUNCIL

Members were informed of the progress towards sharing a Section 151 Officer with Oadby & Wigston Borough Council, who had been operating with an interim officer whose contract had come to an end. The Select Committee was informed that the arrangement was being trialled for six months from January 2011 but was generating income for this authority as well as savings for Oadby & Wigston BC. It was also noted that Oadby & Wigston BC would also be using RSM Tenon for their internal audit provision, again saving money for both Councils. The total savings for both Councils would be around £125k.

454 GENERAL FUND REVENUE BUDGET 2011/12 (FASC44)

The Select Committee was provided with a report which outlined the General Fund Revenue Budget for 2011/12 and the revised budget for 2010/11. It was reported that a budget reduction of 12.6% had been achieved without affecting frontline services, but by reviewing support services and contracts and not appointing to vacant posts where possible.

Several Members expressed concern with regard to the special expenses area and the Committee was reminded that financial responsibility for Hollycroft Park had been taken out of the special expenses area and moved into the general fund when there were pressures on the special expenses area budget approximately seven or eight years ago. However it was highlighted that the special expenses area was now in a better financial position and that responsibility for Hollycroft Park should be transferred back into it.

It was moved by Mr Lay and seconded by Mr Ward that the Executive be RECOMMENDED to consider returning Hollycroft Park to the special expenses area budget. This motion was CARRIED. Members also asked for information on the cost of maintaining and managing Hollycroft Park and officers agreed to provide this information.

During discussion, reference was also made to the transfer of funding and costs for concessionary travel to Leicestershire County Council, the reduction in income from car parks, the increase in income from planning fees, the pension fund deficit and the capping of council tax.

It was further noted that should the Trade Unions agree to a reduction in the working week for all staff to 36 hours for two years from May 2011, this would bridge the remaining projected gap in next year's budget.

RESOLVED –

- (i) the report be noted and recommendations be supported;
- (ii) the Executive be RECOMMENDED to give consideration to the funding of Hollycroft Park from the special expenses area budget.



455 HOUSING REVENUE ACCOUNT ESTIMATES 2011/12 (FASC45)

Members received a report which outlined the proposed budget for 2011/12 in respect of the Housing Revenue Account (HRA) and recommended a 6.8% rent increase. Whilst some Members expressed concern that this was a large increase, it was explained that this was in line with the process prescribed by the government in advance of rent restructuring and that a smaller increase now would result in larger increases in future and an erosion of HRA balances. There would also be an impact on the long term business case and viability of the HRA. After discussion, during which it was clarified that to introduce a lower increase would require a significant reduction in reserves and balances in 2011/12 and subsequent years, it was agreed to support the increase of 6.8% as recommended to the Executive.

RECOMMENDED –

- (i) the budgets presented in annexes A, B and C to the report be approved;
- (ii) the dwelling rent increases for 2011/12 averaging 6.8% be approved.

456 CAPITAL PROGRAMME 2010/2011 TO 2013/2014 (FASC46)

Members were provided with a report which gave consideration to the Capital Programme for 2010/11 to 2013/14. It was reported that the Executive had adopted the recommendation of the Select Committee not to approve the request for £7,000 to erect a permanent fixture in Hinckley Town Centre to celebrate the 700<sup>th</sup> anniversary of Hinckley Market.

RECOMMENDED to Council –

- (i) the capital programme as appended to the report be noted and approved;
- (ii) bids supported by SLB, Finance & Audit Services Select Committee and the Executive be approved;
- (iii) £2,045,321 be borrowed to fund the shortfall of resources in 2010/11 pending the sale of land at Stoke Road, at which time the receipt from that sale be applied to repay the debt;
- (iv) the financial implications outlined in section 7 of the report be noted.

457 TREASURY MANAGEMENT ACTIVITY THIRD QUARTER 2010/11 (FASC47)

The Committee was informed of the Council's Treasury Management activity during the third quarter of 2010/11.

RESOLVED – the report be noted.

458 WORK PROGRAMME (FASC48)

Members gave consideration to the Select Committee's work programme for 2010/11 and were reminded that a report on operation of the kiosks at Burbage Common and Hollycroft Park and a report on IFRS had been requested for the March meeting of the Committee.

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

459 DATE OF NEXT MEETING

It was noted that the next meeting was scheduled for 21 March 2011.

(The meeting closed at 8.45 pm)