

Public Document Pack  
**HINCKLEY & BOSWORTH  
BOROUGH COUNCIL**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**TO BE HELD ON**

**TUESDAY, 4 NOVEMBER 2014**

**at 6.30 pm**

## Fire Evacuation Procedures

### Council Chamber (De Montfort Suite)

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- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
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- **Do not** use the lifts.
- **Do not** stop to collect belongings.



Date: 27 October 2014

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Dear Sir/Madam

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council in the Council Chamber at these offices on **TUESDAY, 4 NOVEMBER 2014 at 6.30 pm**

Yours faithfully

A handwritten signature in black ink, appearing to read 'RK Owen'.

Miss RK Owen  
Democratic Services Officer

### **AGENDA**

1. Apologies
2. Minutes of the previous meeting (Pages 1 - 8)  
To confirm the minutes of the meeting held on 23 September 2014.
3. Additional urgent business by reason of special circumstances  
To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. 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. Mayor's Communications  
To receive such communications as the Mayor may decide to lay before the Council.
6. Questions  
To deal with questions under Council Procedure Rule number 11.1
7. Leader of the Council's Position Statement

To receive the Leader of the Council's Position Statement.

8. Minutes of the Scrutiny Commission (Pages 9 - 12)

To receive for information only the minutes of the Scrutiny Commission meeting held on 2 October 2014.

9. Car Parking Places Order (Pages 13 - 30)

Report of the Deputy Chief Executive (Community Direction).

10. Introduction of charges for green waste collection (Pages 31 - 36)

Report of the Deputy Chief Executive (Community Direction).

11. Hinckley and Bosworth Local Plan (2006- 2026): Site Allocations and development Management Policies DPD - Pre-submission Modifications Consultation (Pages 37 - 42)

Report of the Deputy Chief Executive (Community Direction).

12. Reducing excess winter deaths - public health funding (Pages 43 - 46)

Report of the Deputy Chief Executive (Community Direction).

13. Motions received in accordance with Council Procedure Rules 13.1 and 13.2 (Pages 47 - 58)

Received from Councillor Bill, seconded by Councillor Mullaney:

“This Council endorses the letter sent to the 3 national party leaders on the need for a genuine local voice in planning and agrees that this should also be sent to the DCLG, the Local Government Association and the Royal Town Planning Institute for their information and for a response. The letter is attached as an appendix”.

# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

23 SEPTEMBER 2014 AT 6.30 PM

PRESENT: MR JG BANNISTER - MAYOR  
MR K NICHOLS – DEPUTY MAYOR

Mr RG Allen, Mr DC Bill MBE, Mr CW Boothby, Mr SL Bray,  
Mrs R Camamile, Mr MB Cartwright, Mrs T Chastney, Mr DS Cope,  
Mr WJ Crooks, Mr DM Gould, Mr PAS Hall, Mrs WA Hall,  
Mrs L Hodgkins, Mr MS Hulbert, Mr DW Inman, Mr C Ladkin,  
Mr MR Lay, Mr KWP Lynch, Mr R Mayne, Mr JS Moore, Mr K Morrell,  
Mr MT Mullaney, Mr LJP O'Shea, Mrs J Richards, Mrs H Smith,  
Mrs S Sprason, Mr BE Sutton and Miss DM Taylor

Officers in attendance: Steve Atkinson, Bill Cullen, Malcolm Evans, Emma Horton, Julie Kenny, Sanjiv Kohli, Karen Mason, Rebecca Owen, Sally Smith and Sharon Stacey

### 170 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Batty, Bessant and Ward.

### 171 MINUTES OF THE PREVIOUS MEETING

It was moved by Councillor Bray, seconded by Councillor Moore and

RESOLVED – the minutes of the meetings held on 1 July and 2 September 2013 be approved and signed by the Mayor.

### 172 ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

The Mayor agreed to take three items of urgent business: changes to membership of committees, a petition from Councillor Morrell and a petition from Councillor Crooks. It was agreed that these would be taken immediately.

### 173 MEMBERSHIP OF COMMITTEES

It was proposed, seconded and

RESOLVED –

- (i) Councillor Mayne be replaced by Councillor Hodgkins on the Finance, Audit & Performance Committee;
- (ii) Councillor Hodgkins be replaced by Councillor Mayne on the Scrutiny Commission.

### 174 HOUSING POLICY PETITION

Councillor Morrell was permitted to submit a petition with 358 signatures with the following title:

*“We the Parishioners of Sheepy feel betrayed by current Government Housing Policies.*

- *The Parishioners & Parish Council recognised and agreed the need for more housing.*

- *The Parish Council worked with Hinckley & Bosworth Borough Council to produce an agreed core strategy yet the Government is imposing housing numbers on Local Councils which far exceed the numbers laid down in the core strategy.*
- *The Localism Act was supposed to empower the local community yet local wishes and opinions are being ignored contrary to the Localism policy.*
- *The National Planning Policy Framework was supposed to protect the countryside from inappropriate development yet present Government policy is giving housing developers carte blanche to develop on valuable quality agricultural land.*
- *A rising population not only needs to be housed but needs to be fed and according to new research, Britain is running out of land for food and faces a potential shortfall of two million hectares by 2030.*

*We the Parishioners of Sheepy Magna and Sheepy Parva insist that the Government reconsiders this policy immediately and uses its leadership and influence over HBBC to remove the intent of using prime agricultural land for an unwanted expansion of the village which will, over time, completely destroy its character and which is very much against voters' wishes!"*

It was agreed that Councillor Morrell would raise the issue further under the Statement of Community Involvement.

175 PETITION AGAINST PLANNING APPLICATION 14/00435/OUT

Councillor Crooks presented a petition with 434 signatures with the following title:

*"We the undersigned wish to object to the proposed plan to build 450 houses known as 'Thrussel Meadows' in Barlestone & Osbaston on the grounds of increased traffic, overdevelopment of the site and lack of facilities & amenities to support this type & size of major development."*

The petition was accepted and it was agreed that it would be passed to the Planning team.

176 DECLARATIONS OF INTEREST

No interests were declared at this stage.

177 MAYOR'S COMMUNICATIONS

The Mayor briefly reported that he had attended many enjoyable events recently.

178 QUESTIONS

The attached questions were asked in accordance with Council Procedure Rule 11.1 and answers provided. Supplementary questions were asked as follows:

- (b) Councillor Moore asked if there had been an annual increase in car parking charges under the previous Conservative administration. In response it was stated that there had been annual increases as per the response circulated.
- (c) Councillor Moore queried the position of the Council nationally with regard to Council Tax. In response it was reported that the authority was the ninth lowest.
- (d) Councillor Camamile asked why other authorities could collect carrier bags whilst HBBC's contractor could not. The Executive member explained that, whilst the contract had never included collection of carrier bags, they had taken them

anyway due to the high value of other recyclable materials in the bins. Due to the lower value of recyclable materials now, the contractor was not willing to take them under the current contract. It was explained that other authorities would be paying more for their contract and as such, carrier bags could be taken.

179 LEADER OF THE COUNCIL'S POSITION STATEMENT

The Leader started his speech by sending his best wishes to Councillor Ward who had damaged his knee.

During his position statement, the Leader referred to progress on the Leisure Centre contract, work on the Bus Station site, difficult budget decisions needed for the future, the Earl Shilton and Barwell Area Action Plan consultation and forthcoming Executive consideration of the Strategic Housing Market Assessment and Mallory Park noise control.

180 MINUTES OF THE SCRUTINY COMMISSION

The Chairman of the Scrutiny Commission introduced the minutes of recent meetings.

181 SOCIAL SERVICES ADAPTATIONS

Members received a report which outlined increasing pressure on the Social Services Adaptations budget and requested a virement to address this. Members asked questions regarding the waiting list for adaptations, the average costs and the reasons for removing adaptations when a property is vacated. In response to these and other comments, the following points were made:

- The assessment process undertaken by Social Services was very lengthy as they were under-resourced
- The average cost of an adaptation was £862
- There was currently no waiting list for HBBC to carry out the work once a referral, specification and necessary permissions were received
- Whilst properties were advertised as having adaptations in place, it was important to ensure adaptations met the needs of the individual, and as such there were often no residents on the housing waiting list requiring that particular adaptation.

It was moved by Councillor Lynch, seconded by Councillor Bray and

RESOLVED – the virement of £100,000 from the Major Voids capital budget to the Social Services Adaptations capital budget be approved in accordance with financial procedure rules.

182 ANTI SOCIAL BEHAVIOUR LEGISLATION

Council was informed of the new Anti Social Behaviour (ASB) powers, the Community Trigger and Endeavour. During discussion reference was made to the lack of resources within the Police, the increased perception of anti social behaviour and the excellent work of Endeavour. It was moved by Councillor Bill, seconded by Councillor Witherford and

RESOLVED –

- (i) The provisions of the Anti-social Behaviour, Crime and Policing Act 2014 be noted and powers be delegated to the Deputy Chief Executive (Community Direction) and authorised officers to take action under Part 4 of that Act;

- (ii) The ASB policy be approved;
- (iii) The Community Trigger detailed in the report be noted;
- (iv) The work of the Endeavour team in tackling a wide range of Community Protection issues and improving public confidence be noted and commended.

183 ACTIVE HINCKLEY

Members were informed of a new externally funded cycling and walking scheme called 'Active Hinckley'. During discussion, Members referred to walking and cycling initiatives set up by other local employers, including the bus station developer. It was moved by Councillor Cope, seconded by Councillor Bray and

RESOLVED –

- (i) the securing of external funding be welcomed;
- (ii) the creation of income and expenditure budgets of £45,000 for 2014/15 and £65,000 for 2015/16, to be funded from the external grant via the Department of Transport's Local Sustainable Transport Fund and issued by Leicestershire County Council, be approved.

184 STATEMENT OF ACCOUNTS

The Statement of Accounts and Annual Governance Statement for 2013/14 was presented to members. The Chairman of the Finance, Audit & Performance Committee reported that the Auditors were happy with the documents and she thanked the Finance team for their hard work. It was moved by Councillor Lynch, seconded by Councillor Bray and

RESOLVED –

- (i) The Statement of Accounts for the year 2013/14 be approved;
- (ii) The expected 'unqualified' audit opinion be noted.

185 BUDGET STRATEGY 2015/16

The Budget Strategy 2015/16 was presented to Council in conjunction with the Statement of Accounts and the New Homes Bonus reports also on the agenda for this meeting. It was moved by Councillor Lynch, seconded by Councillor Bray and by majority

RESOLVED – the Budget Strategy 2015/16 be approved.

186 NEW HOMES BONUS

Members received a report which provided information on the levels of funding to parish councils by the Borough Council. Attention was drawn to the supplementary agenda which contained a recommendation from the Finance, Audit & Performance Committee that the New Homes Bonus allocation to parish councils be withdrawn with effect from 2015/16.



Several Councillors expressed concern regarding the removal of funding to already struggling parishes. It was highlighted that the forwarding of New Homes Bonus monies to parishes was discretionary and that HBBC was the only authority in Leicestershire who did this and it had been made clear from the outset that it was never intended to be relied upon by parishes.

The provision of Council Tax Support to parishes was discussed, and it was agreed that there was currently no intention to remove this, and it would only be removed as a last resort.

It was moved by Councillor Lynch, seconded by Councillor Bray and by majority

RESOLVED –

- (i) The significant level of discretionary support provided to parish councils and the Special Expenses Area to date be noted;
- (ii) In light of the requirement contained in the Medium Term Financial Strategy to consider removal of the New Homes Bonus in order to ensure minimum general fund balance levels from 2015/16 onwards, the ending of all payments of New Homes Bonus to parish councils and the special expenses area from 2015/16 be approved;
- (iii) The ongoing provision of Council Tax Support funding to parish councils be approved.

187 MIDDLEFIELD LANE SITE DISPOSAL

A report seeking to dispose of the Middlefield Lane site was presented to Council. A member asked whether it would be a good idea to market the site with outline planning permission as had been done previously with another site. In response it was felt that there would be not benefit to doing so, but if no suitable tenders were received this would be reconsidered. Concern was also expressed that the site had been considered for council housing, but it was felt to be too large and too expensive. It was moved by Councillor Lynch, seconded by Councillor Bill and

RESOLVED –

- (i) The use of a formal tender process for marketing and disposal at a figure of not less than £2.2m be approved;
- (ii) Authority to accept a tender and dispose of the land at a value not less than £2.2m be delegated to the Deputy Chief Executive (Corporate Direction).

188 EARL SHILTON & BARWELL AREA ACTION PLAN

Council gave consideration to the Earl Shilton & Barwell Area Action Plan. It was reported that the Inspector had recommended modifications which had been incorporated. During discussion, the following points were raised:

- The need to avoid over-provision of affordable flats in Earl Shilton
- the importance of bringing the employment land into use early in the Barwell SUE development
- concern regarding Mill Lane in Earl Shilton becoming a 'rat run' and the need to avoid heavy lorries using that road

- the position regarding town centre regeneration for Earl Shilton
- the viability claim from developers of Barwell SUE regarding the affordable housing provision.

In response to comments made, the Leader explained that planning permission for Barwell SUE had not been issued, as he was not yet satisfied that the commitments would be delivered and permission would not be issued until an agreement that was the best possible for the area had been reached.

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

RESOLVED –

- (i) the conclusions and recommendations of the Planning Inspector of the Earl Shilton and Barwell Area Action Plan be noted;
- (ii) the Earl Shilton and Barwell Area Action Plan be adopted.

Councillor Lay left the meeting at 8.45pm.

189 STATEMENT OF COMMUNITY INVOLVEMENT

Members received a report on the findings of the Statement of Community Involvement (SCI) Consultation Statement and resulting modifications. At this point, Councillor Morrell spoke on his petition (minute 174 refers) which called for the Government to reconsider its intention to expand the villages of Sheepy Magna and Sheepy Parva, using agricultural land.

It was moved by Councillor Bray, seconded by Councillor Bill and by majority

RESOLVED –

- (i) The findings of the Statement of Community Involvement (SCI) Consultation Statement and resulting modifications to the final SCI be approved;
- (ii) The publication of the SCI to inform plan-making and decision-taking be approved.

190 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES 13.1 AND 13.2

Councillor Gould, seconded by Councillor Hulbert, proposed the following motion:

The council notes:

- It has been estimated that the UK Treasury loses as much as £12 billion to tax dodging by multinational companies every year. Developing countries lose three times more to tax dodging than they receive in aid each year – enough to give a basic education to the 57 million children currently missing out.
- The UK has a particular responsibility to end tax dodging, as it is responsible for 1 in 5 of the world's tax havens in the British Overseas Territories and Crown Dependencies.
- The use of tax havens by UK companies is rife, with 98 of the FTSE 100 companies routinely using tax havens.
- Large multinational companies pay as little as 5% in corporate taxes globally, while smaller businesses pay up to 30%.

This council believes:

- As a local authority we have a duty to provide the best possible public services.
- Our ability to provide quality local services would be significantly enhanced by the increased revenues from the government tackling tax dodging.
- All who benefit from public spending should contribute their fair share.
- The UK must take a lead role in creating a fairer tax system and combatting tax dodging.

This council resolves:

- To support the campaign for tax justice, supporting the motion:

*“While many ordinary people face falling household income and rising costs of living, some multinational companies are avoiding billions of pounds of tax from a tax system that fails to make them pay their fair share. Local governments in developing countries and the UK alike would benefit from a fairer tax system where multinational companies pay their fair share, enabling authorities around the world to provide quality public services. The UK government must listen to the strength of public feeling and act to end the injustice of tax dodging by large multinational companies, in developing countries and the UK.”*

Following discussion, it was unanimously

RESOLVED – the above motion be sent to HM Treasury.

(The Meeting closed at 8.55 pm)

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MAYOR

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## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

2 OCTOBER 2014 AT 6.30 PM

PRESENT: Miss DM Taylor (Vice-Chairman, in the Chair)  
Mr C Ladkin – Vice-Chairman

Mr PR Batty, Mr Bessant, Mr PAS Hall, Mrs WA Hall (for Mr K Nichols), Mr DW Inman, Mr R Mayne, Mr JS Moore and Mr K Morrell

Also in attendance: Councillor DC Bill MBE and Councillor Ms BM Witherford

Officers in attendance: Steve Atkinson, Graeme Chilvers, Edwina Grant, Simon D Jones, Rebecca Owen and Sharon Stacey

#### 196 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillors Lay and Nichols, with the substitution of Councillor Mrs Hall for Councillor Nichols in accordance with Council Procedure Rule 4.

#### 197 MINUTES

It was moved by Councillor Inman, seconded by Councillor Moore and

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

#### 198 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 199 CHANGES TO LOCAL POLICING

Superintendent Adam Street (Counties BCU) and Chief Inspector Neil Newell (Force Change Team) gave a presentation on changes to local policing in Leicester, Leicestershire and Rutland, with Chief Inspector Jonny Starbuck also in attendance. The new model would take into account the diversity of the area and would also build on the strong partnerships already in place, particularly between the Hinckley and Blaby areas.

(Councillor Morrell entered the meeting at 6.37pm).

During the presentation and responses to members' questions, the following points were raised:

- The Chief Constable would lead a smaller force with a reduced number of units and sections
- Boundary revisions were also being undertaken
- There would be improved uses of technology which would further increase efficiency
- Levels of policing would be arranged based on risk, taking all factors into account

- Neighbourhood officers would focus on that role, with other specialist officers taking responsibility for crime and prisoner administration
- Dedicated officers would attend scheduled appointments, for example in non-emergency situations and to follow up on specific matters

Whilst understanding the requirement to make changes and to reduce costs of the service, many members felt that they had already seen a lot of change with regard to local policing, and each time the local support and visibility seemed to be diluted. Members were reassured that a lot of work had been put into this change programme, but also that it would be reviewed and stakeholders would be consulted in the course of this.

Members congratulated Inspector Jonny Starbuck on his new role and thanked him for his work for Hinckley & Bosworth.

(Councillor Mrs Hall left the meeting at 7.31pm.)

## 200 HEALTH & WELL BEING

The Scrutiny Commission was informed of changes that had taken place over recent years in the planning and delivery responsibilities for public health. Rob Howard from Public Health at Leicestershire County Council and Dr Nick Wilmott, a local GP and West Leicestershire CCG representative, were in attendance. It was reported that there was a Health & Well-being Board, which was administered by Leicestershire County Council. Two district councillors, representing districts across the County, sat on this Board.

The 'Lightbulb' Project was discussed in some detail. The aim of this was to enable older people to stay in their own homes for longer, by providing adaptations, aids & equipment, affordable heating, occupational therapy co-ordination and support.

Whilst not relating directly to the matter under discussion, the issue of section 106 monies providing healthcare facilities (particularly in Barwell & Earl Shilton) was raised. Dr Wilmott assured members that the matter was on the radar of the CCG and that he would take the Commission's comments back to the Group.

It was further noted that the CCG would be reporting back to the Scrutiny Commission following its consultation exercise, at which point questions regarding the future of the hospitals could be put.

It was also reported that the voluntary & community sector had been commissioned to carry out projects on behalf of the council.

A member asked information on funding and allocation of money. It was agreed that this be sent to members following the meeting.

Members thanked those in attendance for their positive contributions and for the informative presentations.

## 201 CREDIT UNION - COMMUNICATIONS STRATEGY - UPDATE

A report regarding communication and marketing options in relation to Clockwise Credit Union was presented to members, as requested by the Scrutiny Commission in March 2014. The importance of raising the profile was acknowledged and members were informed that the DWP was currently running a Credit Union Expansion Programme, with which Clockwise was involved.

The Scrutiny Commission highlighted the problems currently being experienced by one of the large lending companies, in having to write off a large amount of debt. It was suggested that this negative press be utilised to promote Clockwise, particularly with the Christmas period approaching.

With regard to advertising, it was noted that the Hinckley Times was providing coverage prior to an event in Hinckley on 20 October. Other marketing currently used included the Borough Bulletin, Community House Newsletters, Borough events, Partner Forums and networks and the HBBC staff newsletter.

It was suggested that other avenues, such as radio interviews, be explored. Officers drew attention to appendix 1 to the report which suggested use of social media, targeted door to door leafleting, linking with the Town Centre Partnership and engaging with key employers. A member suggested advertising Clockwise on the side of one of the authority's refuse vehicles and officers agreed to look into this option.

RESOLVED –

- (i) Current marketing strategies be continued and new methods of communication be explored;
- (ii) The provision of local access points and supporting arrangements be continued.

202 EQUALITIES UPDATE

The Scrutiny Commission was updated on the Council's actions to promote and ensure that equality and diversity were embedded within the authority and its activities and considered the report on the action plan which had been agreed with the Equalities and Human Rights Commission (EHRC). An update had also been circulated prior to the meeting, which reported on a meeting with the Senior Lawyer at the EHRC. This meeting had had a positive outcome and, whilst the EHRC was happy with the progress made, the Chief Executive had agreed areas for further work and report.

RESOLVED –

- (i) The actions undertaken to deliver the action plan agreed with the EHRC be endorsed;
- (ii) The outcome of the meeting with the Senior Lawyer at the EHRC be noted and the recommended further steps be supported.

203 FINANCE, AUDIT & PERFORMANCE ANNUAL REPORT

The Scrutiny Commission received the Finance, Audit & Performance Committee Annual Report which had been endorsed by that Committee. Members highlighted an error in the political composition of the Committee in the report.

The complexity of some of the information provided to the Finance, Audit & Performance Committee was highlighted. A report was requested for a future meeting on staffing budgets, broken down by service area, including how these had changed over the last few years and any anticipated changes in future. It was requested that this contains actual figures and numbers rather than percentages.

RESOLVED –

- (i) The report be noted;
- (ii) A report on staffing budgets be brought to a future meeting.

(The Meeting closed at 8.35 pm)

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CHAIRMAN





## COUNCIL – 4 NOVEMBER 2014

### CAR PARKING PLACES ORDER REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)

#### WARDS AFFECTED: HINCKLEY

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#### 1. PURPOSE OF REPORT

- 1.1 To seek Members approval of the Off Street Parking Places Order.

#### 2. RECOMMENDATION

- 2.1 Council approve the proposed Off Street Parking Places (Hinckley and Bosworth) Order 2014
- 2.2 Delegate authority to the Head Of Street Scene Services to publish a notice of proposals in relation to the Off Street Parking Places (Hinckley and Bosworth) Order 2014 as attached at Appendix one;
- 2.3 Subject to their being no objections received within the relevant statutory period that authority be delegated to the Head of Street Scene Services to make the order and publish the notice of making.
- 2.4 Where there are objections received that a written report be produced detailing the objections and that authority be delegated to the Chief Officer (Environmental Health) and the Executive Member with responsibility for Car Parks in conjunction with the Legal Services Manager to consider such objections and consider whether the order should be confirmed or not.

#### 3. BACKGROUND TO THE REPORT

- 3.1 The Council is able to control parking within its administrative area through the production of an Off Street Parking Places Order under the Traffic Regulation Act 1984. The Order recommended within this report sets out the terms and conditions for use of Council owned car parks, and the charges and penalties which apply to those using the car parks. Once made, it would form the legal basis from which all future charges and enforcement actions are made.
- 3.2 Due to the significant number of changes proposed to the existing 2013 order, a new Off Street Parking order is proposed to implement these changes and produce a comprehensive and up to date Order. A copy of the order is attached in appendix one. Though the current Order allows for changes to be made without the need for a new order, this can only be where changes are not “substantial”. The changes proposed are considered to be substantial therefore a new order is proposed.
- 3.3 Key changes included within the proposed Order are:-
- The removal of Brunel Road North, Brunel Road South and Bus Station car parks following the commencement of the Crescent development.
  - The removal of the Argents Mead Council Offices Staff and Visitors car parks to be redeveloped as part of the Leisure centre relocation.
  - The addition of the Jubilee Building car parking (staff/ permit holders only)
  - The introduction of pay and display charges at the Hinckley Hub car park.
  - The addition of the Rock Garage and Westfield Community Centre car parks (staff / permit holders only)

- 3.4 An amendment to the Order will be required prior to the opening of the Leisure Centre.
4. FINANCIAL IMPLICATIONS [IB]
- 4.1 The estimated additional income of £6,000 - £9,000 from changes to the Hinckley Hub car park was approved by Executive on August 6<sup>th</sup> 2014.
- 4.2 Costs of advertising the Off Street Parking Places Order are estimated to be £2,000. This can be met from existing budgets.
5. LEGAL IMPLICATIONS [EH]
- 5.1 The Council has the statutory power to make off-street parking places and control those places under section 32, 35 and Schedule 9 of the Road Traffic Regulation Act 1984. The procedure for making an Order is set out in The Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 5.2 The 1996 Regulations contain the detailed procedure for making an order, which includes consultation with statutory bodies on the proposal, advertising requirements and the duty to consider objections prior to making an Order. All these elements have been covered within the recommendation of the report as, owing to the need to progress the order promptly the various powers have been suggested for delegation
- 5.3 Although it is unusual a public inquiry can be held to deal with objections. Where there is a need to hold a public enquiry members will be updated.
- 5.4 Implications with regards to each step of the process will be fully considered by officer in consultation with Legal Services.
- 5.5 The Order ensures that all previous orders are revoked from the date of making, for clarity and certainty.
6. CORPORATE PLAN IMPLICATIONS
- 6.1 Car parking supports the aims of creating a vibrant place to work and live, and providing value for money services.
7. CONSULTATION
- 7.1 The Order will be open to public consultation for 21 days of the notice of proposals, or, if later, the end of the Council's compliance with the publicity and deposit rules. Objections must be in writing and state the grounds for objection.
8. RISK IMPLICATIONS
- 8.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 8.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.
- 8.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to make and implement the Order – loss of revenue and control over parking	Ensure Order is promptly advertised, made and implemented	Jackie Lee

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 Blue badge holders will continue to get free parking in council owned car parks.

10. CORPORATE IMPLICATIONS

10.1 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: Appendix One: HBBC Off Street Parking Places Order

Contact Officer: Caroline Roffey, x5782

Executive Member: Cllr Stuart Bray

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**HINCKLEY AND BOSWORTH BOROUGH COUNCIL**  
**THE DISTRICT OF HINCKLEY & BOSWORTH**  
**(OFF STREET PARKING PLACES) ORDER 2014**

Hinckley & Bosworth Borough Council in exercise of its powers under Sections 32 and 35 of the Road Traffic Regulation Act 1984 and Part IV of Schedule 9 to the Act, the Traffic Management Act 2004 and all Regulations and Orders made in exercise of the powers conferred by the 2004 Act and of all other enabling powers, with the consent of the Leicestershire County Council in accordance with Section 39 (3) of the Act and after consulting with the Chief Officer of Police in accordance with Part III of Schedule 9 to the Act, hereby makes the following Order:

**PART 1 – GENERAL**

**Commencement and Citation**

1. This Order shall come into operation on the [DATE] and may be cited as the “District of Hinckley & Bosworth (Off Street Parking Places) Order 2014” and shall revoke all previous Orders

**Revocations**

2. The following Order is hereby revoked:

The Hinckley & Bosworth Borough Council (Off Street Parking Places) Order 2013.

**Interpretation**

3. The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.
4. The headings in this Order are inserted for convenience only and shall not affect its construction or interpretation.
5. In this Order, except where the context otherwise requires, the following expressions have the meanings hereby assigned to them:

“the Act of 1984” means the Road Traffic Regulation Act 1984;

“the 2000 Regulations” means The Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 (SI No. 682): as amended by SI 2000/1507;

“Atkins permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Atkins Building car Park Hinckley without displaying a parking ticket;

“authorised officer” means a civil enforcement officer or any person as defined by the relevant legislation duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“bicycle” means a non powered vehicle normally with two wheels (but up to four) attached to a frame, to include, but not exclusively a tricycle;

“car park” means the area or areas of land, specified by name in Schedule 1 and defined by the plans included in that Schedule;

“car park notice” means the notice that is displayed in each car park and describes the conditions contained in Schedule 1 of this Order under which a motor vehicle may be left in the car park;

“causes” includes permits;

“charging hours” means any period for which a charge is specified in Schedule 1;

“Council” means the Council of Hinckley & Bosworth or its representative;

“civil enforcement officer” means any person duly authorised by or on behalf of the Council to supervise and enforce the operation of the car park or any part thereof;

“controlled hours” means enforcement may be carried out during these times;

“disabled person's badge” means, a badge in the form prescribed by regulation 11 in the 2000 Regulations, issued by a local authority for display on a motor vehicle driven by a disabled person, or used for the carriage of a disabled person, and includes a replacement badge issued in accordance with regulation 7 of those regulations and is currently in force;

“dispensation” means an authorisation, in writing, issued by the Council that entitles a specified motor vehicle to park in a car park which had been closed pursuant to Article 32 of this order for a defined time;

“driver” means the registered keeper of the vehicle registered with the DVLA at the time that the contravention was committed, unless it is proved to the Council’s satisfaction that the vehicle at the time of the contravention was in the charge of a person other than the registered keeper;

“HBP permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Hinckley Business Park car park without displaying a parking ticket;

“higher level contraventions” are as defined in the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof;

“Jubilee permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Jubilee Car Park Hinckley without displaying a parking ticket

“LBSN permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Lower Bond Street North Car Park Hinckley without displaying a parking ticket;

“leisure centre permit” means a permit issued by Hinckley Leisure Centre on behalf of the Council to Hinckley Leisure Centre members in accordance with the Council’s Conditions for Issuing Parking Permits for the time being

in force which entitles a vehicle to park in the Trinity Vicarage car park without displaying a parking ticket for a maximum of 3 hours with no return;

“lower level contraventions” means all parking contraventions which are not higher level contraventions;

“motor car” means a mechanically propelled vehicle as defined in Section 136(2) of the Act of 1984 and not exceeding 1.98 metres in height, 5.5 metres in length or 2.5 metres wide;

“motor cycle” means a mechanically propelled vehicle as defined in Section 136(4) of the Act of 1984 but having no more than two wheels;

“motor vehicle” means an independent powered vehicle including but not limited to motor cars and motor cycles as defined and (except in the case of motor vehicles constructed or adapted for use for the conveyance of goods or burden) the unladen weight of which does not exceed 3500Kg;

“NWHC permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the North Warwickshire and Hinckley College Car Park without displaying a parking ticket;

“owner” means the legally responsible person or organisation;

“parking space” means a space in the car park, marked on the surface of the car park by lines or indicated by signs, which is provided for the parking of motor vehicles;

“parking ticket” means the ticket issued by means of the ticket machine;

“permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in a car park without displaying a parking ticket;

“relevant position” means exhibited on the dashboard or fascia of the motor vehicle, in a conspicuous position on the motor vehicle, so that the front is clearly legible from the outside of the motor vehicle;

“relevant legislation” means the Road Traffic Regulation Act 1984, the Traffic Management Act 2004 and any Regulations made thereunder;

“reserved space” means the parking space in the car park that is marked on the surface and/or indicated by signs as being reserved;

“Rock permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Rock Car Park Hinckley without displaying a parking ticket;

“season ticket” means the ticket issued by the Council, in accordance with the Council’s Terms and Conditions for issuing season tickets, indicating the vehicle registration mark of the motor vehicle on which it may be used, the car park(s) in which it may be used and the period of its validity;

“ticket machine” means any apparatus operated by the insertion of coins, bank notes, tokens, credit or debit cards and that issues parking tickets indicating the payment of a charge, the date and time at which that charge was paid and the time by which the motor vehicle must leave the car park;

“Westfield permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Westfield Community Centre Car Park Hinckley without displaying a parking ticket;

“Willowbank permit” means a permit issued by the Council in accordance with the Council’s Conditions for Issuing Parking Permits for the time being in force which entitles a vehicle to park in the Willowbank Car Park Hinckley without displaying a parking ticket;

## **PART 2 - REGULATIONS**

### **Use of land and car park**

6. Each area of land specified by name in Schedule 1 may be used at all times subject to the following provisions of this Order as a car park for motor vehicles on such days and for such periods as are specified in Schedule 1. No person shall unless authorised in writing by the Council use any car park for any other purpose.
7. In so far as a motor vehicle is parked in a car park during the charging hours the driver thereof shall purchase a parking ticket paying such charge or charges as are specified in Schedule 1 of this Order and on the relevant car park notice.
8. The driver of the vehicle shall:
  - 8.1 display the parking ticket issued on payment of the charge in the relevant position on the vehicle in respect of which it was issued: and
  - 8.2 ensure that a parking ticket is purchased and displayed to cover the entire period that the vehicle is parked in the parking space.
9. A parking ticket is not transferable from one vehicle to another.
10. A parking ticket is valid only in the car park in which it was issued for the time displayed on the ticket. This is defined by the reference code of the ticket machine located in that car park printed on the parking ticket.
11. If at any time while a vehicle is left in a car park and no parking ticket is displayed on that vehicle in the relevant position, it shall be deemed that the charge has not been paid and will be subject to the penalty provisions within this Order, unless the vehicle is displaying the following:-
  - (a) Leisure Centre Permit (for use in Trinity Vicarage Car Park Hinckley only for a maximum of three hours and no return)
  - (b) Atkins Permit (for use in the Atkins Building Car Park Hinckley only)
  - (c) HBP Permit (for use in the Hinckley Business Park Car Park Hinckley only)
  - (d) Jubilee Permit (for use in the Jubilee Car Park Hinckley only)
  - (e) LBSN Permit (for use in the Lower Bond Street North Car Park Hinckley only)
  - (f) NWHC Permit (for use in the North Warwickshire and Hinckley College Car park only)
  - (g) Rock Permit (for use in the Rock Car Park Hinckley only)



- (h) Westfield Permit (for use in the Westfield Community Centre Car Park Hinckley only)
- (j) Willowbank Permit (for use in the Willowbank Car Park Hinckley only)
- (j) Disabled Persons Badge
- (k) Any other permit that may be issued by the Council from time to time
12. If at the time when a vehicle is left during the charging hours in a parking space on the nearest ticket machine in that car park there is a notice placed by any person duly authorised by the Council, indicating that the ticket machine is out of order, then a parking ticket shall be obtained from another machine within that car park (where provided).
13. Where no valid parking ticket can be obtained as a result of the ticket machine being designated as out of order in accordance with Article 12 and displayed vehicles may be left in a car park but may not be left for longer than the charging period for that day.
14. No motor vehicle or bicycle shall be driven at a speed exceeding 5 mph whilst within the boundaries of any car park.
17. Any object other than a motor vehicle placed within the boundaries of any car park without prior permission will be removed and stored off site at the owner's expense for a period of 1 week after which time it will be sold and any monies received put towards costs incurred in removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
18. Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by season ticket holders or reserved space permit holders, no vehicle shall be permitted to stand or wait in the parking space unless it is displaying a valid season ticket or reserved space permit in the relevant position.

### **Maximum Length of Stay for Motor Vehicles Using Car Parks**

19. No motor vehicle shall be allowed to remain in a car park for longer than the maximum time permitted, nor may a motor vehicle return to any car park until after the until after the expiry of the time specified in Schedule 1 to this Order and displayed on the car park notice, except for drivers displaying in the relevant position a season ticket or permit for that car park or a valid disabled persons badge.
20. Motor vehicles correctly displaying a disabled person's badge may park without payment within any marked disabled parking space or other parking space in the limit of the car park.
21. Motor cycles may park in any designated motor cycle bay without payment.
22. No motor vehicle may be permitted to remain in a car park after the time for that car park to be open has expired.

### **Restrictions on Use of Parking Spaces**

23. (1) No person shall use a motor vehicle, while it is in a car park, in connection with the sale of any article to persons in or near the car park

or in connection with the selling or offering for hire of his or her skills or services, except with the written consent of the Council.

- (2) No person shall use any part of a car park or any motor vehicle parked in a parking space -
    - (a) for sleeping or camping or cooking: or
    - (b) for the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that motor vehicle to depart from the car park: or
    - (c) for any indecent, improper, offensive or obscene behaviour which may cause harassment, alarm or distress
24. (1) A motor vehicle shall not be permitted to wait in a car park other than in a parking space. Except with the permission of the Council, every part of the motor vehicle must be within the limits of the parking space and not more than one motor vehicle shall occupy any one such parking space.
- (2) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by disabled persons, no motor vehicle shall be permitted to stand or wait in the parking space unless it is correctly displaying a valid disabled person's badge in the relevant position.
  - (3) Where within the car park there is a sign or surface marking that indicates a parking space is available only for use by a particular class of motor vehicle, no motor vehicle shall be permitted to stand or wait in the parking space unless it is of that class.
  - (4) No motor vehicle may be parked in such a manner that it obstructs any other motor vehicle.
25. (1) Where in the car park or any part thereof, signs are erected or surface markings are laid for the purpose of:-
- (a) indicating an entrance to or exit from the car park or any part thereof: or
  - (b) indicating that a motor vehicle using the car park or any part thereof shall proceed in a specific direction within the car park or any part thereof no person shall drive or permit to be driven any motor vehicle (i) so that it enters the car park or any part thereof, otherwise than by the entrance, or leaves the car park or any part thereof, otherwise than by the exit, so indicated, or (ii) in a direction other than so specified.
26. (1) No motor vehicle shall display a parking ticket that had been previously displayed on another motor vehicle or in another car park.
- (2) No motor vehicle shall display any parking ticket or permit which has been altered, defaced, mutilated or added to, or upon which the figures or particulars have become illegible.
  - (3) If an authorised officer has reasonable cause to believe that a document or article carried on a motor vehicle, or by the driver or person in charge of a motor vehicle, is a ticket or permit to which this Article applies, or is a document designed to resemble a ticket or permit, he may detain that ticket or permit, and may for that purpose require the driver or person in charge of the motor vehicle to deliver up the document or article.

### **Penalty Charge for Use of Car Parks**

27. (1) If a motor vehicle is left in a parking place in contravention of or non compliance with this Order a penalty charge shall be payable by the driver of the motor vehicle.
- (2) The penalty charge or reduced penalty charge shall be in the sum of the following amounts:-
- (a) The penalty charge for higher level contraventions– band 2 as set out in Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (as amended or superseded from time to time) subject to payment being received within 28 days beginning with the date of issue of the penalty charge notice.
  - (b) All other contraventions of the Order not so defined as higher level contraventions in accordance with The Civil Enforcement of Parking Contraventions (Guidelines on levels of Charges) (England) Order 2007 or any amendment or re-enactment thereof, will be set at the lower level penalty charge as defined in those regulations.
  - (c) The reduced penalty charge – a fifty percent reduction of the penalty charge subject to payment being received within 14 days beginning with the date of issue of the penalty charge notice.
  - (d) If no payment is made within 28 days of the serving of the penalty charge notice the Council will issue a Notice to Owner advising of the unpaid charge
  - (e) If no payment is made within 28 days of the serving of the Notice to Owner the Council may issue a charge certificate in accordance with the provisions of Regulation 21 of the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time) this will result in the penalty charge being increased by fifty percent.
- (3) Service of a penalty charge notice, notice to owner or charge certificate by post is deemed effective on the second working day after the day of posting.
- (4) Where a penalty charge has been incurred a civil enforcement officer may attach to the vehicle in a conspicuous position or hand to the driver a penalty charge notice which shall comply with the requirements of regulation 9 and the schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).
- (5) Where a penalty charge has been incurred, a penalty charge notice may be issued by post by the enforcement authority if the owner of the motor vehicle drives the motor vehicle away before the civil enforcement officer has issued a penalty charge notice or the civil enforcement officer has been prevented from issuing a penalty charge notice, such a penalty charge notice shall comply with the requirements of Regulation 10 and the Schedule to The Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (as amended or superseded from time to time).

- (6) Payment of the penalty charge shall either be by electronic transfer, cheque, postal order or cash in person which shall be delivered or sent by post so as to reach the relevant Office of the Council as stated on the penalty charge notice not later than 4.30pm, by the date specified on the penalty charge notice but should the said Office of the Council be closed on the said date specified the period for receiving payment may be extended until 4.30pm, on the next full working day.
- (7) The particulars given in the penalty charge notice attached to the motor vehicle in accordance with this Article shall be treated as evidence in any proceedings relating to failure to pay such penalty charge.

28. In the event of the driver failing to pay a penalty charge within the period stipulated in this Order the Council may give notice in writing to the owner of the motor vehicle in respect of which the penalty charge was incurred requiring the owner to supply the identity of the driver.

### **Exemptions from Payment**

29. (1) Any motor vehicle left in a parking place that is displaying a disabled person's badge in the relevant position shall be exempt from payment of any charge specified in Schedule 1 to this Order.
- (2) Any motor vehicle left in a parking place that is displaying a season ticket or a ticket permitting parking in a reserved space in the relevant position shall be exempt from payment of any charge specified in Schedule 1 to this Order.

### **Restrictions on Removal of a Notice**

30. When a notice has been attached to a motor vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council in that behalf or the driver or a person authorised by the driver in that behalf shall remove the notice from the motor vehicle.

### **Motor Vehicle Removal**

31. (1) If a motor vehicle is parked in a car park in contravention of any of the foregoing provisions of this Order the Council may remove the motor vehicle from that car park or arrange for such removal.
- (2) Any person removing, or causing the removal of, a motor vehicle by virtue of this Article, may do so by towing or driving the motor vehicle or in such other manner as he may think reasonably necessary to enable the motor vehicle to be removed.
- (3) Any person removing a motor vehicle by virtue of this Article shall make such arrangements as he considers to be reasonably necessary for the safety of the vehicle in the place to which it is removed.

- (4) A motor vehicle will be stored for a period of 14 days after which time it will be sold and any monies received put towards costs incurred in its removal and storage. Any surplus remaining after deductions for removal and storage costs will be used by Hinckley & Bosworth Borough Council as it sees fit.
- (5) Any costs associated with the removal and storage of motor vehicles will be payable by the driver of the motor vehicle and if not paid will be recoverable as a civil debt

### **Power of the Council to Close Car Parks**

32. (1) Nothing in this Order shall restrict the power of the Council by notice, to suspend the operation of the car park or any part thereof and when the operation of the car park or part thereof is suspended, the Council shall display a notice or notices to that effect at the car park and at the ticket machines.
- (2) When the operation of the car park is suspended pursuant to paragraph (1) of this Article, no person shall cause any motor vehicle to enter, stand, wait or be left in the car park or any part thereof, for the duration of the suspension without the written authorisation of the Council, except for an ambulance or any motor vehicle being used in the service of a fire brigade or police force, or any motor vehicle with the permission of a police constable in uniform or when displaying a valid dispensation.
- (3) If at any time the Council shall require a car park or part thereof for any purpose whatsoever (including its use as a private car park in connection with a particular event) then the right of any person to park any motor vehicle thereon shall immediately terminate until the Council shall no longer require the car park or part thereof.

### **Liability of the Council**

32. The Council shall not be liable in respect of loss of or damage to any vehicle or the fittings or contents of any vehicle waiting or moving in or entering or otherwise using the parking space

### **THE COMMON SEAL of THE BOROUGH COUNCIL OF HINCKLEY & BOSWORTH**

was hereunto affixed

this

in the presence of:

Authorised Signatory

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**HINCKLEY & BOSWORTH BOROUGH COUNCIL**  
**THE DISTRICT OF HINCKLEY & BOSWORTH (OFF-STREET PARKING PLACES) ORDER 2014**  
**SCHEDULE 1**

Name of parking place	Controlled Hours	Charged Hours (excluding Bank Holidays - unless otherwise specified)	Maximum period for which vehicles may wait during charged hours	Scale of charges during controlled hours
1	2	3	4	5
Alma Road Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40
Atkins Building Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	30 minutes free parking restricted to Atkins permit holders only with no return within 60 minutes	Up to 30 minutes – free for Atkins permit holders Over 30 minutes – not permitted
Church Walk Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
Clarendon Park Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	3 hours and no return within 3 hours	Up to 3 hours – no charge
Druid Street Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40
Hinckley Business Park Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit Parking restricted to HBP permit holders only	Parking restricted to HBP permit holders only
Holliers Walk Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40
Jubilee Car Park Hinckley	All days	0600 hours to 1400 hours Monday to Friday inclusive	No limit Parking restricted to Jubilee permit holders only	Parking restricted to Jubilee permit holders only
Lower Bond Street Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40
Lower Bond Street North Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit Parking restricted to LBSN permit holders only	Parking restricted to LBSN permit holders only
Mansion Street Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
Mount Road Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40

<b>Name of parking place</b>	<b>Controlled Hours</b>	<b>Charged Hours (excluding Bank Holidays - unless otherwise specified)</b>	<b>Maximum period for which vehicles may wait during charged hours</b>	<b>Scale of charges during controlled hours</b>
New Street Car Park Hinckley	All days	None	No limit	Free of charge
North Warwickshire and Hinckley College Car Park	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit Parking restricted to NWHC permit holders only	Parking restricted to NWHC permit holders
Rear of Castle Street Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
St Marys North Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	30 minutes and no return within 60 minutes	Up to 30 minutes – free Over 30 minutes – not permitted
St Marys Road Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
Stockwell Head Car Park Hinckley	All Days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
The Hub Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	3 hours and no return within 3 hours	Up to 2 hours - no charge Up to 3 hours - £2.00
The Rock Car Park Hinckley	All days	None	No limit Parking restricted to Rock permit holders only	Parking restricted to Rock permit holders only
Thornycroft Road Car Park Hinckley	All days	0800 hours to 1630 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 5 hours - £1.30 Over 5 hours - £2.40
Trinity Lane East Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
Trinity Lane West Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 5 hours - £1.30 Over 5 hours - £2.40



Name of parking place	Controlled Hours	Charged Hours (excluding Bank Holidays - unless otherwise specified)	Maximum period for which vehicles may wait during charged hours	Scale of charges during controlled hours
Trinity Vicarage Car Park Hinckley *	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit	Up to 1 hour – 50p Up to 2 hours - £1.00 Up to 3 hours - £1.50 Up to 4 hours - £2.60 Over 4 hours - £4.80
Westfield Community Centre Car Park Hinckley	All days	None	No limit Parking restricted to Westfield permit holders only	Parking restricted to Westfield permit holders only
Willowbank Car Park Hinckley	All days	0800 hours to 1730 hours Monday to Saturday inclusive	No limit Parking restricted to Willowbank permit holders only	Parking restricted to Willowbank permit holders only
Westfield Car Park Barlestone	All days	None	No limit	Free of charge
Dovecote Way Car Park Barwell	All days	None	No limit	Free of charge
Stanley Street Car Park Barwell	All days	None	No limit	Free of charge
High Street Car Park Desford	All days	None	No limit	Free of charge
Hallfields Car Park Earl Shilton	All days	None	No limit	Free of charge
Kings Walk Street Car Park Earl Shilton	All days	None	No limit	Free of charge
Oaks Way Car Park Earl Shilton	All days	None	No limit	Free of charge
Rectory Lane Car Park Market Bosworth	All days	0800 hours to 1730 hours	No limit	Up to 1 hour – 20p Up to 2 hours – 50p Up to 4 hours - £1.00 Over 4 hours - £2.00
Main Street Car Park Markfield	All days	None	No limit	Free of charge

\* Leisure centre permits may be used for the first 3 hours of stay. After 3 hours leisure centre permit holders must pay the charges at the above stated hourly rate and the Leisure centre permit may only be used once per day.

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**COUNCIL – 4 NOVEMBER 2014**

**INTRODUCTION OF CHARGES FOR GREEN WASTE COLLECTION**  
**REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

**WARDS AFFECTED: ALL**

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1. PURPOSE OF REPORT

- 1.1 To advise Council of a reduction in funding from Leicestershire County Council for recycling credits for green waste collections from 2015/16 (and the real possibility of further reductions in dry waste recycling credits from 2018/19).
- 1.2 To explain the potential for the introduction of a charge for green waste collections.
- 1.3 To seek agreement to consult stakeholders on a proposal to introduce a charge for green waste collections from 2015/16.

2. RECOMMENDATION

- 2.1 That Council agree to a consultation on the introduction of charges for green waste collections, from 2015/16 as outlined in this report.

3. BACKGROUND TO THE REPORT

- Changes in Leicestershire County Council Funding
- 3.1 Since 2006 Hinckley and Bosworth Borough Council has received recycling credits from Leicestershire County Council. These credits are a mechanism under section 52 of the Environmental Protection Act 1990 (EPA 1990) by which waste disposal authorities (Leicestershire County Council) can provide incentives to waste collection authorities (Hinckley and Bosworth Borough Council) to implement effective collect recycling arrangements, thus reducing landfill and saving Leicestershire County Council incurring disposal costs and landfill tax charges. The rate payable for 2014/15 is £49.97 per tonne.
- 3.2 Leicestershire County Council's Medium Term Financial Strategy (February 2014) identifies the need to make a saving from "Revised Payment Mechanism for Recycling Credits" and details the following budget reductions from current expenditure levels:
  - 2015/2016 - £1,480,000
  - 2016/2017 - £1,665,000
  - 2017/2018 - £1,850,000
- 3.3 Leicestershire County Council have advised they intend to cease payment of recycling credits for green waste from 31 March 2015. They are able to do this if they direct Hinckley and Bosworth Borough Council to use a green waste treatment site. In doing so Leicestershire County Council will then be responsible for the waste treatment costs.
- 3.4 Hinckley and Bosworth Borough Council collected 10,988 tonnes of green waste during 2013/14. The net impact of this reduction in funding from Leicestershire County Council would be reduction £345,792 per year (based upon 2013/14 tonnages). This is credit income of £549,070 being offset by gates fees of £203,278 that will no longer be charged for.
- 3.5 Leicestershire County Council have also indicated that in the future they may also reduce the recycling credits payable for dry recycling . If these were totally removed

then the potential additional annual funding loss is estimated at £484,109 (based on 2013/2014 tonnages). Therefore the total impact on this Council's budget would be around £830,000.

#### Introduction of charges

- 3.6 Hinckley and Bosworth Borough Council can make a charge to residents for the collection of green waste. A charge is already made by Blaby District Council, Charnwood Borough Council and Melton Borough Councils in Leicestershire. It is likely that other districts in Leicestershire will also consider introducing a charge to offset the loss of funding from Leicestershire County Council. The deputy leader of the County Council has stated that districts need to consider charging for the collection of green waste.
- 3.7 Charges and participation rates from other councils in Leicestershire are included in appendix 1. Melton Borough Council was the most recent to introduce a charge. The reduction in recycling was not significant as the residents who do not pay for the service now take their garden waste direct into the household waste and recycling centres.
- 3.8 To offset the reduction in funding by Leicestershire County Council, Officers have considered a number of options and suggest the following change to this service from 1<sup>st</sup> June 2015, subject to appropriate consultation (see Legal Implications below).
- introduction of a £30 per year charge for green waste collection (1 wheelie bin x 23 collections per year – no collections from early December to mid January)
  - £20 charge for a second bin
  - No reductions for part year (payment is for 1<sup>st</sup> April – 31<sup>st</sup> March)
  - No discounts available to minimise costs
- 3.9 The consultation will ask residents if they want the service to stop, or if they want the service to continue with a charge for those who choose to continue to use the service.
- 3.10 Should the charge not be introduced then the budgets for other discretionary services from 2015/16, and onwards, may need to be reduced to make up this funding shortfall.
- 3.11 Scenarios for the number of properties paying for the service are given within the financial implications.
- 3.12 The introduction of this change would require an upgrade to the current payment systems. These have already been planned and budgeted for within the Councils Channel Shift Project.
- 3.13 Wheelie bins no longer required would be collected from residents during Autumn 2015.

#### 4. FINANCIAL IMPLICATIONS [KP]

- 4.1 The recommendations in this report relate to the approval of a consultation exercise to consider implementation of green waste charging. The cost of this exercise will be met from existing budgets.
- 4.2 The remainder of the financial implications provide details of the potential financial impact of any decision to implement charging following the proposed consultation and any future decisions. Any decision to implement charging should be taken in the context of the wider financial pressures outlined in the Budget Strategy for 2015/2016

and the potential need to reduce discretionary services to fill this gap should charging not be introduced.

- 4.3 If charging was approved, and in order to meet the gap created by the reduction in funding of recycling credits, a charge of £30 for the first bin and £20 for subsequent bins is proposed. A recent benchmarking report produced by the Internal Audit, outlined that this charge is consistent with those other East Midlands Councils currently levying a similar charge.
- 4.4 The following table summarises the income and expenditure associated with this suggested charge. The “associated expenditure” reflects the cost of administering the charge (e.g. printing, finance and other support services). It should also be noted these figures are showing a full year impact of the charge. Given timescales it is not envisaged that this will be achieved in 2015/2016 (probably implementation is likely for summer 2015). The upfront one-off costs associated with implementing the scheme in year 1 are estimated at £100,000.

	30% Take-Up	40% Take-Up	50% Take-Up
	£	£	£
Income	(427,500)	(570,000)	(712,500)
Additional associated expenditure	143,117	147,179	151,242
<b>Overall Position (surplus)</b>	<b>(284,383)</b>	<b>(422,821)</b>	<b>(561,258)</b>
Reduction in LCC funding	345,792	345,792	345,792
<b>Net budget impact (income)/cost</b>	<b>61,409</b>	<b>(77,029)</b>	<b>(215,466)</b>

- 4.5 Due to the fixed nature of the expenditure cost and the variability of income volumes, the percentage uptake is critical to the success of proposal. Once demand for the service is determined it will be possible to reduce the number of collection crews and make further reductions in the cost of operating the service.
- 4.6 Should a decision be made to consider charging, a further report detailing all financial implications will be produced.

## 5. LEGAL IMPLICATIONS [EH]

- 5.1 A council may make a charge for the collection of green or garden waste under Section 4 of the First Schedule of the Controlled Waste (England and Wales) regulations 2012.
- 5.2 As a Best Value authority the council is under a general Duty of Best Value to “make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.” The government guidance issued on this goes on to state:

*“Under the Duty of Best Value, therefore, authorities should consider overall value, including economic, environmental and social value, when reviewing service provision...”*

*To achieve the right balance – and before deciding how to fulfil their Best Value Duty – authorities are under a Duty to Consult representatives of a wide range of local persons; this is not optional..”*

- 5.3 Under the duty to consult we are required to conduct consultation with:

- (a) Representatives of persons liable to pay any tax, precept or levy to or in respect of the authority,
- (b) Representatives of persons liable to pay non-domestic rates in respect of any area within which the authority carries out functions,
- (c) Representatives of persons who use or are likely to use services provided by the authority, and
- (d) Representatives of persons appearing to the authority to have an interest in any area within which the authority carries out functions

This will need to be undertaken, and the responses considered, prior to any decision being implemented.

- 5.4 Best practice taken from other authorities who have implemented this shows a consultation undertaken on the imposition of charges (often with other “options” to be ranked) for members of the public to comment on.
- 5.5 Failure to comply with this duty would leave any decision open to challenge.

## 6. CORPORATE PLAN IMPLICATIONS

- 6.1 Green waste collections contribute to the corporate plan aim of reducing our impact on the environment. A reduced take up of the service will inevitably reduce the Councils recycling rate, and therefore the Council may not meet the target of 50% recycling by 2017 set within the Leicestershire Waste Strategy (Hinckley and Bosworth’s current recycling rate is 56%). However the introduction of a charge at Melton Borough Council did not result in a significant reduction in the recycling rate as residents continued to recycle through the Household waste and Recycling sites.
- 6.2 Introducing a charge will enable the Council to continue to deliver this service without the need to make savings in other areas.

## 7. CONSULTATION

- 7.1 Leicestershire County Council has suggested District Councils consider introducing a charge to offset the reduction in Leicestershire County Council funding.
- 7.2 39% of respondents to the citizen panel survey January 2010 indicated they would use a chargeable green waste service (a £10 charge was given).
- 7.3 Respondents to the summer 2012 residents survey placed a chargeable green waste service within the bottom 2 priorities (a £15 charge was given).

## 8. RISK IMPLICATIONS

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

Risk Description	Mitigating actions	Owner
Impact on customers – introduction of a charge	Apply a charge which is reasonable and in line with other councils. Ensure alternatives to this service are promoted to residents.	Caroline Roffey
Adverse impact on reputation of the Council	Communications strategy to ensure reasonableness of charge is communicated and the impact on other council services of not introducing this charge.	Caroline Roffey
Capital and revenue: Low participation means income does not cover cost of service.	Seek to reduce costs a every opportunity. Review service after first year of operation.	Darren Moore
Impact on environment: reduction in recycling rate	Promote alternative methods of recycling to residents to reduce amount of green waste which ends up in the black bin.	Darren Moore

8.4 The following opportunities have been identified:

Opportunity description	Positive actions to increase likelihood / impact
Additional income resulting from a higher than anticipated participation	Strong promotion of the service Affordable charge in line with other Leicestershire Councils Easy payment methods
Reduction in future costs of the service	Reduction in service demand means no additional green waste rounds will be needed. IT will be possible to reduce the number of rounds by 1 once the new service is embedded.

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

9.1 A flat charge is recommended to ensure residents all have equal access to the service despite their geographical location.

9.2 Discounts are not available for those in receipt of benefits due to the additional costs which will be incurred validating eligibility for discounts, and processing different payments.

9.3 Those who do not pay for the service will be able to continue to recycle their green waste in the following ways:-

- Home composting
- Using a mulch mower to grass cycle (grass cuttings are chopped very finely by the mower and then pushed down into the lawn preventing the need for their collection and removal)
- Taking green waste to the Household waste and recycling sites (Barwell and Whetstone are the nearest for our residents)

## 10. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications (reduced recycling performance)

- ICT implications (payment system upgrade – channel shift project)
- Asset Management implications
- Human Resources implications (addition staff to assist with payments / customer service built into costs)
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Caroline Roffey x5782

Executive Member: Councillor Bill Crooks

**Appendix 1:  
Charges for green waste collection**

Local Authority	Charge 2014/15	% of properties using the service	Comment
Blaby District Council	£27	52%	Lower charge of £18 available for 140l bin.
Melton Borough Council	£47	34%	Charge introduced 2 years ago. Service administered by contractor.
Charnwood Borough Council	£26	41%	Discounted rate of £17 for direct debits.
Leicester City Council	£30	3%	Service in first year of operation (not offered in any form previously)
Gedling District Council	£34	28%	21 collections pa (Nottinghamshire)
Rushcliffe District Council	£30	70%+	Income over £950,000. Expanding into adjacent local authority areas. (Nottinghamshire)



**COUNCIL – 4 NOVEMBER 2014**

**HINCKLEY AND BOSWORTH LOCAL PLAN (2006 – 2026): SITE ALLOCATIONS AND DEVELOPMENT MANAGEMENT POLICIES DEVELOPMENT PLAN DOCUMENT – PRE-SUBMISSION MODIFICATIONS**



Hinckley & Bosworth  
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**REPORT OF THE DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**WARDS AFFECTED: ALL WARDS**

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1. PURPOSE OF REPORT

1.1 The purpose of the report is to seek agreement to consult on the Site Allocations and Development Management Policies Development Plan Document (DPD) Pre-Submission Modification, Sustainability Appraisal Addendum, and supporting documents in accordance with the Town and Country Planning Regulations (Local development) (England) 2004 (as amended). It also seeks agreement for the subsequent submission of the DPD to the Secretary of State for Examination in Public. Copies of the documents are available to view in the Members room.

2. RECOMMENDATION

2.1 That the Council approve;

- (i) The publication of the pre-submission modifications of the Site Allocations and Development Management Policies DPD, and Sustainability Appraisal including addendum, due for consultation for approximately 8 weeks during the period 08 December 2014 to 30 January 2015 in accordance with the Town and Country Planning Regulations (Local Development) (England) 2004 (as amended).
- (ii) The submission of the Site Allocations and Development Management Policies DPD including Modifications, sustainability appraisal including addendum, Statement of Consultation Responses and supporting documents to the Secretary of State for Examination in Public following analysis of the representations received during the consultation period.

3. BACKGROUND TO THE REPORT

3.1 The overarching strategy for Hinckley and Bosworth Local Plan (2006 – 2026) is the adopted Core Strategy (December 2009). This sets out the spatial objectives, directions for growth, long term vision and strategic core policies for the borough and forms the basis for subsequent development plan documents. The intention to prepare the Site Allocations and Development Management Policies DPD to allocate individual sites is set out within the Core Strategy.

3.2 The Site Allocations and Development Management Policies DPD must be in conformity with the adopted Core Strategy. The DPD contains key planning policies for use in day-to-day decision making on planning applications such as design guidance, conservation and protection of open spaces. It allocates land for specific uses such as housing, employment, retail, various typologies of open space, and community uses in accordance with the provisions set out within the Core Strategy and to reflect the adopted evidence. All of the evidence bases are available to view on the Borough Council's website ([www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)).

- 3.3 In January 2014 Council approved for Consultation the Pre-submission version of the Site Allocations and Development Management Policies DPD along with the Sustainability Appraisal and supporting documents. This consultation took place for a period of 6 weeks from 17 February 2014 to 31 March 2014. In light of the representations received it is necessary to make modifications to the DPD in order to reduce the possibility of the Planning Inspector finding the document unsound when it is considered at examination. Due to the nature of those changes it is necessary to consult upon the modifications proposed. For clarity representations will only be accepted where they relate to a proposed modification and not to any other element of the DPD which does not form part of this consultation exercise.
- 3.4 A full list of modification, including the reasons for these changes, are available to view in the Members room, however below is a brief summary of the modifications (this list is not exhaustive);
- Higham on the Hill – Housing Allocation HIG02 to be deleted
  - Sheepy Magna – Housing Allocation SHE02 to be deleted
  - Sheepy Magna – Housing Allocation for 13 dwellings on Trout Pond Farm to be added
  - Hinckley – Housing Allocation for 40 dwellings at 390 Coventry Road to be added
  - Hinckley – Strategic Allocation SA1 and HIN02 to be amended to 850 dwellings
  - Hinckley – Housing Allocation HIN05 for 57 dwellings at land west of Nutts Lane and south of railway line to be deleted
  - Hinckley – Housing Allocation HIN03 for 17 dwellings at land to the south east of Wykin Park South to be deleted
  - Hinckley – Housing Allocation for 10 dwellings at the former Manchester Hosiery site on Southfield Road to be added
  - Hinckley – Housing Allocation for 56 dwellings at Dennis House, Hawley Road to be added
  - Burbage – Housing Allocation BUR02 to be replaced with a strategic policy for a mixed use scheme to include a minimum of 46 dwellings, employment and retail (A1 – A5)
  - Settlement Boundaries – Settlement boundaries to be amended to reflect permissions granted.
  - Amendment to text relating to Barwell and Earl Shilton
  - Amendments to Development Management Policies and accompanying text to ensure soundness, clarity
  - Policies Plan updates to map permissions up to 1 September 2014
  - Amendments and additions to Policies Maps
  - Bagworth – A strategic policy to be inserted to cover the Dunlop Site on Station Road in Bagworth for mixed use as the permission on this site has expired.
- 3.5 A Sustainability Appraisal Addendum has been prepared as the original Sustainability Appraisal was not explicit enough in identifying how allocated sites have been selected when compared against the reasonable alternatives. The Sustainability Appraisal Addendum will be prepared to reflect this assessment more clearly and will be consulted upon along with the modifications to the DPD prior to being submitted to the Secretary of State.
- 3.6 It is intended to consult on the pre-submission Modifications on the Site Allocations and Development Management Policies DPD for a period of 8 weeks from **Monday 08 December 2014 to 5pm on Friday 30 January 2015**. After this consultation period, a Government inspector will assess the document at a public examination to make sure that it has been prepared in accordance with the Duty to Cooperate, legal

and procedural requirements, and whether it has passed the four tests of soundness. These four tests are contained within the National Planning Policy Framework (NPPF) and are to ensure that the plan is:

- **Positively prepared** - the plan should be prepared based on a strategy which seeks to meet objectively assessed development and infrastructure requirements, including unmet requirements from neighbouring authorities where it is reasonable to do so and consistent with achieving sustainable development;
- **Justified** – the plan should be the most appropriate strategy, when considered against the reasonable alternatives, based on proportionate evidence;
- **Effective** – the plan should be deliverable over its period and based on effective joint working on cross-boundary strategic priorities; and
- **Consistent with national policy** – the plan should enable the delivery of sustainable development in accordance with the policies in the NPPF.

3.7 When making representations on the Pre-submission modifications, the representations should focus on explaining in what way:

- The Council has not followed the correct legal procedures (e.g. been produced in line with the proper regulations); or,
- The Proposed Submission document has failed one or more of the tests of soundness. This could be one or more parts of the document and representations should identify the changes needed to make it sound.

#### 4. FINANCIAL IMPLICATIONS [SJE]

4.1 Any costs arising from the consultation are expected to be met within existing budget allocations. Therefore, there are no financial implications arising directly from this report.

#### 5. LEGAL IMPLICATIONS [MR]

5.1 Set out in the report

#### 6. CORPORATE PLAN IMPLICATIONS

6.1 The Site Allocations and Development Management Policies DPD supports the following aims of the Corporate Plan 2013 – 2016:

- 1 Creating a vibrant place to work and live
- 2 Empowering communities
- 3 Supporting individuals
- 4 Providing value for money and pro-active services

#### 7. CONSULTATION

7.1 The production of the Site Allocations and Development Management Policies document has been based on ongoing consultation with the local community and key stakeholders. A wide range of comments were received during the public consultation exercises in November 2003 to December 2003 on the LDF Issues

Papers – ‘A vision for our future’ and ‘The Shape of Things to Come’ during summer 2005. In August-September 2007 the Site Allocations and Generic Development Control Policies Issues and Options Papers were consulted upon. These papers set out a number of issues and options for comment and respondents were also invited to submit further issues facing the Borough and additional sites.

7.2 In 2009 the Borough Council undertook an eight week public consultation on the Preferred Options version of the document which, at the time, was called the Site Allocations and Generic Development Control Policies DPD. Throughout this consultation period the Borough Council undertook many public consultation workshops and exhibitions to explain the proposals to members of the public and as a result the Council received 13,500 representations to the document. All of the representations received were reviewed and summarised in the Statement of Consultation Responses (July 2011) and have been taken into account while producing the pre-submission version.

7.3 The Pre-Submission version of the Site Allocations and Development Management Policies DPD was consulted upon for a period of 6 weeks from 17 February 2014 to 31 March 2014. A total of 286 representations were received during this consultation period. In light of some of the responses received, modifications are required to the plan in order to ensure that the content is sound prior to submission to the Secretary of State. The modifications required are not minor so a further period of consultation on the modifications is required prior to submission to the Secretary of State.

## 8. RISK IMPLICATIONS

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

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

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

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Consultation not undertaken in conformity with the statutory requirements.	Ensure consultation is undertaken with the Statement of Community Involvement (SCI)	Policy and Regeneration Manager.
Publication of the DPD legally compliant and conforms to the ‘Test of Soundness’.	Undertake legal compliance self-assessment prior to submission of the DPD to the Secretary of State.	Policy and Regeneration Manager.
Risk of speculative planning applications.	Proceed with the finalisation of the DPD in accordance with the recommendation of this report.	Policy and Regeneration Manager.

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

9.1 The Site Allocations and Development Management Policies DPD addresses the needs of both urban and rural areas equally and is in conformity with the spatial strategy of the Core Strategy. The balance of green spaces has been considered and

where deficits exist, whether rural or urban, this document seeks to secure provision for the future. The policies also aim to safeguard and preserve; community facilities, cultural and tourism facilities, the countryside, open space, sport and recreational facilities, natural and semi-natural open space. Policies also aim to support the provision of new employment within suitable locations which are defined within the policy. There are policies relating to protecting and enhancing the Historic Environment and relating to heritage assets.

## 10. CORPORATE IMPLICATIONS

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

- Community Safety implications – None arising from this report
- Environmental implications – Contained within the Sustainability Appraisal
- ICT implications – None arising from this report
- Asset Management implications – Contained within the DPD, Council owned land has been allocated for development.
- Human Resources implications – None arising from this report
- Planning Implications – Contained within the body of the report
- Voluntary Sector – None arising from this report.

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Background papers: Site Allocations and Development Management Policies DPD Pre-submission report  
Site Allocations and Development Management Policies DPD Pre-submission Modifications Schedule including maps  
Sustainability Appraisal  
Sustainability Appraisal Addendum  
Site Allocations and development Management Policies DPD Pre-Submission Statement of Consultation Responses.  
***(All the above documents are available to view in the Members Room)***

Contact Officer: Sally Smith x5797  
Executive Member: Councillor Bray

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**COUNCIL – 4 NOVEMBER 2014**

**REDUCING EXCESS WINTER DEATHS – PUBLIC HEALTH FUNDING  
REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**



Hinckley & Bosworth  
Borough Council

**WARDS AFFECTED: ALL WARDS**

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1. PURPOSE OF REPORT

- 1.1 To advise members of external funding received from Public Health to address the issue of excess winter deaths from cold through a county wide project and to seek approval for the appointment of 3 Warm Homes Officers plus additional part time bank staff to carryout temperature and humidity audits across the County.

2. RECOMMENDATION

That Council:

- 2.1 Approve the project to deliver strategically targeted advice and practical support to residents within the County, in order to reduce the number of excess winter deaths.
- 2.2 Agree to the receipt of public health funding to support the project and act as the lead authority on behalf of the other Leicestershire authorities and County Council for the recruitment of the three Warm Homes Officers, as detailed in 5.1
- 2.2 To approve the creation of income and expenditure budgets totalling £59,033 as detailed in section 4.1

3. BACKGROUND TO THE REPORT

- 3.1 Up until May 2014, Warm Homes Officers were employed across the county to provide advice and assistance in relation to fuel poverty. This service was funded for a temporary period through the Department of Health's Winter Pressures funding and DECC's Big Energy Saving Network. This project was successful in reaching a large number of people vulnerable to fuel poverty and contributed to work around excess winter deaths caused by the cold and inadequately heated homes. Public Health have identified additional funding to provide a further time limited fuel poverty advice service. The Warm Home Officers to be recruited as part of the project will take referrals from GPs, Supporting Leicestershire Families, front line officers and First Contact maintaining the existing service referral routes that have taken a long time to establish. The Warm Homes Officers aim to tackle fuel poverty at a local level, providing a measurable impact on the households visited by reducing household energy bills.

- 3.2 Between December 2012 and February 2014 the following was carried out by 7 Warm Home Officers and it is anticipated that this work will continue, albeit at a reduced level due, to the reduce resource:-

46558 Households reached by Warm Home Officers

253 events have been hosted or attended by a Warm Home Officer.

1353 frontline staff have had contact with a Warm Home Officer, this including GPs, Parish Councillors, District Nurses, Councillors, Social Workers, Community group leaders etc.

1167 referrals to help vulnerable residents have come from frontline staff.

1961 audits (home visits) have been completed.

- 3.3 These contacts resulted in the referral of households within Leicestershire being able to apply through various funding streams shown below, for measures to help reduce their fuel bills:-

858 ECO referrals have taken place (for cavity wall, solid wall or loft insulation and replacement boilers)

1333 Green Deal referrals (for cavity wall, solid wall or loft insulation and replacement boilers)

1698 measures funded by DECC, DoH, Public Health or other localised funds. This includes insulation upgrades through to complete new heating systems.

- 3.4 This project will deliver timely practical advice and solutions to help reduce the number of excess winter deaths this winter, working with partners to access the capital funding made available by Public Health, ECO, Green Deal and Charitable organisations.

#### 4. FINANCIAL IMPLICATIONS [SJE]

- 4.1 The total amount of external funding expected to be received for 2014/15 is £59,033. This will be spent as highlighted in the following table, and therefore revenue expenditure budgets will need to be created to allow such spending.

Expenditure	Budget Required (£)
Agency Payments	46,077
Travel	3,000
Equipment Purchases	6,456
Bank staff	3,500
Total	59,033

- 4.2 In accordance with financial procedure rules, budget variations over £50,000 require Council approval.

#### 5. LEGAL IMPLICATIONS (SJB)

- 5.1 The three WHO's are being sourced via an external agency Change Agents UK Limited ("**Change Agents**"), with whom the Council will enter into a contract: the draft contract with Change Agents has been reviewed and amended, and a response to the draft amendments is currently awaited. The Council is entering into the contract with Change Agents as Lead Member of a partnership with LCC, Blaby, Charnwood, Harborough, Melton, Oadby & Wigston, and North West Leicestershire, across whose boroughs the partnership will operate. LCC has agreed to accept ultimate liability for the cost of the partnership, and in particular any liabilities that may fall to the Council arising from the contract. A draft partnership agreement affirming these commitments has been drafted by the Council and is currently with the other participating authorities for review.

#### 6. CORPORATE PLAN IMPLICATIONS

- 6.1 Supporting Individuals, specifically supporting the most vulnerable people and reducing the impact of poverty and improving health and wellbeing by offering practical advice in relation to fuel poverty.  
Providing value for money and pro active services by delivering an early intervention service and preventing poor health due to fuel poverty.

#### 7. CONSULTATION



7.1 Leistershire County Council, The District Councils within Leistershire, The Papworth Trust.

## 8. RISK IMPLICATIONS

8.1

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The possibility of breakdown with the partnership.	A partnership agreement	RL
Liability of the partnership	The agreement with Change Agents to reflect that LCC are responsible for the Warm Homes Officers on a day to day basis	RL

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

9.1 The service will be offered across the project area using referrals from G.P practices and other front line service providers via first contact.

- Data for targeting will be from varied sources including hi4em, ONS, Census local intelligence and referrals from front line staff.
- Vulnerable groups will be specifically targeted to help reduce winter deaths. This will reduce in fewer excess winter deaths by helping reduce fuel costs this winter.
- The service will be available across the entire district.

## 10. CORPORATE IMPLICATIONS

10.1 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:

Contact Officer: Rosemary Leach

Executive Member: Councillor Michael Mullaney, Executive Member for Housing  
Councillor David Gould, Executive Member for Environment, Health & Climate Change

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**Steve Atkinson** MA(Oxon) MBA FioD FRSA  
*Chief Executive*



Hinckley & Bosworth  
Borough Council

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Please Ask For: Councillor David Bill  
Direct Dial/Ext: 01455 238141  
Direct Fax: 01455 251172  
Email: david.bill@hinckley-bosworth.gov.uk  
Our Ref: 141003.DBMM  
Date: 3 October 2014

Rt Hon Nick Clegg MP  
House of Commons  
London  
SW1A 0AA

Dear Mr Clegg,

## **GENUINE LOCAL VOICE IN PLANNING**

If there is one message to be gleaned from both the Euro elections and the Scottish Referendum it is that there is a strong feeling of disillusionment with Whitehall and Westminster and that the views of local people are not being heeded. More powers are now being given to Scotland and this has resulted in an even stronger feeling that more notice should be taken of the views of communities in England.

This is particularly significant in the case of planning, where there is a feeling that the views of local people and their elected representatives are being increasingly over-ruled by the Government, often through the decisions of the Planning Inspectorate.

We wish to put forward the proposition that the planning system as presently operated through the National Planning Policy Framework is not fit for purpose and needs to be reformed so as to give a genuine voice to local opinion and concern.

The case outlined here is the situation faced by ourselves in Hinckley & Bosworth, but we are very much aware that similar situations exist in many other parts of the country.

We accept the need to plan for the expansion of housing supply to meet future needs, but we submit that notice should be taken of those in the local communities that are directly affected so that development takes place in a controlled manner that is truly sustainable and plan led. The failure of the current planning system to secure this is creating a reality where incremental development is being brought forward in locations without appropriate investment in the infrastructure that is needed to fulfil locally agreed economic, social and environmental objectives. The approach that is enabled by the NPPF is not securing the 'genuinely plan led' approach that it intended to support through its core planning principles and is therefore failing to shape a truly sustainable pattern of development.



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INVESTOR IN PEOPLE

There has been a pro-active approach to planning in Hinckley & Bosworth through extensive liaison with our local communities in order to create a sustainable framework for the future development of the area. Indeed, in December 2009 we became the first individual authority in the East Midlands to adopt a Core Strategy. The preparation of a local plan requires a major investment of time and resources, with the intended reward being certainty to our communities and local infrastructure providers on the way in which planning decisions that will affect the future of their area can be made.

The Borough's Core Strategy includes details of how identified development requirements are to be distributed in a sustainable way across a hierarchy of towns and villages over a period of 20 years. Its sustainability was appraised through the plan making process. Taken in the context of a long term strategic approach, these decisions were taken through a recent and comprehensive community consultation exercise. The Council has fully accepted the challenge of planning for growth and through hard work reached a position where many of its communities have positively interacted in the plan preparation process and accepted an appropriate share of the borough's growth requirements. This strategic approach to planning is a 'genuinely plan led approach' and enables a sustainable pattern of development.

The NPPF also talks of future development being 'genuinely plan led'. However, the reality of its implementation in practice has been far from this. For example, the introduction of the need for a 5% or 20% buffer on top of the five year housing land supply requirement has made it less likely that an authority will be able to demonstrate a five year housing land supply and thus take its own adopted vision for a sustainable pattern of development into account in decision making.

It appears that it is only in rare circumstances that a planning appeal will be dismissed where an authority is unable to demonstrate a five year housing land supply. The only solution is therefore for local planning authorities to accept ad-hoc proposals for housing, often against the policies of a relatively recently adopted long term plan and of course the wishes of the local communities that so actively engaged in its preparation.

The Hinckley & Bosworth Core Strategy sets a vision based primarily on focusing development in the urban area with more limited growth in the rural areas. The urban area is where the borough's main services are concentrated and is the most sustainable location in which to focus future development and support a sustainable boost in housing supply. Unfortunately, the perception is that the NPPF has provided the opportunity for the development industry to turn its attention to less sustainable, but potentially more profitable, rural locations ahead of the sites that they control in and around the urban area.

Further to this, the rhetoric associated with the emergence of the localism agenda gave a strong and positive impression that local people would be empowered to shape their surroundings. Many communities have actively engaged in the local plan process and several have ambitiously sought to introduce neighbourhood plans. However, these communities have unfortunately encountered the challenges that come with plan-making. Specifically, this includes the need to play 'catch up' through the plan-making process before inevitably being faced with speculative planning applications for development prior to reaching the stages of the plan preparation process where any significant weight can be applied to their plan in the context of a planning application.

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Yours sincerely,



David Bill MBE  
Borough and County Councillor



Michael Mullaney  
Borough and County Councillor



**Steve Atkinson** MA(Oxon) MBA FioD FRSA  
*Chief Executive*



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Please Ask For: Councillor David Bill  
Direct Dial/Ext: 01455 238141  
Direct Fax: 01455 251172  
Email: david.bill@hinckley-bosworth.gov.uk  
Our Ref: 141003.DBMM  
Date: 3 October 2014

Rt Hon David Cameron MP  
House of Commons  
London  
SW1A 0AA

Dear Mr Cameron,

### **GENUINE LOCAL VOICE IN PLANNING**

If there is one message to be gleaned from both the Euro elections and the Scottish Referendum it is that there is a strong feeling of disillusionment with Whitehall and Westminster and that the views of local people are not being heeded. More powers are now being given to Scotland and this has resulted in an even stronger feeling that more notice should be taken of the views of communities in England.

This is particularly significant in the case of planning, where there is a feeling that the views of local people and their elected representatives are being increasingly over-ruled by the Government, often through the decisions of the Planning Inspectorate.

We wish to put forward the proposition that the planning system as presently operated through the National Planning Policy Framework is not fit for purpose and needs to be reformed so as to give a genuine voice to local opinion and concern.

The case outlined here is the situation faced by ourselves in Hinckley & Bosworth, but we are very much aware that similar situations exist in many other parts of the country.

We accept the need to plan for the expansion of housing supply to meet future needs, but we submit that notice should be taken of those in the local communities that are directly affected so that development takes place in a controlled manner that is truly sustainable and plan led. The failure of the current planning system to secure this is creating a reality where incremental development is being brought forward in locations without appropriate investment in the infrastructure that is needed to fulfil locally agreed economic, social and environmental objectives. The approach that is enabled by the NPPF is not securing the 'genuinely plan led' approach that it intended to support through its core planning principles and is therefore failing to shape a truly sustainable pattern of development.



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INVESTOR IN PEOPLE

There has been a pro-active approach to planning in Hinckley & Bosworth through extensive liaison with our local communities in order to create a sustainable framework for the future development of the area. Indeed, in December 2009 we became the first individual authority in the East Midlands to adopt a Core Strategy. The preparation of a local plan requires a major investment of time and resources, with the intended reward being certainty to our communities and local infrastructure providers on the way in which planning decisions that will affect the future of their area can be made.

The Borough's Core Strategy includes details of how identified development requirements are to be distributed in a sustainable way across a hierarchy of towns and villages over a period of 20 years. Its sustainability was appraised through the plan making process. Taken in the context of a long term strategic approach, these decisions were taken through a recent and comprehensive community consultation exercise. The Council has fully accepted the challenge of planning for growth and through hard work reached a position where many of its communities have positively interacted in the plan preparation process and accepted an appropriate share of the borough's growth requirements. This strategic approach to planning is a 'genuinely plan led approach' and enables a sustainable pattern of development.

The NPPF also talks of future development being 'genuinely plan led'. However, the reality of its implementation in practice has been far from this. For example, the introduction of the need for a 5% or 20% buffer on top of the five year housing land supply requirement has made it less likely that an authority will be able to demonstrate a five year housing land supply and thus take its own adopted vision for a sustainable pattern of development into account in decision making.

It appears that it is only in rare circumstances that a planning appeal will be dismissed where an authority is unable to demonstrate a five year housing land supply. The only solution is therefore for local planning authorities to accept ad-hoc proposals for housing, often against the policies of a relatively recently adopted long term plan and of course the wishes of the local communities that so actively engaged in its preparation.

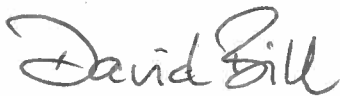
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London  
SW1A 0AA

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