

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



**Hinckley & Bosworth
Borough Council**

A Borough to be proud of

TO BE HELD ON

TUESDAY, 17 MAY 2016

at 6.30 pm

Fire Evacuation Procedures

Council Chamber (De Montfort Suite)

- On hearing the fire alarm, leave the building **at once** quickly and calmly by the nearest escape route (indicated by green signs).
- *There are two escape routes from the Council Chamber – at the side and rear. Leave via the door closest to you.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

Recording of meetings

In accordance with the Openness of Local Government Bodies Regulations 2014, the press and public are permitted to film and report the proceedings of public meetings. If you wish to film the meeting or any part of it, please contact Democratic Services on 01455 255879 or email rebecca.owen@hinckley-bosworth.gov.uk to make arrangements so we can ensure you are seated in a suitable position.

Members of the public, members of the press and Councillors are hereby informed that by attending the meeting you may be captured on film. If you have a particular problem with this, please contact us using the above contact details so we can discuss how we may accommodate you at the meeting.

Date: 09 May 2016



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, 17 MAY 2016 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. Election of Mayor for the ensuing year
To elect a Mayor for the 2016/17 municipal year.
2. Appointment of Deputy Mayor for the ensuing year
To appoint the Deputy Mayor for 2016/17.
3. Presentation of Leader's medal
4. Apologies
5. 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.
6. Members of the Executive
The Leader will announce his Executive.
7. Appointment to the Member Issues Group
To appoint five members to the Member Issues Group.

8. Appointment to Asset & Regeneration Strategy Group
To appoint seven members to the Asset & Regeneration Strategy Group.
9. Appointment to the Statutory Officer Employment Panel
To appoint five members to the Statutory Officer Employment Panel.
10. Appointment of representatives to Outside Bodies
To appoint to the following outside bodies (one representative unless otherwise stated):
 - Bradgate Landfill Liaison Committee (2)
 - Charnwood Forest Steering Group
 - Cliffe Hill Quarry Liaison Committee (2)
 - Community Action Hinckley & Bosworth (2)
 - Community Safety Partnership
 - Creative Arts Network
 - Desford Brickworks Liaison Committee
 - East Midlands Councils
 - Employment and Skills Partnership
 - Grobby Quarry Liaison Committee
 - Health and Wellbeing Board
 - Hinckley & Bosworth Community Transport
 - Hinckley and Bosworth Local Strategic Partnership
 - Hinckley and Bosworth Sports and Health Alliance
 - Hinckley Business Improvement District (BID)
 - Hinckley-Herford Town Twinning Association
 - Hinckley Highways Forum (9 + substitutes)
 - Hinckley Shopmobility
 - Leicestershire Rural Partnership Membership Group
 - Leicestershire and Rutland Heritage Forum
 - Leicestershire and Rutland Playing Fields Association
 - Local Government Association General Assembly (1 + substitute)
 - MIRA Community Liaison Group
 - Next Generation (3)
 - Police & Crime Panel
 - Stepping Stones Countryside Management Project Members' Steering Group (2)
 - Think Family Partnership
 - Town Centre Partnership
 - Tourism Partnership
 - Voluntary and Community Sector Commissioning Board (2)
11. Appointments to Charitable Body: George Ward Centre
To appoint one member to the George Ward Centre Ltd for a period of one year.
12. Appointment of Independent Persons (Pages 1 - 4)
To recommend appointment of Independent Persons in accordance with the Localism Act 2011 in advance of expiry of the term of office of the current appointees.
13. Decision making structure, calendar of meetings and appointments to council bodies (Pages 5 - 20)
To recommend creation of an Audit Committee, seek agreement of the calendar of meetings to December 2017 and appoint to Council bodies.
14. Release of restrictive covenants, Middlefield Lane (Pages 21 - 24)

To seek consent for a proposal to permit a sewer to be constructed across council land and for release of restrictive covenants.

15. Annual review of the Council's Constitution (Pages 25 - 28)

To undertake the annual review of the Council's Constitution. Updates and amendments are recommended.

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COUNCIL – 17 MAY 2016

**APPOINTMENT OF INDEPENDENT PERSONS
REPORT OF THE MONITORING OFFICER**

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

1.1 To seek approval for the appointment of Independent Persons as required under Section 7 of the Localism Act 2011.

2. RECOMMENDATION

2.1 At least one Independent Person be appointed for a term of four years commencing on the date of this decision.

3. BACKGROUND TO THE REPORT

3.1 Chapter 7 of the Localism Act 2011 sets out the provisions in respect of the conduct of members, which came into force on 1 July 2012.

3.2 At its meeting on 19 June 2012, the Council appointed nine Independent Persons following a joint recruitment exercise across several district councils in Leicestershire, as well as the Fire & Rescue Authority. The Independent Persons were appointed for a period of four years.

3.3 With the terms of the current Independent Persons due to expire, it was agreed that the council should again be part of a joint recruitment process to re-appoint. The positions were advertised and eight applications were received. All applicants were invited for interview and the interviews were carried out by the Monitoring Officers from Charnwood Borough and Harborough District Councils and the Deputy Monitoring Officer for Blaby District Council.

3.4 Whilst the Council is only required to appoint one Independent Person, six applicants are recommended for appointment to allow greater flexibility and to avoid the possibility of a conflict of interest in the event of this being a risk. All of those recommended are eligible, live in Leicestershire and are considered to be suitable candidates.

4. FINANCIAL IMPLICATIONS [IB]

4.1 Costs will be met from existing budgets.

5. LEGAL IMPLICATIONS [AR]

5.1 As set out above the appointment of Independent Persons is a statutory requirement in accordance with the Localism Act 2011. The Act sets out the criteria and the process to be undertaken in the appointment of the Independent Persons, which includes public advertisement and the approval by the Council.

6. CORPORATE PLAN IMPLICATIONS

6.1 This report supports all corporate aims in ensuring compliance with legislation.

7. CONSULTATION

7.1 None.

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 comply with legislation	Ensure appointments made in accordance with the Localism Act	Monitoring Officer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 The recommendations contained within this report do not impact on any particular group or community and relate to a corporate issue.

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
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: Localism Act 2011

Contact Officer: Julie Kenny, Monitoring Officer, ext 5985

Executive Member: Councillor A Wright

Council Report for Independent Persons Recommended for Appointment

Michael Pearson

Mr Pearson has been an Independent Person since 2012, and prior to that was an Independent Member of the Standards Committees of Charnwood Borough Council and of Leicestershire County Council. Now retired, he previously held a senior management position at Loughborough University. He lives in Loughborough.

Mark Shaw

Mr Shaw is currently an Associate member of the Chartered Institute of Arbitrators and a member of the Independent Monitoring Board at HMP Leicester, a role which involves considering complaints from prisoners about their treatment. He is an architect by profession, and lives in Knighton in Leicester.

Christine Howell

Mrs Howell has been an Independent Person since 2012. Now retired, her career involved a variety of management roles, most recently at Leicestershire Partnership NHS Trust. She continues to be involved in several support groups for carers and people with mental health issues. She lives in Oadby.

Gordon Grimes

Mr Grimes has been an Independent Person since 2012. He took early retirement as a Civil Servant in 2010, having worked in the Department of Social Security, Contributions Agency, Inland Revenue and HM Revenues & Customs. He is currently working with several schools and academies to improve their governance processes. He lives in Enderby.

Richard Gough

Mr Gough has been an Independent Person since 2012. Now retired, he previously held several executive and non-executive director positions in the financial services industry, and has experience of acting as an independent arbitrator. He lives in Wigston.

Rob Wade

Mr Wade is now retired, having previously worked as a senior manager in Childrens and Adults Social Care Services at Leicestershire County Council for approximately 30 years. He has also been a parish councillor in the past, but not within the last 5 years. He lives in Desford.

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COUNCIL – 17 MAY 2016

DECISION MAKING STRUCTURE PROPOSALS, CALENDAR OF MEETINGS 2016/17 AND APPOINTMENTS TO COUNCIL BODIES REPORT OF MONITORING OFFICER



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

- 1.1 To propose a revised decision making structure and calendar of meetings for 2016/17.

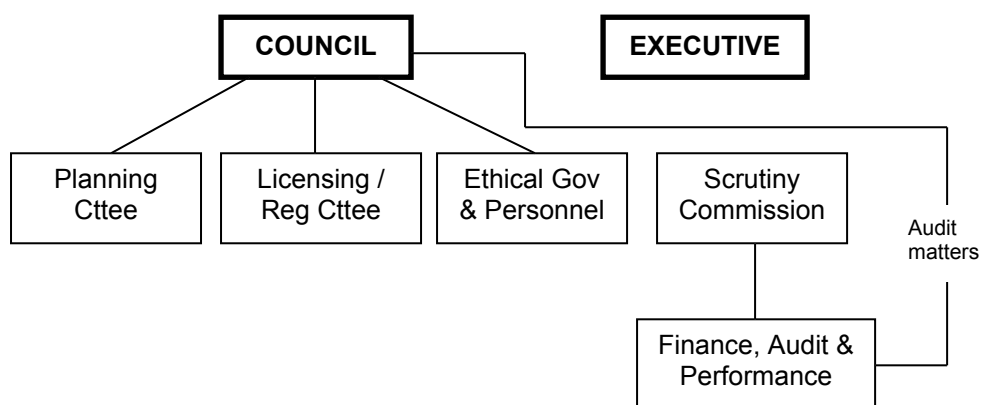
2. RECOMMENDATION

- 2.1 The revised decision making structure outlined in paragraph 3.8 be approved.
- 2.2 The Terms of Reference included in the appendices be approved as an amendment to the Constitution.
- 2.3 The calendar of meetings for the period May 2016 to December 2017 be approved.
- 2.4 Membership of council bodies be approved.
- 2.5 The Constitution be amended as appropriate to reflect the frequency of meetings in the new calendar.
- 2.6 A supplementary budget of £2,500 to fund the revised structure is approved.

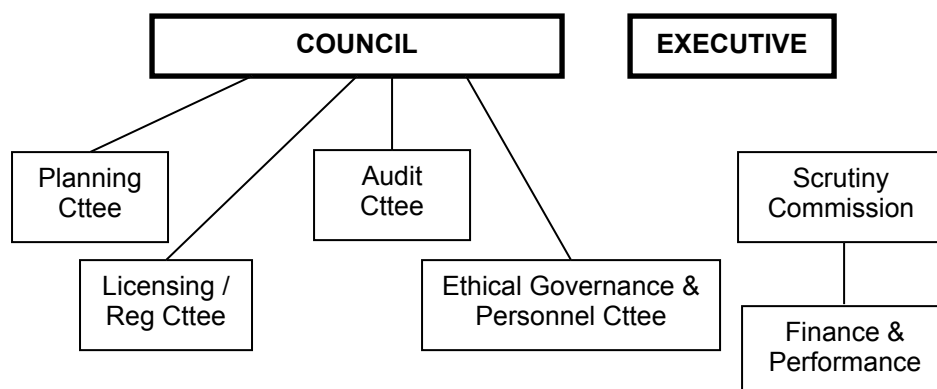
3. BACKGROUND TO THE REPORT

- 3.1 This report has been revised following deferral by Council on 12 April for consideration by the Scrutiny Commission. Following a meeting between the Chairman of the Commission, the Leader of the Council and the Deputy Leader of the opposition group, the Scrutiny Commission discussed the report on 14 April. An extract from the minutes of this meeting are appended to this report.
- 3.2 Due to changing requirements over the past few years, gaps in the reporting structure have become apparent. The particular issues are the lack of clarity in relation to Audit matters, and the need for more focus on performance as part of the Overview & Scrutiny function.
- 3.3 Whilst not a statutory requirement for the authority to have an Audit Committee, it is recommended practice. This has been met by using the Finance, Audit & Performance Committee (previously Finance & Audit Services Select Committee) which is part of the Overview & Scrutiny Function. The risk of combining the Audit Committee function with that of an overview and scrutiny function is that it may be diluted by the pressure of other business and, as has become the case with our current arrangements, the proper functions of the body have become less clear.
- 3.4 CIPFA guidance suggests that having a body specifically acting as an 'Audit Committee' adds weight when considering audit and related issues, gives non-executive councillors clear roles, and separates the roles of scrutiny and audit in the mind of members and the public. This has also been raised by our previous external auditor directly in relation to our authority and they recommended separating the audit and scrutiny functions.

- 3.5 In 2011, the Council Services Select Committee and Finance & Audit Services Select Committee merged to form the Finance, Audit & Performance Committee, with the intention of it performing the full roles of both of those bodies, but removing the duplication that was frequently seen. The front line performance monitoring role of that committee has, however, been overshadowed by the focus on finance and audit. It is therefore recommended that the remit of this committee is narrowed to enable an equal focus on both finance and front line performance.
- 3.6 With increasing financial pressures on the authority resulting in smaller budgets, it is important that delivery and performance of services are regularly reviewed to ensure targets are met and customer satisfaction is maintained. The reconfiguration of the decision making structure will enable this requirement to be met by Finance & Performance Scrutiny.
- 3.7 The current decision making structure is shown below:



- 3.8 Other bodies that are outside of this review do not appear on the chart above, these include the Appeals Panel, Hinckley Area Committee and working groups of Council or Overview & Scrutiny.
- 3.9 The proposed new structure creates a new Audit Committee and separates the audit function from that of overview & scrutiny.



- 3.10 This new structure would require an additional Special Responsibility Allowance (SRA) for the Chairman of the new Audit Committee, and a reduction in the SRA for the chair of Finance & Performance Scrutiny due to the Audit function, which paid a higher SRA previously, being removed. These changes to the Scheme of Allowances would be subject to recommendation of the Independent Remuneration Panel, approval by Council and inclusion in an approved Scheme of Allowances.

- 3.11 Consideration has been given to other options, for example joining the Planning and Licensing Committees to form a 'Regulatory Committee', but it is felt that this option would make agendas too large and business too varied to be carried out effectively and may also result in licensing issues being overshadowed by the more contentious planning matters and therefore not being debated as thoroughly as it is currently by a dedicated licensing body. Separating functions (standards, personnel and audit) into separate committees has also been considered, but it is considered that there would be insufficient business for each meeting.
- 3.12 Before decisions being made, the recommendations for amending the SRA(s) would need to be considered by the Independent Remuneration Panel. This can coincide with the annual review of members' allowances.
- 3.13 Whilst not part of the statutory decision-making structure, it should be noted that it is not intended to continue with meetings of the Local Joint & Safety Panel. Both the consultative and the safety aspect of these meetings is duplicated by internal processes and meetings. The Ethical Governance & Personnel Committee has endorsed the recommendation that any staffing or safety issues not resolved satisfactorily internally be taken to that committee. This meets any regulatory or contractual requirements.
- 3.14 Members are also asked to consider the proposed calendar of meetings for 2016-17 which is linked to approval of the revised decision-making structure, and appointments to council bodies for 2016/17.

4. FINANCIAL IMPLICATIONS (FMC)

- 4.1 The estimated cost of the change is summarised below. If the change is approved a supplementary budget of £2,500 will be required.

Additional Special Responsibility Allowance – Audit Committee	£3,500
Additional Special Responsibility Allowance – Finance & Performance	£2,500
Reduced Special Responsibility Allowance - Chairman of the Finance, Audit & Performance Committee	-£3,500
Total Increase in Costs	<u>£2,500</u>

5. LEGAL IMPLICATIONS (JB)

- 5.1 None

6. CORPORATE PLAN IMPLICATIONS

- 6.1 The recommendations contained within this report support all corporate aims as they ensure clear decision making processes and compliance with statutory requirements.

7. CONSULTATION

- 7.1 None.

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 comply with statutory requirements	Ensure decision making processes are clear and meet legislative requirements	Monitoring Officer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 The recommendations contained within this report do not impact on any particular community, group or parish but support all residents and businesses equally in ensuring open and transparent decision making.
- 9.2 This is not a new service or policy, therefore an equality impact assessment is not necessary.

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
 - Procurement implications
 - Human Resources implications
 - Planning implications
 - Data Protection implications
 - Voluntary Sector

Background papers: None

Contact Officer: Becky Owen, ext 5879
 Executive Member: Councillor A Wright.

AUDIT COMMITTEE

TERMS OF REFERENCE / RESPONSIBILITIES

Membership: Eleven members appointed by Annual Council in accordance with political balance regulations and not to include members of the Executive

Purpose:

To provide those charged with governance independent assurance on the adequacy of the authority's governance and risk management frameworks, internal control and the integrity of the financial reporting and annual governance processes

Functions of the Audit Committee

Audit functions

- To act as a key component of the authority's corporate governance, providing an independent and high-level focus on the audit, assurance and reporting arrangements that underpin good governance and financial standards
- To provide independent assurance to Council of the adequacy of the risk management framework and the internal control frameworks and oversee the financial reporting and annual governance processes
- To review the council's corporate governance arrangements against the good governance framework and considering governance reports and assurances
- To review the Annual Governance Statement prior to approval by Council and considering whether it properly reflects the risk environment and supporting assurances, taking in account internal audit's opinion on the overall adequacy and effectiveness of the council's framework of governance, risk management and control
- To consider the council's arrangements to secure value for money and review assurances and assessments on the effectiveness of these arrangements
- To consider the council's framework of assurance and ensure that it adequately addresses the risks and priorities of the council
- To monitor the effective development and operation of risk management in the council
- To monitor progress in addressing risk-related issues reported to the committee
- To consider reports on the effectiveness of internal controls and monitor the implementation of agreed actions
- To review the assessment of fraud risks and potential harm to the council from fraud and corruption
- To monitor the counter-fraud strategy, actions and resources
- To approve the internal audit plan and significant interim changes to the plan
- To consider reports from the head of internal audit on internal audit's performance during the year including updates on work, key findings, issues of concern and action being taken
- To consider the internal audit annual report and supporting information
- To support the development of effective communication with the Head of Internal Audit
- To consider the external auditor's annual letter, relevant reports and the report to those charged with governance
- To comment on the scope and depth of internal audit work and to ensure it gives value for money
- To commission work from internal and external audit
- To advise and recommend on the effectiveness of relationships between external and internal audit and other inspection agencies or relevant bodies

- To review the annual statement of accounts, considering whether appropriate accounting policies have been followed and whether there are concerns arising from the financial statements or from the audit that need to be brought to the attention of the council
- To consider the external auditor's report to those charged with governance on issues arising from the audit of the accounts.

FINANCE & PERFORMANCE SCRUTINY

TERMS OF REFERENCE / RESPONSIBILITIES

Membership: Nine members appointed by Annual Council, in accordance with appointments to overview & scrutiny bodies.

Purpose: to discharge functions conferred by the Local Government Act 2000

General role of overview & scrutiny

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

Specific functions of the Finance & Performance Scrutiny

- To review and scrutinise the performance and data quality of the council in relation to its performance targets overall and in particular service areas and investigate how underperformance may be remedied
- To consider how services can be developed and enhanced from the perspectives of the council and customers
- To consider and make recommendations on the budget & policy framework in accordance with the provisions of the council's constitution
- To refer matters to council where it believes the Executive has taken a decision not in accordance with the budget & policy framework
- To scrutinise the financial position of the authority
- To comment on budgetary proposals and, where appropriate, making alternative budgetary proposals to the Scrutiny Commission
- To ensure effective scrutiny of the treasury management strategy and policies
- To ensure effective scrutiny of the risk management processes of the council including corporate risks and service risks
- To give consideration to other relevant issues as are referred to the committee by the Scrutiny Commission, Executive or officers.

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Calendar 2016

Already agreed 2015-16

School holidays

F&P = Finance & Performance Scrutiny

Calendarpedia.co.uk
Your source for calendars

January	February	March	April	May	June	July	August	September	October	November	December
1 Fr <small>New Year's Day</small>	1 Mo	1 Tu	1 Fr	1 Su	1 We <small>Exec brief</small>	1 Fr	1 Mo	1 Th	1 Sa	1 Tu <small>COUNCIL</small>	1 Th
2 Sa	2 Tu	2 We	2 Sa	2 Mo <small>Early May Bank Hol.</small>	2 Th	2 Sa	2 Tu	2 Fr	2 Su	2 We	2 Fr
3 Su	3 We	3 Th	3 Su	3 Tu	3 Fr	3 Su	3 We	3 Sa	3 Mo	3 Th	3 Sa
4 Mo	4 Th	4 Fr	4 Mo	4 We	4 Sa	4 Mo	4 Th	4 Su	4 Tu	4 Fr	4 Su
5 Tu	5 Fr	5 Sa	5 Tu	5 Th	5 Su	5 Tu	5 Fr	5 Mo	5 We	5 Sa	5 Mo
6 We	6 Sa	6 Su	6 We	6 Fr	6 Mo	6 We	6 Sa	6 Tu <small>COUNCIL</small>	6 Th <small>Scrutiny</small>	6 Su	6 Tu <small>Planning</small>
7 Th	7 Su	7 Mo	7 Th	7 Sa	7 Tu	7 Th	7 Su	7 We	7 Fr	7 Mo	7 We
8 Fr	8 Mo	8 Tu	8 Fr	8 Su	8 We	8 Fr	8 Mo	8 Th	8 Sa	8 Tu <small>Planning</small>	8 Th <small>Scrutiny</small>
9 Sa	9 Tu	9 We	9 Sa	9 Mo	9 Th	9 Sa	9 Tu	9 Fr	9 Su	9 We	9 Fr
10 Su	10 We	10 Th	10 Su	10 Tu	10 Fr	10 Su	10 We	10 Sa	10 Mo	10 Th	10 Sa
11 Mo	11 Th	11 Fr	11 Mo	11 We <small>EGP</small>	11 Sa	11 Mo	11 Th <small>Scrutiny</small>	11 Su	11 Tu <small>Planning</small>	11 Fr	11 Su
12 Tu	12 Fr	12 Sa	12 Tu	12 Th	12 Su	12 Tu <small>COUNCIL</small>	12 Fr	12 Mo	12 We	12 Sa	12 Mo
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14 Th	14 Su	14 Mo	14 Th	14 Sa	14 Tu	14 Th	14 Su	14 We	14 Fr	14 Mo	14 We
15 Fr	15 Mo	15 Tu	15 Fr	15 Su	15 We	15 Fr	15 Mo	15 Th	15 Sa	15 Tu	15 Th <small>Audit</small>
16 Sa	16 Tu	16 We	16 Sa	16 Mo	16 Th <small>Scrutiny</small>	16 Sa	16 Tu <small>Planning</small>	16 Fr	16 Su	16 We	16 Fr
17 Su	17 We	17 Th	17 Su	17 Tu <small>Annual COUNCIL</small>	17 Fr	17 Su	17 We	17 Sa	17 Mo	17 Th	17 Sa
18 Mo	18 Th	18 Fr	18 Mo	18 We	18 Sa	18 Mo	18 Th <small>Audit</small>	18 Su	18 Tu	18 Fr	18 Su
19 Tu	19 Fr	19 Sa	19 Tu	19 Th	19 Su	19 Tu <small>Planning</small>	19 Fr	19 Mo <small>F&P</small>	19 We <small>Exec</small>	19 Sa	19 Mo
20 We	20 Sa	20 Su	20 We	20 Fr	20 Mo <small>F&P</small>	20 We	20 Sa	20 Tu	20 Th	20 Su	20 Tu
21 Th	21 Su	21 Mo	21 Th	21 Sa	21 Tu <small>Planning</small>	21 Th	21 Su	21 We <small>Exec brief</small>	21 Fr	21 Mo <small>F&P</small>	21 We <small>Exec</small>
22 Fr	22 Mo	22 Tu	22 Fr	22 Su	22 We	22 Fr	22 Mo	22 Th	22 Sa	22 Tu	22 Th
23 Sa	23 Tu	23 We	23 Sa	23 Mo	23 Th <small>Audit</small>	23 Sa	23 Tu	23 Fr	23 Su	23 We <small>Exec brief</small>	23 Fr
24 Su	24 We	24 Th	24 Su	24 Tu <small>Planning</small>	24 Fr	24 Su	24 We <small>Exec</small>	24 Sa	24 Mo	24 Th	24 Sa
25 Mo	25 Th	25 Fr <small>Good Friday</small>	25 Mo	25 We	25 Sa	25 Mo <small>F&P</small>	25 Th	25 Su	25 Tu	25 Fr	25 Su <small>Christmas Day</small>
26 Tu	26 Fr	26 Sa	26 Tu	26 Th	26 Su	26 Tu	26 Fr	26 Mo	26 We	26 Sa	26 Mo <small>Boxing Day</small>
27 We	27 Sa	27 Su	27 We	27 Fr	27 Mo	27 We <small>Exec brief</small>	27 Sa	27 Tu <small>H?W forum</small>	27 Th	27 Su	27 Tu <small>Substitute Day</small>
28 Th	28 Su	28 Mo <small>Easter Monday</small>	28 Th	28 Sa	28 Tu <small>H/W forum</small>	28 Th	28 Su	28 We	28 Fr	28 Mo	28 We
29 Fr	29 Mo	29 Tu	29 Fr	29 Su	29 We <small>Exec</small>	29 Fr	29 Mo <small>August Bank Hol.</small>	29 Th	29 Sa	29 Tu	29 Th
30 Sa		30 We	30 Sa	30 Mo <small>Spring Bank Hol.</small>	30 Th	30 Sa	30 Tu	30 Fr	30 Su	30 We	30 Fr
31 Su		31 Th		31 Tu		31 Su	31 We		31 Mo		31 Sa

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Calendar 2017

Already agreed 2015-16

School holidays

F&P = Finance & Performance Scrutiny

January	February	March	April	May	June	July	August	September	October	November	December
1 Su <small>New Year's Day</small>	1 We <small>Exec brief</small>	1 We	1 Sa	1 Mo <small>Early May Bank Hol.</small>	1 Th	1 Sa	1 Tu	1 Fr	1 Su	1 We	1 Fr
2 Mo <small>Substitute day</small>	2 Th	2 Th <small>Audit</small>	2 Su	2 Tu	2 Fr	2 Su	2 We	2 Sa	2 Mo <small>40</small>	2 Th	2 Sa
3 Tu <small>Planning</small>	3 Fr	3 Fr	3 Mo <small>F&P 14</small>	3 We <small>Exec</small>	3 Sa	3 Mo <small>27</small>	3 Th	3 Su	3 Tu	3 Fr	3 Su
4 We	4 Sa	4 Sa	4 Tu	4 Th	4 Su	4 Tu	4 Fr	4 Mo <small>36</small>	4 We	4 Sa	4 Mo <small>49</small>
5 Th	5 Su	5 Su	5 We <small>Exec brief</small>	5 Fr	5 Mo <small>23</small>	5 We	5 Sa	5 Tu <small>COUNCIL</small>	5 Th <small>Scrutiny</small>	5 Su	5 Tu <small>Planning</small>
6 Fr	6 Mo <small>6</small>	6 Mo <small>10</small>	6 Th	6 Sa	6 Tu	6 Th	6 Su	6 We	6 Fr	6 Mo <small>F&P 45</small>	6 We <small>Exec</small>
7 Sa	7 Tu	7 Tu	7 Fr	7 Su	7 We	7 Fr	7 Mo <small>32</small>	7 Th	7 Sa	7 Tu <small>Planning</small>	7 Th
8 Su	8 We	8 We <small>Exec</small>	8 Sa	8 Mo <small>19</small>	8 Th	8 Sa	8 Tu	8 Fr	8 Su	8 We <small>Exec brief</small>	8 Fr
9 Mo <small>2</small>	9 Th <small>Scrutiny</small>	9 Th	9 Su	9 Tu	9 Fr	9 Su	9 We	9 Sa	9 Mo <small>41</small>	9 Th	9 Sa
10 Tu <small>COUNCIL</small>	10 Fr	10 Fr	10 Mo <small>15</small>	10 We	10 Sa	10 Mo <small>28</small>	10 Th <small>Scrutiny</small>	10 Su	10 Tu <small>Planning</small>	10 Fr	10 Su
11 We	11 Sa	11 Sa	11 Tu	11 Th	11 Su	11 Tu <small>COUNCIL</small>	11 Fr	11 Mo <small>37</small>	11 We	11 Sa	11 Mo <small>50</small>
12 Th	12 Su	12 Su	12 We	12 Fr	12 Mo <small>24</small>	12 We	12 Sa	12 Tu <small>Planning</small>	12 Th <small>Audit</small>	12 Su	12 Tu
13 Fr	13 Mo <small>7</small>	13 Mo <small>11</small>	13 Th	13 Sa	13 Tu	13 Th	13 Su	13 We	13 Fr	13 Mo <small>46</small>	13 We
14 Sa	14 Tu	14 Tu	14 Fr <small>Good Friday</small>	14 Su	14 We	14 Fr	14 Mo <small>33</small>	14 Th	14 Sa	14 Tu	14 Th
15 Su	15 We	15 We	15 Sa	15 Mo <small>20</small>	15 Th <small>Scrutiny</small>	15 Sa	15 Tu <small>Planning</small>	15 Fr	15 Su	15 We	15 Fr
16 Mo <small>3</small>	16 Th	16 Th	16 Su	16 Tu <small>Annual COUNCIL</small>	16 Fr	16 Su	16 We	16 Sa	16 Mo <small>42</small>	16 Th	16 Sa
17 Tu	17 Fr	17 Fr	17 Mo <small>Easter Monday 16</small>	17 We	17 Sa	17 Mo <small>29</small>	17 Th <small>Audit</small>	17 Su	17 Tu	17 Fr	17 Su
18 We	18 Sa	18 Sa	18 Tu	18 Th	18 Su	18 Tu <small>Planning</small>	18 Fr	18 Mo <small>38</small>	18 We <small>Exec</small>	18 Sa	18 Mo <small>51</small>
19 Th	19 Su	19 Su	19 We	19 Fr	19 Mo <small>25</small>	19 We	19 Sa	19 Tu	19 Th	19 Su	19 Tu <small>COUNCIL</small>
20 Fr	20 Mo <small>8</small>	20 Mo <small>12</small>	20 Th <small>Scrutiny</small>	20 Sa	20 Tu <small>Planning</small>	20 Th	20 Su	20 We	20 Fr	20 Mo <small>47</small>	20 We
21 Sa	21 Tu	21 Tu <small>COUNCIL</small>	21 Fr	21 Su	21 We	21 Fr	21 Mo <small>34</small>	21 Th	21 Sa	21 Tu	21 Th
22 Su	22 We	22 We	22 Sa	22 Mo <small>F&P 21</small>	22 Th <small>Audit</small>	22 Sa	22 Tu	22 Fr	22 Su	22 We	22 Fr
23 Mo <small>4</small>	23 Th <small>Budget COUNCIL</small>	23 Th	23 Su	23 Tu <small>Planning</small>	23 Fr	23 Su	23 We <small>Exec</small>	23 Sa	23 Mo <small>43</small>	23 Th <small>Scrutiny</small>	23 Sa
24 Tu	24 Fr	24 Fr	24 Mo <small>17</small>	24 We	24 Sa	24 Mo <small>F&P 30</small>	24 Th	24 Su	24 Tu	24 Fr	24 Su
25 We	25 Sa	25 Sa	25 Tu <small>Planning</small>	25 Th	25 Su	25 Tu	25 Fr	25 Mo <small>F&P 39</small>	25 We	25 Sa	25 Mo <small>Christmas Day 52</small>
26 Th	26 Su	26 Su	26 We	26 Fr	26 Mo <small>26</small>	26 We <small>Exec brief</small>	26 Sa	26 Tu	26 Th	26 Su	26 Tu <small>Boxing Day</small>
27 Fr	27 Mo <small>9</small>	27 Mo <small>13</small>	27 Th <small>Audit</small>	27 Sa	27 Tu	27 Th	27 Su	27 We <small>Exec brief</small>	27 Fr	27 Mo <small>48</small>	27 We
28 Sa	28 Tu <small>Planning</small>	28 Tu <small>Planning</small>	28 Fr	28 Su	28 We <small>Exec</small>	28 Fr	28 Mo <small>August Bank Hol.</small>	28 Th	28 Sa	28 Tu	28 Th
29 Su		29 We	29 Sa	29 Mo <small>Spring Bank Hol.</small>	29 Th	29 Sa	29 Tu	29 Fr	29 Su	29 We	29 Fr
30 Mo <small>F&P /SC (budget) 5</small>		30 Th	30 Su	30 Tu	30 Fr	30 Su	30 We	30 Sa	30 Mo <small>44</small>	30 Th <small>Audit</small>	30 Sa
31 Tu <small>Planning</small>		31 Fr		31 We <small>Exec brief</small>		31 Mo <small>31</small>	31 Th		31 Tu <small>COUNCIL</small>		31 Su

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APPOINTMENTS TO COUNCIL BODIES

Planning Committee (17 members)

Scrutiny Commission (11 members)

Finance & Performance Scrutiny (9 members)

Hinckley Area Committee

Licensing Committee (11 members)

Licensing (Regulatory) Committee (11 members)

Ethical Governance & Personnel Committee (9 members)

Audit Committee (11 members)

Appeals Panel (pool of 12 members, from which 3 will be drawn when necessary)

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

14 APRIL 2016 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mrs R Camamile – Vice-Chairman

Mr DC Bill MBE, Mr WJ Crooks, Mr E Hollick (for Mr SL Bray), Mr KWP Lynch, Mr BE Sutton, Mr R Ward and Mr HG Williams

Also in attendance: Councillor C Ladkin and Councillor A Wright

Officers in attendance: Steve Atkinson, Ilyas Bham, Valerie Bunting, Richard Crosthwaite, Bill Cullen, Julie Kenny, Rebecca Owen and Caroline Roffey

486 DECLARATIONS OF INTEREST

Councillors Camamile & Hollick stated that they were parish councillors for authorities that had applied for grants under the Parish & Community Initiative Fund.

494 DECISION MAKING STRUCTURE

Following deferral of this item at Council, the Scrutiny Commission considered the proposed decision making structure. It was reported that the objective of the review was to raise the profile of audit and create a clear decision making process, but would not preclude an overview & scrutiny body receiving a report on a particular audit or viewing the audit plan if they wished. A discussion had taken place immediately before the meeting, involving the Chair of the Commission, the Council Leader and the Deputy Leader of the Opposition. The conclusions of that constructive discussion were put before the Commission.

Members felt that a standalone Audit Committee would be more effective than merging the audit function with the Ethical Governance & Personnel Committee and that the chairman of the Scrutiny Commission and the Finance & Performance Committee should be members of the Audit Committee. It was also noted that members of the Executive should not normally be members of the Audit Committee, and that the Audit Committee would have a set cycle and a work programme.

RESOLVED – Council be RECOMMENDED to approve a revised structure with a separate Audit Committee.

(The Meeting closed at 8.50 pm)

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COUNCIL – 17 MAY 2016

RELEASE OF RESTRICTIVE COVENANTS, MIDDLEFIELD LANE

REPORT OF DEPUTY CHIEF EXECUTIVE (CORPORATE DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

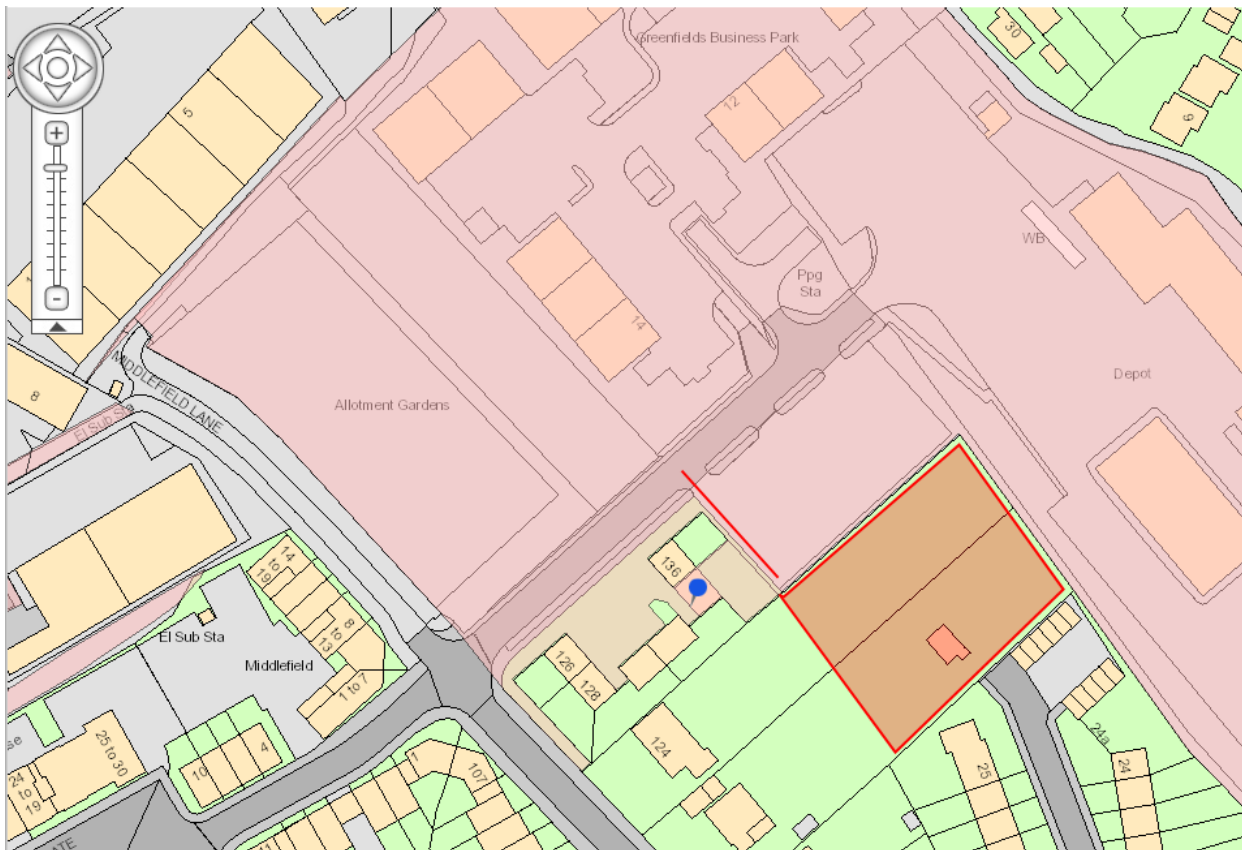
- 1.1 To seek consent for a proposal to permit a sewer to be constructed across council land and for release of restrictive covenants

2. RECOMMENDATIONS

- 2.1 That Council approve the permitting a sewer to be constructed across the land forming part of the former depot site and release covenants on adjacent land so that it can be developed for housing upon payment to the council of £160,000

3. BACKGROUND TO THE REPORT

- 3.1 This plan shows the former depot site coloured pink and the rear of two houses at 122 and 124 Middlefield Rd edged red and coloured brown. A proposed sewer wayleave route is shown in red



- 3.2 Planning consent is awaited for 9 houses on the garden land but the land was originally sold by the council with restrictive covenants for small holding use and just one dwelling on each parcel. The site also needs access across the depot site for a sewer. (see further detail of the development in Appendix 1)

- 3.3 An external valuer was appointed and after further discussion with the intended developer the recommendation is that £146,000 be paid for release of the covenants

and £14,000 for the sewer route [as it slightly restricts potential development of the depot site

4. FINANCIAL IMPLICATIONS [IB]

4.1 Sale proceeds will be treated as a capital receipt and will be used to underpin capital programme.

5. LEGAL IMPLICATIONS [AR]

5.1 Section 123 of the Local Government Act 1972 empowers the Council to dispose of its land provided the Council secures the best consideration that can reasonably be obtained when disposing of the land.

5.2 `Disposal` includes a sale of the freehold interest and the grant of an easement.

5.3 The Council cannot dispose of its land for a consideration less than the best that can be reasonably obtained in the market except with the express consent of the Secretary of State unless the disposal complies with the terms and conditions set out in the Local Government Act 1972 General Disposal Consent (England) 2003

5.4 The consideration in respect of the sewer route will require best consideration and this has been secured.

5.5 There will be a requirement to prepare legal agreements for the release of the restrictive covenant, the securing of the sewer route, and the required works for the construction of the sewer. This will be carried out by Legal Services.

5.6 Should the Council decide not to release the covenant, the owner can make an application to the Upper Lands Tribunal to have the restrictive covenant removed

6. CORPORATE PLAN IMPLICATIONS

6.1 This proposal supports the objectives of Creating a vibrant place to work and live.

7. CONSULTATION

7.1 No external consultation undertaken except within the planning process. Asset Management Strategy Group recommended this proposal 20 April 2016.

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
The route of the sewer might be obstructive to any future development	Optimisation of route alignment	R Vaughan

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

9.1 An opportunity to provide some further affordable housing.

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
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Robert Vaughan FRICS, ext 5867
Executive Member Cllr M Surtees

APPENDIX 1: detail of the development under Planning Application 15/00402/OUT



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COUNCIL – 17 MAY 2016

**ANNUAL REVIEW OF THE CONSTITUTION
REPORT OF THE MONITORING OFFICER**

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

1.1 To recommend updates to the Constitution in line with changing legislation, for purposes of clarification, and on some procedural matters.

2. RECOMMENDATION

2.1 Council approves the changes to the Constitution contained within this report.

3. BACKGROUND TO THE REPORT

3.1 The Constitution is updated regularly to reflect changes in legislation, and on an annual basis a full review is undertaken to ensure consistency throughout and to provide the opportunity to give consideration to all parts of the Constitution and their continuing relevance. If the review shows that changes are required, these changes are recommended to Council.

3.2 Some amendments to the Constitution contained within the annual review have been agreed as part of other reports to Council throughout the year and are included here for completeness and are not for adoption. In this review, these include delegations and changes to processes under new regulations, the Scheme of Allowances and the Code of Conduct.

3.3 General typographical amendments or corrections to numbering have been made throughout the document as necessary. More substantive proposed amendments are detailed on the appended schedule.

4. FINANCIAL IMPLICATIONS (IB)

4.1 None.

5. LEGAL IMPLICATIONS (JB)

5.1 The legal implications are contained in the appendix to the report.

6. CORPORATE PLAN IMPLICATIONS

6.1 The recommendations contained within this report support all corporate visions, aims and objectives in ensuring effective operation, decision making and compliance with legislation to enable provision of services across the borough.

7. CONSULTATION

7.1 Those members and officers affected by the changes have been consulted.

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 maintain an up to date constitution resulting in possible breaches of legislation	Undertaken annual reviews and ensure relevant officers input into the reviews and members are aware of changes	Monitoring Officer
Lack of awareness of provisions of the Constitution and decision making processes	Ensure members and officers are aware of the provisions and receive unified advice	Monitoring Officer/ Democratic Services Officer

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 The recommendations contained within this report will not affect any particular group or community. The maintenance of the Constitution and provisions therein aim to support all who live, work, visit or are educated within the borough and to regulate decision making and ensure powers are in place to provide services appropriate for and accessible to all.

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
- Procurement implications
- Human Resources implications
- Planning implications
- Data Protection implications
- Voluntary Sector

Background papers: None

Contact Officer: Rebecca Owen, Democratic Services Officer, ext 5879
 Executive Member: Councillor A Wright

Schedule of proposed changes to the Constitution

Page number in current Constitution	Reference (para or section number)	Page number in tracked change version (in Members' Room)	Proposed change	Reason
PART 3				
Throughout			Update officer job titles in Development Management	Update. Ensure delegation to correct level
32	Para 5	34	Specify 'upwards delegation' to line manager of the officer who has that delegated authority, unless the delegation is set by legislation (ie functions of the monitoring officer)	For clarity and to ensure continued service provision
71	Section 5, para 1.1	76	Change 'onward limits of delegation' from DCE (Corporate Direction) and Head of Revenues & Benefits to DCE (Community Direction) and Chief Officer (Housing, Community Safety & Partnerships	Service now part of Housing but not previously updated in Constitution
73	6.11	78	Include leasing of land or buildings in delegation	Omission rectified for expedient operational action
77	New 1.7	82	Delegations under Housing Act 1988	Completeness
78	2.3	83	Extend delegation to Chief Officer (Housing, Community Safety & Partnerships)	Operational expediency
79	4.4	85	Extend delegation for action under S11 & 12 of Housing Act 2004 to Senior Environmental Health Officer	Operational expediency
82	New 4.12	88	Addition of delegation under Energy Action 2013 / Smoke & Carbon Monoxide Alarm (England) Regulations 2015	Legislative requirement
83	New 4.13	88	Addition of delegation under Enterprise & Regulatory Reform Act 2013 / Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to belong to a Scheme etc) (England) Order 2014	Legislation requirement
83	New 4.14	88	Delegations under Protection from Eviction Act 1977	Completeness
90	S80	96	Clarification of delegation in relation to S80 of Environmental Protection Act 1990 to relevant Chief Officer and Senior	Previously unclear due to layout of document

Page number in current Constitution	Reference (para or section number)	Page number in tracked change version (in Members' Room)	Proposed change	Reason
			Environmental Health Officer	
PART 4				
98	3.2	104	Specify matters for which an extraordinary meeting may be called: 'matters for which the Council has a responsibility or which affects directly or indirectly residents or business in the borough of Hinckley & Bosworth'	Clarity
98	4.1	104	Remove restriction on Executive members substituting on other committees (except Overview & Scrutiny)	Previous change to Constitution elsewhere, not updated here – reflects lack of restrictions in legislation
99	4.3	105	Requirement to notify of substitutions via email	Record keeping
113	28.2(e)	119	Strengthening of rules re asking questions of clarification of public speakers at planning committee to remind members that only questions of clarification are permitted, and that the chairman has authority to rule out a question.	To ensure proper processes are followed and the provision is used for its correct purpose
PART 5				
199	5.3	205	Amendment to state that, where members have declared a pecuniary interest at Planning Committee, they may not take any part in the meeting in relation to that item, including speaking as a ward councillor (as required by legislation).	Previous amendment to legislation but not updated in Constitution previously
PART 7				
206	1.10	212	Insert 'professional' between 'specific' and 'qualifications'.	Confirmation of intention
211		218	Revised section on politically restricted posts	To take account of changes to posts and ensure mirrors legislation