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Chief Executive

Date: 24 February 2016

Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: Members of the Scrutiny Commission

Mr MR Lay (Chairman)	Mr KWP Lynch
Mr SL Bray (Vice-Chairman)	Mr SL Rooney
Mrs R Camamile (Vice-Chairman)	Mr BE Sutton
Mr RG Allen	Mr R Ward
Mr DC Bill MBE	Mr HG Williams
Mr WJ Crooks	

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **SCRUTINY COMMISSION** in the De Montfort Suite - Hub on **THURSDAY, 3 MARCH 2016 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

SCRUTINY COMMISSION - 3 MARCH 2016

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS

2. MINUTES (Pages 1 - 4)

To confirm the minutes of the meeting held on 21 January 2016.

3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES

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

4. DECLARATIONS OF INTEREST

To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**

5. QUESTIONS

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

6. H&B TOURISM PARTNERSHIP 2015 - PERFORMANCE REVIEW (Verbal Report)

The Chair of the Tourism Partnership will give a presentation to the Scrutiny Commission.

7. PLANNING APPEALS (Pages 5 - 10)

The Commission will be provided with an update on performance in relation to Planning Appeals over the last six months.

8. HOUSING BILL UPDATE (Verbal Report)

Verbal update on Housing matters.

9. SCRUTINY COMMISSION WORK PROGRAMME 2015-17 (Pages 11 - 14)

Work programme attached.

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

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

21 JANUARY 2016 AT 6.30 PM

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

Mr DC Bill MBE, Mr WJ Crooks, Mr KWP Lynch, Mr BE Sutton and Mr R Ward

Also in attendance: Councillor MA Cook, Councillor DS Cope, Councillor M Hall, Councillor J Kirby, Councillor K Morrell, Councillor M Nickerson, Councillor MJ Surtees and Councillor A Wright

Officers in attendance: Steve Atkinson, Bill Cullen, Lesley Keal, Julie Kenny, Rebecca Owen, Sharon Stacey, Nic Thomas, Mark Tuff and Ashley Wilson

349 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Allen, Rooney and Williams from the Scrutiny Commission, and Councillor O'Shea from the Finance, Audit & Performance Committee.

350 MINUTES

It was moved by Councillor Camamile, seconded by Councillor Sutton and

RESOLVED – the minutes of the meeting held on 10 December be confirmed and signed by the Chairman.

351 DECLARATIONS OF INTEREST

No interests were declared at this stage.

352 CLOSURE OF HINCKLEY CO-OP

Councillor Bill reported that he had had no response from the Heart of England Co-op to a 500 signature petition, or to his requisition for the Board to meet but would continue to contact them. The Chief Executive stated he had also attempted to maintain contact to discuss the future of the car park, which was a concern for users of Hinckley town centre and the council.

353 S106 CONTRIBUTIONS TOWARDS OFF-SITE PLAY AND OPEN SPACE

The Scrutiny Commission received an annual update on developer contributions in relation to off-site play and open space. During discussion and responses to questions, the following points were raised:

- Section 106 agreements took effect from the date signed, and if changes to legislation occurred between drafting and signing, the agreement would need to be updated accordingly
- The formulas for requesting contributions were included in the S106 supplementary planning document

- A member asked if a developer ceased to trade following completion of a development, would the contributions be secure. Officers agreed to check the specific details of the example given and report back to the councillor
- In relation to the Barwell Sustainable Urban Extension (SUE), it was noted that there had been a delay whilst the development consortium negotiated transport contributions with Leicestershire County Council, but agreement and signing was fairly imminent.

354 ELECTIONS - INDIVIDUAL ELECTORAL REGISTRATION

Members were updated on the impact of the introduction of Individual Electoral Registration (IER), the key change being that each member of a household now had to register, rather than one person in a household taking responsibility for registering all eligible at their address as previously. It was also noted that online registration had been introduced and that proactive work had been undertaken to explain the changes, particularly in care homes, to ensure that as many people as possible were registered to vote.

Concern was expressed that the rate of return was 90.72%, which was 6% lower than under the previous arrangements. It was anticipated, however, that by undertaking a 100% canvas each year, this number would increase to the same level or higher than previously.

In relation to the costs of the changes, it was noted that £27,000 government funding had been received to support the process in year 1, but that any budget required for future years had been built into the authority's base budget.

A Member asked if there was a geographical pattern to areas where numbers registering had reduced. Officers agreed to check and report back.

RESOLVED – progress be noted.

355 MEDIUM TERM FINANCIAL STRATEGY (SUMMARY) 2016/17 - 2019/20

Consideration was given to the Medium Term Financial Strategy summary 2016/17 – 2019/20. Members were reminded that, whilst the report presented a balanced budget for 2016/17, putting the minimum measures in place to achieve this would not address the increasing deficit in following years, as shown in section 4 of the report.

A member referred to the previously discussed possibility of a council tax referendum for increasing the rate by £16 per year (average band D) and asked why this was not included in the options. In response, the Leader explained that, since the consultation on that option was held, the Finance Settlement had been released which gave authorities in the bottom quartile for council tax the ability to impose a £5 increase for four years, so a greater increase would not be required for a balanced budget for 2016/17. The Leader explained that there were other unknown factors in future years, such as the progress of the local housing company which, he felt, may reduce the financial burden on the authority.

During discussion, the following concerns were raised:

- the large gap for future years' budgets
- the possibility of rising direct service costs
- the likelihood of not receiving 100% of business rates and a worsening New Homes Bonus receipt
- the certainty of the removal of dry recycling credits by the County Council
- the potential need to consider reducing 'non-essential' services in future years.

Some members asked that the Executive be requested to reconsider the MTFs in order to produce a strategy which addressed the financial gap in years 2017/18 to 2019/10, since the Chief Executive had indicated that, in its present form, the Strategy would not be presented for approval. The Leader reassured members that a Medium Term Financial Strategy which provided a balanced budget for the term of that strategy would be presented to Council on 18 February.

RESOLVED – the report be noted and the Executive be requested to reconsider and produce a balanced MTFs for Council on 18 February.

356 HOUSING REVENUE ACCOUNT BUDGET 2016/17

The Commission was presented with the 2016/17 Housing Revenue Account (HRA) budget which, it was reported, showed the impact of the 1% rent reduction. Members discussed the previous government's policy of convergence and the resulting increase in rents to move towards this, and the decision to buy out of the HRA subsidy and expressed anger at the change in direction by HM Government.

In response to a question about whether there was still a hardship fund, it was agreed that a report on this be brought to the next meeting.

RESOLVED –

- (i) The revised Housing Revenue and Housing Repairs Account budgets for 2015/16 be noted;
- (ii) The Housing Revenue and Housing Repairs Account budgets for 2016/17 be noted;
- (iii) The proposed movement in reserves be noted;
- (iv) The approved rent decrease and the policy that void properties will be re-let at formula rent from 1 April 2016 be noted;
- (v) A report on the Hardship Fund be brought to the next meeting.

357 HRA BUSINESS PLAN

Members were advised of the options for managing the impact of the 1% rent reduction and previous rent increase decisions on the Housing Revenue Account (HRA) Business Plan and HRA Investment Strategy which had been in place since July 2013.

In addition to the rent reduction, the impact of selling high value voids was a concern for members. It was noted that there had not yet been any indication of what constituted 'high value' or how this would work in practice. The suggestion to move to short-term tenancies also caused concern in that, amongst other concerns, there would be less incentive for tenants to maintain and improve their properties.

During discussion, the following points were raised:

- The impact of the reduced rental income on the decency of housing stock
- Possible options for working with housing associations and the new local housing company
- The authority had opted to keep housing stock when other authorities were selling theirs, yet now the Government seemed to be forcing authorities to sell

It was noted that key members were trying to arrange a meeting with the MP to make representations about the impact of these changes. It was acknowledged that more work would be undertaken in relation to the sale of high value voids once more detail was known.

In relation to the options provided in the report, members indicated a clear preference for option 3.

RESOLVED – option 3 – re-borrowing (continue with current schemes only) be supported as the preferred option.

358 GENERAL FUND BUDGET

The Scrutiny Commission reviewed the General Fund budget for 2016/17 ahead of consideration by Council. In response to a member's question, it was explained that the special expenses area budget had to be included in the council's budget setting, but that the Hinckley Area Committee would also be considering its budget the following week.

RESOLVED – the report be noted, pending further consideration of the MTFS.

359 CAPITAL PROGRAMME

The Scrutiny Commission received the General Fund Capital Programme for 2015/16 to 2018/19. Members were pleased to see key projects being delivered.

RESOLVED – the report be noted.

360 SCRUTINY COMMISSION WORK PROGRAMME 2015-16

Members noted the work programme, with the addition of a report on the Hardship Fund for the next meeting.

(The Meeting closed at 9.18 pm)

CHAIRMAN



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

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

1.1 To inform Members of the Planning and Enforcement appeal decisions that have been made in the last six months of 2015.

2. RECOMMENDATION

2.1 That Scrutiny Commission notes the report.

3. BACKGROUND TO THE REPORT

3.1 In the period since July 2015 and December 2015 there have been 13 appeal decisions. The table below provides a summary of the appeal decisions.

3.2 The key issues and learning points arising in the appeal decisions are:

- i) The Council's five-year housing land supply remains a key issue and whilst two appeal decisions during this period have upheld the Council's current supply position, it is constantly being tested through all appeals relating to residential development. However, with a five year supply, landscape impacts are equally key material considerations (*Markfield Road, Ratby and Bullfurlong Lane, Burbage*).
- ii) The Council must continue to grant permissions for residential development in sustainable locations, where there is no material harm that can be evidenced, to ensure the five year supply position is maintained and to boost the supply of housing as per the requirements of the National Planning Policy Framework (Markfield Road, Ratby).
- iii) The Council is continuing to take a robust approach towards enforcing breaches of planning control and the key to success is a result of gathering and collating relevant evidence to prove beyond all reasonable doubt that a breach has occurred at appeal (*Elis Taylor, Leicester Road, Hinckley*).

Appellant	Site Address & Proposal	Method	Appeal Decision	Recommendation
The Crown Estate 16 New Burlington Place London W1S 2HX	Beanfields Farm Derby Lane Shackerstone <i>(Relocation of existing field entrance and formation of an agricultural access track)</i> 14/00706/FUL	Written Reps Delegated	Allowed 17.07.15	Officer refusal
Mr Jack Woodward Grove Farm Wolds Lane Wolvey Nr Hinckley	The Brockey Farm Kirkby Road Barwell <i>(Removal of hedgerow)</i> 14/00989/HEDGE	Written Reps Delegated	Dismissed 26.08.15	Officer refusal

Mr P Bockhouse A5 Aquatics Watling Street Nuneaton	Land North Of Watling Street Nuneaton <i>(Erection of a dwelling and attached garage incorporating a photovoltaic roof panel array)</i> 14/00778/FUL	Written Reps Delegated	Dismissed 02.09.15	Officer refusal
Mr Steve Wong Kingscliffe 48 Barton Road Market Bosworth	Kingscliffe 48 Barton Road Market Bosworth <i>(Erection of a dwelling with associated parking)</i> 14/00966/FUL	Written Reps Delegated	Dismissed 24.09.15	Officer refusal
Mr Andrew Milne Aspects Homes (Midlands) Ltd Harborough Road Brixworth Northants NN6 9BX	Land South Of Bonita Bullfurlong Lane Burbage <i>(Erection of 14 dwellings with vehicular access (outline - access, layout and scale))</i> 14/00715/OUT	Written Reps Non- determination	Dismissed 29.09.15	N/A
Mr Kamal Ullah 4 Cardinal Drive Burbage Hinckley	The Pantry 102 Rugby Road Hinckley <i>(Change of use from ground floor hot food takeaway (Use Class A5) to Bangladeshi meeting centre (Use Class D1) and alterations to front elevation (revised proposal))</i> 15/00074/COU	Written Reps Committee	Allowed 30.09.15	Member refusal in accordance with the officer recommendation
Mr Elis John Taylor Leachmore House Workhouse Lane Burbage Hinckley	Land South Of Leicester Road Hinckley <i>(Without planning permission the change of use of land from agricultural use to the storage of non agricultural waste and equipment)</i> 15/00008/ENF 12/00121/S	Hearing Enforcement	Dismissed 02.10.15	Following an enforcement notice served by officers

Mr Elis John Taylor Leachmore House Workhouse Lane Burbage Hinckley	Land South Of Leicester Road Hinckley <i>(Without planning permission the creation of hard standing and the unauthorised parking of non-agricultural vehicles)</i> 12/00121/S 15/00007/ENF	Hearing Enforcement	Dismissed 02.10.15	Following an enforcement notice served by officers
Cawrey Limited Kirby Grange Farm Taverner Drive Ratby	Land South Of Markfield Road Ratby <i>(Residential development (outline - access only))</i> 14/00108/OUT	Public Inquiry Committee	Dismissed 09.10.15	Member refusal contrary to officer recommendation
Forest View Grangewood Netherseal Derbyshire	148 Kirkby Road Barwell <i>(Erection of a dwelling (resubmitted scheme))</i> 14/01074/FUL	Written Reps Delegated	Dismissed 28.10.15	Officer refusal

KEY APPEALS SUMMARY

Appeal at Land off Markfield Road, Ratby

- 3.3 The application was refused at Planning Committee following an officer recommendation of approval, based on the Council being unable to demonstrate a five year supply at this time.
- 3.4 The two reasons for refusal related to the landscape impact of the proposal and that the proposal would significantly exceed the housing requirement for Ratby, adversely impacting upon local infrastructure and facilities.
- 3.5 As there was no evidence to defend the suggested impact on local infrastructure and facilities counsel advised that this reason for refusal was un-defendable. As such following this advice the reason for refusal was dropped leaving the reason for refusal relating to landscape impact remaining.
- 3.6 The Inspector considered that the appellants assessment of the Council's housing land supply position was unrealistic and suggested that whilst there had been delays in respect of the two Sustainable Urban Extensions it was unlikely that they would not deliver any housing within the five year trajectory. The Inspector therefore agreed with the Council's evidence in relation to its five year housing land supply position and that paragraph 49 of the National Planning Policy Framework in respect of the presumption in favour of sustainable development was not engaged.
- 3.7 The Inspector considered that whilst the landscape setting of the site amounted to ordinary countryside, it did contribute and add value to the setting of the village. Given that the proposal would encroach beyond natural field boundaries it would cause an unwarranted intrusion into open countryside contrary to Policy NE5 of the Local Plan and the environmental strand of sustainability as set out in the NPPF. On this basis the appeal was dismissed.

The Pantry, Rugby Road, Hinckley

- 3.8 This application was refused at Planning Committee due to noise and disturbance caused by the proposal to neighbouring residents from the intensification of use of the premises, with an unsatisfactory level of parking proposed to the rear.
- 3.9 The Inspector considered that the numbers of people congregating outside of the building would be low and that this would not be materially more significant than those using the extant use as a hot food takeaway. In addition, because of the busy nature of Rugby Road, the comings and goings of people would not be significantly harmful to the amenity of those in the surrounding area.
- 3.10 In respect of the parking provision to the rear of the premises, whilst the Inspector found this to be insufficient for the proposed use, there is an existing number of parking bays within the highway that could be used. In addition, the site is located within an urban area which is considered to be sustainable, with access to public transport.
- 3.11 For the reasons set out above the appeal was allowed subject to conditions.

Appeals at Elis Taylor Skip Hire, Leicester Road, Hinckley

- 3.12 Two enforcement notices were served by the Council in respect of the change of use of land from agriculture to waste and equipment and a second one was served in respect of the creation of hard standing and the parking of commercial non-agricultural vehicles.
- 3.13 At the hearing the Inspector considered the evidence and established that the appellant could not demonstrate that the use of the site for storage had not taken place for a period of 10 years or more and agreed with the Council's evidence that suggested that a break in the use had occurred. The Inspector considered that both the use of the land for the storage of material and the storage of commercial vehicles constituted uses detrimental to the open, undeveloped character of the green wedge.

In both cases the enforcement notices were upheld and the appeals dismissed.

4. FINANCIAL IMPLICATIONS (TF)

- 4.1 As these appeals have been completed there will be no further financial implications arising directly from this report.
- 4.2 Of the two cases that were lost there were no costs claimed against the council.

5. LEGAL IMPLICATIONS (MR)

- 5.1 None

6. CORPORATE PLAN IMPLICATIONS

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

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
Financial implications to the Council in defending appeals	Take into account the risk in refusing planning applications and the likely success of an appeal	Nic Thomas

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 9.1 The report provides an update to Scrutiny Commission relating to recent planning appeal decisions. The implications of these decisions are determined on a case by case basis and can affect the planning balance when considering individual planning applications affecting all sections of the community.
- 9.2 As this report does not propose any amendment to a service or policy, an Equality Impact Assessment is not relevant.

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

Contact Officer: Simon Atha, Ext. 5919

Executive Member: Councillor Mike Hall

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

Overview and Scrutiny Work Programme 2015-2016

MARCH 2016

SCRUTINY COMMISSION

TIMETABLE

Date	Issue	Reason	Outcomes	Lead Officer	Supports corporate aims
3 March 2016	H&B Tourism Partnership	Performance review	Information	Simon Jones	1, 2
3 March 2016	Planning appeals update	Annual update	Information	Nic Thomas	1, 2
3 March 2016	Impacts of housing bill / rent cap	Update following meeting with MP	Information	Sharon Stacey	3, 4
14 April 2016	Affordable housing from renegotiated S106 agreements	Request of previous meeting	Information	Nic Thomas	1, 3
14 April 2016	Parish & Community Initiative Fund	Inform members of applications received	Recommendations to SLB	Caroline Roffey	1, 2
14 April 2016	Environmental Improvement Programme	Report on schemes during the last year	Information	Nic Thomas	1
14 April 2016	Site Allocations	Prior to decision by Council	Recommendations to Council	Nic Thomas	1
14 April 2016	Public Space Protection Order	Scrutiny prior to decision by Council	Recommendations to Council	Caroline Roffey	1
14 April 2016	Hardship fund – update	Request of previous meeting	Information	Sally O’Hanlon	3
26 May 2016	CCG consultation - healthcare	Understand objectives & scope of consultation and potential impact on public	Input into consultation	NHS	1, 2, 3
7 July 2016	Economic Regeneration Action Plan	Update on progress against action plan	Information	Nic Thomas	1
29 September 2016	Affordable Housing delivery update	Update on delivery against requirements	Information	Nic Thomas	1, 3

To programme

Living / minimum wage

Libraries

Burial services

Key to corporate aims

1 – creating a vibrant place to work and live

2 – empowering communities

3 – supporting individuals

4 – providing value for money and pro-active services

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