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**HINCKLEY & BOSWORTH
BOROUGH COUNCIL**



**Hinckley & Bosworth
Borough Council**

**AGENDA FOR THE
MEETING OF THE COUNCIL**

**TO BE HELD ON
TUESDAY, 12 JUNE 2018
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.*
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- **Do not** use the lifts.
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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: 04 June 2018



**Hinckley & Bosworth
Borough Council**

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, 12 JUNE 2018 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 - 10)
To confirm the minutes of the meetings held on 17 April and 15 May 2018.
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. Items will 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. Mayor's Communications
To receive such communications as the Mayor may decide to lay before the Council.
6. Petitions
To deal with petitions submitted in accordance with Council Procedure Rule 15.

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 11 - 16)
To receive for information only the minutes of the Scrutiny Commission meeting held on 28 March 2018.
9. Building Control Charges (Pages 17 - 20)
To review the Building Control charges as required by the Building (Local Authority Charges) Regulations 2010.
10. Directions for Growth Local Plan Review - Scope, Issues and Options Consultation Representations and Next Steps (Pages 21 - 34)
To provide an update on the Local Plan Review.
11. Introduction of a Local Authority Lottery (Pages 35 - 52)
To seek support for the introduction of a local authority lottery.
12. Financial outturn 2017/18 (Pages 53 - 70)
To seek approval of the draft financial outturn for 2017/18.
13. Motions received in accordance with Council Procedure Rule 17
Motion from Councillor Nickerson, seconded by Councillor Hall:

“As members will be aware, plastic pollution is a real threat to our planet.

There is an increasing public concern at the environmental damage and ecological harm caused by the use and dumping of plastic and as a council we should consider new ways to encourage residents to reduce its use, and to make better use of the recycling services available.

HBBC should set an example to others in order for us to further promote the reduction of single use plastic.

This Council therefore resolves to take a lead in tackling this problem locally by:

- Ensuring that, where possible, HBBC only uses plastic where there are no alternatives, and that as far as possible any plastic being used is recycled
- Increasing awareness across Hinckley and Bosworth Borough of how everybody can help in reducing the use of plastic
- Encouraging all businesses in our borough to reduce their use of plastics, especially non-recyclable packaging and other single use plastics
- Working with parish councils to provide plastic recycling points in public places
- Investigating how this council can further help people to reduce their use of non-recyclable plastic.”

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

17 APRIL 2018 AT 6.30 PM

PRESENT: MR LJP O'SHEA - MAYOR

Mr RG Allen, Mr PS Bessant, Mr DC Bill MBE, Mr CW Boothby, Mr SL Bray, Mrs R Camamile, Mr MB Cartwright, Mrs MA Cook, Mr DS Cope, Mrs GAW Cope, Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr C Ladkin, Mr MR Lay, Mr KWP Lynch, Mr DW MacDonald, Mr K Morrell, Mr K Nichols, Mr M Nickerson, Mrs J Richards, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees, Mr BE Sutton, Mr P Wallace, Mr R Ward, Ms BM Witherford and Ms AV Wright

Officers in attendance: Bill Cullen, Julie Kenny, Rebecca Owen, Rob Parkinson and Kirstie Rea

441 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Kirby and Williams.

442 MINUTES OF THE PREVIOUS MEETING

In considering the accuracy of the minutes of the previous meeting, Councillor Cartwright felt the second paragraph of the debate on minute 372(b) (motions) was not an accurate reflection as it was out of context. He also did not feel the conclusion of the debate was accurately recorded in relation to the withdrawal of the motion and amendment and felt that the constitution did not allow for a new motion to be tabled at the meeting. In response, the Monitoring Officer assured members that the constitution permitted motions arising during debate and also motions without notice to refer a matter to another body. In the absence of majority support for an amendment to the minutes, Councillor Cartwright wished his objection to be recorded.

Councillor Witherford highlighted an error in the third sentence of the second paragraph of minute 358 which should have read "(which did not uphold...)". This error was acknowledged and it was agreed that this would be corrected.

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

RESOLVED – the minutes of the meeting held on 22 February 2018 be confirmed subject to the above amendment to minute 358, and signed by the Mayor.

443 DECLARATIONS OF INTEREST

No interests were declared at this stage.

444 MAYOR'S COMMUNICATIONS

The Mayor reported on recent engagements and his civic service, thanking those who had attended.

445 LEADER OF THE COUNCIL'S POSITION STATEMENT

In his position statement, the Leader made reference to the recent meeting of the Executive held at Bagworth Community Centre, industrial and economic development,

the business of the meeting and the Making a Difference Awards, encouraging nominations for the latter.

446 PREVENTION STRATEGY

Consideration was given to the Prevention Strategy which detailed the prevention work undertaken across the Council. It was moved by Councillor Hall, seconded by Councillor Surtees and

RESOLVED –

- (i) The prevention work carried out across the Council be acknowledged;
- (ii) The Prevention Strategy 2018-21 be approved.

447 LEICESTERSHIRE ICT PARTNERSHIP DIGITAL STRATEGY

The Leicestershire Districts ICT Partnership Digital Strategy was presented to Council. A member queried provision of facilities for those that don't have access to ICT by ensuring access within the community. In response it was suggested that communities consider applying for a grant from the Parish & Community Initiative Fund.

The meaning of a 'digital high street' was questioned, and it was noted that Hinckley was in the top quartile for this by providing free wifi in the town centre and many of the businesses using social media.

It was requested that progress reports be provided during the course of the strategy.

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED –

- (i) The positive work undertaken across the partnership be noted;
- (ii) The Digital Strategy be adopted;
- (iii) Updates during the lifetime of the strategy be provided to members.

448 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 17

It was proposed by Councillor Bill and seconded by Councillor Bray that:

"This Council notes with concern the sheer volume of major development proposals now under consideration in Hinckley and in the surrounding areas and in particular the impact of these proposals on road congestion which clearly worsens by the day. Accordingly it resolves to state this Council's opposition to

1. The Strategic Growth Plan where this will have an adverse impact on Hinckley & Bosworth
2. The A46 Expressway as it is clear that there has been no thought given to the likely adverse impact on the B4669 Sapcote Road entrance into Burbage and Hinckley
3. The freight depot which is proposed to be adjacent to Burbage Common.

Whilst this authority welcomes any move towards encouraging the transfer of road to rail, it questions the reasons behind this particular proposal as it will result in an unknown

quantity of vehicular movements emerging onto junction 2 of the M69 which is also likely to be the starting point for the A46 Expressway. It points out that there are already insufficient controls over HGV movements across the urban area either by day or night despite the weight limits which were imposed some time ago. It expresses concern that the Jacobs Consultants report which was commissioned to examine the traffic impact of the Strategic Growth Plan fails to recognise the existing traffic congestion in the Hinckley & Burbage areas and offers no solutions.

This Council further notes that the growth agenda behind these and other development proposals are based on the assumptions of the original Housing and Economic Development report (Hedna) and resolves to seek a downward revision of the growth projections now that the full significance in terms of the accumulative impact of these and other proposals is now realised.

It therefore instructs its officers to act accordingly and in support of the parish councils who have already expressed their concerns.”

Councillor Hall referred to his amendment which was printed in the supplementary agenda, setting some context for the amendment. He stated that, whilst the strategic growth plan had been a key priority of his when taking office and that there were merits in agreeing a strategic plan, there were some key issues which needed to be considered, particularly regarding infrastructure delivery and alleviating the current problems felt by borough residents. Councillor Hall, seconded by Councillor Allen, subsequently proposed the following amendment:

“This Council resolves to include the following in its response to the consultation on the Leicestershire Strategic Growth Plan:

1. The proposed A5 Expressway should take priority over the delivery of the A46 Expressway, as this will go a long way to alleviate the traffic problems associated with the immediate level of development that is planned along its length. Failure to deliver on the A5 improvements could mean that some planned development cannot be achieved and could lead to the possibility of redistribution of planned growth to other areas.
2. The A46 Expressway, if delivered, should only connect to the M69 by way of a dedicated route from the A46 southbound to the M69 and from the M69 northbound to the A46. It is not required to support growth in the Hinckley and Bosworth area and should not connect to any existing junctions of the M69.
3. The Strategic Growth Plan should be clear that industrial and housing growth beyond 2031 should largely focus on the primary growth area along the Leicester (inner) side of the A46 Expressway. It should specifically state that growth around the greater Hinckley urban area (to include Burbage, Barwell and Earl Shilton), should have minimal additional growth determined only through Local Plan allocations.

Additional final wording of the Council's response to all consultation questions is to be agreed with the Leader of the Council in conjunction with the Executive members for Planning and Regeneration following a review of a draft document, which is to be provided to members of the Planning Policy Working Group.

Council also resolves to:

- a) Respond to any consultation on the rail freight interchange proposals on land adjacent to Burbage Common in a timely and professional manner.

- b) Make Council's concerns known in any discussion about the impact that this proposal would have, in particular on Burbage Common and the road network around the site."

Councillors Bill and Bray, as mover and seconder of the original motion, supported the amendment, and following discussion on the motion as amended it was

RESOLVED –

- (i) The following be included as a response to the consultation on the Leicestershire Strategic Growth Plan with final wording of the Council's response to all consultation questions being agreed with the Leader of the Council in conjunction with the Executive members for Planning and Regeneration following a review of a draft document, which is to be provided to members of the Planning Policy Working Group:
1. "The proposed A5 Expressway should take priority over the delivery of the A46 Expressway, as this will go a long way to alleviate the traffic problems associated with the immediate level of development that is planned along its length. Failure to deliver on the A5 improvements could mean that some planned development cannot be achieved and could lead to the possibility of redistribution of planned growth to other areas.
 2. The A46 Expressway, if delivered, should only connect to the M69 by way of a dedicated route from the A46 southbound to the M69 and from the M69 northbound to the A46. It is not required to support growth in the Hinckley and Bosworth area and should not connect to any existing junctions of the M69.
 3. The Strategic Growth Plan should be clear that industrial and housing growth beyond 2031 should largely focus on the primary growth area along the Leicester (inner) side of the A46 Expressway. It should specifically state that growth around the greater Hinckley urban area (to include Burbage, Barwell and Earl Shilton), should have minimal additional growth determined only through Local Plan allocations."
- (ii) Any consultation on the rail freight interchange proposals on land adjacent to Burbage Common be responded to in a timely and professional manner;
- (iii) Council's concerns be expressed in any discussion about the impact that the rail freight interchange proposals would have, in particular on Burbage Common and the road network around the site.

(The Meeting closed at 7.23 pm)

MAYOR

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

15 MAY 2018 AT 6.30 PM

PRESENT: MR LJP O'SHEA - MAYOR
MRS J KIRBY – DEPUTY MAYOR

Mr RG Allen, Mr DC Bill MBE, Mr SL Bray, Mrs R Camamile,
Mr MB Cartwright, Mrs MA Cook, Mr DS Cope, Mrs GAW Cope,
Mr WJ Crooks, Mr MA Hall, Mrs L Hodgkins, Mr E Hollick, Mr MR Lay,
Mr KWP Lynch, Mr DW MacDonald, Mr K Morrell, Mr K Nichols,
Mr M Nickerson, Mr RB Roberts, Mrs H Smith, Mrs MJ Surtees,
Mr BE Sutton, Miss DM Taylor, Mr P Wallace, Mr R Ward,
Mr HG Williams and Ms AV Wright

Officers in attendance: Bill Cullen, Julie Kenny, Rebecca Owen, Rob Parkinson and Sharon Stacey

1 ELECTION OF MAYOR FOR THE ENSUING YEAR

On the motion of Councillor Cook, seconded by Councillor Morrell, it was

RESOLVED – Councillor Kirby be elected Mayor for the ensuing municipal year.

Councillor Kirby made the requisite declaration of acceptance of office and the retiring Mayor invested her with the chain of office.

The Mayor, Councillor Kirby, took the chair at this juncture.

The retiring Mayoress invested Mr Kirby with the consort's chain.

In addressing the meeting, Councillor Kirby introduced her cadets, chaplain and announced her charities.

It was then moved by Councillor Hall, seconded by Councillor Surtees and

RESOLVED – a vote of thanks be accorded to Councillor O'Shea for service during his term of office as Mayor.

Councillor O'Shea then addressed the meeting, thanking his chaplain, cadets and officers, announcing the amount raised for his charity appeal and presenting medals to his cadets. The Mayor then presented Councillor O'Shea with the Past Mayor's medal.

The Leader presented the Leader's medal to Mrs O'Shea.

2 APPOINTMENT OF DEPUTY MAYOR FOR THE ENSUING YEAR

On the motion of Councillor Nickerson, seconded by Councillor Wright, it was

RESOLVED – Councillor Wallace be appointed Deputy Mayor for the ensuing year.

Councillor Wallace then made the requisite declaration of acceptance of office and the Mayor invested him with the Deputy Mayor's chain of office and Ms Patrick with the consort's chain.

3 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bessant, Ladkin, Richards and Witherford.

4 DECLARATIONS OF INTEREST

No interests were declared at this juncture.

5 MEMBERS OF THE EXECUTIVE

The Leader announced his Executive as follows:

- Cllr MA Hall - (Leader of Council & Chairman of the Executive)
Executive member for community leadership, economic development, housing and community safety
- Cllr K Morrell - (Deputy Leader of Council & Vice-Chairman of the Executive)
Executive member for rural places and communities, tourism, licensing & environmental services
- Cllr RG Allen - Executive member for development services
- Cllr MA Cook - Executive member for culture, sport & leisure, communications & partnerships
- Cllr C Ladkin - Executive member for corporate & member services
- Cllr M Nickerson - Executive member for neighbourhood services
- Cllr MJ Surtees - Executive member for town & urban communities, regeneration & growth and children's & young people's services.

6 APPOINTMENT OF CHAIRMEN, VICE-CHAIRMEN AND MEMBERS OF COUNCIL BODIES

On the motion of Councillor Hall, seconded by Councillor Morrell, it was

RESOLVED – appointments to council bodies be made as follows:

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

Councillor H Smith (Chairman); Councillor PS Bessant; Councillor MB Cartwright; Councillor MA Cook; Councillor G Cope; Councillor T Hollick; Councillor C Ladkin; Councillor K Morrell; Councillor J Richards; Councillor MJ Surtees; Councillor BM Witherford and Councillor AV Wright;

- (ii) Audit Committee (11 members)

Councillor R Roberts (Chairman); Councillor R Camamile (Vice-Chairman); Councillor D Cope; Councillor L Hodgkins; Councillor MR Lay; Councillor KWP Lynch; Councillor D MacDonald; Councillor BE Sutton; Councillor DM Taylor; Councillor HG Williams; Councillor AV Wright.

(iii) Ethical Governance & Personnel Committee (9 members)

Councillor R Camamile (Chairman); Councillor RG Allen (Vice-Chairman); Councillor MB Cartwright; Councillor WJ Crooks; Councillor MR Lay; Councillor K Morrell; Councillor M Nickerson; Councillor LJP O'Shea and Councillor BM Witherford.

(iv) Finance & Performance Scrutiny (9 members)

Councillor KWP Lynch (Chairman); Councillor HG Williams (Vice-Chairman); Councillor PS Bessant; Councillor R Camamile; Councillor DS Cope; Councillor D MacDonald; Councillor H Smith; Councillor DM Taylor and Councillor R Ward.

(v) Hinckley Area Committee

Councillor J Kirby (Chairman); Councillor L Hodgkins (Vice-Chair); Councillor DC Bill; Councillor SL Bray; Councillor DS Cope; Councillor GAW Cope; Councillor KWP Lynch; Councillor K Nichols; Councillor DM Taylor and Councillor BM Witherford.

(vi) Licensing Committee (11 members)

Councillor H Smith (Chairman); Councillor PS Bessant (Vice-chairman); Councillor RG Allen; Councillor MB Cartwright; Councillor DS Cope; Councillor L Hodgkins; Councillor K Morrell; Councillor K Nichols; Councillor M Nickerson; Councillor J Richards and Councillor P Wallace.

(vii) Licensing (Regulatory) Committee (11 members)

Councillor H Smith (Chairman); Councillor PS Bessant (Vice-chairman); Councillor RG Allen; Councillor MB Cartwright; Councillor DS Cope; Councillor L Hodgkins; Councillor K Morrell; Councillor K Nichols; Councillor M Nickerson; Councillor J Richards and Councillor P Wallace.

(viii) Planning Committee (17 members)

Councillor R Ward (Chairman); Councillor BE Sutton (Vice-Chairman); Councillor PS Bessant; Councillor DC Bill; Councillor MA Cook; Councillor WJ Crooks; Councillor MA Hall; Councillor L Hodgkins; Councillor T Hollick; Councillor C Ladkin; Councillor KWP Lynch; Councillor J Richards; Councillor R Roberts; Councillor H Smith; Councillor MJ Surtees; Councillor BM Witherford and Councillor AV Wright.

Named substitutes: Councillor SL Bray; Councillor MB Cartwright; Councillor DS Cope; Councillor GAW Cope; Councillor K Morrell; Councillor K Nichols; Councillor M Nickerson and Councillor DM Taylor.

(ix) Scrutiny Commission (11 members)

Councillor MR Lay (Chairman); Councillor R Camamile (Vice-Chairman); Councillor KWP Lynch (Vice-Chairman); Councillor DC Bill; Councillor SL Bray; Councillor WJ Crooks; Councillor D MacDonald; Councillor R Roberts; Councillor BE Sutton; Councillor R Ward and Councillor HG Williams.

On the motion of Councillor Hall, seconded by Councillor Morrell, it was

RESOLVED – Councillors C Ladkin (Chairman); MA Cook; MA Hall; T Hollick; MR Lay; R Roberts and BM Witherford be appointed to the Member Development Group.

8 APPOINTMENT TO THE ASSET & REGENERATION STRATEGY GROUP

On the motion of Councillor Hall, seconded by Councillor Morrell, it was

RESOLVED – Councillors MJ Surtees (Chairman); RG Allen; DC Bill; MA Hall; MR Lay and K Nichols be appointed to the Asset & Regeneration Strategy Group.

9 APPOINTMENT TO THE LEICESTERSHIRE PARTNERSHIP JOINT COMMITTEE

On the motion of Councillor Hall, seconded by Councillor Morrell, it was

RESOLVED – Councillors RG Allen and C Ladkin be appointed to the Leicestershire Partnership Joint Committee.

10 APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

On the motion of Councillor Hall, seconded by Councillor Morrell, it was

RESOLVED – the following appointments be made to outside bodies:

Bardon Hill Quarry Liaison Committee
Councillor MR Lay

Bradgate Landfill Liaison Committee
Councillors PS Bessant and LJP O'Shea

Charnwood Forest Steering Group
Councillor HG Williams

Cliffe Hill Quarry Liaison Committee
Councillors PS Bessant and LJP O'Shea

Community Safety Partnership
Councillor MA Hall

Desford Brickworks
Councillor BE Sutton

East Midlands Councils
Councillor MA Hall

Employment and Skills Partnership
Councillor MJ Surtees

Groby Quarry Liaison Committee
Councillor LJP O'Shea

Health and Wellbeing Board
Councillor MA Cook

Hinckley & Bosworth Community Transport
Councillor RG Allen

Hinckley & Bosworth Local Strategic Partnership
Councillor MA Hall

Hinckley & Bosworth Sports and Health Alliance
Councillor MA Cook

Hinckley Shop Mobility
Councillor MA Cook

Leicestershire & Rutland Heritage Forum
Councillor RG Allen

Leicestershire & Rutland Playing Fields Association
Councillor P Wallace

Local Government Association General Assembly
Councillor MA Hall (Councillor K Morrell substitute)

MIRA Community Liaison Group
Councillor BE Sutton

Next Generation
Councillors MA Cook, H Smith and MJ Surtees

Police and Crime Panel
Councillor J Richards

Stepping Stones Countryside Management
Councillors R Roberts and MJ Surtees

Think Family Partnership
Councillor MJ Surtees

Town Centre Partnership
Councillor MJ Surtees

Tourism Partnership
Councillor K Morrell

Voluntary and Community Sector Commissioning Board
Councillors MA Cook and MA Hall.

11 APPOINTMENTS TO CHARITABLE BODIES

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED – the following appointments be made to charitable bodies:

- (i) Hinckley (JCC) Foundation:
 - Mrs P Bannister with immediate effect
 - Councillor J Kirby from June 2018
- (ii) George Ward Centre Ltd: Councillor MJ Surtees.

12 CALENDAR OF MEETINGS

It was moved by Councillor Hall, seconded by Councillor Morrell and

RESOLVED – the calendar of meetings for December 2018 to December 2019 be approved.

(The Meeting closed at 7.02 pm)

MAYOR

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

28 MARCH 2018 AT 6.30 PM

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

Mr DC Bill MBE, Mr SL Bray, Mr WJ Crooks, Mr RB Roberts, Mr BE Sutton, Mr R Ward and Mr HG Williams

Also in attendance: Councillor MB Cartwright and Councillor Ms BM Witherford

Officers in attendance: Valerie Bunting, Bill Cullen, Gemma Dennis, Simon D Jones, Rebecca Owen, Rob Parkinson, Caroline Roffey, Madeline Shellard, Sharon Stacey, Judith Sturley and Mark Tuff

401 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor MacDonald.

402 MINUTES

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

RESOLVED – the minutes of the meeting be held on 1 February be confirmed and signed by the chairman.

403 DECLARATIONS OF INTEREST

Councillors Bray and Lynch declared a personal interest in item 15 (Developing Communities Fund – Burbage Parish Council) as members of Burbage Parish Council.

404 SCRUTINY REVIEW: MARTINSHAW LANE - REVIEW OF HOUSING PROJECT

Following Council's agreement for a scrutiny review to take place, members received a high level scoping report which recommended establishment of a task and finish group to look into concerns raised by residents about the Martinshaw Lane development in Groby.

A member requested that in addition to the terms of reference in the report, the task & finish group should also consider the project management of the contractor and the council's monitoring of the contract in terms of performance and delivery.

During discussion, the following points were raised:

- The need for two meetings – the first in Groby to which the affected residents would be invited and the second at the Hub, to which officers would be invited
- "Affected residents" would include those adjacent to or backing onto the site
- The suggested split of the group being 3:2:1 with Cllr Lay chairing the task & finish group
- The outcomes from the task & finish group would be brought back to the Scrutiny Commission
- The need for a site visit for the task & finish group.

It was agreed that nominations for the task & finish group should be provided to the Democratic Services Officer by 6 April.

RESOLVED – a task & finish group be established.

405 SCRUTINY REVIEW: KLONDYKE

The Scrutiny Commission gave consideration to a report which recommended the setting up of a task and finish group to consider actions in relation to the Klondyke site, Newtown Linford Lane, Groby.

During discussion, the following points were raised:

- The need for a site visit for task & finish group members
- The intention to hold a minimum of two meetings – the first for invited residents and representatives of the parish council to be held in Groby
- The right of the task & finish group to view records
- The need for officer support for the task & finish group
- The importance of ensuring witnesses were able to attend.

It was agreed that nominations for membership of the task & finish group would be sought from each group following the meeting.

RESOLVED – a task & finish group be established.

Councillor Cartwright left the meeting at 7.12pm.

406 TENANCY MANAGEMENT - UNTIDY GARDENS

In response to a request of the Scrutiny Commission, members were presented with a report on tackling untidy gardens. Members were informed that the council had powers to deal with not only council tenants with untidy gardens, but also private tenants or owners using enforcement powers available. It was also noted that the council worked closely with other agencies to provide support to those who were unable to look after their gardens.

In response to a member's question, it was stated that there were around 30 complaints a year about gardens of council properties, and around 600 a year made to the environmental health team which covered anything from refuse bags left in the garden to overgrown gardens. Officers agreed to provide members with the figures for planning enforcement cases and the number of cases pursued by the tenancy management and environmental health teams in response to the complaints made.

Members acknowledged that it was easier to deal with untidy gardens of council properties but felt that the situation with non-council properties had improved in terms of the number of cases resolved, and officers were thanked for their hard work.

A briefing note to inform members of who to contact depending on the situation and the powers available to officers was requested. It was requested that a briefing note also be sent to parish councils.

RESOLVED – a briefing note about untidy gardens be prepared for members and parish councils.

407 UNIVERSAL CREDIT

Members received a report on universal credit full service roll out. It was explained that this combined six benefits into one and had been effective from March 2017 for those linked to Hinckley's job centre. It was noted that there had been problems initially with delays when customers were changing over to universal credit but, in response to criticism, the DWP had removed the waiting period and made the helpline free of charge to call. It was acknowledged that there was a close working relationship between the council and Job Centre Plus in the Hub which helped to resolve issues more quickly.

Concern was expressed in relation to the increasing level of debt from tenants. In response it was noted that this was partly a result of universal credit being paid to the tenant for them to then pay their bills, whereas previously housing benefit was paid directly to the landlord, but also because of the benefit cap and courts being more reluctant to grant possession orders so tenants could remain in council properties but continue to fail to pay rent.

In response to further questions, the following points were made:

- Assistance in making claims was provided for customers who did not have internet access
- The term 'preparing for work' (paragraph 4.1 of the report) referred to those who were actively applying for jobs and attending interviews
- The funding for the citizens advice service to support applicants was sufficient and had not needed to be supplemented by the authority
- In some cases, direct payments to the landlord could be requested and to date all requested had been granted.

Members expressed concern about the move away from direct rent payments and it was felt that the situation, including rising debt, may be the same throughout the country. It was moved by Councillor Bill and seconded by Councillor Lay that the Scrutiny Commission writes to the MP to ask him to take the matter up and that the Leader of the Council should be requested to raise the matter with the District Councils Network.

Concern was also expressed about the lack of ability to share data with Job Centre Plus, which would enable staff to address non payment of rent with the tenant at their individual meetings. It was requested that this be included in the letter to the MP and raised at the District Councils Network.

It was requested that a further report be brought to the Commission in six months, focussing on the relevant data, and that a representative of the DWP be asked to attend.

RESOLVED –

- (i) The chairman of the Scrutiny Commission writes to the MP for Bosworth to express concern about the move away from direct payments of rent to the landlord and the restriction on information sharing between the local authority and Job Centre Plus and to ask him to raise these matters;
- (ii) The Leader of Council be requested to raise the issues mentioned in (i) above with the District Councils Network;
- (iii) A statistical report be brought to the Scrutiny Commission in six months and a representative of the DWP be invited to the meeting.

Members received the Prevention Strategy which detailed the prevention work undertaken across the council. Members congratulated officers on the work undertaken.

RESOLVED – the Prevention Strategy be endorsed.

409 AFFORDABLE HOUSING DELIVERY UPDATE

The Scrutiny Commission received an annual update in relation to the delivery of affordable housing in the borough. It was reported that a more robust approach on viability assessments had been adopted, which members welcomed.

Members felt that the council should take on more affordable housing from developers and should have its own house building programme. In response it was stated that some affordable housing had been taken on but that the authority was constrained by the HRA and the borrowing cap. The Commission requested that strategies to assist the council in acquiring properties or building its own be sought.

In relation to viability assessments, it was reported that three external organisation had been appointed as consultees which had improved capacity and meant there were specialisms available when necessary.

RESOLVED –

- (i) The report be welcomed and noted;
- (ii) Strategies be sought to assist the authority in acquiring affordable properties or building its own.

410 ECONOMIC REGENERATION STRATEGY 2016-2020

Members were provided with an update on work undertaken to fulfil the aims of the Economic Regeneration Strategy Action Plan.

A member felt that more should be done to inform parish councils when funding was available, for example through the LEADER programme. In response, it was stated that parishes were notified when any funding was available but agreed that the information distributed recently would be re-sent.

Concern was expressed that infrastructure was needed to support economic growth, given the economic success of the area and development in neighbouring areas.

411 SECTION 106 CONTRIBUTIONS UPDATE

Members were updated on the situation in relation to S106 monies received and spent during 2017.

Members were informed of the significant S106 monies which had been secured. In respect of education contributions, Members expressed disappointment about the content of the October 2017 report to the Cabinet at Leicestershire County Council which stated that the Borough Council had reduced contributions for education in favour of affordable housing, yet failed to mention this was only on a few schemes in favour of 100% affordable housing and that there had been several occasions where the authority had foregone affordable housing in favour of contributions to education. It was further noted that, when asked for comparative information about other districts, the County Council was unable to provide this. The Scrutiny Commission was extremely concerned about this lack of information available, particularly in light of the statements made in the Cabinet report. It was requested that the Chairman of the Scrutiny Commission writes to

the Cabinet member to ask where the education contributions collected by the council had been spent.

It was acknowledged that the report to the Scrutiny Commission contained correct data about the significant education contributions collected by the council for the County Council, amounting to £7,432,424.14 over the last five years. A member commended this and requested that the report be sent to the parish councils to clarify this, as he had been subject to criticism from them following the County Council's Cabinet report.

Concern was expressed that, when contributions to health, education and the police were collected, there was no feedback to show where, or even if, the money had been used. Members referred to the legal requirement to use the money in that particular area and wished to do further work in the future to encourage the recipients of the money to audit the use and report back.

RESOLVED –

- (i) A briefing note be sent to parish councils to confirm the level of contributions to education collected by this authority;
- (ii) A letter be sent on behalf of the Scrutiny Commission to the Cabinet member for education at Leicestershire County Council requesting a breakdown of where the contributions collected had been spent.

412 CAR PARKS ACTION PLAN (HINCKLEY TOWN CENTRE)

The Scrutiny Commission was advised of the car parks action plan for the Hinckley area.

Whilst members supported the move towards card payments, some were not supportive of the increase in charges, particularly residents' permits. Councillor Bray requested that his objection to the charges and his disappointment that the report continued to refer to ward councillors being invited to discuss the changes, whereas only a token effort was made.

Members were reminded that the consultation was still open and they were still able to input into it.

RESOLVED – the report be noted.

413 DEVELOPING COMMUNITIES FUND - BURBAGE PARISH COUNCIL

A report was presented which recommended that the Scrutiny Commission endorsed the allocation of funding from the Developing Communities Fund to Burbage Parish Council's project.

RESOLVED – the allocation of funding be endorsed.

414 LEICESTERSHIRE DISTRICTS ICT PARTNERSHIP DIGITAL STRATEGY

Members were informed of the work being done by the Leicestershire ICT Partnership and the vision set out in the Digital Strategy for the partnership. A member expressed concern that ICT equipment for public use in the community houses had become dated and asked that renewal be explored.

RESOLVED – the Digital Strategy be endorsed.

415 SCRUTINY COMMISSION WORK PROGRAMME 2016-18

Consideration was given to the work programme. It was requested that an update on Hinckley Hospital be sought for a future meeting. A member suggested that consideration be given to having shorter agendas to allow for fuller consideration of all agenda items.

416 MINUTES OF FINANCE & PERFORMANCE SCRUTINY

The minutes of Finance & Performance Scrutiny on 29 January were received and noted.

(The Meeting closed at 9.29 pm)

CHAIRMAN



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL 12 June 2018

WARDS AFFECTED: ALL WARDS

BUILDING CONTROL CHARGES

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1.1 To review the Building Control charges as required by the Building (Local Authority Charges) Regulations 2010.

2. RECOMMENDATION

- 2.1 That Members approve the level of Building Control charges detailed in Appendix 1 with effect from June 2018.

3. BACKGROUND TO THE REPORT

- 3.1 The Building Control Service has two distinct elements to its income stream which are described as fee earning and non-fee earning work. The Building Regulation aspect of the service is income generating (hence called fee earning) and is delivered in accordance with The Building (Local Authority Charges) Regulations 2010 and CIPFA accounting requirements. This covers work including processing Full Plan applications, Building Notice applications and Regularisation applications for unauthorised work. The non-fee earning part of the service includes dangerous structures, enforcement, demolitions, work associated with disabled facilities applications, consultancy services to other services and councils and costs associated administrating and managing the service including processing Initial Notices, competent persons' registers and dealing with Freedom of Information requests and EIRs. The non-fee earning services activities lie solely with the local authority and fall to the general fund.
- 3.2 Since the introduction of The Building (Local Authority charges) Regulations 2010 Building Control have to operate on a cost recovery basis and as such each application charge should reflect the amount of work involved. Building Control are also required to review their level of charges at the end of every financial year

ensuring that our chargeable income equates to the costs incurred by the Authority for the previous financial year. The costs for Building control service in 2017/18 have therefore been reviewed and it is recommended that for the fee earning element the hourly charge from June 2018 is £46.50 plus VAT. The schedule of charges is shown in Appendix 1

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 None

5. FINANCIAL IMPLICATIONS [DW]

5.1 A review of the hourly rate has been conducted in light of changes to the staffing assumptions made since the original hourly rate was considered as part of the annual fees and charges review presented to Council in February 2018.

5.2 The revised costs taking into account these changes are estimated to be £186,410 and the proposed hourly rate of £46.50 will enable these costs to be recovered.

6. LEGAL IMPLICATIONS [MR]

6.1 The key principle of requiring local authorities to estimate and fix their charges with the aim of fully recovering the costs of carrying out their chargeable building control services remains unchanged in the 2010 Regulations, but there were some fundamental changes to the way local authorities should achieve the full costs recovery requirement.

6.2 Under the 2010 Regulations local authorities are required to set their charges with the aim of achieving the overriding objective of ensuring that “taking one financial year with another” their income from their charges “as nearly as possible equates to the costs incurred” of carrying out their chargeable functions (and providing chargeable advice related to those functions) ie year on year they should always aim to `break even`.

6.3 Local Authorities are also required to review their charges at the end of each financial year for the purpose of achieving the overall objective. When setting their charges for a particular financial year local authorities must take account of surpluses and deficits made in earlier years and to offset these against income received for that year and subsequent years and projected future costs thereby resulting in reduced or increased charges, as appropriate, so that over a reasonable period income matches costs.

7. CORPORATE PLAN IMPLICATIONS

7.1 The proposal will contribute to the delivery of the Corporate Plan priority of boosting economic growth and regeneration

8. CONSULTATION

8.1 No groups or organisations have been consulted

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 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.
- 9.3 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
Inaccurate hourly rate could lead to under recovery of service costs.	Accurate accounting of expenditure and hourly rate resulting in more accurate fees.	Stephen Meynell
Excess costs lead to higher hourly rate making fees uncompetitive	Accurate accounting over relevant fee earning costs	Stephen Meynell

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 This report does not result in direct implications for Equalities, Rural Communities, and Environmental.

11. CORPORATE IMPLICATIONS

- 11.1 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: Stephen Meynell, Planning Manager (Major Projects)
Executive Member: Cllr. Miriam Surtees

Appendix 1

Description	April 2017 published rate	April 2018 published rate	Proposed modified June 2018 rate
Building regulation application charges - please ring 01455 255850	Individually determined	Individually determined	Individually determined
Building control hourly rate	£40.00	£41.60	£55.80
Written confirmation of works exempt from building regulations	£20.00	£20.80	£27.90
Written confirmation of non-existence of building regulations record	£20.00	£20.80	£27.90
Written confirmation of completion of work to which building regulations applied	£20.00	£20.80	£27.90
Extensive search of building control history for site or premises (per hour)	£40.00	£41.60	£55.80
Completion application for a closed application (reactivation of application and 1 inspection)	£56.00	£58.20	£78.12
Additional inspections on a reactivated application (per inspection)	£40.00	£41.60	£55.80
Building control surveyor attendance at emergency incident/enforcement (per hour)	£40.00	£41.60	£55.80
Building control surveyor attendance at emergency incident out of hours (per hour)	£75.00	£77.95	£77.95
Preparation and posting of documentation in relation to an emergency/enforcement incident or dangerous structure (per document)	£40.00	£41.60	£55.80



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION
COUNCIL

24 MAY 2018
12 JUNE 2018

WARDS AFFECTED: ALL WARDS

DIRECTIONS FOR GROWTH LOCAL PLAN REVIEW – SCOPE, ISSUES AND OPTIONS CONSULTATION COMMENTS AND NEXT STEPS

Report of Director (Environment and Planning)

1. PURPOSE OF REPORT

- 1.1 To provide an update on the Local Plan Review (LPR) and to set out the comments to the Scope, Issues and Options consultation exercise.

2. RECOMMENDATION

2.1 That Members:

- I. Note the progress made to date on the Local Plan Review
- II. Note that an eight week public consultation exercise was undertaken between 8 January and 4th March 2018.
- III. Note the summary of comments received to the Scope, Issues and Options consultation but acknowledge that many contributions were from developers and landowners which will have been weighted towards their own interests;
- IV. Note the concerns of the Scrutiny Commission that the delivery of infrastructure needs to be given sufficient priority in all its forms be reiterated; and
- V. Agree that progress continues to be made on the Local Plan Review as set out in the Local Development Scheme

3. BACKGROUND TO THE REPORT

Scope, Issues and Options consultation (Jan-Mar 2018)

- 3.1 In December 2017, Council endorsed the revised timetable for the Local Plan Review as set out in the Local Development Scheme. The first stage of the LPR consultation invited views on the Scope of the review, the issues that ought to be taken into consideration and the broad options for growth that ought to be considered.

3.2 The consultation document set out the following key issues/questions

- The need to plan to accommodate as a minimum of 454 homes per annum for the plan period
- Recognise that under the 'duty to cooperate' we have to assist and accommodate the shortfall that is occurring in the Housing Market Area, and that the Strategic Growth Plan is our prospectus for achieving this
- The identification of 6 broad potential options for accommodating growth and the opportunities and challenges these options may provide. The broad options sought view on focussing development through the following:
 - Neighbourhood Development Plan led development
 - Existing Core Strategy approach
 - Key transport and accessibility corridors
 - New Garden Village/town
 - Proportionate growth of key rural settlements
 - A mix of the above options

3.3 The consultation document invited respondents to comment on 25 questions or to make any other comments they wished to do at this stage.

Publicity for the Consultation

3.4 In addition to using the Council's planning policy consultation database (which allows all those with an interest in planning policy to be informed about consultations) other communication channels were used, including social media.

3.5 The consultation and notifications included:

- 500+ direct letters/emails
- Articles in the Borough Bulletin (which is received by all households)
- Press release in local paper (Hinckley Times)
- Parish Council presentations
- Document deposits in libraries.
- Twitter and Facebook feeds ahead of the consultation and during the consultation
- Front page icon on the Council's website (www.hinckley-bosworth.gov.uk)
- During the consultation period, we launched a stand alone consultation platform called Commonplace as another channel through which to engage stakeholders

3.6 The Parish Councils that took up our offer of a briefing included:

- Burbage Parish Council
- Sheepy Parish Council
- Stoke Golding Parish Council
- Witherley Parish Council
- Twycross Parish Council (this did not take place due to bad weather)

3.7 General drop-in and themed presentations were also delivered at venues across the borough and included:

- Hinckley Town centre (Sainsburys and Atkins building)
- Community and village halls in Markfield, Bagworth, Witherley, Burbage, Market Bosworth, Groby, Sheepy and Newbold Verdon, Earl Shilton and Barwell (Age UK and George Ward Centre)

- 3.8 Engagement with Parish Councils and other bodies will be ongoing and opportunities will continue to be taken to keep them updated.

Comments received in response to the Consultation

- 3.9 Over 840 comments were received to the consultation from around 80 submissions. These have been from a range of stakeholders including statutory consultees, Parish Councils, businesses, residents, developers and interest groups.
- 3.10 Attached to this report (as Appendix A) is a summary of all the comments organised by each question for ease of reading.
- 3.11 The key comments from the consultation are highlighted in the following section, (Appendix A contains, in full, all the comments received and our proposed response to these comments):

Vision (Q1)

- There was broad support amongst the respondents for the revised vision, however, respondents suggested minor changes be made to the vision to make it more 'borough specific'. Several respondents put forward text for what should be included in the revised vision.

Objectives (Q2-Q3)

- Most respondents agreed with the objectives as they are drafted, but some respondents suggested an additional objectives for health and wellbeing; communities; health and wellbeing.
- Respondents, mainly from the development, sector suggested the 'development/land...' objective was not fit for purpose and needs to be amended to bring it into line with NPPF. On the transport objective, some respondents suggested that it is amended to improve current issues with transport and not only for new development
- A few respondents expressed scepticism of the council's ability to deliver on these objectives.

Overarching Spatial Strategy (Q4 – Q5)

- We invited consultees to rank the spatial strategy options in order of the preference they would like us to adopt and develop further as part of the Local Plan Review. Most respondents suggested a mix of the options rather than a single discreet option. The table below provides a weighted score¹ result for their preferred option for the spatial strategy:

¹ a weighting has been applied to each rank (so rank 1 = number of times ranked * 6, rank 2 = number of times ranked * 5, rank 3 = number of times ranked * 4, etc.). This ranking does not necessarily correlate with the qualitative comments received on the options.

Option	Weighted total
Proportionate growth of key rural areas	169
Key transport and accessibility corridors	162
A combination of the above options	159
Core strategy approach	147
Garden village/new settlement	116
Neighbourhood development plan led spatial distribution	115

- While consultation question 5 for each option asked “Do you think we have identified all the challenges and opportunities presented by option [x]” comments received to these questions did not always address solely the challenges and opportunities. The majority of the commentary expressed support or disagreement with the option citing multiple reasons.

The comments below with regards the options should be read with the above in mind.

Option 1 – Neighbourhood Plan led distribution

- Supportive comments to this option were received from Neighbourhood Development groups and Parishes, whilst those from the development sector did not see this as an appropriate approach to spatial distribution
- Concerns were also raised about this approach leading the plan to fail ‘soundness’ and legal tests.

Option 2 – Core Strategy Approach

- While some respondents viewed continuation of this approach into the new local plan, others expressed concern about it, especially in relation to the non-delivery of strategic sites (SUEs).
- Some were concerned about the impact on smaller villages/settlements of continued growth, without supporting infrastructure.

Option 3 – Key Transport and Accessibility Corridors

- There was broad support for this option, although some did consider that it needed to be part of a mix for the adopted spatial strategy
- Concerns were raised about not identifying the ‘northern A50 corridor’.

Option 4 – Garden Village/New Settlement

- Respondents considered this as the best option for delivering the required housing, infrastructure and services needed for the borough.
- Some questioned the borough’s ability to deliver large scale development given the non-delivery of the SUEs.

Option 5 – Proportionate growth of Key Rural Centres

- Comments received supported this option as being the most sustainable, but said this should be as part of a mix as it was not clear how it would deliver the required level of development as a standalone approach.

Option 6 – A combination of the above options

- Most comments said this was their preferred option
- Option 3 and 5 were put forward to be included as part of any mix.

Existing Core Strategy policies (Q6)

- Comments support the review of the Local Plan; including employment, green wedges, affordable housing and transport. Comments were also made on the need to take account of the emerging NPPF.
- Comments, alongside suggestions, were also made on the assessments for density, transport and key rural centres relating to Leicester.

Communities and places (Q7)

- Comments put forward the need to identify the needs of the local community, as well as for communities to understand the benefits from development, especially as rural hamlets fail to gain development benefits given their size.
- Comments were also made on the need to reflect heritage (through a strategic heritage policy), landscape and to have high quality design included in the local plan.

Housing (Q8-10)

- Most respondents recognised the need for the planned housing, but comments from the development/housing building sector suggest the identified number should be regarded as the minimum, and that once agreement had been made within the HMA, this was likely to be higher for the borough
- Comments supported our approach to affordable housing and other strategic housing matters
- Comments also supported the need to deliver a mix of different types of housing to meet needs.

Economic Development (Q11-Q14)

- Comments were made on the social and economic importance of agriculture and rural businesses, whilst also ensuring that we provide a mixed local economy on flexible sites that re fit for modern business practices.

- There is support for relating employment to key transport routes and strategic locations (for example A5, A50, A511, M1 Junctions), especially strategic distribution.
- Comments support our aim for attracting maximum investment into the Borough in a variety of employment sectors - especially aim for high-technology jobs like the well-established sites we have at MIRA and Triumph. Support was also given for employment, training skills and apprenticeships from new development.
- Many comments do not support a blanket policy for affordable workspaces in new developments, due to implications on viability, and varying market interest in areas across the borough, however some do support affordable workspaces, in particular to encourage entrepreneurial enterprises and small/medium sized businesses.

Tourism (Q15)

- Support for rural tourism and heritage based tourism, i.e. Twycross Zoo, Mallory Park, Bosworth Battlefield, Ashby Canal, National Forest – however there should be a sensitive balance to preserve rural characteristics, avoid over-development, and overcome infrastructure needs such as parking and road/congestion issues.

Infrastructure (Q16A & Q16B)

- Comments received supported the council's need to work with relevant partners/stakeholders to deliver infrastructure, as well as keeping the Infrastructure Delivery Plan up to date. Both of these are seen as being important for the success of the community.
- The A5, as well as congestion on the local roads, is seen as major pressure on the transport infrastructure, and an impediment to development. There was also recognition in the comments that public transport, in particular rail provision in the borough is weak.

Environment (Q17-Q19)

- Comments to Q17 were made both supporting national climate change aims through the local plan review and it being dealt with outside the local plan, for example through national policy or through building regulations
- There is qualified support for strengthening the Green Wedges (Q18) policy with comments stating that they as blunt policy instruments to development to others viewing these as places for nature to flourish.
- Comments supported our approach to addressing environmental issues (Q19), with air quality, action on flooding and a dedicated ecology and biodiversity policy being identified as areas to address in the next iteration of the local plan.

Design Quality (Q20 –Q21)

- Comments received (Q20) were supportive of our proposal but stressed the need to ensure future policies were sufficiently flexible to respond to development need, add (value) to the national framework, and be realistic without imposing prescriptive design standards.
- There is no broad support for introducing a minimum dwelling size, and comments expressed concern that this would be an unnecessary intervention in the housing market at the local level, particularly as guidance is already in place nationally.

Healthy Lives and places (Q22-Q25)

- Comments to Q22 put forward the need to work with health partners to develop an overarching health and wellbeing policy to ensure there are sufficient health care resources to deliver the supporting health policies.
- Comments on 'active design' stated no need for a separate policy as most developments promote walking, cycling and playing, however there is a need to consider Sport England's Active Design Document, as well as locating development in sustainable locations.
- Comments suggested the need to have an objective to improve the leisure facilities as well as access to the countryside. Comments stated that evidence from the Playing Pitch Strategy and other open space studies should be used and kept under constant review
- Athletics, cycling, improvement to rights of way and investment into the canal towpaths were all identified potential opportunities to be supported by the local plan review. Comments were also received on the need to provide leisure facilities in key rural centres and not just be Hinckley focussed.

Our response to the Consultation Representation

- 3.12 The next stage for the council is to consider how to respond to the comments. This response will, in the main, be reflected through the content of the preferred options draft local plan. We will be working up a draft document over the coming months, and once agreed, will seek to carry out consultation on it. In the interim, a proposed high level response to the comments is incorporated in Appendix A.

Housing Market Area

- 3.13 Planning for an area's housing need is undertaken at the 'Housing Market Area' and Hinckley & Bosworth Borough Council is part of the Leicester and Leicestershire Housing Market area. While there is an acknowledged shortfall in the housing market area, the exact figure is yet to be agreed through a Memorandum of Understanding between the authorities. For the scope, issues and options consultation, we set out that for the plan period we need to be planning as a minimum for 454 dwellings per annum in our borough.

- 3.14 The MOU, which is being developed, once complete will set out the quantum and distribution of development to be accommodated in the HMA and will be taken forward through individual authorities Local Plans. The draft MoU, once ready will be reported to Full Council for endorsement.

Call for Sites

- 3.15 In parallel to the Scope, Issue and Options consultation, a 'call for sites' exercise has also been undertaken. Ultimately this will provide evidence regarding land availability and potential future supply to be taken into account as progress on the LPR is made. Landowners and others with an interest were invited to suggest sites that may be available for development. However, it must be recognised that suggesting sites at this stage is not a guarantee that the land will be considered suitable for development.
- 3.16 Over 70 sites have been put forward through this exercise and these will be considered in more detail as the draft plan is prepared. Inclusion on the schedule at this stage does not mean that the council favours, endorses or otherwise encourages the development of the sites.

Engagement with Members

- 3.17 Members have been engaged through the Planning Policy Member Working Group in preparing the consultation draft documents, and all Members were invited to attend any of the drop-in sessions during the consultation exercise.
- 3.18 Members will continue to be engaged throughout the preparation of the next version of the Plan to help understand the outcomes of the scope, issues and options consultation in the context of spatial growth options; evolution of options, including discussions on place making approach, strategic site allocations and delivery strategies, and case studies/site visits.
- 3.19 Members are invited to make any further suggestions regarding issues/subjects that they would find beneficial to include as part of the ongoing engagement.

Next Steps

- 3.20 Following consideration of the comments to the scope, issues and options consultation, we are preparing a 'preferred options' draft.
- 3.21 This work will include:
- Continue to strengthen the supporting evidence base. This will include an Infrastructure Capacity Study, Housing Needs Study (HNS) and Sustainability Appraisal (SA), amongst others. While the 2017 HEDNA provides an important basis for setting the housing requirement, the HNS will provide more detailed evidence of particular needs within the borough.
 - Ongoing engagement with Members and our communities to inform the preparation of the draft plan
 - Regular ongoing engagement with our neighbouring authorities and other stakeholders, this is key to demonstrating the 'duty to cooperate'.
- 3.22 As per the published Local Development Scheme the preferred options version of the Local Plan Review is planned to go before Council later in the year to seek agreement to go out to consultation before the end of 2018.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 None

5. FINANCIAL IMPLICATIONS [DW]

5.1 The following table below sets out the spending profile of the project for the years 2017-18 to 2020-21 and the LDF reserve balances being used to fund the expenditure.

	2017-18	2018-19*	2019-20	2020-21
	£000	£000	£000	£000
Opening Balance	(669)	(613.8)	(492.6)	(508.6)
Strategic Growth	25.3	28.2	0	0
Revised Local Development Scheme	29.9	193.0	84	268
Total Expenditure	55.2	221.2	84	268
Total transfers in	0	(100)	(100)	(50)
Closing Balance	(613.8)	(492.6)	(508.6)	(290.6)

*The amount shown in 2018-19 includes £83k of expenditure from 2017-18 for which a carry forward has been requested as part of the year end outturn process.

5.2 The estimated 2020/21 reserve balance above is £290,600 compared against the Medium Term Financial Strategy presented to Council in February 2018 which forecast a balance of £297,700

6. LEGAL IMPLICATIONS [AR]

6.1 None arising from this report.

7. CORPORATE PLAN IMPLICATIONS

7.1 The options/proposals will contribute to the delivery of the following Corporate Plan priorities:

- People
 - Give children and young people the best start in life and offer them the opportunity to thrive in their communities
- Places
 - Make our neighbourhoods safer
 - Improve the quality of existing homes and enable the delivery of affordable housing
 - Inspire standards of urban design that create attractive places to live
- Prosperity
 - Boost economic growth and regeneration...places to work and live all over the borough.
 - support the regeneration of our town centres and villages
 - support our rural communities
 - work with partners to raise...employment and home ownership

8. CONSULTATION

- 8.1 An eight week public consultation between 8 January and 4 March 2018 on the Scope, Issues and Options consultation document, the Statement of Community Involvement, Local Development Scheme and Sustainability Appraisal Scoping Report.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 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.
- 9.3 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
The Directions for Growth-Local Plan Review is not considered to be legally compliant	Ensure development of Local Plan follows the LDS timetable and is produced in accordance with NPPF guidance, including soundness checks. Where necessary to revise and publicise revised LDS timetable	Head of Planning
Review of the Directions for Growth-Local Plan Review falls significantly behind the published Local Development Scheme [due to aligning its timetable to the Strategic Growth Plan timetable], with the result that: <ul style="list-style-type: none"> available evidence becomes dated and less reliable – requiring a need to commission updates/new studies. Increasing challenge to 5 year land supply position, leading to speculative development proposals or more challenges of planning decisions. 	Directions for Growth consultation should be launched in January 2018, and if required run for a longer period of time so that it closes at the same time as the draft Strategic Growth plan consultation.	Head of Planning
The Local Development Scheme (LDS) is not up to date. The LDS is required under section 15 of the Planning and Compulsory	Prepare an updated LDS and publicise this on the Council's	Head of Planning

Purchase Act 2004 as amended by the Localism Act 2011). It must be made available publically and kept up to date.	website. Seek Members agreement to delegate authority to the Director (Environment and Planning) and relevant Executive Member) to amend LDS timetable as required.	
The requirement for a Statement of Community Involvement was established as part of the Planning and Compulsory Purchase Act 2004 and they are prepared to set out how the public and stakeholders etc will be involved in the preparation of local planning documents and planning applications.	Members agreement to delegate authority to the Director (Environment and Planning) and relevant Executive Member) to make minor drafting/presentational changes.	Head of Planning

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

- 10.1 The Directions for Growth-Local Plan Review addresses issues associated with development and will provide a framework in which to manage growth across the borough.
- 10.2 Engagement with stakeholders and other local authorities is an integral part of the plan making process, and the council is required to demonstrate this through to Examination in Public.
- 10.3 This report does not result in direct implications for Equalities, Rural Communities, and Environmental.

11. CORPORATE IMPLICATIONS

- 11.1 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: Appendix A Comments Analysis (due to file size, this is only available in hard copy in the Members' Room or from Planning Policy team)

Contact Officer: Kirstie Rea, Planning Manager (Policy)
 Executive Member: Cllr Miriam Surtees

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

24 MAY 2018 AT 6.30 PM

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

Mr DC Bill MBE, Mr WJ Crooks, Mr DW MacDonald and Mr BE Sutton

Also in attendance: Councillor MA Cook, Councillor M Hall and Councillor M Nickerson

Officers in attendance: Rebecca Owen, Daniel Britton, Bill Cullen, Edwina Grant, Julie Kenny, Kirstie Rea, Caroline Roffey and Paul Scragg

22 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray, Roberts, Ward and Williams. It was also noted that Councillor Crooks had apologised that he would be late arriving.

24 DECLARATIONS OF INTEREST

Councillor Lynch declared a personal interest in the Voluntary and Community Sector Commissioning outcomes report (item 6) as President of Leicestershire & Rutland Youth Sailing Association which was a recipient of VCS funding.

Councillors Camamile, Lay and Lynch declared a personal interest in the Parish & Community Initiative Fund report (item 12).

29 DIRECTIONS FOR GROWTH LOCAL PLAN REVIEW - SCOPE, ISSUES AND OPTIONS CONSULTATION REPRESENTATIONS AND NEXT STEPS

The Commission received an update on the local plan review and comments to the scope, issues and options consultation exercise. Some members felt that the consultation responses were not necessarily representative of the residents of the borough as they were mostly from developers, landowners and agents.

Concern was expressed that there was a need for infrastructure before any further development and this had been reflected in comments received by councillors.

The issue of roads on estates not being built to proper standards was raised and it was agreed that this could be requested as a separate report. Concern was also expressed about the spending of S106 money, particularly contributions to health, that were not spent on the local facilities.

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

RESOLVED –

- (i) The progress made on the local plan review be noted;
- (ii) The eight week public consultation exercise undertaken between 8 January and 4 March 2018 be noted;

- (iii) The summary of comments received to the scope, issues and options consultation be noted but it be acknowledged that many contributions were from developers and landowners which will have been weighted towards their own interests;
- (iv) The concerns of the Scrutiny Commission that the delivery of infrastructure needs to be given sufficient priority in all its forms be reiterated;
- (v) Progress continues to be made on the local plan review as set out in the development scheme.



Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

Scrutiny Commission 24 May 2018
Council 12 June 2018

WARDS AFFECTED: ALL WARDS

Introduction of a Local Authority Lottery

Report of – Director Community Services

1. PURPOSE OF REPORT

- 1.1 To outline the benefits of the introduction of a local authority lottery, enabling access to a possible additional funding stream in helping to sustain the borough's voluntary and community sector.
- 1.2. To seek members support for the establishment and management of a local authority Lottery for Hinckley & Bosworth Borough Council.

2. RECOMMENDATION

- 2.1 To approve the establishment of a local authority lottery for Hinckley & Bosworth Borough Council and the appointment of a preferred external lottery manager (ELM)
- 2.2. To authorise the Director of Community Services to have overall management responsibility for the promotion and proper governance of the lottery, and for compliance with the regulatory regime as a whole, including appointment of the preferred ELM, and associated percentage pay-outs.
- 2.3. To endorse the presentation of an annual report to Scrutiny Commission.

3. BACKGROUND TO THE REPORT

- 3.1 A Local Authority Lottery Scheme has the potential to help local authorities and the voluntary and community sector (VCS) gain access to new funding streams, which in turn will help to sustain the VCS sector.
- 3.1.1 The Borough Council has a longstanding relationship with its VCS, and through an established HBBC/VCS Partnership, directly commissions the VCS to delivery front

line services, which complement statutory provision. This is enabled by the allocation of HBBC funds on an annual basis.

- 3.1.2. Therefore, the introduction of a local authority lottery has the potential to enable HBBC to maintain and increase its financial commitment to the VCS, aligned with its corporate plan priorities.
- 3.1.3 A local authority may run a lottery to raise funds to cover anything for which they have power to incur expenditure. In the case of a local authority lottery, the authority must apply a minimum of 20% of the gross proceeds to a purpose for which it has the power to incur expenditure. This report proposes that 60% of the proceeds go to good causes, pay-out percentages are set out at paragraph 3.2.7.
- 3.1.4. All local authority lotteries must be licensed by the Gambling Commission. All licensees have to act in accordance with the requirements imposed by the Gambling Act 2005.
- 3.1.5 A copy of advice from the Gambling Commission, updated at April 2018, on promoting local authority lotteries is attached at appendix 1 to this report.

3.2. **Options for delivery**

3.2.1. In order for HBBC to run a lottery there are three management options

3.2.2. **(i). Deliver in house**

This would require a dedicated IT/software system to run the lottery i.e. management of online ticket sales, etc. and a licensed in house manager to run the lottery. The council would be responsible for developing and maintaining a dedicated website and have full responsibility for marketing and managing the lottery.

(ii).Through an External Lottery Manager (ELM)

This option would enable HBBC to employ an established and experienced provider to manage all or part of its lottery. An ELM would have responsibility for all day to day operations of the lottery, management of online and telephone ticket sales, and provide advice, etc. HBBC would retain full oversight and governance; with responsibility for ensuring that the lottery is conducted lawfully and that it fully complies with all licence conditions. The authority's role would also be to ensure good cause organisation signing up meet the required criteria, and subsequently allocate funding to good causes, and support the ELM with local PR and marketing.

(ii).Through a small society lottery provider

A small society lottery is not required to hold a licence from the Gambling Commission, but does need to be licensed by the local authority. Prize money cannot exceed £20,000. This type of lottery tends to be for clubs, groups and societies with relatively small numbers of members.

- 3.2.3 It is proposed that Option (ii) is the most appropriate model for HBBC.
- 3.2.4 Having researched appropriate ELMs, officers have identified a preferred supplier, as the current sole established and experienced ELM provider. They

are currently working with 50 local authorities in supporting them with the introduction of a lottery, a mix of Boroughs/Districts, Unitaries and a County Council. Of the 50, 26 of these have launched their lottery, with the others in various stages of working towards achieving their licence, but all have signed up with this preferred provider.

3.3 How the lottery works

3.3.1 The following provides an overview of how the preferred provider model works, and the associated terms the local authority would be signing up to.

3.3.2 Players sign up online using Direct Debit or a payment card. Payments are taken on a monthly recurring plan of 3, 6 or 12 month one-off payment. Tickets cost £1.00, players can buy multiple tickets and support multiple good causes.

3.3.3. When players sign up they can choose to buy a ticket that supports either:

- **The Central Fund** – where 60% of the ticket price goes to a central fund, to be allocated by the council's chosen process.
- **A Specific Good Cause** - where 50% of the ticket price goes directly to the good cause chosen by the player, and the other 10% going to the Central Fund.

3.3.4. Once approved by the local authority, good causes can apply to join the lottery website. They are provided with their own branded page within the website and provided with regularly updated bespoke marketing materials. The cause keeps 50% of all ticket sales generated through their page.

3.3.5. The lottery draw is conducted by the ELM every Saturday at 8pm and results posted live online, on the dedicated website. Winning players are notified via email and will receive their prize directly into their nominated account. Good causes are paid their income automatically on a monthly basis.

3.3.6. The prize structure is shown below:

Number selection and prize structure:

	Winning Odds	£ Prize
6 numbers	1:1,000,000	£25,000
5 numbers	1:55,556	£2,000
4 numbers	1:5,556	£250
3 numbers	1:556	£25
2 numbers	1:56	£3 free tickets
Overall odds of winning any prize	1:50	

3.3.7. The table below shows the structure of how ticket revenues are distributed:

	Player chooses Specific Good Cause	Player chooses Specific Good Cause	Player chooses Central Fund	Player chooses Central Fund
	% Allocation	£ Allocation per ticket	% Allocation	£ Allocation per ticket
Prizes	20	£0.20	20	£0.20
Specific Good Cause	50	£0.50	-	-
Councils Central Community Lottery Fund	10	£0.20	60	£0.60
Administration	17	£0.17	17	£0.17
VAT	3	£0.03	3	£0.03
Totals	100	£1.00	100	£1.00

3.3.8. In summary:

- 60% of all ticket sales go to Good Causes (50% to the individual cause selling the ticket, and 10% to the central fund)
- 20% of all ticket sales go back to supporters as prizes
- 20% (17% plus 3% VAT) is allocated to running costs

3.4. How the Lottery is run

3.4.1 The proposed ELM is licensed by the Gambling Commission, and would run all of the day to day operations of the lottery, but HBBC would be responsible, as stated earlier for ensuring that the lottery is conducted lawfully.

3.4.2. The following details the key responsibilities for HBBC in establishing and delivering a local lottery:

- Application of a Local Authority Lottery licence from the Gambling Commission. The cost of the licence will be approximately £500 per annum
- Approval of initial and ongoing good causes as applications are submitted on-line
- Authorisation of monthly good cause payments and quarterly Gambling Commission submissions
- Continually promote the lottery to players and good causes

3.4.3. The following details the key initial, and ongoing costs:

- An upfront set up cost of £3000
- The Local Authority Lottery License fee, approx. £500 p.a.
- Initial and ongoing marketing costs

Please note, all running costs are covered within the administration charge on tickets sales. There is no annual fee.

3.4.4. Given the authority's established VCS partnership arrangements, it is proposed that consideration be given to utilising the VCS Commissioning Board, as the decision making body for the allocation of the central fund.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

4.1 This report is to be taken in open session.

5. FINANCIAL IMPLICATIONS (AW)

- 5.1. Contained within the report at para 3.3.3. Winnings are paid out of takings and any shortfall, considered unlikely, is covered by the ELM. Therefore the cost to the general fund is minimal.

6. LEGAL IMPLICATIONS (MR)

- 6.1. Set out in the report

7. CORPORATE PLAN IMPLICATIONS

- 7.1 The introduction of a local authority lottery supports our People, Place and Prosperity corporate priorities, and will specifically support the delivery of the following ambition: 'Support an effective and viable voluntary and community sector.'

8. CONSULTATION

- 8.1. Ongoing consultation with our VCS is undertaken as part of our broader VCS arrangements, overseen by Next Generation, utilising the established VCS Forum, broader VCS database and VCS Commissioning Board.

9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.
- 9.2 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.
- 9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Risk description	Actions to mitigate risk	Owner
Lottery does not perform and we do not sell tickets	Robust HBBC marketing plan and support via VCS partnership to support VCS marketing	Sharon Stacey
Low take up from our VCS	Marketing via VCS database, and VCS Forum arrangements	Edwina Grant
Reputational risk to the Council is affected due to poor performance	Robust project monitoring and marketing strategy	Sharon Stacey
Reputational risk regarding the Council promoting Gambling activities	Being only playable by direct debit and pre-arranged sign up, no instant gratification or instant reward, a section will be provided on the website to link to gambling	Sharon Stacey

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1. The utilisation of up to date evidence sources and data, informed via the VCS Development Forum, and VCS database, has helped to inform the ongoing development of our VCS arrangements, and approaches to the sustainability, including the needs of rural areas.

11. CORPORATE IMPLICATIONS

11.1 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: Edwina Grant, Ext 5629

Executive Member: Cllr Mike Hall

GAMBLING COMMISSION

Promoting society and local authority lotteries

Advice for society and local authority lotteries which require a licence or registration

September 2014 (updated April 2018)

1 Introduction

- 1.1 Lotteries are illegal unless they fall into one of the categories specifically permitted by law. Apart from the National Lottery (which has its own dedicated legislation), the relevant law is contained in the Gambling Act 2005 (the Act). The Act creates eight categories of permitted lottery. Three of these categories (small and large society lotteries and local authority lotteries) require either a licence from the Gambling Commission (the Commission) if they are a large society or local authority lottery, or registration with a licensing authority if they are a small society lottery. This advice relates to these lotteries. Advice on the remaining five categories can be found in *Organising small lotteries (Gambling Act 2005)*.
- 1.2 This advice is not comprehensive or a binding interpretation of the law and anyone intending to run a lottery should refer to the Act and if necessary seek independent legal advice to ensure that they conform to the law before proceeding. Separate advice has been issued to local authorities in respect of small society lotteries under their jurisdiction.
- 1.3 The Act has three licensing objectives that are central to the regulatory regime and underpin the functions that the Commission and licensing authorities perform in respect of all types of gambling, including lotteries. These are:
- preventing gambling from being a source of crime or disorder, being associated with crime or disorder, or being used to support crime
 - ensuring that gambling is conducted in a fair and open way
 - protecting children and other vulnerable people from being harmed or exploited by gambling.

2 Definition of a lottery

- 2.1 In simple terms a lottery is a kind of gambling that has three essential elements:
- payment is required to participate
 - one or more prizes are awarded
 - those prizes are awarded by chance.

This is set out more formally in the Act which defines two types of lottery, a simple lottery and a complex lottery.

- 2.2 An arrangement is a simple lottery if:
- people are required to pay to participate in the arrangement
 - in the course of the arrangement one or more prizes are allocated to one or more people in a class
 - the prizes are allocated by a process which relies wholly on chance.

- 2.3 An arrangement is a complex lottery if:
- people are required to pay to participate in the arrangement
 - in the course of the arrangement one or more prizes are allocated to one or more people in a class
 - the prizes are allocated by a series of processes
 - the first of those processes relies wholly on chance.
- 2.4 In addition, section 14(5) of the Act stipulates that, for the purpose of these definitions, a process that requires people to exercise skill or judgment or display knowledge is to be treated as relying wholly on chance if:
- the requirement cannot reasonably be expected to prevent a significant proportion of people who participate in the arrangement from receiving a prize
 - it cannot reasonably be expected to prevent a significant proportion of people who wish to participate in the arrangement from doing so.

3 Meaning of society and local authority lotteries

Society lotteries

- 3.1 Society lotteries are lotteries promoted for the benefit of a non-commercial society. Such societies are organisations that have distinct aims and objectives and meet the definition of a non-commercial society set out in the Act.
- 3.2 A society is non-commercial if it is established and conducted:
- for charitable purposes
 - for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity
 - for any other non-commercial purpose other than that of private gain.

Local authority lotteries

- 3.3 Local authority lotteries are lotteries promoted by local authorities themselves. These differ from society lotteries registered with a licensing authority. Authorities may use the net proceeds of such lotteries for any purpose for which they have power to incur expenditure.

4 Large society and local authority lottery licensing requirements

- 4.1 A society lottery is a large lottery and may only be run under an operating licence issued by the Commission if the arrangements for that lottery are such that total proceeds (ticket sales) from it:
- may in a single society lottery exceed £20,000,
 - or the proceeds of previous lotteries in the same calendar year have already reached or may, taking into account the lottery in question reach £250,000 in one calendar year.
- 4.2 If a society promotes a lottery which, applying the above rules, is a large lottery (the first lottery) then every subsequent lottery it promotes in that year and in the following three years will also be a large lottery and will require the society to hold a lottery operating licence issued by the Commission.
- 4.3 All local authority lotteries must be run under an operating licence issued by the Commission.
- 4.4 Societies and local authorities that allow players to participate in their lotteries by means of remote communication (internet, telephone etc) will be required to hold a remote lottery operating licence, whether or not their activities also require them to hold a non-remote lottery operating licence.

4.5 General information about the Commission's licensing requirements is given in this document. Specific guidance is available on the Commission's website.

5 Small society lotteries

5.1 Societies that run small society lotteries, that is to say lotteries in which no more than £20,000 worth of tickets are put on sale and where the society's aggregate proceeds from lotteries do not exceed £250,000 a year may operate without a Commission licence provided they register with their licensing authority. Where it becomes apparent that a small society lottery will exceed either of the monetary limits, it is the responsibility of the society to ensure they apply to the Commission for a licence, before the limit is exceeded.

5.2 The promoting society of a small society lottery must, throughout the period during which the lottery is promoted, be registered with a licensing authority in England and Wales or a licensing board in Scotland.

5.3 The societies are required to be registered with their licensing authority in the area where their principal office is located. If the local authority believes that the society's principal office is situated in another area it should inform the society as soon as possible and if possible inform that other authority.

5.4 Details of registration requirements and procedures can be obtained from the licensing department of the relevant local authority.

5.5 Societies that run small society lotteries under registration with a licensing authority and that sell tickets by means of remote communication (internet, telephone etc) are not required to hold a remote gambling licence issued by the Commission.

6 Personal Management Licences

6.1 A society or local authority licensed by the Gambling Commission is required to have at least one Personal Management Licence (PML) holder if they have more than three people in qualifying positions.

6.2 A qualifying position is one where an individual by the terms of their appointment has primary responsibility for:

- the management of the licensed activity (ie the lottery)
- the financial affairs of the society
- ensuring the society complies with the requirements of the Gambling Act
- the marketing of the lottery
- management of the IT used in connection with the lottery.

6.3 In deciding who should hold the PML a society or local authority should identify the relevant senior individual who takes overall management responsibility for the promotion and proper management of the lottery and for compliance with the regulatory regime as a whole. The PML holder must be a trustee or officer of an unincorporated society, a director of a corporate society or a partner where the society is a partnership. In the case of a local authority lottery the PML holder must be someone in a senior management post who holds the relevant delegated authority from the licensing authority.

6.4 If a society has three or fewer people in qualifying positions they will qualify as a small scale operator and will be exempt from the need to have a PML holder. In those circumstances one individual from the society who is identified as the senior person responsible for the overall conduct of the lottery (usually the chief executive, a trustee, director or member of the senior management board) must complete the personal declaration (Annex A) of the Operating Licence application form and submit it to the Commission along with a Criminal Records Bureau form.

- 6.5 A society must not operate any lottery unless it has at least one PML holder or at least one Individual who has submitted an Annex A and is named on the operating licence. If the people holding PMLs or the people who have previously submitted Annex A Personal Declarations under the small scale operator exemption change, the society must notify the Commission as soon as possible. If departures leave the society without a PML holder or anyone who has submitted an Annex A, then a new individual needs to make an application for a PML, or in the case of those operators subject to the small scale operator exemption, submit an Annex A. The latter will also require an amendment to the operating licence. Both instances will require a Criminal Records Bureau check as well as appropriate payment.
- 6.6 Detailed guidance on PMLs and the small scale operator exemption are available on the Commission's website.

7 External Lottery Managers

- 7.1 A licensed or registered society or local authority may employ an external lottery manager (ELM) to manage all or part of its lottery. An ELM is defined in section 257 of the Act as someone that is a person or a body who makes arrangements for a lottery on behalf of a society or local authority but is not a member, officer or employee of the society or authority.
- 7.2 All ELMs must hold a lottery manager's operating licence issued by the Commission before they can manage a licensed society or local authority lottery or a society lottery registered with a local authority. It is the responsibility of the society or local authority to ensure that before employing anyone to manage all or part of their lottery that person or body holds a valid lottery manager's operating licence issued by the Commission. A list of licensed ELMs is available on the Commission's website.
- 7.3 The fact that a society or local authority may employ a licensed ELM to manage all or part of its lottery does not absolve the society or local authority from its responsibility for ensuring that the lottery is conducted in such a way as to ensure that it is lawful and fully complies with all licence conditions and the codes of practice. Both the society or local authority and the ELM require an operating licence from the Commission.
- 7.4 ELMs are also required to hold Personal Management Licences for a range of directors and senior managers, including the managing director, chief executive, finance director, compliance manager, marketing manager and IT manager.
- 7.5 ELMs also need to hold a remote gambling licence if they intend to sell tickets by means of remote communication (internet, telephone etc).

8 External Lottery Managers and service providers

- 8.1 Uncertainty can arise as to whether services provided to societies or local authorities amount to the promotion or facilitation of a lottery, in which case the provider needs an ELM licence if they are to avoid committing an offence, or instead amount to the provision of services which do not amount to promotion or facilitation, in which case no licence is needed. The following paragraphs give some guidance on the distinction. But anyone who is uncertain whether the services provided require the provider to hold an ELM licence should contact the Commission for advice.
- 8.2 Under section 252 of the Act, a person promotes a lottery if they make or participate in making the arrangements for a lottery. It says further that a person promotes a lottery in particular if they:
- make arrangements for the printing of tickets
 - make arrangements for the printing, publication and distribution of promotional material
 - make arrangements to advertise a lottery

- invite an individual to participate in a lottery
- sell or supply tickets
- offer to sell or supply tickets
- use premises for the purpose of allocating prizes or for any other purpose connected with the administration of a lottery.

Promotional material is defined as a document that advertises, invites participation, contains information about how to participate, or lists winners, in a particular lottery.

- 8.3 A person commits an offence under the Act if they carry out any of these activities on behalf of a society or local authority unless:
- they are an officer, employee or a member of a licensed or registered society or local authority
 - or they are a licensed ELM directed by a society or local authority to run all or part of its lottery.

- 8.4 Under section 259, a person facilitates a lottery if they:
- print lottery tickets for a specified lottery
 - print promotional material for a specified lottery
 - advertise a specified lottery.

A person commits an offence of facilitating a society or local authority lottery unless they act in accordance with an operating licence.

- 8.5 Whether or not a person or body carrying out activities on behalf of a society or local authority requires licensing as an ELM will depend on the activities they conduct and whether they amount to either promoting or facilitating a lottery and, if so, the circumstances in which they carry out those activities. For instance companies which print tickets for or which advertise lotteries under direction from licensed or registered societies or licensed ELMs do not themselves require a licence because, although they are facilitating a lottery, they are acting in accordance with a licence held by someone else.

- 8.6 To take another example, direct mailing companies employed by society lotteries may be classed as either a service provider or ELM, depending on the functions they carry out. If their only role is to post tickets to people to participate in the lottery from a list provided by the society or ELM, the Commission does not think they are doing any of the things that fall into the definition above of promoting a lottery. However, where a person or body is responsible for and manages part or all of the lottery and decides issues such as where to target promotional material, sources people to enter the lottery and deals with ticket transactions, they are carrying out functions that are caught by the definition of promoting a lottery and require a licence.

- 8.7 The Commission considers that the Act provides a comprehensive definition of what amounts to promoting or facilitating a lottery for the purpose of determining whether an ELM licence is needed for people or bodies providing services to societies or local authorities. In cases where there is doubt whether or not a person or body is acting in the role of an ELM, the Commission will have regard to the overall management and degree of control of the lottery undertaken by the society and the other party in question. Where the person or body making any of the arrangements for a society or local authority lottery, for example, has control of how the lottery is promoted and managed, the Commission's view is that they will be acting as an ELM and will need to hold the relevant operating licence issued by the Commission if they are to avoid committing an offence under the Act. Key indicators the Commission uses in reaching a conclusion include:

- who decides how the lottery scheme will operate and when changes to the scheme should be made
- who controls the promotion, marketing and advertising of the lottery
- who sells the tickets
- who pays the prizes
- who appoints and manages sub-contractors
- banking arrangements and the process for handling the proceeds of the lottery
- the contractual agreements between the society and the other party.

9 Remote lotteries

- 9.1 Section 4 of the Gambling Act specifies that remote gambling means gambling in which people participate by the use of remote communication including the internet, telephone, television, radio or any other electronic or technological method of communication. Normal letter post is not a form of remote communication for the purposes of the Act.
- 9.2 Societies and local authorities requiring licensing by the Commission and which allow players to participate in their lotteries by means of remote communication will be required to hold a remote lottery operating licence. For example, those accepting payments by telephone, or over the internet, will require a remote operating licence.
- 9.3 Holders of a remote lottery operating licence will be required to comply with the technical standards and the other specific licence conditions and codes of practice issued by the Commission that relate to remote gambling. Only remote lottery operating licence holders that accept more than £250,000 worth of entries by remote means per year will be required to meet the full testing and third party security audit requirements. The remote technical standards do not apply to holders of an ancillary remote lottery licence. Further details are available on the Commission's website.
- 9.4 Societies registered with licensing authorities that allow people to participate in their lottery by way of remote communication are not required to hold a remote lottery operating licence.

10 Gambling Commission licence conditions and codes of practice

- 10.1 All societies and local authorities licensed by the Commission to run lotteries are required to comply with the specific licence conditions and codes of practice relevant to them. The specific licence conditions are set out at the time a licence is issued.
- 10.2 Some of the licence conditions and requirements of the codes of practice are referred to below. Specific details are contained in the Commission's *Licence Conditions and Codes of Practice*, which is available on the Commission's website.

11 Society and local authority lotteries - proceeds and other monetary limits

- 11.1 A society or local authority lottery must apply a minimum of 20% of the gross proceeds of each lottery directly to the purposes of the society or in the case of a local authority a purpose for which the authority has power to incur expenditure.
- 11.2 Each year, every licensed society and local authority lottery operator must display the proportion of lottery proceeds (as a percentage) returned to the purposes of the society or local authority in the previous calendar year. This should be through either their annual report, lottery page of their society/local authority website or any other means appropriate to the size and scale of the organisation. Each society or local authority may – if they wish – provide further supporting information regarding spend on prizes and expenses for their lotteries. This information should be displayed in a timely manner and as soon as practicably possible.
- 11.3 Up to a maximum of 80% of the gross proceeds of each lottery may be divided between prizes and the expenses of the lottery.
- 11.4 In a single large society or local authority lottery the maximum value of tickets that can be sold is £4 million. The maximum aggregate value of lottery tickets that can be sold in any calendar year is £10 million.

- 11.5 The maximum prize in a single lottery is £25,000 in the case of a small society lottery and £25,000 or 10% of the proceeds (gross ticket sales), whichever is greater, in the case of a large society or local authority lottery. Therefore, a society that sells the maximum number of tickets in a single large lottery (£4 million) could award a maximum top prize of £400,000.
- 11.6 Rollovers are permitted provided the maximum single prize limit is not breached.
- 11.7 Every ticket in the lottery must be the same price and the cost of purchased tickets must be paid to the society before entry into the draw is allowed.
- 11.8 There is no maximum price of a lottery ticket.
- 11.9 No lottery organised by a large society or local authority may operate in such a way that a player can win a prize greater than the statutory prize limit of £400,000.
- 11.10 No lottery organised by a large society or local authority may be linked to any other lottery in such a way that a person who wins a prize in one also wins a prize in another, unless the aggregate of those prizes is less than or equal to the statutory prize limit of £400,000.
- 11.11 Where separate lotteries have a feature that allows a player to win a larger prize than the statutory maximum of £400,000 by selecting the same numbers in different lotteries and these lotteries are decided by the same draw, no advertisement or other marketing of the lotteries may refer to this feature. A lottery cannot be linked to a prize competition or free draw if the maximum amount which a person can win is more than £400,000 in aggregate.

12 Ticket information

- 12.1 All tickets in a society lottery licensed by the Commission or registered with a local authority must state:
- the name of the society on whose behalf the lottery is being promoted
 - the price of the ticket
 - the name and address of the member of the society responsible for the promotion of the lottery. In the case of a small society lottery run under local authority registration the name and address of the ELM if there is one may be given as an alternative
 - the date of the draw, or the means by which the date may be determined
 - the fact, where that is the case, that the society is licensed by the Commission
 - the website address of the Commission, if licensed by the Commission.
- 12.2 Tickets that are issued through a form of remote communication or any other electronic manner must specify the information above to the purchaser of the ticket and ensure that the message can be either retained (saved) or printed.

13 Sale of tickets

- 13.1 Tickets in society and local authority lotteries promoted under licence from the Commission must not be sold to anyone in a street. Tickets may be sold by a person in a static structure such as a kiosk or display stand, from a shop premises in a street, or door to door. For this purpose a 'street' includes any bridges, road, lane, footway, subway, square, court, alley or passage (including passages through enclosed premises such as shopping malls) whether a thoroughfare or not. Society lotteries and/or the responsible ELM must also ensure that they have any necessary local authority permissions, such as a street trading licence. The Commission has recommended to licensing authorities that they also apply this restriction to small society lotteries. Small societies should check with the licensing authority they are registered with.
- 13.2 Lottery tickets must not be sold to, or by, those under the age of 16.

- 13.3 Society lottery tickets may be sold from vending machines. These machines may be sited anywhere that a society lottery ticket can be sold (see 13.1). They are not subject to restrictions on the number that can be sited and no licence is required to site or supply them. However, licensed operators (societies and/or ELMs) must ensure that they fulfil their social responsibility duties under the licence conditions and codes of practice in respect of preventing underage play and problem gambling. In the case of lottery ticket vending machines the operator may wish to ensure that the machine is located in a supervised area or that some other arrangements are put in place to prevent underage and problem gambling.
- 13.4 To minimise the risk of fraud, societies licensed by the Commission should adopt one or more of the following measures when sending unsolicited mailings of lottery tickets:
- prohibit the unsolicited mailing of lottery tickets to non-members of the promoting society
 - limit the value of tickets sent to any one address which is not that of a member of the promoting society to £20
 - maintain records of tickets distributed and not returned. The Commission recommends that these records should include details of the address to which the tickets have been sent, their total value and their serial number. Information on unsold tickets not returned by the date of the lottery draw should be retained for at least six months.
- 13.5 Society lottery operator licences (remote and non-remote) from the Commission allow societies to sell lottery tickets within Great Britain (England, Scotland, and Wales). If you wish to sell lottery tickets outside of Great Britain you will need to check the laws that apply in that jurisdiction.

14 Financial requirements

- 14.1 For society and local authority lotteries promoted under licence from the Commission, accounting records must be retained for a minimum of three years from the date of any lottery to which they relate and they must be made available for inspection by the Commission on request. These records must contain, in respect of each lottery, details of the:
- the total proceeds
 - the amount allocated to prizes
 - the amount of proceeds allocated to expenses, and details of those expenses
 - the amount applied directly to the purposes of the society or the purposes for which the local authority has power to incur expenditure as the case may be
 - the number of sold and unsold tickets in each lottery.
- 14.2 Where the cumulative proceeds of lotteries promoted by a society or local authority exceed £1,000,000 in a calendar year, the Commission must be sent a written confirmation from a statutory auditor that the proceeds of those lotteries have been fully accounted for in annual audited accounts. Such confirmation must be provided within ten months of the end of the period to which the accounts relate.
- 14.3 A statutory auditor is someone who is eligible for appointment as a company auditor under section 1210 of the Companies Act 2006 but is not, in the case of a society:
- a) a member of the society
 - b) a partner, officer or employee of such a member
 - c) a partnership of which a person falling within (a) or (b) is a partner.

15 Lottery submissions

- 15.1 Every society and local authority licensed by the Commission must provide a submission for each lottery. This must show the total proceeds and how they have been distributed between prizes and expenses and the amount applied directly to the society's purposes, or purpose for which the local authority has power to incur expenditure.

- 15.2 A licensed society's or local authority's submission must be sent to the Gambling Commission no later than three months after the date of the lottery draw or in the case of an instant (scratchcard) lottery within three months of the last date on which tickets in the lottery were on sale. At the time it is submitted each submission must be verified by a Personal Management Licence holder, a qualified person in the case of a small scale operator or the person (in the case of societies) named on the lottery tickets as being responsible for the promotion of the lottery.
- 15.3 Submissions can be sent to the Commission on-line using the relevant form or the form can be downloaded and sent through the post.
- 15.4 Every society registered with a local authority to run small society lotteries must submit a statement providing the following information:
- the date on which tickets were available for sale or supply and the date of the draw
 - the total proceeds of the lottery (remote and non-remote)
 - the amounts deducted by promoters of the lottery in providing prizes, including rollovers
 - the amounts deducted by the promoters of the lottery in respect of costs incurred in organising the lottery
 - the amount applied directly to the purpose for which the promoting society is conducted or for which the local authority has power to incur expenditure (at least 20% of the gross proceeds)
 - whether any expenses incurred in connection with the lottery were not paid for by deduction from the proceeds, and, if so, the amount of expenses and the sources from which they were paid.
- 15.5 A registered society's statement must be sent to the local authority within three months beginning on the day the draw (or last draw) in the lottery took place. It must be signed by two members of the society appointed in writing for that purpose by the society's governing body and accompanied by a copy of that appointment.

16 Social responsibility

- 16.1 Lotteries are a form of gambling and as such societies and local authorities are required to ensure that children and other vulnerable people are not exploited by their lottery.
- 16.2 The minimum age for participation in a society or local authority lottery is 16 years of age. A person commits an offence if they invite or allow a child to enter such a lottery. Licensed societies and local authorities running lotteries must have written policies and procedures in place to help prevent and deal with cases of under-age play.
- 16.3 Licence holders must take all reasonable steps to ensure that information about how to gamble responsibly and how to access information and help in respect of problem gambling is readily available.
- 16.4 Further information about social responsibility requirements is contained in the Commission's *Licence Conditions and Codes of Practice*.

17 B3A lottery machines

- 17.1 Section 235(2)(d) of the Act and Regulations under that section define a B3A machine as one where the results of the lottery are determined by the machine and/or the machine displays the results of the lottery without an interval of at least one hour between the sale of the ticket and the announcement of the result. These machines can only be sited in a members' club or miners' welfare institute holding a club gaming or club machine permit issued by the licensing authority. Clubs and institutes are entitled to site one category B3A machine on the premises.

18 Proceeds and profits

18.1 Section 254 of the Act clarifies what is meant by 'proceeds' and 'profits' of a lottery.

18.2 'Proceeds' are the total amount paid for tickets before any deductions.

18.3 'Profits' are the amount of proceeds less any deductions for prizes, rollovers, and reasonable expenses incurred in connection with running the lottery.

19 Misusing profits of lotteries

19.1 Under section 260 of the Act it is an offence to use or permit profits from a large society or local authority lottery to be used for any purposes other than for the purpose for which the lottery was permitted or promoted. Section 261 applies the same offence to small society lotteries.

April 2018

making gambling fairer and safer

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

24 MAY 2018 AT 6.30 PM

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

Mr DC Bill MBE, Mr WJ Crooks, Mr DW MacDonald and Mr BE Sutton

Also in attendance: Councillor MA Cook, Councillor M Hall and Councillor M Nickerson

Officers in attendance: Rebecca Owen, Daniel Britton, Bill Cullen, Edwina Grant, Julie Kenny, Kirstie Rea, Caroline Roffey and Paul Scragg

22 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Bray, Roberts, Ward and Williams. It was also noted that Councillor Crooks had apologised that he would be late arriving.

24 DECLARATIONS OF INTEREST

Councillor Lynch declared a personal interest in the Voluntary and Community Sector Commissioning outcomes report (item 6) as President of Leicestershire & Rutland Youth Sailing Association which was a recipient of VCS funding.

Councillors Camamile, Lay and Lynch declared a personal interest in the Parish & Community Initiative Fund report (item 12).

27 INTRODUCTION OF A LOCAL AUTHORITY LOTTERY

Consideration was given to a report which recommended the introduction of a local authority lottery to help sustain the borough's voluntary and community sector. It was acknowledged that a company would run the scheme and HBBC would be responsible for governance and monitoring.

In response to members' questions, it was explained that good causes would request to join up and the council would manage the approval process. A web page managed by the external company would give information on each good cause and buyers would choose their good cause when purchasing tickets. Prize money would be underwritten by the external company. Officers agreed to check whether councillors and council employees were eligible to take part.

RESOLVED –

- (i) The report be endorsed;
- (ii) A report be brought back to the Scrutiny Commission before roll out;
- (iii) An annual report be brought to the Scrutiny Commission.

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Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

COUNCIL

12 June 2018

WARDS AFFECTED: ALL WARDS

FINANCIAL OUTTURN 2017/18

Report of Head of Finance (Section 151 Officer)

1. PURPOSE OF REPORT

1.1 To inform members of the draft financial outturn for 2017/18.

2. RECOMMENDATION

2.1 That Council approves the General Fund Outturn for 2017/18 as outlined in section 3.2 of the report.

2.2 That Council approves the transfers to earmarked reserves and balances as outlined in section 3.5 of the report and Appendix 3.

2.3 That Council approves the General Fund revenue carry forwards of expenditure and income to 2018/19 as detailed in Appendices 1 and 2 and section 3.4.

2.4 That Council approves the Housing Revenue and Housing Repairs Account Outturn for 2017/18 and transfers to and from balances as detailed in sections 3.7 to 3.8.

2.5 That Council approves Capital Programme outturn for the General Fund and Housing Revenue Account from 2017/18 as outline in section 3.9 to 3.10.

2.6 That Council approves HRA carry forwards outlines in Appendix 4.

2.7 That Council approves Capital carry forwards as detailed in Appendix 5.

3. BACKGROUND TO THE REPORT

3.1 A draft outturn was presented to Finance & Performance Committee (FAP) on 21st May 2018. The Outturn presented below is before the audit of the financial statements and exclude unbudgeted statutory charges in accordance with accounting practice that have no overall impact on General Fund or HRA balances.

General Fund

3.1.1 The original budget for 2017/18, revised budget for 2017/18 (based on November 2017 outturn) together with the draft outturn are summarised below. (Before any regulatory accounting adjustments which do not impact on balances).

	Original Estimate 2017/18	Revised Estimate 2017/18	Outturn 2017/18
	£	£	£
Support Services	173,220	333,160	448,389
Corporate Services	2,742,559	2,619,314	2,208,180
Community Services	2,258,384	2,473,186	2,114,123
Environment and Planning	6,446,846	6,510,910	6,717,805
Further Savings in Year	0	-20,000	
Total service expenditure	11,621,009	11,916,570	11,488,497
Special Expenses	-588,870	-591,870	-580,436
Capital Accounting Adjustment	-1,751,250	-1,751,250	-1,193,337
Net external interest (received)/paid	315,320	315,320	249,478
IAS19 Adjustment	-473,330	-473,330	-1,071,091
Carry forwards from prior year	0	-223012	-228,012
Carry forwards to 2018/19			187,558
Transfer to reserves	1,479,120	1,639,120	1,956,224
Transfer from reserves	-462,246	-443,666	-342,666
Transfer (from) unapplied grants		-391,993	-244,335
Transfer to unapplied grant			275,272
Transfer to pensions reserves	3,880	3,880	
Transfer to/(from) balances	103,715	649,579	650,040
Business Rates Growth*		-402,000	
HBBC Budget Requirement	10,247,348	10,247,348	11,147,192

Financing	Original Estimate 2017/18	Revised Estimate 2017/18	Outturn 2017/18
Council tax	3,905,823	3,905,823	3,905,823
RSG	753,927	753,927	753,927
NNDR*	2,941,699	2,941,699	3,802,138
NHB	2,793,740	2,793,740	2,799,519
Collection Fund Surplus (Deficit)	-147,841	-147,841	-114,215
	10,247,348	10,247,348	11,147,192

* In the Revised Budget Business Rates Growth of £290,600 was budgeted for as service income and £402,000 was budgeted as additional growth. These amounts together with additional growth of £167,839 have now been reflected as financing income.

- 3.3 After taking account of adjustments to the budget, (e.g. virements and supplementary budgets and savings identified in year, the provisional outturn shows **£11,488,497** being spent on services with **£1,956,224** being transferred to earmarked reserves and **£650,040** being transferred to General Fund balances. Overall this means a marginal increase in balances of £461 compared against the position of £649,579 reported to Council in February 2018.

Total service expenditure on the face of the summary shows an underspend £428k compared against the revised budget. This however includes budgeted items which are reversed out in accordance with statutory accounting practice in the capital accounting adjustments and IAS 19. These total £149,648. These transactions are summarised below:-

	(£000)
IAS 19 Pension adjustments	687
Capital items where no asset is created for the Council (REFCUS)	(537)
Total	150

After allowing for these variations the total variation is £578k. Major variances between the budget reported to Council and the draft outturn are summarised below:-

Under (over) spends	£000's
Development Control Additional Planning Fees	161
Economic Regeneration Town Centre Support	99
Former added yr costs (these are allowed for within IAS19 adjustments)	84
Additional income service charge and rental income for commercial estates	40
Additional new Burdens and Council tax support income	121
Planning Policy , strategic growth and local planning	118

Carry Forward Budgets

- 3.4 In a number of cases budget managers have requested that the under spend in their budget(s) be carried forward to 2018/19 because of delays in committing expenditure. Requests totalling a net £584,070 have been received. This compares to £223,012 which were allowed for when setting the revised budget. Funding details of the requests are summarised below and details can be found in Appendices 1 & 2.

Source of Funding	Amount (£)	
General Fund carry forwards	187,558	Appendix 1
General Fund carry forwards - Reserves	101,000	Appendix 1
Unapplied Grant Carry fwds	122,867	Appendix 2
Unapplied Grants fwd. 2017/18 grants	172,645	Appendix 2
Total	584,070	

Unapplied Grants are specific grants and contributions which have not been spent and are transferred to “unapplied grants and contributions” in accordance with accounting standards. Pending approval, budgets will be set up for these amounts in 2018/2019 and funding released accordingly from the Balance Sheet.

Earmarked Reserves

- 3.5 The table below shows the expected transfers to and from reserves for the general fund revenue compared against the budgeted position. A detailed analysis of the draft reserves position is attached in Appendix 3.

Reserve	To reserve	From reserves	Budget February 2018	Variance to/from reserve to Budget
Hub Future Rental Management Reserve	(250,000)	0	(250,000)	0
Special Expenses	(20,000)	0	(20,000)	0
Local Plan Procedure	0	62,420	163,420	(101,000)
Business Rates Equalisation Reserve	(726,569)	69,754	(339,711)	(317,104)
Relocation Reserve	0	51,132	51,132	0
Year End Carry Forwards 2016/17	0	228,012	223,012	5,000
Year End Carry Forwards 2017/18	(187,558)	0	0	(187,558)
Maintenance Fund - Green Towers	(5,000)	0	(5,000)	0
ICT Reserve	(59,000)	0	(59,000)	0
Waste Management Reserve	(226,535)	0	(226,535)	0
Building Maintenance Reserve	(388,120)	0	(388,120)	0
Pension Contributions	0	53,800	53,800	0
Planning Delivery Grant Reserve	0	10,940	10,940	0
Transformation	0	94,620	94,620	0
Developing Communities Fund	(301,000)	0	(301,000)	0
Total	(2,163,782)	570,678	(992,442)	(600,662)

General Fund Balances

- 3.6 The table below summaries the transfers for the general fund and the Special Expenses Area:-

	Transfer to/(from) Balances Original Budget	Transfer to/(from) Balances Latest Budget	Transfer to/(from) Balances Outturn
	£000	£000	£000
General Fund Element	104	650	650
Special Expense Element	66	63	75
Total General Fund	170	713	727

Housing Revenue Account

- 3.7 As at 31st March 2018 the HRA outturn deficit will be £140,320 against the latest budget of £111,415. This is a variation of £28,905. The main reasons for the variances are summarised below:-

Under (over) spends	£000's
Increase in the Bad Debt Provision set aside based on current arrears	(54)
Rental Income reduction due to additional dwelling sales	(33)
Additional Service Charge income	27
Additional Support Service Costs	18

Housing Repairs Account

- 3.8 The Housing Repairs Account outturn is £113,845. The latest budget for 2017/18 forecasted £293,128. This is a saving of £179,283. The main reasons for the variances are summarised below:-

Under (over) spends	£000's
Committed central heating and electrical and painting work that were completed in April	26*
Salary savings due to vacant posts	18
Rental Income reduction due to additional dwelling sales	(33)
Additional Service Charge income	27
Responsive Repairs savings (demand led budget)	17
Asbestos Surveys awaiting completion (Arising from backlog from prior years)	118*

*A total of £136k has been requested to be carried forward to allow for committed which were budgeted for in the prior year.

HRA reserves are summarised in the table below:-

HRA	Closing Balance 31st March 2017	To reserves	From reserves Capital Spend	Estimated Outturn current position 31/3/18
Regeneration Reserve	(10,167)	(2,565)	2,875	(9,857)
HRA Piper Contribution Revenue	(156)	(11)	0	(167)
Major Repairs Reserve	(409)	(3,040)	2,850	(599)
Year End Carry Forwards	(43)	0	0	(43)
Pensions Contribution	(33)	(3)	0	(36)
HRA Communal Furniture	(5)	0	0	(5)
Service Improvement Rese	(50)	0	0	(50)
HRA Housing Repairs Account	(443)	0	114	(329)
	(11,306)	(5,619)	5,839	(11,086)

Details of HRA Carry Forwards are attached in Appendix 4.

Capital Programme

- 3.9 For the General Fund £2,027,500 has been spent on capital schemes to the end of March 2018 against a budget of £3,673,051. This represents an underspend of £1,645,551. In the majority of cases, underspends at the year end are due to slippage and therefore will be spent in forthcoming years. If approved, the relevant

financing for these schemes will be transferred to the 2018/19 Capital Programme. Council will be requested to approve carry forwards totalling £1,461,761. Capital carry forwards are detailed in Appendix 5. The major variations in excess of £50,000 have been summarised as follows:

Scheme	£000's Under spend/ (Overspend)	Explanation
Microsoft hardware	107	Change in procurement method to cloud based 5 years contract
Crematorium	54	Scheme budget crosses financial years
Crescent Block C	182	Set aside for future incentive costs.
Developing Communities Fund	96	Set aside for payments for approved applications
Green Deal Fuel Poverty	473	Set aside for boiler upgrades and on going to work to flat at New Street
Leisure Centre	53	Set aside for building improvements
Major Works Grants	192	Works committed to be completed in 2018/19
Disabled Facilities Grant	129	Works committed to be completed in 2018/19
Housing Enforcement Works	58	Set aside for future Enforcement works.

- 3.10 For the HRA £6,616,589 has been spent against a revised budget of £7,094,077. The major variations in excess of £50,000 are as summarised as follows:

Scheme	£000's Under spend/ (Overspend)	Explanation
Social Service Adaptation to Council Dwellings	115	Works issued but not yet completed by contractor.
Ambion Court	75	Scheme budget crosses financial years. Tender still to be issued.
Martinshaw Lane	198	Scheme budget crosses financial years. Committed for contractual works.

- 3.11 For the majority of schemes underspends at the year end are due to slippage and therefore will be spent in forthcoming years. For the HRA the element a total of £488,800 will be required to be carried forward.

- 3.12 A full capital carry forward list is detailed in Appendix 5.

4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 Report taken in open session.

5. FINANCIAL IMPLICATIONS IB

5.1 Contained within the body of the report.

6. LEGAL IMPLICATIONS AR

6.1 The Local Government Act 2003 places a duty on the S151 Officer to report to members on the budget setting process and comment on the adequacy of the reserves allowed for.

7. CORPORATE PLAN IMPLICATIONS

7.1 The budget and MTFs contribute to all objectives of the Corporate Plan.

8. CONSULTATION

8.1 None.

9. RISK IMPLICATIONS

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

9.2 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.

9.3 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
That the Council has insufficient resources to meet its aspirations and cannot set a balanced budget	A budget strategy is produced to ensure that the objectives of the budget exercise are known throughout the organisation. The budget is scrutinised on an ongoing basis to ensure that assumptions are robust and reflective of financial performance. Sufficient levels of reserves and balances are maintained to ensure financial resilience	Ashley Wilson

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 There are no direct implications arising from this report

11. CORPORATE IMPLICATIONS

11.1 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: Civica Reports

Contact Officer: Ilyas Bham, Accountancy Manager
Executive Member: Cllr M Hall

Ref	Cost Centre Name	Reserves	General Fund	Detail
		£	£	
1	Development Control - Appeals		6,000	Carry forward of legal costs required in relation to costs associated with public inquiry in Barwell in June 2018 for which external barristers and consultants have already been appointed
2	Recycling Transitions		18,457	The implementation of the round changes was deferred from April 2018 until June 2018 to minimise impact on the service and customer services. This has therefore delayed aspects of the project.
3	CSP Funding - Grassroots Funding		4,000	External funding from the Police and Crime Commissioner. Agreed at CSP Exec board last year that funds must be carried over and used for specific projects
4	CSP Funding -Diversion Pathways		9,189	External funding from the Police and Crime Commissioner. It was agreed at CSP Exec board last year that funds must be carried over and used for specific projects
5	Private Sector Leasing Scheme		2,014	For works expected In 2018/19
6	Private Sector Housing		831	Payments from I chooser for collective switching scheme to pay for student EHO to help deliver scheme costs for 2018-19
7	Communications & Promotion		800	Balance of Wonderful Hinckley social media campaign for which the existing commitment runs until July 2018 (£200 per month)
8	Parks Special Expenses		4,350	Additional play equipment at Clarendon Park. Delays from supplier order placed early for March delivery but equipment not expected until end April
9	Children's & Young Peoples Services		7,928	IT solution to manage referrals has been delayed due to issues in finding suitable solution and associated back scanning of historic referrals
10	Planning Policy	83,000		Carry forward required in order to fulfil existing contracts and consultants preparing evidence studies in support of the local plan review
11	Homelessness - General		81,495	Carry forward of Homelessness flexible grant monies to use in future years
12	Civic Expenses		3,370	Request to carry forward due to the mayoral year being different from the financial year
13	Mayors Allowances		1,550	Request to carry forward due to the mayoral year being different from the financial year
14	Mayors Allowances		2,320	Request to carry forward due to the mayoral year being different from the financial year
15	Asset Management		2,180	Delays due to workload to complete all works from the accommodation review of the Hinckley Hub.
16	Legal Department		16,380	Golf course litigation is continued into April 2018. Final costs will therefore be paid in 2018/19
17	Finance - Accountancy		6,122	Year end support budget for consultant
18	Cashiers Dept.		937	To complete next minor version upgrade version 10 to 11
19	Cashiers Dept.		1,590	Complete additional system upgrade to latest version
20	Cashiers Dept.		7,587	Set aside for capita version upgrade
21	Cashiers Dept.		4,458	Set aside for capita version upgrade
22	Planning Policy	18,000		Budget required to meet commitment to provide a full neighbourhood and planning support package arising out of a commitment with the Rural Community Council.
23	Syrian Refugee		80,000	Families have not been accommodated this financial year meaning these costs/families will roll over into 2018-19
24	Syrian Refugee		(80,000)	Families have not been accommodated this financial year meaning these costs/families will roll over into 2018-19
25	Wykin Community House -Partnership		6,000	Funding required to support important community initiative in Oadby
		101,000	187,558	

Unapplied Grants Carry Forward Requests 2017-18 to 2018-19 (For Grants received prior to 2017-18)

Ref	Cost Centre Name	Unapplied Grants (General Fund)	Detail
		£	
1	Sports Development	8,262	Contribution towards facilities post and Sports Economy Growth manager not made due to delay in recruitment by Leicestershire Rutland Sports (LRS). A contractual commitment exists to make the contribution
2	Positive Activities for Young People	5,586	Set aside to deliver play activities for young people
3	515 Fund	17,458	Set aside to deliver play activities for young people
4	Comm Safety Partnership Delivery Grp	6,318	BCU funding for community safety activities
5	Endeavour Tactical	335	PCC funding for community safety activities
6	CSP Funding - Seasonal Campaigns	1,686	PCC funding for seasonal campaigns
7	Council Tax - Cost of Collection	30,000	Funding set side for service upgrade costs
8	Economic Development & Promotion	20,954	Funds set aside for Node as design consultants to create a Design SPD, to enable developers and officers to apply sufficient weight to examples of great and innovative design.
9	Council Tax Benefit	6,978	Ring Fenced Income - to cover Data Sharing Costs - Previously Cfdw from 2016/17
10	Council Tax Benefit	11,839	Ring Fenced Income - New Burdens - previously cfdw from 2016/17
11	CSP Funding - Managing Mental Health	582	PCC funding for mental health projects
12	Register Of Electors	9,232	Electoral Registration grant funding set aside for IT related expenses.
13	Homelessness - General	1,370	set aside for universal credit upgrade
14	Play Programme	1,059	Set aside to deliver play activities for young people
15	Play Programme	1,208	Set aside to deliver play activities for young people

122,867

Unapplied Grants Carry Forward Requests 2017-18 to 2018-19

Appendix 2

Ref	Cost Centre Name	Unapplied Grants (General Fund)	Detail
		£	
1	Comm Safety Partnership Delivery Grp	2,700	Externally ring fenced monies from the Police and Crime Commissioner. There is no claw back facility in the funding bid and it was agreed at CSP Exec board last year that funds must be carried over and used for specific projects
2	Rent Allowances	5,794	Carry Forward of Ring Fenced Income - to cover Data Sharing Costs
3	Rent Allowances	19,462	Carry Forward of Ring Fenced Income - New Burdens
4	Council Tax Benefit	6,183	Carry Forward of Ring Fenced Income - to cover Universal Credit costs
5	NNDR Collection	12,000	Carry Forward of Ring Fenced Income - New Burdens
6	CSP Funding - Seasonal Campaigns	3,936	PCC funding set aside to deliver various seasonal campaigns
7	Physical Activity	6,238	LCC Funds set aside to commission various health and physical activity projects
8	Physical Activity	7,224	LCC Funds set aside to commission various health and physical activity projects
9	GP Exercise Referral Scheme	5,352	Delay in commencing the disability element of the scheme due to restructuring of the scheme at LCC. A contractual commitment exists to make the contribution
10	Homelessness - General	101,627	Carry forward of prevention grant monies to use in future years
11	Register Of Electors	2,129	Use of residual Individual Electoral Registration grant monies to meet identified needs in the Electoral Registration section.

172,645

Appendix 3 - General Fund Earmarked Reserves

	Closing Balance 31st March 2017	To reserves	From reserves	capital spend	Estimated Outturn current position 31/3/18
Benefits Reserve	(58,549)	0	0		(58,549)
Hub Future Rental Management Reserve	(100,000)	(250,000)	0		(350,000)
Special Expenses Reserve	(141,804)	(20,000)	0	13,215	(148,589)
Local Plan Procedure	(668,952)	0	62,420		(606,532)
Business Rates Equalisation Reserve	(1,718,345)	(726,569)	69,754		(2,375,160)
Relocation Reserve	(101,132)	0	51,132		(50,000)
Year End Carry Forwards 2016/17	(266,012)	0	228,012		(38,000)
Year End Carry Forwards 2017/18	0	(187,558)	0		(187,558)
Maint Fund - Green Towers	(20,000)	(5,000)	0		(25,000)
Pensions Contribution	(161,411)	0	53,800		(107,611)
ICT Reserve	(206,411)	(59,000)	0	14,896	(250,515)
Waste Management Reserve	(73,725)	(226,535)	0		(300,260)
Asset Management Reserve	(1,111,592)	0	0	314,192	(797,400)
Planning Delivery Grant Reserve	(28,723)	0	10,940		(17,783)
Election Reserve	(122,005)	0	0		(122,005)
Grounds Maintenance	(133,295)	0	0	5,900	(127,395)
Transformation	(147,120)	0	94,620		(52,500)
Enforcement & Planning Appeals Reserve	(270,000)	0	0		(270,000)
Earl Shilton Toilets	(100,000)	0	0		(100,000)
Building Maintenance costs	0	(388,120)	0		(388,120)
Developing Communities Fund	(950,000)	(301,000)	0	192,108	(1,058,893)
Total	(6,379,076)	(2,163,782)	570,678	540,311	(7,431,870)

Ref	Cost Centre Name	HRA	Detail
		£	
1	Supervision & Management General	1,500	£1,000 required for internal and external photography and drawings to promote sheltered housing schemes £500 for planting around entrances to make schemes more attractive
2	Strategic Tenant Participation	2,000	Production on a full colour brochure and marketing materials to promote our sheltered housing schemes
3	Strategic Tenant Participation	3,500	Carry forward due to delay in new resident involvement strategy.
4	S & M Mayflower Court	1,400	Upgrade facilities within the quest room including new beds, chairs. Wardrobes curtains, fitness equipment etc.
5	Royal Court Hinckley	4,000	Carry forward requested to support the renewal of carpets in communal areas at Royal Court
6	Mayflower Court	5,000	Carry forward for renewal of carpets in communal areas at Mayflower Court
7	Programmed Repairs - General	8,000	Delays to adverse weather. To be completed in 2018/19
8	Asbestos Surveys	98,613	There have also been an issue with tenants not allowing access, to over 100 properties.
9	Programmed Repairs - General	7,000	Electrical tests committed for communal properties, to be carried out.
10	Programmed Repairs - General	13,411	To catch up on Gas Audit checks. Issues with previous contractor, new contract signed in March 2017 so work still required.
	Total	144,424	

Carry Forward Requests 2017-18 to 2018-19

Ref	Cost Centre Name	General Fund	Detail
		£	
1	Shop Front Improvements Barwell	6,698	Barwell Town Team Related projects. Progress has been made in identifying potential projects but these will not commence until 2018/19. It is therefore requested that the budget be carried forward.
2	Environmental Improvements	7,253	Commitments made to Earl Shilton Town Trail (£2,053) and Groby Allotments Wall Restoration (£5200) but projects not completed.
3	Lancaster Road Pedestrian Crossing	20,000	Delivery of Lancaster Road Pedestrian crossing has been delayed due to design issues to underground services and consequently construction work is not likely to commence on site until April 2018
4	Major Works Grants	192,425	Works committed but to be completed in 2018-19
5	Disabled Facilities Grant	129,470	Works committed but to be completed in 2018-19
6	Fuel Poverty Capital Fund	100,518	External Funding set aside Boiler Project. To be completed in 2018/19
7	Green Deal Capital Fund	373,717	On-going work to flats at New Street and Boiler replacement programme and repairs in line to be completed in 2018/18 (Externally funded Project)
8	Private Sector Housing Enforcement	58,366	Works in default budget to be carried forward as a rolling programme
9	Minor Works Grants	26,833	Works to be completed in 2018-19
10	Leisure Centre	52,000	Earmarked for Equipment and potential remedial works
11	Preston Road	3,571	S106 monies to be used for further park improvements in 2018/19
12	Parks : Major Works	9,975	Hinckley War Memorial & Burbage Common Play equipment delays due to adverse weather.
13	Langdale Park	12,253	S106 funding for landscape improvements delayed due to wet weather (to be complete by end May 2018)
14	Queens Park	403	S106 works to be completed by end April 2018
15	Parish & Community Initiatives	15,566	4 Parish & Community schemes which have been delayed & to be completed in 2018/19.
16	Hinckley Community Initiative Fund -HCIF	520	Funding for 1 project which has been delayed.
17	Web Development	6,100	The final 50% of the project costs will be due once the project is completed. The project was not complete at the end of March 2018.

18	Asset Management Enhancement Works	16,156	Delay due to workload to complete projects within financial year and need to carry over funds to complete the projects
19	Resurfacing Car Parks	18,836	Works associated with Church Walk Car Park, joint funded conservation project with planning
20	Asset Management Enhancement Works	15,711	Carry forward requested to complete essential works
21	New Crematorium	53,611	Project approval was delayed and delivery reprogrammed to submit a planning .Application late June 2018. Carry forward required to achieve this target agreed by the Project Board.
22	Crescent Development	181,874	Ability to occupy the remaining Crescent units has been difficult due to the Current economic climate in retail and particularly restaurant lettings Crescent incentives required to attract tenants when interest is shown.
23	Data Centre	40,000	Funds required for essential server storage upgrades. Delayed due to overall ICT contract negotiations
24	Home Connections - IT Systems	24,000	Carry forward required to complete project
25	Developing Communities Fund	95,905	Carry forward to completed required community projects
Ref	Cost Centre Name	HRA	Detail
26	Voids	22,400	For committed incomplete Void Works
27	HRA Adaptations	115,600	Contractual commitments for Adaptations
28	Electrical Upgrades	15,500	Required to completed committed Electrical Works
29	Boiler Replacement	14,000	Installation delays to capacity and asbestos issues
30	Sheltered Schemes Enhancement	14,000	Complete committed remedial lighting works
31	Southfield Rd	34,931	To pay for final invoices - scheme complete
32	Martinshaw Lane	197,696	Roll over of budget - Scheme crosses financial years (Committed)
33	Ambion Court	74,674	Roll over of budget. Contract yet to be tendered
		1,950,562	
	GF Schemes	1,461,761	
	HRA Schemes	488,801	
	Total	1,950,562	

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

FINANCE & PERFORMANCE SCRUTINY

21 MAY 2018 AT 6.30 PM

PRESENT: Mr KWP Lynch - Chairman
Mr DC Bill MBE (for Mr DS Cope), Mrs R Camamile and Miss DM Taylor

Members in attendance: Councillor Mr MA Hall

Officers in attendance: Julie Kenny, Rebecca Owen and Mark Tuff

13 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Cope, MacDonald, Smith, Ward and Williams with the substitution of Councillor Bill for Councillor Cope authorised in accordance with council procedure rule 10.

15 DECLARATIONS OF INTEREST

No interests were declared at this stage.

18 REVENUE & CAPITAL OUTTURN END OF YEAR

Members were informed of the draft outturn for 2017/18. Some discussion ensued about the IAS19 pension adjustments, the HRA income and HRA capital programme.

RESOLVED – the report be noted.

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