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**HINCKLEY & BOSWORTH
BOROUGH COUNCIL**



**Hinckley & Bosworth
Borough Council**

**AGENDA FOR THE
MEETING OF THE COUNCIL**

TO BE HELD ON

TUESDAY, 7 AUGUST 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.*
- Proceed to **Willowbank Road car park**, accessed from Rugby Road then Willowbank Road.
- **Do not** use the lifts.
- **Do not** stop to collect belongings.

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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: 30 July 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, 7 AUGUST 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 - 6)
To confirm the minutes of the meeting held on 12 June.
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. Questions
To deal with questions under Council Procedure Rule number 14.

7. Petitions

To deal with petitions submitted in accordance with Council Procedure Rule 15.

8. Leader of the Council's Position Statement

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

9. Minutes of the Scrutiny Commission (Pages 7 - 14)

To receive for information only the minutes of the Scrutiny Commission meeting held on 24 May and 10 July.

10. Annual Review of Constitution (Pages 15 - 28)

To present the annual review of the Council's constitution.

Appendix 3 will be sent out to follow.

11. Motions received in accordance with Council Procedure Rule 17

(a) Motion from Councillor Witherford, seconded by Councillor Hodgkins

"Upskirting is an intrusive, vile crime against women and girls.

Members are asked to show support for an amendment to the Sexual Offences Act to make upskirting a specific offence that will allow police to prosecute those who commit this vile crime. A Private Member's Bill is being debated in Parliament and hopefully once the technicalities have been resolved, this will be incorporated into the Act.

Whilst I am aware that since the obstruction to this amendment on 15 June and the subsequent presentation on 6 July, this proposal will have moved on and could, hopefully, have received approval, however this is the first opportunity we have for this Council to show its support."

(b) Motion from Councillor Hall, seconded by Councillor Morrell

"On 29 June Leicestershire County Council's Leader issued a statement in which he asserted that:

'The time has come to explore having a new council for Leicestershire'

On 6 July 2018 Leicestershire County Council Cabinet met to consider a report on local government reform in Leicestershire. The Cabinet endorsed LCC undertaking work to develop a Strategic Alliance for the East Midlands (involving County and City Councils), and to develop a unitary structure for local government in Leicestershire. I understand that similar proposals have also been made in Nottinghamshire and Derbyshire.

Following the announcement to the press on 29 June I issued the following statement:

'The proposals for a single unitary Council for Leicestershire by Leicestershire County Councillors are a County Council view of how to improve local government. This proposal will however be of concern to HBBC employees as well as residents of Hinckley and Bosworth and I believe this is the wrong option for our area. HBBC employs local people, providing local services to their own communities, and they take pride in what they do. If we lose that local interest then we also lose that commitment to better services.

Councillors are also proud to work with their local communities and know that they can try to resolve residents' issues with a small and dedicated team, who know their area and want to help. It will be a concern to some that this local provision of services could be lost.

As Leader at HBBC I have worked hard with all Councillors, officers and partner agencies to balance the needs of the community with the ability of the Council to deliver. We have done a fantastic job, improving services, investing in our communities, and reducing costs. We are planning thoughtfully for economic growth, for housing, and to support the most vulnerable in our communities.

Council Leaders across Leicestershire will have their own views on how best to improve local government, but for me a strong borough council should continue to be at the heart of delivering and improving the services we provide, and I will do my best to deliver that for local people.'

Leicestershire County Council Cabinet has produced a timetable for bringing forward their plans, including a time allocation for this authority, and others, to be consulted on their proposals. It is clear from their plans that LCC have a view that this Council, along with others, should be scrapped, and that we should not be included in any strategic alliance.

There have been statements pointing out that residents of this borough would not benefit from such a unitary authority, due to our current low level of council tax. Also having a county based unitary would make Leicestershire one of the largest unitary councils in the country and arguably even more remote from our communities.

Part of the proposal by LCC would be for Leicestershire's towns, including Hinckley, to have their own town councils, with parish councils taking on more responsibilities. This is a matter for our residents to decide, not for those at County Hall.

If, as is claimed, the system of local government is broken, then we do need to consider ways of how this potentially can be fixed. I do not believe that the County Council proposals will deliver the best for our residents and any work to develop a new model needs to build on the excellent collaborative arrangements already in place with districts and involve all councils and a wider discussion across the East Midlands about the options available.

These options could include:-

Forming a combined authority/strategic alliance including districts within the East Midlands

Stronger partnerships and collaborative arrangements between existing councils

Council mergers at district or county level

A range of possible unitary structures

Creating new town councils.

This Council therefore resolves to:-

- 1) Undertake a public consultation to determine if Hinckley residents, given the

facts, would be in favour of Leicestershire County Council's favoured proposal for a town council, and if so we commit to its introduction.

- 2) Seek to work with all other Leicestershire authorities to evaluate a range of options on how best to deliver local government services in Leicestershire, building on the excellent collaborative work that already exists between districts.
- 3) Work with all East Midlands councils to consider the options for a combined authority/strategic alliance that will include districts, and to determine what powers this would seek."

Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

12 JUNE 2018 AT 6.30 PM

PRESENT: MRS J KIRBY - MAYOR
MR P WALLACE – 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 C Ladkin,
Mr MR Lay, Mr KWP Lynch, Mr DW MacDonald, Mr K Morrell,
Mr M Nickerson, Mrs J Richards, Mr RB Roberts, Mrs H Smith,
Mrs MJ Surtees, Mr BE Sutton, Mr R Ward, Mr HG Williams,
Ms BM Witherford and Ms AV Wright

Officers in attendance: Bill Cullen, Edwina Grant, Julie Kenny, Rebecca Owen, Rob Parkinson, Kirstie Rea, Sharon Stacey and Ashley Wilson

58 APOLOGIES

Apologies for absence were submitted on behalf of Councillors Bessant, Boothby, Nichols, O'Shea and Taylor.

59 MINUTES OF THE PREVIOUS MEETING

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

RESOLVED – the minutes of the meetings held on 17 April and 15 May 2018 be confirmed and signed by the Mayor.

60 DECLARATIONS OF INTEREST

No interests were declared at this stage.

61 MAYOR'S COMMUNICATIONS

The Mayor congratulated Desford Lawn Tennis Club for winning the Leicestershire Tennis Disability Project of the year in March and going on to win the regional and national awards for its works in partnership with the Borough Council and the Sport and Health Alliance. She also referred to the Making a Difference Awards and the value added to the community in running these awards, and her recent visit to Grand Quevilly.

62 LEADER OF THE COUNCIL'S POSITION STATEMENT

In presenting his Leader's position statement, Cllr Hall referred to the Executive's aspirations for the year, the Making a Difference awards and the items on the agenda for the meeting.

During discussion on the position statement, the following points were raised:

- Officers were congratulated on the new housing development on Southfield Road, Hinckley
- The outcome of the Members Advisory Group meeting, in which changes to the Strategic Growth Plan were discussed, was requested. In response it was noted that an update meeting for members was being arranged

- The level of response from the public compared to developers and landowners in relation to the local plan review consultation was highlighted.

63 MINUTES OF THE SCRUTINY COMMISSION

The chairman of the Scrutiny Commission presented the minutes of the meeting held on 28 March.

64 BUILDING CONTROL CHARGES

Members received a report which reviewed building control charges as required by the Building (Local Authority Charges) Regulations 2010. It was moved by Councillor Allen, seconded by Councillor Surtees, and

RESOLVED – the level of building control charges detailed in the appendix to the report be approved with effect from June 2018.

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

An update on the local plan review was provided to Council along with comments on the scope, issues and options consultation exercise. Concern was expressed about the low response rate and that the majority of responses were from land owners and developers and it was suggested that the proportion be made clear and responses be weighted appropriately to ensure responses from communities, parish councils and individuals were given sufficient weight.

A member suggested that the best way forward was grouping development, for example via a planned new garden village, in order to ensure that infrastructure was delivered and that areas to the west of the district be considered. It was noted that infrastructure included not only highways and transport, but doctors' surgeries, education, water and power supplies.

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

RESOLVED –

- (i) The progress made to date be noted;
- (ii) The public consultation exercise that had taken place 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 endorsed;
- (v) Continuing progress on the local plan review be supported.

66 INTRODUCTION OF A LOCAL AUTHORITY LOTTERY

Members' approval was sought for the establishment and management of a local authority lottery for Hinckley & Bosworth. Whilst members considered this could be a positive initiative to support local good causes, some members expressed concern about

the Council being seen to promote gambling and also about the restrictive methods for buying tickets. In response it was agreed that the risks would be kept under review. It was moved by Councillor Hall, seconded by Councillor Lay and

RESOLVED –

- (i) The establishment of a local authority lottery for Hinckley & Bosworth Borough Council and the appointment of a preferred external lottery manager be approved;
- (ii) The Director (Community Services) be authorised to have overall management responsibility for the promotion and proper governance of the lottery and form compliance with the regulatory regime as a whole, including appointment of the preferred external lottery manager, and associated percentage pay-outs;
- (iii) The presentation of an annual report to the Scrutiny Commission be endorsed.

67 FINANCIAL OUTTURN 2017/18

Council was advised of the draft financial outturn for 2017/18. Discussion ensued in relation to new homes bonus, business rates and the enterprise zone deals. It was moved by Councillor Ladkin, seconded by Councillor Hall and

RESOLVED –

- (i) The general fund outturn for 2017/18 be approved;
- (ii) The transfer to earmarked reserves and balances as outlined in section 3.5 of the report be approved;
- (iii) The general fund revenue carry forwards of expenditure and income to 2018/19 be approved;
- (iv) The housing revenue and housing repairs account outturn for 2017/18 and transfers to and from balances be approved;
- (v) The capital programme outturn for the general fund and housing revenue account from 2017/18 be approved;
- (vi) The HRA carry forwards be approved;
- (vii) The capital carry forwards be approved.

68 UPDATED A5 STRATEGY - SUPPORTING GROWTH AND MOVEMENT IN THE MIDLANDS, 2018-2031

Council received a report which had been referred by the Executive at its meeting on 6 June and sought endorsement for the refresh of the A5 Strategy. During discussion, the following points were raised:

- The problem of lorries regularly colliding with the railway bridge on the A5 – it was requested that this be addressed in the strategy
- The use of Nutts Lane as an alternative route in the event of an issue on the A5 which led to heavy vehicles using local roads to access the industrial estates
- The relatively short time given to consider the report.

Councillor Wright left the meeting at 7.49pm.

The Leader confirmed he was happy to include the points about the railway bridge and Nutts Lane in the action plan but would like more evidence in relation to the Nutts Lane issue. He also agreed to accept comments until the end of the following week. It was moved by Councillor Hall,

RESOLVED –

- (i) The A5 Strategy be endorsed, subject to final formatting and minor amendments as agreed by the Leader with other members of the A5 Partnership;
- (ii) The abovementioned points in relation to the railway bridge and Nutts Lane be included in the action plan following receipt of additional evidence in relation to the latter;
- (iii) Continuing support to and lobbying for the upgrade of the A5 through the work of the A5 Partnership, engagement with national and regional bodies, MPs and Ministers be endorsed;
- (iv) Partner authorities be encouraged to fully support the A5 strategy and actively engage in promoting its objectives.

69 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 17

Councillor Nickerson, seconded by Councillor Hall, proposed the following motion:

“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.”

Several members spoke in support of the motion and it was suggested that the Leader should write to the Government to ask them to take action. It was

RESOLVED – the Council will:

- (i) where possible, only use plastic where there are no alternatives and that, as far as possible, any plastic used is recycled;
- (ii) increase awareness across the Borough of how everybody can help in reducing the use of plastic;
- (iii) encourage all businesses in the borough to reduce their use of plastics, especially non-recyclable packaging and other single use plastics;
- (iv) work with parish councils to provide plastic recycling points in public places;
- (v) investigate how it can further help people to reduce their use of non-recyclable plastic.

(The Meeting closed at 8.04 pm)

MAYOR

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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.

23 MINUTES

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

RESOLVED – the minutes of the meeting held on 28 March be confirmed and signed by the chairman.

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).

25 VOLUNTARY AND COMMUNITY SECTOR COMMISSIONING OUTCOMES 2016/17

Members received a report and presentation on outcomes arising from the 2016/17 round of voluntary & community sector commissioning. Some of those groups who had benefitted from funding were in attendance and members expressed their thanks for the contributions and to all those involved in the groups.

RESOLVED – the report be endorsed and the commitment of those involved be recognised and congratulated.

26 RURAL STRATEGY - ANNUAL REPORT

The Scrutiny Commission received an overview of service delivery in the rural communities against agreed priorities in the rural strategy. Whilst members welcomed the report and the number of services and activities in the rural areas, it was suggested that more support could be given to parishes, in particular clerks to parish councils.

RESOLVED – the report be endorsed.

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.

28 ANNUAL REVIEW OF THE RURAL COMMUNITY COUNCIL SLA TO SUPPORT NEIGHBOURHOOD PLANNING

Members were informed of the outcome of the annual review of performance against the service level agreement the borough council had entered into with the Rural Community Council to support neighbourhood planning in the borough and advised of changes required to the terms of the service level agreement and service specification.

Some concern was expressed that there was often an intention that having a neighbourhood plan would stop development altogether, rather than giving the neighbourhood a say in planning where development should be located.

RESOLVED – the report be endorsed.

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.

30 ENVIRONMENTAL IMPROVEMENT PROGRAMME FOR 2018/19

The Environmental Improvement Programme for 2018/19 was outlined. Members were pleased to see the installation of a blue plaque for Molly Badham and Nathalie Evans, founders of Twycross Zoo. Discussion ensued on the possibility of submitting a bid for Battling Brook walkway to be extended to reach the canal and it was agreed that the best way to pursue this would be considered outside of the meeting.

RESOLVED – the enhancement schemes be approved.

31 PARISH AND COMMUNITY INITIATIVE FUND

The Scrutiny Commission received a report on recommended allocations of the Parish & Community Initiative Fund 2018/19. Members commended the scheme and commented on the large number of communities benefitting.

RESOLVED –

- (i) The funding allocations of £141,461 for 42 schemes be endorsed;
- (ii) The Strategic Leadership Team be RECOMMENDED to allocate a further £8,539 to fund the applications detailed in section 3.4 of the report;
- (iii) The carry forward request of £15,563 allowing four previous years' schemes to be completed be endorsed.

32 PROCUREMENT OF COUNCIL FLEET

An update on the procurement of the council's fleet was provided to the Scrutiny Commission. It was noted that the option of contract hire had been selected and 67 vehicles had been ordered, made up of various configurations due to the differing requirements.

RESOLVED – the report be noted.

33 ANNUAL REPORT OF ACHIEVEMENTS AGAINST THE CORPORATE PLAN 2017-2021

The main achievements for 2017/18 against the council's Corporate Plan 2017-2021 were summarised. During discussion, reference was made to environmental crime and it was acknowledged that whilst there seemed to be less of an issue with dog faeces not being picked up by owners, there seemed to have been an increase of "poo bags" being tied to tree branches. It was asked that an article be placed in the borough bulletin to advise against this practice.

RESOLVED – the report be noted.

34 SCRUTINY COMMISSION WORK PROGRAMME 2016-18

The work programme was noted, with the addition of items added during the course of the meeting.

It was noted that the July meeting would need to be rescheduled.

(The Meeting closed at 8.31 pm)

CHAIRMAN

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

10 JULY 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 MA Cook

Officers in attendance: Gemma Dennis, Rebecca Owen, Julie Stay and Ashley Wilson

82 APOLOGIES AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor MacDonald.

83 MINUTES

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

RESOLVED – the minutes of the meeting held on 24 May 2018 be confirmed and signed by the chairman.

84 DECLARATIONS OF INTEREST

No interests were declared at this stage.

Councillor Ward entered the meeting at 6.32pm.

85 PLANNING APPEALS UPDATE

Members were updated on progress of current planning appeals. The chairman reminded members that these updates had originally been requested due to the number of appeals being lost following member decisions against officer recommendations and asked whether this was still the cause of lost appeals. In response, it was noted that the majority of cases in the report were linked to officer decisions but that this may be representative of the increase in delegated decisions being made. A member suggested that the introduction of the option for a “minded to refuse” decision to allow for consideration of reasons for refusal had also led to improved decision making, although some members were not comfortable with the “minded to refuse” process.

A member drew attention to the financial implications and queried whether the budget would be sufficient to cover any further appeals. In response it was explained that a recent appeal had taken more days than anticipated which had resulted in higher costs, but that there was unlikely to be a similar occurrence throughout the rest of the year. Furthermore, the Council was awaiting confirmation of costs which it expected to be recovering from a recent appeal.

Reference was made to recent discussions on the need to include more information in the Planning Committee minutes on members’ reasons for refusal. Members welcomed the introduction of a crib sheet to assist them and requested regular inclusion of policy references in the agenda and more frequent training on planning policy. It was requested

that the part of the constitution relating to provision for a member to call an application into Planning Committee be recirculated for members and that some guidance be produced to assist members who have an issue with an application, for example by way of a flow chart.

RESOLVED –

- (i) The report be noted;
- (ii) The following be provided for members:
 - A crib sheet to assist with reasons for refusal
 - Planning policy guidance be included in agendas regularly
 - An extract from the constitution in relation to calling a planning application to the committee
 - A flowchart to assist where a member has an issue with an application
 - Further planning policy training.

86 CORPORATE APPROACH TO RECRUITING AND DEVELOPING TRAINEE STAFF

The Scrutiny Commission received a report on opportunities and options to recruit and develop the council's trainee workforce. Whilst generally in support, a member suggested that the use of the word 'internship' may have negative connotations and asked that consideration be given to amending the use of the word to reflect that it related to work place experience. Officers emphasised that the intention was to provide a mix of options, including professional apprenticeships and traineeships.

RESOLVED – the report be supported, subject to consideration of amended wording.

87 REVALUATION DISCRETIONARY RATE RELIEF SCHEME - UPDATE

Members were informed of the changes to the additional funding made available for discretionary rates relief and the wide take up from businesses, facilitated by officers. In response to questions from members, the Head of Finance agreed to provide exact numbers of rate relief granted and detail of the small business relief.

RESOLVED – the report be noted.

88 ANNUAL REVIEW OF CONSTITUTION

Consideration was given to the annual update of the constitution following the full review the previous year. During discussion, the following points were raised:

- Concern was expressed about removing the requirement to consult the chairman of the Planning Committee in relation to variations to S106 agreements and unilateral undertakings
- It was acknowledged that financial limits may need increasing, but members generally felt that the proposed limits were too high
- It was suggested that £100k was too high to be considered for minor disposals
- It was requested that appendix 1 contain more detail to be read without a copy of the constitution
- In relation to the terms of reference of the Asset Strategy & Regeneration Group, it was requested that the relevant ward member(s) be consulted on proposals for Middlefield Lane and Trinity Lane.

It was agreed that the amendments to the financial procedure rules would be discussed with group leaders before going to Council.

RESOLVED – the matters raised be noted and discussed with group leaders.

89 SCRUTINY COMMISSION WORK PROGRAMME 2018-19

Consideration was given to the work programme for the remainder of the municipal year. It was suggested that the Scrutiny Commission should consider an alternative to Leicestershire County Council's proposals to create a unitary authority. It was agreed that some suggestions for taking the matter forward would be discussed at the following meeting.

A member reminded the Commission that, at the previous meeting, he had requested a report on highway adoption.

A report was requested for Finance & Performance Scrutiny on the building control service and its charges.

90 MINUTES OF FINANCE & PERFORMANCE SCRUTINY

The minutes of Finance & Performance Scrutiny on 21 May were received for information.

(The Meeting closed at 7.48 pm)

CHAIRMAN

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Hinckley & Bosworth Borough Council

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

SCRUTINY COMMISSION 10 JULY 2018
COUNCIL 7 AUGUST 2018

WARDS AFFECTED: ALL WARDS

HINCKLEY & BOSWORTH BOROUGH COUNCIL'S CONSTITUTION – ANNUAL UPDATE

Report of the Monitoring Officer

1. PURPOSE OF REPORT

1.1 To seek approval for updates to the constitution.

2. RECOMMENDATION

2.1 The updated constitution be approved.

3. BACKGROUND TO THE REPORT

3.1 The constitution is updated when necessary and on an annual basis a review is undertaken to ensure consistency throughout. If the review shows that changes are required, these changes are recommended to Council.

3.2 The majority of changes recommended in this report are not substantive or are minor corrections following the rewrite of the constitution in 2017 and are included on the appended schedule, in addition to any typographical corrections.

3.3 It is recommended that the title of and terms of reference for the group previously known as the "Asset & Regeneration Strategy Group" are amended. The proposed terms of reference for the Asset Strategy & Regeneration Group" are attached at appendix 2. The membership will remain the same as that agreed at Annual Council for the Asset & Regeneration Strategy Group.

3.4 Some amendments to the financial procedure rules are also recommended in order to enable the council to take advantage of commercial opportunities swiftly but with a level of control. These changes have necessitated some minor additions to other parts of the constitution to make reference to the financial procedure rules.

- 3.5 In accordance with the Local Government Act 2000, the Council is required to have a constitution. The constitution requires approval of a two-thirds majority in order to make changes to it.
- 3.6 The Scrutiny Commission gave consideration to this report at its meeting on 10 July. An extract from the minutes of that meeting is appended. The layout of appendix 1 has been amended as a result of the discussion at Scrutiny Commission. The amendments suggested to the terms of reference of the Asset Strategy & Regeneration Group (to include the option to consult with ward councillors) have also been included and are recommended to Council. Council is asked to have regard to the other points raised by the Scrutiny Commission and included in the minute extract and to decide whether to include those points when approving the updated constitution.
- 3.7 A number of Scrutiny Commission members suggested they were not comfortable with the financial limits in the suggested amendments to the financial procedure rules. As a result of this, discussions are currently taking place and appendix 3, which will contain the proposed amendments, will be sent out to follow.
- 3.8 Since the meeting of the Scrutiny Commission, an additional amendment to the constitution has been requested and, due to it being simply a change in wording for clarification, it is felt that it is appropriate to include it at this stage. The amendment is listed in appendix 1 and changes the wording of the delegation to determine right to buy applications by the Housing Assets & Support Team Manager.
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 None.
6. LEGAL IMPLICATIONS (AR)
- 6.1 Set out within the body of this report.
7. CORPORATE PLAN IMPLICATIONS
- 7.1 The recommendations contained within this report support all visions, aims and objectives in ensuring effective operation, decision making and compliance with legislation to enable provision of services across the borough.
8. CONSULTATION
- 8.1 Scrutiny Commission considered the amendments to the constitution at its meeting on 10 July (see paragraphs 3.6 and 3.7 above). Council is asked to have regard to the comments of the Scrutiny Commission, appended to this 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
Failure to maintain an up to date constitution resulting in possible breaches of legislation	Undertake annual reviews and raise awareness of changes	Monitoring Officer
Lack of awareness of provisions in the constitution and decision making processes	Ensure members and officers are aware of the provisions of the constitution and receive unified advice	Monitoring Officer / Democratic Services Officer

10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

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

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: Rebecca Owen, Democratic Services Officer, ext 5879
 Executive Member: Councillor C Ladkin.

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SCHEDULE OF PROPOSED CHANGES TO THE CONSTITUTION
PARTS 1, 2 AND 3B

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
Part 1 (p6)	Para 4	... chairman or chairwoman or vice chairman or chairwoman	... chairman or vice-chairman Reason: Agreed to use term 'chairman' throughout as part of 2017 review
Part 2b (p21)	New para 1.22	n/a (new paragraph)	Insert new para after 1.21 "Acquisitions and disposals in accordance with financial procedure rules" and subsequent renumbering Reason: For completeness
Part 2b (p26)	Para 8.2	<ul style="list-style-type: none"> • Determining applications where a parish or town council has made representations which meet the following criteria: <ul style="list-style-type: none"> - The observations are received within 21 days of publication of the weekly list - The observations refer to relevant material planning considerations - The observations are substantial in nature and raise novel or important issues which, in the opinion of the Head of Planning, should be properly brought to the attention of the Planning Committee - The observations, if accepted, would result in a determination contrary to the opinion of the Head of Planning (or officer with authority delegated by the Head of Planning) that the application should be approved - The observations do not relate to householder applications. 	Removal of bullet point. Reason: Provision for parish council representations is covered under the second bullet point of 8.2 and the final bullet point should have been removed from previous version of constitution as agreed by Council previously
Part 2c (p27)	Para 1, 1.1 & 1.2	1. Asset & Regeneration Strategy Group	Update title and terms of reference for Asset & Regeneration Strategy Group (as per appendix 2)

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
		<p>1.1 The Asset & Regeneration Strategy Group will consist of seven members appointed by Council. The group will be politically balanced and will include the Executive member for Regeneration, Asset Management and Growth. Meetings will be held approximately quarterly and will be informal and not open to the public. Meetings will be conducted in accordance with the council procedure rules contained within this constitution, where applicable.</p> <p>1.2 Its functions include, but are not limited to:</p> <ul style="list-style-type: none"> • Considering matters relating to land and property in which HBBC has an interest • Considering and challenging acquisition and disposal of assets • Considering and challenging any of the above in relation to HRA sites. There are separate delegations in relation to acquisitions under the HRA investment plan • Reviewing the Asset Management Plan including the acquisition and disposal strategies • Overseeing key regeneration projects within the borough and ensuring co-ordination where appropriate • Making recommendations to Executive or Council on any of the above as necessary. 	Reason: Update required
Part 2d (p31)	Para 1	n/a (new bullet point)	<p>New bullet point “approving disposals in accordance with the financial procedure rules”</p> <p>Reason: For completeness</p>

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
Part 2d (p32)	Para 2.2	n/a (new bullet point)	'Asset management' section – new bullet point “acquisitions of land and property in accordance with financial procedure rules” Reason: For completeness
Part 2d (p33)	Para 2.2	n/a (new bullet point)	'Finance' section – new bullet point “acquisition and disposal of land or property in accordance with financial procedure rules” Reason: For completeness
Part 2f (p40)	Para 2.20	n/a (new paragraph)	New para 2.20 “The Strategic Leadership Team will have delegated authority to approve acquisition and disposals in accordance with the financial procedure rules” Reason: For completeness
Part 2f (p 41)	Para 3.2	The Chief Executive has delegated authority to Elections & members <ul style="list-style-type: none"> • Authorise in-year changes to committee membership in consultation with group leaders, reporting to the next available meeting of Council 	The Chief Executive has delegated authority to: Elections & members <ul style="list-style-type: none"> • Authorise in-year changes to committee membership in consultation with the relevant group leader, reporting to the next available meeting of Council Reason: Clarification
Part 2f (p41)	Para 3.2	n/a (new bullet point)	The Chief Executive has delegated authority to... Property <ul style="list-style-type: none"> • acquire and dispose of land or property in conjunction with the Section 151 Officer in accordance with the financial procedure rules Reason: For completeness
Part 2f (p44)	Para 8.2	The Head of Planning has delegated authority to: Development management	The Head of Planning has delegated authority to: Development management

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
		<ul style="list-style-type: none"> Determine all applications for planning permission, advertisement consent, listed building consent, conservation area consent and works on trees covered by a Tree Preservation Order except where reserved to another body under this constitution, in accordance with the Town and Country Planning Act 1990 	<ul style="list-style-type: none"> Determine all applications for planning permission, advertisement consent, listed building consent, conservation area consent and works on trees covered by a Tree Preservation Order and any other planning related application or notification except where reserved to another body under this constitution, in accordance with the Town and Country Planning Act 1990 <p>Reason: To ensure all functions of the planning service are explicitly covered</p>
Part 2f (p45)	Para 8.2	<p>The Head of Planning has delegated authority to:</p> <p>Development management</p> <ul style="list-style-type: none"> Determine variations to S106 agreements and unilateral undertakings in consultation with the Legal Services Manager and the chairman of the Planning Committee 	<p>The Head of Planning has delegated authority to:</p> <p>Development management</p> <ul style="list-style-type: none"> Determine variations to S106 agreements and unilateral undertakings in consultation with the Legal Services Manager and the chairman of the Planning Committee <p>Reason: For consistency</p>
Part 2f (p45)	Para 8.2	<p>The Head of Planning has delegated authority to:</p> <p>Development management</p> <ul style="list-style-type: none"> Sign all documents related to the council's development management function following decisions made under delegated powers, by the relevant committee or by Council 	<p>The Head of Planning has delegated authority to:</p> <p>Development management</p> <ul style="list-style-type: none"> Sign all documents related to the council's development management function following decisions made under delegated powers or by the relevant committee or by Council <p>Reason: Clarification</p>
Part 2f (p45)	Para 8.2	n/a (new bullet point)	<p>The Head of Planning has delegated authority to:</p> <p>Enforcement</p> <ul style="list-style-type: none"> Determine the course of action on breaches of

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
			<p>planning control including not taking any action or where it is not expedient to take action</p> <p>Reason: To make explicit the point that was previously implied</p>
Part 2f (p45)	Para 8.2	<p>The Head of Planning has delegated authority to:</p> <p>Building control</p> <ul style="list-style-type: none"> • Serve and receive notices under relevant legislation and to effect enforcement, including requests for information 	<p>The Head of Planning has delegated authority to:</p> <p>Building control</p> <ul style="list-style-type: none"> • Serve and receive notices under relevant legislation and to effect enforcement, including requests for information, in consultation with the Legal Services Manager <p>Reason: Omission</p>
Part 2f (p45)	Para 8.2	n/a (new bullet point)	<p>The Head of Planning has delegated authority to:</p> <p>Conservation</p> <ul style="list-style-type: none"> • Serve Article 4 notices in consultation with the Legal Services Manager <p>Reason: Omission</p>
Part 2f (p45)	Para 8.2	<p>The Head of Planning has delegated authority to:</p> <p>Planning Policy</p> <ul style="list-style-type: none"> • Undertake such studies as necessary to assess the needs of travellers and adequacy of site provision 	<p>Removal of bullet point</p> <p>Reason: Covered by general provisions</p>
Part 2f (p50)	Para 19.1	<p>The Housing Assets & Support Team Manager has delegated authority to:</p> <ul style="list-style-type: none"> • Agree right to buy applications 	<p>The Housing Assets & Support Team Manager has delegated authority to:</p> <ul style="list-style-type: none"> • Determine right to buy applications <p>Reason: For completeness</p>
Part 2f (p50)	Para 21.1	n/a (new bullet point)	<p>The Environmental Services Manager (Commercial) has delegated authority to:</p>

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
			Licensing <ul style="list-style-type: none"> • Deal with all matters in connection with scrap metal dealers in accordance with relevant legislation, including but not limited to licensing for fixed or mobile collectors and enforcement under relevant legislation Reason: For completeness
Part 2f (p53)	Para 27.1	n/a (new bullet point)	New bullet point “Disposal of land or property in accordance with the financial procedure rules”. Reason: For completeness
Part 3b (p73)	Para 19.6	Amendments to motions An amendment to a motion must be relevant to the motion and will either be to refer the matter to an appropriate body or individual for consideration or reconsideration or to leave out words and/or insert or add other words, as long as the effect does not constitute a complete rewording of the original motion or negate the motion – unless permission is given by the move of the original motion.	Final sentence: ... - unless permission is given by the mover of the original motion Reason: Typographical error
Part 3c (p80)	Para 2.12	There shall not, on the first consideration of an application, be a refusal of permission against the officer’s recommendation. Any such motion shall be deemed to be a motion of “minded to refuse” and consideration of that application will be deferred to the next meeting of the committee.	Insertion of word ‘appropriate’: There shall not, on the first consideration of an application, be a refusal of permission against the officer’s recommendation. Any such motion shall be deemed to be a motion of “minded to refuse” and consideration of that application will be deferred to the next appropriate meeting of the committee. Reason: Not always possible to bring the application back to the next meeting.

Asset Strategy and Regeneration Group
Terms of Reference

Purpose and Role

- To provide the strategic lead and co-ordination on the development and implementation of key regeneration sites.
- To lead in the planning and development of a series of projects to support regeneration in key settlements including Hinckley, Barwell, Earl Shilton and Market Bosworth.
- To make recommendations for asset acquisition and disposal.
- To engage with relevant internal and external stakeholders to ensure effective coordination of projects.

Role and Objectives

- To assess the options for each of the sites and then draw up an Action Plan for each site.
- To take forward proposals and monitor against key milestones.
- To coordinate and influence delivery of Council owned sites, in particular Trinity Land and Middlefield Lane.
- To co-ordinate with Town Teams and ensure delivery on their priorities.
- To oversee delivery of Town Centre Vision documents.
- To coordinate delivery of public realm and highway projects linked to major developments that are coming forward across the Borough.

Membership

Membership will consist of six members appointed by Council. The group will be politically balanced and will be chaired by the Executive member with responsibility for asset management. There will be officer representation from key functions within the local authority.

Further consultation may also take place with relevant ward members as appropriate.

Further service specific representatives to be co-opted as and when necessary e.g. car parks, heritage, leisure.

Meetings

- The meetings are held on a bi-monthly basis.
- The standard agenda points are:
 - Minutes of last meeting
 - Progress on actions from last meeting
 - Review of key sites
 - Key actions and tasks
 - AOB

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

10 JULY 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 MA Cook

Officers in attendance: Gemma Dennis, Rebecca Owen, Julie Stay and Ashley Wilson

84 DECLARATIONS OF INTEREST

No interests were declared at this stage.

88 ANNUAL REVIEW OF CONSTITUTION

Consideration was given to the annual update of the constitution following the full review the previous year. During discussion, the following points were raised:

- Concern was expressed about removing the requirement to consult the chairman of the Planning Committee in relation to variations to S106 agreements and unilateral undertakings
- It was acknowledged that financial limits may need increasing, but members generally felt that the proposed limits were too high
- It was suggested that £100k was too high to be considered for minor disposals
- It was requested that appendix 1 contain more detail to be read without a copy of the constitution
- In relation to the terms of reference of the Asset Strategy & Regeneration Group, it was requested that the relevant ward member(s) be consulted on proposals for Middlefield Lane and Trinity Lane.

It was agreed that the amendments to the financial procedure rules would be discussed with group leaders before going to Council.

RESOLVED – the matters raised be noted and discussed with group leaders.

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