

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



**Hinckley & Bosworth
Borough Council**

**AGENDA FOR THE
MEETING OF THE COUNCIL**

TO BE HELD ON

TUESDAY, 18 MAY 2021

at 6.30 pm

Date: 10 May 2021



**Hinckley & Bosworth
Borough Council**

Dear Sir/Madam

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council at Hinckley Rugby Club, Leicester Road, Hinckley on **TUESDAY, 18 MAY 2021 at 6.30 pm.**

Yours faithfully

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

Miss RK Owen
Democratic Services Manager

AGENDA

1. Appointment of Mayor
The Mayor for the 2021/22 municipal year will be elected.
2. Appointment of Deputy Mayor
The Deputy Mayor for the 2021/22 municipal year will be appointed.
3. Apologies
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. Leader of the Council's position statement
To receive the Leader's position statement.
6. Licensing & regulatory functions - amendments to the constitution (Pages 1 - 10)
To consider merging the Licensing Committee and Licensing (Regulatory) Committee.

7. Establishment of and appointment to Council bodies

Council will confirm the establishment of bodies including size and terms of reference and will appoint chairmen, vice-chairmen and membership. Recommended appointments will be listed in the supplementary agenda.

8. Appointment to Member Development Group

To appoint seven members to the Member Development Group.

9. Appointment to Asset Strategy & Regeneration Group

To appoint seven members to the Asset Strategy & Regeneration Group.

10. Appointment to Leicestershire Partnership Joint Committee

To appoint two members to the Leicestershire (Revenues & Benefits) Partnership Joint Committee.

11. Appointment of representatives to outside bodies

Outside bodies will be listed in the supplementary agenda.

12. Appointments to charitable bodies

Appointments will be made to the following charitable bodies:

(a) Hinckley Grammar School Foundation

To appoint one representative for a term of three years from May 2021

To appoint one representative for a term of three years from June 2021

(b) George Ward Centre Ltd

To appoint one representative for a term of one year.

13. Calendar of meetings 2021-22-23 (Pages 11 - 16)

To consider the proposed calendar of meetings. Please note meeting dates to December 2021 were approved as part of the previous year's calendar and are included for information only.

14. Scrap metal dealers policy (Pages 17 - 42)

To consider adoption of the Scrap Metal Dealers Policy.

This report was considered by the Licensing Committee on 10 February 2020. An extract from the minutes of that meeting is attached.

15. Economic Regeneration Strategy 2021 to 2025 (Pages 43 - 58)

To seek approval of the Economic Regeneration Strategy 2021-2025.

This report was considered by the Scrutiny Commission at its meeting on 25 March 2021. An extract from the minutes of that meeting is attached.

16. Market Bosworth Masterplan SPD (Pages 59 - 96)

To consider adoption of the Masterplan as a supplementary planning document.

This report was considered by the Scrutiny Commission at its meeting on 25 March 2021. An extract from the minutes of that meeting is attached.

17. Code of conduct complaints process (Pages 97 - 108)

Report recommending amendments to the process for dealing with complaints made against councillors under the code of conduct.

This report was considered by the Ethical Governance & Personnel Committee at its meeting on 24 March. An extract from the minutes of that meeting are attached.

18. Appointment of Independent Persons (Pages 109 - 114)

To appoint to the pool of Independent Persons.

Please note, the appendix to this report contains personal information about candidates so is not available to the public. Should members wish to discuss the detail of this document, the meeting will need to move into private session.

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 18 May 2021

Wards affected: All wards

Licensing and regulatory functions – amendments to the constitution

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To propose combining the functions of the Licensing Committee and Licensing (Regulatory) Committee to create one body and to approve the resulting changes to the constitution.

2. Recommendation

- 2.1 The functions of the Licensing (Regulatory) Committee be included in the terms of reference of the Licensing Committee to create a single body of 11 members.
- 2.2 The constitution be amended as outlined in the appendices.

3. Background to the report

- 3.1. Council currently appoints a Licensing Committee and a Licensing (Regulatory) Committee, each with its own terms of reference set out in the constitution. Both committees have the same membership with the same chairman (who receives a single special responsibility allowance). Some of the functions of the Licensing Committee are carried out by sub-committees which consist of three members of the Licensing Committee appointed on an ad hoc basis to carry out duties listed in the constitution as set out in the relevant legislation.
- 3.2 The Licensing (Regulatory) Committee has met twice in the last ten years (the last time in 2016). The Licensing Committee meets, on average, twice a year.

This infrequency presents difficulties in approving minutes of previous meetings.

- 3.3 Constituting two separate committees with the same membership has presented difficulties in allocating committee seats on a politically proportionate basis due to the need for the membership of both committees to remain identical.
- 3.4 It is proposed that the Licensing Committee and the Licensing (Regulatory) Committee be combined to form a single “Licensing Committee” of 11 members. This remains in accordance with all relevant legislation but would require an amendment to the constitution to combine the terms of reference of both bodies. The recommended amendments to the terms of reference within part 2b of the constitution are included at appendix 1.
- 3.5 In addition to the changes to the terms of reference, the reference to the Licensing (Regulatory) Committee will also need to be removed or amended in the parts of the constitution as listed in appendix 2.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 To be taken in open session.

5. Financial implications (FMc)

- 5.1 There will be no additional costs.

6. Legal implications (MR)

- 6.1 The Localism Act 2011 provides for the appointment of a licensing committee which will discharge all of HBBC’s functions under the Licensing Act 2003.
- 6.2 The current Licensing Committee also discharges other licensing functions of HBBC namely hackney carriage and private hire vehicle licensing, and there seems no reason why legally the functions currently delegated to the Licensing Regulatory Committee should not also be carried out by the Licensing Committee so that all of HBBC’s licensing functions can be contained under the one umbrella of a single licensing committee.

7. Corporate Plan implications

- 7.1 The recommendations within this report support all objectives within the corporate plan in ensuring good governance.

8. Consultation

- 8.1 Relevant officers and the chairman of the Licensing Committee and Licensing (Regulatory) Committee have been consulted in the course of preparing 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
None.		

10. Knowing your community – equality and rural implications

- 10.1 This report is not proposing a change to a service or policy and as such will not impact any community or group.

11. Climate implications

- 11.1 The recommendations within this report do not propose any service or policy changes and have no climate implications.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community safety implications
 - Environmental implications
 - ICT implications
 - Asset management implications
 - Procurement implications
 - Human resources implications
 - Planning implications
 - Data protection implications
 - Voluntary sector

Background papers: None.

Contact officer: Becky Owen, tel 01455 255879
Executive member: Councillor S Bray.

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Amendments to the constitution – part 2b paragraphs 6 & 7

Part 2 - Responsibility for functions

b. council bodies

CONTENTS

Paragraph

- | | |
|---|--|
| 1 | Council |
| 2 | Appeals Panel |
| 3 | Audit Committee |
| 4 | Ethical Governance & Personnel Committee |
| 5 | Hinckley Area Committee |
| 6 | Licensing Committee |
| 7 | Planning Committee |

6. Licensing Committee

6.1 Membership and procedure of the Licensing Committee

The Licensing Committee will consist of eleven members. Meetings will be conducted in accordance with the procedure rules contained within this constitution, where applicable. The Licensing Committee is also authorised to create sub committees to carry out its functions.

Members of the Licensing Committee and their substitutes must undertake training relating to the functions of the committee within three months of being appointed (unless they have already undertaken training offered) and must also undertake refresher training when provided.

6.2 The functions and responsibilities of the Licensing Committee include, but are not limited to:

- Undertaking duties of Council as Licensing Authority for duties under the Licensing Act 2003, including the following which will be exercised by a sub-committee of the Licensing Committee:

- Granting of provision statement (S29) where relevant representation received
- Determining applications to vary premises licences (S34) / club premises certificate (S37) where relevant representation received
- Determining variations of designated premises supervisor (S37) where police objection received
- Determining applications to transfer premises licences where police objection received
- Determining applications to review premises licences (S51) / club premises certificate (S87)
- Determining applications for temporary events notices (S105) where police objection received
- Deciding whether to object when local authority is a consultee (and not the relevant authority determining the application)
- Determining applications for a personal licence (S117) where police objection received
- Determining applications for a personal licence with unspent convictions (S118)
- Determining applications for a premises licence (S17)/club premises certificate (S71) where relevant representation received
- Determining applications to vary a premises licence at community premises to include alternative licence condition where police objection received
- Undertaking duties of Council as Licensing Authority for duties under the Gambling Act 2005 including
 - Fee setting
 - Refusal or cancellation of club gaming / club machine permit
 - Temporary use notice counter-notice (S224)
- Determining applications for private hire and hackney carriage drivers licences where applicant has previous convictions, cautions or medical issues or where soft information is received (delegated to a sub-committee of three members of the Licensing Committee)
- Determining applications for the granting, renewal, variation or transfer of sexual entertainment venue licences irrespective of whether objections have been received
- Granting or varying sex shop or sex cinema licences irrespective of whether objections have been received
- Renewal or transfer of sex shop or sex cinema licences where objections have been received.
- Undertaking duties of Council as the regulatory authority for environmental health, waste collection and finance authority
- Licensing and registration functions including (but not limited to) taxi and private hire vehicles, small lotteries and amusements, street collections, gaming, gaming machines and street trading consents in accordance with legislation where not otherwise delegated to an officer
- Authorising registration of special sites under section 78(c) and remediation of contaminated sites under section 78(e) of part IIA of the Environmental Protection Act 1990 and subordinate legislation

- Refusing permits under the Pollution, Prevention and Control Act 1999, Part 4 of the Environment Act 1995, Part 1 of the Environmental Protection Act 1990, the Clean Air Act 1993 and regulations made thereunder
- Approving designated air quality management areas under section 83 of the Environment Act 1995
- Passing a resolution that section 2 of the Noise and Statutory Nuisance Act 1993 (section 8) should apply to the authority's area.

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SCHEDULE OF PROPOSED CHANGES TO THE CONSTITUTION

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
Part 1	Para 7.1	The Council will appoint the following committees: Appeals Panel Audit Committee Ethical Governance & Personnel Committee Hinckley Area Committee Licensing Committee Licensing (Regulatory) Committee Planning Committee	The Council will appoint the following committees: Appeals Panel Audit Committee Ethical Governance & Personnel Committee Hinckley Area Committee Licensing Committee Planning Committee
Part 1	Para 8.3	Decision making by council bodies acting as tribunals (Appeals, Planning, Licensing (including Licensing (Regulatory) and Ethical Governance & Personnel Committees)	Decision making by council bodies acting as tribunals (Appeals, Planning, Licensing and Ethical Governance & Personnel Committees)
Part 2a	Introduction	In diagram: Licensing / Reg Cttee	In diagram: Licensing Cttee
Part 2f	Para 17.1	Bullet points 2 & 3: <ul style="list-style-type: none"> Discharge any function relating to control of pollution and management of air quality in accordance with relevant legislation (except those functions specified to be the responsibility of the Licensing (Regulatory) Committee) Exercise any function in relation to statutory nuisance, anti social behaviour, drainage, sanitary convenience, earth closets, food storage accommodation and ruinous and dilapidated buildings and the control of noise in accordance with relevant legislation (except those functions specified to be the responsibility of the Licensing (Regulatory) Committee) 	Bullet point 2 & 3: <ul style="list-style-type: none"> Discharge any function relating to control of pollution and management of air quality in accordance with relevant legislation (except those functions specified to be the responsibility of the Licensing Committee) Exercise any function in relation to statutory nuisance, anti social behaviour, drainage, sanitary convenience, earth closets, food storage accommodation and ruinous and dilapidated buildings and the control of noise in accordance with relevant legislation (except those functions specified to be the responsibility of the Licensing Committee)

Part of current constitution	Reference (para or section number)	Current wording	New wording & reason
Part 3g	Para 17.2	Council has resolved that the party whip will not be used for Scrutiny Commission, Finance & Performance Scrutiny, Licensing, Planning and Regulatory Committees.	Council has resolved that the party whip will not be used for Scrutiny Commission, Finance & Performance Scrutiny, Licensing and Planning Committees.
Part 5	Para 12.1	Licensing (including Regulatory) Committees chairman (1)	Licensing Committee chairman

Calendar of meetings 2021-22

May-21			Jun-21			Jul-21			Aug-21			Sep-21			Oct-21			Nov-21			Dec-21		
1	Sa		1	Tu		1	Th		1	Su		1	We	EB & EGP	1	Fr		1	Mo	F&P	1	We	EB
2	Su		2	We	Exec	2	Fr		2	Mo		2	Th		2	Sa		2	Tu		2	Th	
3	Mo	BH	3	Th		3	Sa		3	Tu		3	Fr		3	Su		3	We		3	Fr	
4	Tu		4	Fr		4	Su		4	We	Exec	4	Sa		4	Mo		4	Th	Scrutiny	4	Sa	
5	We		5	Sa		5	Mo		5	Th		5	Su		5	Tu	Council	5	Fr		5	Su	
6	Th		6	Su		6	Tu		6	Fr		6	Mo		6	We		6	Sa		6	Mo	
7	Fr		7	Mo		7	We	Audit	7	Sa		7	Tu		7	Th		7	Su		7	Tu	
8	Sa		8	Tu		8	Th		8	Su		8	We		8	Fr		8	Mo		8	We	
9	Su		9	We	Audit	9	Fr		9	Mo		9	Th		9	Sa		9	Tu		9	Th	
10	Mo		10	Th		10	Sa		10	Tu	Council	10	Fr		10	Su		10	We		10	Fr	
11	Tu		11	Fr		11	Su		11	We		11	Sa		11	Mo		11	Th		11	Sa	
12	We		12	Sa		12	Mo		12	Th		12	Su		12	Tu		12	Fr		12	Su	
13	Th		13	Su		13	Tu		13	Fr		13	Mo	F&P	13	We		13	Sa		13	Mo	F&P
14	Fr		14	Mo		14	We		14	Sa		14	Tu		14	Th		14	Su		14	Tu	Planning
15	Sa		15	Tu		15	Th		15	Su		15	We		15	Fr		15	Mo		15	We	
16	Su		16	We		16	Fr		16	Mo		16	Th	Scrutiny	16	Sa		16	Tu	Planning	16	Th	Scrutiny
17	Mo		17	Th		17	Sa		17	Tu	Planning	17	Fr		17	Su		17	We	Exec	17	Fr	
18	Tu	A Council	18	Fr		18	Su		18	We		18	Sa		18	Mo		18	Th		18	Sa	
19	We		19	Sa		19	Mo	F&P	19	Th		19	Su		19	Tu	Planning	19	Fr		19	Su	
20	Th	Scrutiny	20	Su		20	Tu	Planning	20	Fr		20	Mo		20	We	EB	20	Sa		20	Mo	
21	Fr		21	Mo		21	We		21	Sa		21	Tu	Planning	21	Th		21	Su		21	Tu	
22	Sa		22	Tu	Council	22	Th	Scrutiny	22	Su		22	We		22	Fr		22	Mo		22	We	
23	Su		23	We		23	Fr		23	Mo		23	Th		23	Sa		23	Tu		23	Th	
24	Mo	F&P	24	Th		24	Sa		24	Tu		24	Fr		24	Su		24	We	Audit	24	Fr	
25	Tu	Planning	25	Fr		25	Su		25	We	Audit	25	Sa		25	Mo		25	Th		25	Sa	
26	We	EGP	26	Sa		26	Mo		26	Th		26	Su		26	Tu		26	Fr		26	Su	
27	Th		27	Su		27	Tu		27	Fr		27	Mo		27	We	EGP	27	Sa		27	Mo	BH
28	Fr		28	Mo		28	We		28	Sa		28	Tu		28	Th		28	Su		28	Tu	BH
29	Sa		29	Tu	Planning	29	Th		29	Su		29	We	Exec	29	Fr		29	Mo		29	We	
30	Su		30	We	EB & EGP	30	Fr		30	Mo	BH	30	Th		30	Sa		30	Tu	Council	30	Th	
31	Mo	BH				31	Sa		31	Tu					31	Su					31	Fr	

Meeting dates to 16 December 2021 have already been approved and are included here for completeness

Jan-22			Feb-22			Mar-22			Apr-22		
1	Sa		1	Tu		1	Tu		1	Fr	
2	Su		2	We	EGP	2	We		2	Sa	
3	Mo	BH	3	Th		3	Th		3	Su	
4	Tu		4	Fr		4	Fr		4	Mo	
5	We		5	Sa		5	Sa		5	Tu	
6	Th		6	Su		6	Su		6	We	EGP
7	Fr		7	Mo		7	Mo		7	Th	
8	Sa		8	Tu		8	Tu		8	Fr	
9	Su		9	We		9	We		9	Sa	
10	Mo		10	Th	B Scrutiny	10	Th		10	Su	
11	Tu		11	Fr		11	Fr		11	Mo	
12	We	Exec	12	Sa		12	Sa		12	Tu	Planning
13	Th		13	Su		13	Su		13	We	Exec
14	Fr		14	Mo		14	Mo		14	Th	
15	Sa		15	Tu	Planning	15	Tu	Planning	15	Fr	BH
16	Su		16	We		16	We	EB	16	Sa	
17	Mo		17	Th		17	Th		17	Su	
18	Tu	Planning	18	Fr		18	Fr		18	Mo	BH
19	We	Audit	19	Sa		19	Sa		19	Tu	
20	Th		20	Su		20	Su		20	We	Audit
21	Fr		21	Mo		21	Mo		21	Th	
22	Sa		22	Tu	B Council	22	Tu		22	Fr	
23	Su		23	We		23	We		23	Sa	
24	Mo		24	Th		24	Th		24	Su	
25	Tu	Council	25	Fr		25	Fr		25	Mo	
26	We	B EB	26	Sa		26	Sa		26	Tu	Council
27	Th		27	Su		27	Su		27	We	
28	Fr		28	Mo		28	Mo	F&P	28	Th	
29	Sa					29	Tu		29	Fr	
30	Su					30	We		30	Sa	
31	Mo					31	Th	Scrutiny			

Calendar of meetings 2022-23 (to December 2022 only)

May-22			Jun-22			Jul-22			Aug-22			Sep-22			Oct-22			Nov-22			Dec-22		
1	Su		1	We		1	Fr		1	Mo		1	Th		1	Sa		1	Tu	Council	1	Th	
2	Mo	BH	2	Th	Scrutiny	2	Sa		2	Tu	Planning	2	Fr		2	Su		2	We		2	Fr	
3	Tu		3	Fr		3	Su		3	We	EGP	3	Sa		3	Mo		3	Th		3	Sa	
4	We		4	Sa		4	Mo		4	Th		4	Su		4	Tu		4	Fr		4	Su	
5	Th		5	Su		5	Tu	Planning	5	Fr		5	Mo		5	We	Audit	5	Sa		5	Mo	
6	Fr		6	Mo	F&P	6	We	Audit	6	Sa		6	Tu	Council	6	Th		6	Su		6	Tu	
7	Sa		7	Tu	Planning	7	Th		7	Su		7	We		7	Fr		7	Mo	F&P	7	We	
8	Su		8	We	EGP	8	Fr		8	Mo		8	Th		8	Sa		8	Tu		8	Th	
9	Mo		9	Th		9	Sa		9	Tu		9	Fr		9	Su		9	We		9	Fr	
10	Tu	Planning	10	Fr		10	Su		10	We	Exec	10	Sa		10	Mo		10	Th	Scrutiny	10	Sa	
11	We		11	Sa		11	Mo		11	Th		11	Su		11	Tu		11	Fr		11	Su	
12	Th		12	Su		12	Tu	Council	12	Fr		12	Mo	F&P	12	We	EGP	12	Sa		12	Mo	
13	Fr		13	Mo		13	We	EB	13	Sa		13	Tu		13	Th		13	Su		13	Tu	
14	Sa		14	Tu		14	Th		14	Su		14	We		14	Fr		14	Mo		14	We	EGP
15	Su		15	We	Exec	15	Fr		15	Mo		15	Th	Scrutiny	15	Sa		15	Tu		15	Th	
16	Mo		16	Th		16	Sa		16	Tu		16	Fr		16	Su		16	We		16	Fr	
17	Tu	A Council	17	Fr		17	Su		17	We		17	Sa		17	Mo		17	Th		17	Sa	
18	We	EB	18	Sa		18	Mo		18	Th		18	Su		18	Tu		18	Fr		18	Su	
19	Th		19	Su		19	Tu		19	Fr		19	Mo		19	We		19	Sa		19	Mo	
20	Fr		20	Mo		20	We		20	Sa		20	Tu		20	Th		20	Su		20	Tu	Planning
21	Sa		21	Tu		21	Th		21	Su		21	We		21	Fr		21	Mo		21	We	
22	Su		22	We		22	Fr		22	Mo		22	Th		22	Sa		22	Tu	Planning	22	Th	
23	Mo		23	Th		23	Sa		23	Tu		23	Fr		23	Su		23	We	Exec	23	Fr	
24	Tu		24	Fr		24	Su		24	We	EB	24	Sa		24	Mo		24	Th		24	Sa	
25	We		25	Sa		25	Mo	F&P	25	Th		25	Su		25	Tu	*Planning	25	Fr		25	Su	
26	Th		26	Su		26	Tu		26	Fr		26	Mo		26	We	EB	26	Sa		26	Mo	BH
27	Fr		27	Mo		27	We	Audit	27	Sa		27	Tu	Planning	27	Th		27	Su		27	Tu	BH
28	Sa		28	Tu		28	Th	Scrutiny	28	Su		28	We	Exec	28	Fr		28	Mo		28	We	
29	Su		29	We		29	Fr		29	Mo	BH	29	Th		29	Sa		29	Tu		29	Th	
30	Mo	BH	30	Th		30	Sa		30	Tu	Planning	30	Fr		30	Su		30	We	Audit	30	Fr	
31	Tu					31	Su		31	We	Audit				31	Mo					31	Sa	

* Planning 25 October may be subject to change

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Licensing Committee	10 February 2020
Council	18 May 2021

Wards affected: All wards

Scrap Metal Dealers Policy

Report of Director Environment & Planning

1. Purpose of report

- 1.1 To consider the Scrap Metal Dealers Policy in light of the consultation and for the Council to adopt the policy.

2. Recommendation

- 2.1 It is recommended that the Licensing Policy be adopted by the Council.

3. Background to the report

- 3.1 The Scrap Metal Dealers Act 2013 revised the regulatory regime for the scrap metal recycling and vehicle dismantling industries.
- 3.2 The 2013 Act repealed the Scrap Metal Dealers Act 1964 and the Vehicle Crime Act 2001, replacing them with a more robust licensing regime that gives a local authority the powers to refuse the grant of a licence where the applicant is deemed unsuitable; and the powers to revoke a licence should a licence holder become unsuitable.
- 3.3 The 2013 Act aims are to raise the standards across the scrap metal industry and to help achieve this, licensed operators have to keep detailed records of their transactions, and verify the identity of those selling scrap metals to them.

- 3.4 In order for anyone to carry on business as a scrap metal dealer they must obtain a licence. Scrap metal dealer licences are valid for three years and trading without a licence is a criminal offence.

There are two types of licence specified in the Act:

Site licence

- 3.5 An individual may hold more than one licence issued by different local authorities, but may not hold more than one licence issued by any one authority.
- 3.6 A Site Licence authorises the licensee to carry on a business at any site in the authority's area which is identified in the licence and must:
- name the licensee;
 - name the authority;
 - identify all the sites in the authority's area at which the licensee is authorised to carry on business;
 - name the site manager of each site; and
 - state the date on which the licence is due to expire.
- 3.7 A site licence holder can transport scrap metal from third party businesses by arrangement from any other local authority area providing it is in the course of the business from that site. A site licence holder cannot regularly engage in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door in the area they are licensed or elsewhere, as this would constitute carrying on a business as a mobile collector. It would be acceptable to collect by arrangement, for instance where a motor salvage operator is asked to transport a damaged vehicle from an address to their site.
- 3.8 If a site licence holder uses self-employed mobile collectors to collect scrap metal which will be processed by the site, each collector would need a mobile collector's licence.

Collector's licence

- 3.9 A Collector's Licence authorises the licensee to carry on business as a mobile collector in the authority's area only and must:
- name the licensee;
 - name the authority; and
 - state the date on which the licence is due to expire.
- 3.10 A separate collector's licence is needed for each council area that a mobile collector collects scrap metal. A mobile collector can dispose of or sell scrap metal in any local council area regardless of whether a collector's licence is held for that area.

- 3.11 A mobile collector will need a licence to buy or sell any scrap metal collected. Even if the material is provided free of charge, a licence is required in order to sell it on as, in contrast to the 1964 Act, definition of a scrap metal dealer in this Act includes any person who “carries on a business which consists wholly or partly in buying or selling scrap metal.”
- 3.12 A mobile collector's licence will cover any employees working for that business. If they are not employed directly by that mobile collector's business and are self-employed, they will need their own collector's licence even if they are collecting metal from the same van as a person who has a mobile collector's licence.
- 3.13 Mobile collectors and site licence holders need to ensure they comply with relevant environmental legislation and regulation when carrying out their business.

Council Policy

- 3.14 There is no statutory requirement for a local authority to have a policy. The Council can choose to adopt such a policy to benefit business owners as well as reassuring the general public and other regulatory bodies. It also reinforces the Regulators Code when dealing with applications by promoting best practice, and ensuring proportionate, consistent and targeted activity, whilst developing an understanding between regulators and those we regulate.
- 3.15 This policy was due to go before Council in March 2020 but was pulled when the Council meeting was cancelled as we went into National Lockdown. As we move away from national restrictions it is now appropriate for the Council to consider the policy for adoption.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 The report is to be taken in open session as the policy is a public document.

5. Financial implications [AG]

- 5.1 None.

6. Legal implications [MR]

- 6.1 None arising directly from this report.

7. Corporate Plan implications

- 7.1 The policy will contribute towards the Councils priority ambitions of helping people to stay healthy, active and protected from harm along with encouraging growth, attracting business, improving skills and supporting regeneration.

8. Consultation

8.1 The following bodies have been consulted on this policy:-

- Leicestershire Force Licensing
- The Environment Agency
- British Transport Police
- Neighbouring local authorities
- HBBC licensed scrap metal dealers and
- The Hinckley BID

8.2 Three scrap metal dealers responded to the consultation and a response was also received from Hinckley BID, all responses were positive.

8.3 The policy has been approved by the Licensing Committee

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
Reputation, Legal, Regulatory	The Council has implemented the Act, Officers are trained and we follow the Home Office Guidance	MB

10. Knowing your community – equality and rural implications

10.1 An equality impact assessment has not been conducted as this is primary legislation and applies nationally and there are no implications locally as enforcement work in respect of scrap metal will be carried out consistently on the basis of risk for all premises across the whole Borough.

11. Climate implications

11.1 There are no impacts on the climate as a result of this policy.

12. Corporate implications

12.1 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: Scrap Metal Dealers Act 2013
 Get in on the Act – LGA Briefing
 Home Office Guidance SMDA
 Home Office Suitability Guidance SMDA

Contact officer: Mark Brymer, ext. 5645

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

Scrap Metal Dealers Act 2013

Statement of Licensing Policy

This policy provides information and guidance on how Hinckley & Bosworth Borough Council will deliver the requirements of the Scrap Metal Dealers Act 2013 in relation to both applications and compliance, and what it expects of its applicants and licence holders.

Applicants and licence holders will need to follow the principles set out in the document to ensure that they meet the requirements and expectations of the local authority when making applications or ensuring compliance with licenses issued to them.

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Introduction

This document states Hinckley & Bosworth Borough Councils policy in relation to the administration and regulation of scrap metal dealers.

There is no requirement in the legislation for the Council to have a formal licensing policy in place for dealings with applications. As 'best practice' the Council has chosen to adopt a formal policy for this purpose.

In developing its policy the Council will keep the policy under review and will carry out a full formal review and re-publish the licensing policy every three years.

The Council will consult with existing scrap metal dealers/motor salvage operators, Leicestershire Police, British Transport Police, the Environment Agency and the public when formally reviewing its policy.

The main aim of the scrap metal licensing policy is to promote a robust and transparent scrap metal licensing regime.

- Working in partnership with all licensed dealers who buy or sell scrap metal ensuring compliance with the law.
- Ensuring only 'safe and suitable' dealers are licensed with the authority, and
- Putting robust controls in place to deal with rogue traders and by doing aim to reduce the detrimental impact on individuals and communities who fall victim to metal theft.

1 Definition of a Scrap Metal Dealer

- 1.1 For the purpose of the Scrap Metal Dealers Act 2013 a scrap metal dealer is defined under section 21(2) as:

a person carrying on a business which consists wholly or partly in buying or selling scrap metal, whether or not the metal is sold in the form in which it is bought, or carries on a business as a motor salvage operator

Any individual or business caught by this definition will need a licence from the Authority. 'Business' has a wide meaning and is not restricted to limited companies only. Each case will be considered on its own merits.

- 1.2 A manufacturing business that sells scrap metal created only as a by-product of the processes it uses (for example metal plate) or because it has a surplus of materials, would not be caught by this definition (s21(3)).
- 1.3 The Local Authority will determine on a case by case basis whether individuals or business meet this definition looking at the actual activity carried out and the purpose of the business.
- 1.4 Firms that hire out skips for collecting waste products, or to tradesmen such as plumbers or builders who sell scrap metal resulting from any work will be considered on an individual basis as to whether a licence is needed. In most cases it is unlikely that a licence will be required.

- 1.5 As a general principle it is accepted by the Local Authority that where the sale of the metal is incidental to the main type of work or business undertaken then a licence will not be needed.
- 1.6 Where though there is a reasonable expectation that the material deposited in the skip will contain significant amounts of scrap metal, such as skips used where there is demolition activity or ones sited at specialist engineering manufacturing establishments and plumbers' yards, then the skip hire company will generally require a scrap metal dealers licence.
- 1.7 In considering whether a scrap metal dealer's licence is needed, the Local Authority will take the following into consideration when making its decision:
- Is the applicant operating as a business?
 - Is the applicant associated with any other business that might buy or sell metal (e.g. subsidiaries, businesses run by the same people, companies within a group etc)?
 - Does the applicant buy scrap metal in any form as part of the business?
 - Is the purchase or sale of scrap metal an integral part of the business?
 - Is the buying or selling of metal advertised by the business, including on the internet?
 - Is advertising of metal sales etc done separately from the main part of the business?
 - Is the metal sold as a by-product from a manufacturing process?
 - What happens to any waste metal that is collected by the business?

Motor Salvage Operator

- 1.8 The definition of a scrap metal dealer also now includes a person or company who carries on a business as a motor salvage operator or vehicle dismantler.
- 1.9 This is defined in the Act as a business that:
- wholly or in part recovers salvageable parts from motor vehicles for reuse or re-sale, and then sells the rest of the vehicle for scrap.
 - wholly or mainly involves buying written-off vehicles and then repairing and selling them on
 - wholly or mainly buys or sells motor vehicles for the purpose of salvaging parts from them or repairing them and selling them on.
- 1.10 The Local Authority as a general principal will determine on a case by case basis having regard to the individual circumstances of the salvage business carried out to determine if it meets the definition of 'scrap metal dealer'.

Exemption to scrap metal dealer definition

- 1.11 The Council confirms that exemptions from needing a licence will include household waste collections by the Council or their contractors that pick up metal items thrown out by households and which are to be recycled, along with municipal waste/civic amenity sites ('council tips') It is recognised in the statutory guidance that Councils have a statutory obligation to collect household waste and any resulting sales of scrap metal are incidental to this objective.

2 Licence Type

2.1 There are two types of scrap metal dealers defined under section 2 of the Act.

- dealers operating from fixed sites (scrap yards); and
- dealers who are mobile collectors.

Each licence is valid for a period of three years and allows the holder to operate within the boundaries of the issuing authority.

Mobile Collectors

2.2 A mobile collector is defined as:

‘a person who carries on business as a scrap metal dealer otherwise than at a site, and regularly engages in the course of that business in collecting waste materials and old, broken, worn out or defaced articles by means of visits from door to door’

The key to this activity and whether a licence is required is around a person who regularly visits, going from door to door, street by street or visiting local properties, farms, villages and towns seeking out metal for sale or collection as part of their business. This will include in many cases, the traditional rag and bone dealer. Pre arranged one off collections will not need a licence for example ringing to arrange the collection from a domestic home of a broken washing machine.

A mobile collector’s licence authorises the licence holder to operate in the area of the issuing local authority only, permitting them to collect any scrap metal as appropriate. This includes commercial as well as domestic scrap metal. The licence does not permit the collector to collect from any other local authority area – a separate licence is required in each local authority area that the person wishes to collect. A mobile collector’s licence does not authorise the licence holder to carry on a business at a site within any area. Should a fixed site be used then the person must obtain a site licence from the relevant local authority.

There is no restriction regarding the location to where the collector can transport and sell scrap metal.

Scrap Metal Dealer - Site

2.3 A site is defined under s 22(9) of the Act as:

‘Any premises used in the course of carrying on business as a scrap metal dealer (whether or not metal is kept there)’.

2.4 This means that someone who trades in scrap metal and is defined as a dealer will need a site licence for their office even if they do not operate a scrap metal store or yard there. If any form of trading takes place, a licence will be required.

3. Scrap Metal and Second Hand Goods

3.1 Scrap metal itself includes:-

any old, waste or discarded metal or metallic material, and any product, article or assembly which is made from or contains metal and is broken, worn out or regarded by its last holder as having reached the end of its useful life.

3.2 The Local Authority believes this definition does not include second hand goods which are covered by separate legislation, unless the goods are made from or contain metal that is broken down or worn out. Discussion will initially take place with the Leicestershire Trading Standards team on the main business purpose of any second hand dealers where there appears to be an overlap in terms of licensing/registration requirements.

3.3 The scrap metal definition does include platinum and a range of other rare metals now being used in catalytic converters although it is confirmed that gold or silver or gold/silver alloys are not included in the definition of scrap metal.

3.4 Jewellers or businesses trading in second hand gold and silver jewellery or products are not caught by this scrap metal definition.

Second Hand Goods

3.5 The authority will determine this matter on a case by case basis, according to the individual circumstances and after consultation with Leicestershire Police, Leicestershire Trading Standards and the Environment Agency to determine what the main purpose of the business is.

3.6 The authority considers that the issuing of a certificate of destruction is sufficient to indicate that a vehicle is scrap and as such the trader involved would need a scrap metal dealers licence and should not in those circumstances pay cash for the vehicle.

3.7 Where a certificate is not issued the Local Authority will take into consideration factors such as :

- whether the car has a valid MOT and is driveable without repair,
- whether the dealer has facilities for repairing vehicles, and
- a history of selling vehicles.

To determine whether a business needs a scrap metal dealers licence.

This list is not exhaustive and other relevant factors may be considered.

4. Licence Applications

4.1 As a general principle the local authority will only seek information, as part of its application criteria, which is relevant to include on the licence, if it is granted or to assist the authority in the assessment of an applicant's suitability to hold a licence.

- 4.2 When the Council is considering an application it will have regard to the Scrap Metal Dealers Act 2013, Home Office Guidance, regulations and this licensing policy.
- 4.3 Other information requested by the local authority is necessary in order to provide it to the Environment Agency for inclusion on the National Register.
- 4.4 The application form sets out what specific information must accompany an application for a scrap metal dealer's licence. This includes:
- the full name, date of birth and place of residence of an individual applicant (including mobile collectors), anyone proposed as a site manager for a site, and every partner where a partnership is applying for a licence.
 - the company name, registered number and registered office address where it is the applicant
 - the proposed trading name for the business.
 - telephone number and email address of the applicant.
 - where it is a site licence, the address of each proposed site to be included on the licence.
 - the address of any site in another council area where the applicant already carries on business or proposes to do so.
 - details of any relevant environmental permit or registration held by the applicant.
 - details of any other scrap metal licences issued to the applicant within the three years before making this application.
 - bank account details to be used for cashless transactions (where a licensee operates multiple sites different bank accounts may be used)
 - details of any relevant conviction or enforcement action that relates to the applicant.
- 4.5 We also require the following information to consider an application:

Site licences

- the security arrangements that have been put in place to prevent the unlawful purchase, sale or theft of scrap metal.
- details of the arrangements to be used to record sales, storage and purchase of scrap metal.
- the registration details of any vehicles to be used for collections .

Mobile collectors

- registration details of all of the vehicles to be used for the collections.
 - where the vehicles are stored when not being used by the collector.
- 4.6 In the event that an applicant does not supply the information requested within seven days then the Local Authority will refuse to proceed with the application and the application will be returned to the applicant and the fee refunded.
- 4.7 All applications must be accompanied by the fee determined by the Local Authority. The fee is set having had regard to guidance issued by the Home Office ensuring cost recovery of the service.

5. Renewal of Licence

- 5.1 Site and Collector's licences are granted for a period of three years and must be renewed prior to the expiry of the three year period. Dealers requiring renewal of the licence should request renewal not less than 21 days before expiry of the licence.

6. Change of Circumstances

- 6.1 If there are any changes in the dealer's circumstances, the dealer must notify the Council, within 28 days of the change, and the Council will alter the licence. If the dealer ceases to carry on a business as a scrap metal dealer in this area he must notify the Council, within 28 days of the cessation, so that the registered details can be cancelled.

7. Suitability of Applicants

- 7.1 Section 3 of the Act requires that the licensing authority has to be satisfied that an applicant is a suitable person to carry on business as a scrap metal dealer. In considering suitability, the local authority may have regards to any relevant information, including whether any relevant enforcement action has been taken against the applicant or whether the applicant has been convicted of a relevant offence. The authority must also have regard to the guidance issued by the Secretary of State and may consult with other organisations to assist in determining suitability.
- 7.2 Section 3 allows the local authority, when issuing a licence, to include conditions on it if the licence holder or site manager has been convicted of a relevant offence; these are set out in Subsection (8) of the Act.
- 7.3 In the case of a partnership this will mean assessing the suitability of each of the partners in the partnership, which in the case of a company will mean assessing the suitability of any directors, company secretaries or shadow directors.
- 7.4 The Authority may request that an applicant provide such other information, as it considers relevant, for the purpose of considering the suitability of an applicant.
- 7.5 The Local Authority has determined that the criteria for the 'suitability test' will include checking whether:
- the applicant or site manager has been convicted of a relevant offence, or subject to any relevant enforcement action. This will be obtained through a basic disclosure certificate from the disclosure and barring service (DBS) no older than one month at the time of application.
 - the applicant or site manager has been convicted of an offence which is relevant to whether they are suitable to hold a licence with the Authority. This will include any relevant convictions or cautions for theft, violence, firearms and burglary. This list is not exhaustive and other convictions may be considered a relevant factor to determine suitability on a case by case basis.

- the applicant has previously been refused a scrap metal dealers licence or an application to renew a licence has been refused.
- the applicant has previously been refused a relevant environmental permit or registration.
- the applicant had previously held a scrap metal dealers licence that has been revoked.

7.6 The Basic Disclosure certificate must be applied for prior to making an application and then once received, submitted with the application form to avoid delays with processing. The Basic Disclosure certificate will remain the property of the applicant and will be returned to the applicant once a licence has been granted or refused. A Basic Disclosure can be applied for online from the DBS: <https://www.gov.uk/request-copy-criminal-record> or by calling 03000 200 190.

7.7 An unspent caution or conviction for offences involving violence, drugs or dishonesty which are less than three years old from the date of application will be included in the consideration of whether the applicant is a suitable person to hold a scrap metal dealers licence to protect public safety. In some cases depending on the offence/conviction a longer period of time to be conviction free is required.

7.8 Applicants living overseas (such as directors of multinational companies based abroad) must also apply under the Basic Disclosure process to determine whether they have any unspent convictions for relevant offences in this country.

Consultation

7.9 Where any relevant convictions under the Act or other convictions are disclosed Leicestershire Police will be consulted on the application made and may object to the application if they believe the individual is not a suitable person to hold a licence.

7.10 Consideration will be given to any objection received from Leicestershire Police, however the local authority will determine the matter using their own judgement and discretion using the suitability test and ensuring the applicant has the right to make representation.

7.11 The local authority will also check the public registers held by the Environment Agency to see if any relevant enforcement action has been taken against the applicant.

7.12 The licence holder MUST notify the local authority of any convictions for relevant offences to the local authority.

8. Payment for Scrap Metal / Record Keeping

8.1 Scrap Metal Dealers must not pay cash for scrap metal as it is illegal.

Acceptable methods of payment are:-

- a cheque which is not transferable- crossed cheques only payable to a named individual/company and not made out to cash.
- an electronic transfer of funds authorised by credit or debit card or otherwise (BACS, standing orders, credit transfers, on line, phone and mobile banking. The list is not exhaustible as the electronic payments market is rapidly evolving all the time with new products.

Paying includes paying in kind by goods or services. Postal orders foreign currency, electronic vouchers, pre paid debit cards, gift cards and vouchers are not acceptable- this list is not exhaustible.

8.2 Every scrap metal dealer must keep, at each place occupied by him details of all scrap metal received at that place and all scrap metal either processed at or despatched from that place.

8.3 Details of each transaction must be recorded as part of each record. Either

- a copy of a named cheque or
- print out receipt of the electronic payment made.

8.4 Two records may be kept where the scrap metal was processed and or despatched from a location that has not been received at the same location.

8.5 **A record of all scrap metal received, detailing:-**

- The description and weight of the scrap metal.
- The date and time of the receipt of the scrap metal.
- If the scrap metal is received from some other person, the full name and address of the person- details of ID checked and recorded.
- The price or estimated value.
- The registration number and make of any vehicle used to deliver the scrap metal.
- How payment was made – copy receipt kept.
- The licence number if the scrap metal is delivered by a licensed dealer

8.6 **A record of all scrap metal processed or despatched, detailing:-**

- The description and weight of the scrap metal.
- The date of processing or despatch and the process applied if any.
- If despatched on sale or exchange, the full name and address of the person to whom the scrap is sold, or with whom it is exchanged, and the consideration for which it is sold or exchanged.

8.7 It is an offence to obtain scrap metal from a person under the age of 16 years.

8.8 Valid Forms of ID for Suppliers

The following are acceptable forms of ID for Dealers to verify the full identity of a seller/supplier supplying metal to them:

- a valid UK passport
- a valid passport issued by the EEA state
- a valid Great Britain or Northern Ireland photo-card
- a valid UK biometric immigration document

To verify a person's full name and residential address:

- a bank or building society statement
- a credit or debit card statement
- a council tax demand letter or statement or
- a utility bill, but not a mobile telephone bill

9. Compliance and Powers of Entry & Inspection

- 9.1 The Local Authority can determine who should be licensed and who is not suitable and have the power to:
- refuse an application.
 - revoke a licence at any time if we are not satisfied that a dealer is a suitable person to carry on a business as a scrap metal dealer.
- 9.2 Authorised officers have power of entry to licensed sites by giving notice to the site manager and also by not giving notice to the site manager where reasonable attempts have failed and are able to investigate whether the premises is being used as a scrap metal site and must be allowed to enter and inspect the premises and records at all reasonable times.
- 9.3 Authorised officers have powers to close an unlicensed site trading without a licence using a closure notice.
- 9.4 The Local Authority will implement a 'stepped approach' to compliance, inspections and enforcement in relation to scrap metal dealers seeking compliance in the first instance for low level offences or breaches in line with the licensing compliance and enforcement policy.

10. Offences

There are a number of offences relating to scrap metal dealers these include:

- Failing to licence a scrap metal business or to notify alteration to an existing business.
 - Failing to notify the Local Authority that a business has ceased to trade.
 - Failing to keep the prescribed records.
 - Acquiring scrap metal from a person under the age of 16 years.
 - Obstructing the entry of an Authorised Officer.
 - Making cash payments.
- 10.1 Any conviction for these offences will be considered by the local authority when determining the suitability test to be licensed.

11. Delegation and Hearings

- 11.1 The Council's scheme of delegation below sets out the decision making powers for the licensing of scrap metal dealers to ensure efficient and effective decisions.

Matter to be dealt with	Full Council	Licensing & Regulatory Committee	Sub-Committee	Officers
Determination of fees	X	√	X	X
Application for Site licence or Collectors licence	X	X	If a relevant representation is made	If no relevant representation is made
Application to vary site licence	X	X	If a relevant representation is made	If no relevant representation is made
Application to revoke site licence or collectors licence	X	√	All cases	In conjunction with the Committee Chairman if the matter is urgent
The inclusion of conditions on a licence	X	X	X	√
Issue of a Closure Notice	X	X	X	√
Cancellation of a Closure Notice	X	X	X	√
Application for a Magistrates Closure Order	X	X	X	In conjunction with legal services

- 11.2 Where an application has been rejected or revoked or varied the applicant will be notified in writing as to what the local authority proposes to do and the reasons for it. If having conducted an initial assessment of an applicant's suitability the application is refused the Licensing Officer will write to the applicant to inform them.

- 11.3 A Notice of refusal/revocation/variation will be sent from the Local authority to the applicant or licensee and an opportunity will be given for the applicant or licensee to make representations within 14 days from the date on which the Notice is given.
- 11.4 If a representation is not received or the applicant does not wish to in that time period, then the Local authority will refuse the application or revoke or vary the licence.
- 11.5 Where the applicant confirms that they wish to make representations the Local authority will give them a further period of 7 days in which to do so, and only if they fail to do so will the Authority refuse the application or revoke or vary the licence.
- 11.6 Where the applicant makes representations the local authority has to consider them within 7 days and if the applicant states they want to make oral representations the Local authority will provide them with the opportunity to do so by means of a Licensing Panel.

Notices of decisions

- 11.7 Where the Local authority has refused an application, revoked a licence or varied a licence it will give the applicant or licensee a Notice of that decision, which also sets out the full reasons for the decision made.
- 11.8 The Notice will also inform the applicant or licensee of their right to appeal the decision; within 21 days of the date of the decision. Where a licence has been revoked or varied, the date under which that comes into effect will be confirmed on the Notice.

Appeals

- 11.9 Appeals against any decision made by the Local Authority to refuse an application, to impose a condition on the licence or to revoke or vary the licence must be made to the local Magistrates' Court within 21 days from the day on which they were given Notice of the Decision in which to appeal to the Magistrates Courts.
- 11.10 The Magistrates' Court has the power to confirm, vary or reverse the Council's decision and issue any directions it considers appropriate having regard to the Act.

Including conditions in the licence

- 11.11 Conditions will only be imposed on a licence where either
- the applicant or any site manager has been convicted of a relevant offence, or,
 - where the Local authority is revoking a licence when a condition can be imposed, until the revocation comes into effect.

11.12 In considering whether to issue a licence where the applicant or a site manager has a relevant conviction, the local authority will do so, on the basis that one or both of the conditions is imposed on the licence as follows:

- the dealer can only receive scrap metal between 9.00am and 5.00pm on any day, and/or
- any scrap metal received has to be kept in the form the dealer received it for a set period of time, which cannot be more than 72 hours.

12. Variation of Licence

12.1 Applications can be made to vary a licence from a site licence to a collector's licence and also to vary the licence where there are any changes in certain details stipulated by the Act.

12.2 Applications are made to the local authority that issued the licence and has to set out the details of how the licence needs to be amended by the local authority.

12.3 A variation in a site licence has to be applied for where there are:

- any changes relating to the name of the licensee on the licence;
- any change in the sites from which the licensee is authorised to carry on business; and
- any change in the details of a site manager.

12.4 In the case of a collector's licence a variation has to be applied for where there is a change in the details relating to the name of the licensee only.

13. Transfer of Licence

13.1 Anyone wanting to hold a licence to be a scrap metal dealer has to apply for their own licence, they cannot take over an existing licence, there is no transfer facility. This includes the situation where one business buys another business.

Failure on the part of the licensee to apply for a variation is an offence punishable by a fine not exceeding level 3 (£1,000) on the standard scale.

14. Granted Licences

14.1 The licence **MUST** be prominently displayed at the site and inside the collector's vehicle or externally where it can be easily read.

14.2 In the case of a site licence, the actual licence issued will state on it the

- name of the licensee;
- the name of the Council;
- A list the sites in our authorities area where the licensee is allowed to conduct business;
- the name of the site manager and the date the licence will expire.

14.3 With a mobile collector's licence, the actual licence will state

- the name of the licensee;
- the name of the authority that issued it and
- the date on which it is due to expire;
- the vehicles used to transport the goods.

14.4 In the case of a mobile collector the dealer must display a copy of the licence in their vehicle in such a way that it can be read by a person outside of the vehicle.

14.5 A Hinckley & Bosworth Borough Council collectors licence and vehicle plate will be issued the plate MUST be either displayed in the cab or attached externally on the vehicle at all times, to easily identify mobile collectors as they travel from street to street to collect scrap metal.

15. The National Register

15.1 The Environment Agency maintains a National Register of scrap metal licences issued in England. .

15.2 The register can be accessed through the Environment Agency website and shows the type of licence, and may also show the postcode for mobile collector's licences.

15.3 Home addresses of mobile collectors will help licensing authorities and the police identify mobile collectors.

15.4 The Local authority notifies the Environment Agency of any revocations of licences or changes/variations in the licence, this includes:

- changing the type of licence from one form to the other
- changes in the name of the licensee(s)
- a change in sites from which the licensee can carry on business
- a change in the name of the site manager(s)
- whether the business has stopped trading in that local authority area as a scrap metal dealer
- any changes in the trading name.

16 Fees

16.1 In setting its licence fees to fully recover the cost of administering and ensuring compliance with the licensing regime, the local authority has had regard to the Local Government Association Guidance issued by the Home Office.

16.2 The fee includes the cost of assessing and administering an application, consultation on the suitability test, licensing hearings and compliance with licensing conditions.

16.3 The fee does not include the cost of the licensing service for enforcing against unlicensed traders including issuing closure notices or prosecution of unlicensed traders which will be met initially by local authority core funds. Then sought from the offender through the Courts where legal action taken.

- 16.4 The costs of Appeals against decisions are also not funded through licensing fees, although this will be reviewed in the future following experience of administering the regime and consideration of the number of Appeals held.
- 16.5 The fees set reflect the additional work required in processing and assessing Site licences which require a site visit before granting the licence.
- 16.5 The fee for applications and changes to a licence are determined by the Council, are reviewed and determined each year.
- 16.6 Applications will normally be granted within 21 days of receipt of a fully completed application.
- 16.7 Site licences and collector's licences are granted for a period of 3 years.
- 16.8 Renewal applications should be made 14 days before the expiry of the existing licence.

17. Tacit Approval

- 17.1 Tacit approval does not apply to this licensing regime as it is in the public interest that the authority must process your application before it can be granted.
- 17.2 If your application has not been determined within 30 days please contact Licensing at esadmin@hinckley-bosworth.gov.uk who will respond to your communication within 10 working days.

Appendix A

Relevant offences

- Control of Pollution (Amendment) Act 1989: Sections 1, 5 or 7(3)
- Customs and Excise Management Act 1979: Section 170 (for environmental/metal theft related offences only)
- Environment Act 1995: Section 110(2)
- Environmental Permitting Regulations 2007: Regulation 38
- Environmental Permitting Regulations 2010: Regulation 38
- Environmental Protection Act 1990: Sections 33 and 34
- Food and Environment Protection Act 1985: Section 9(1)
- Fraud Act 2006: Section 1 (for environmental/metal theft related offences only)
- Hazardous Waste (England and Wales) Regulations 2005
- Hazardous Waste (Wales) Regulations 2005
- Landfill (England and Wales) Regulations 2002
- Legal Aid, Sentencing and Punishment of Offenders Act 2012: Section 146
- Pollution Prevention and Control (England and Wales) Regulations 2000
- Proceeds of Crime Act 2002: Sections 327, 328, 330, 331 & 332 (for environmental/metal theft related offences only)
- Producer Responsibility Obligations (Packaging Waste) Regulations 2007
- Scrap Metal Dealers Act 1964 (for environmental/metal theft related offences only)
- Scrap Metal Dealers Act 2013
- Theft Act 1968: Sections 1, 8, 9, 10, 11, 17, 18, 22 & 25 (for environmental/metal theft related offences only)
- Transfrontier Shipment of Waste Regulations 1994
- Transfrontier Shipment of Waste Regulations 2007
- Vehicles (Crime) Act 2001: Part 1
- Waste Electrical and Electronic Equipment Regulations 2006
- Waste (England and Wales) Regulations 2011: Regulation 42
- Water Resources Act 1991: Section 85, 202 or 206

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MINUTE EXTRACT

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

LICENSING COMMITTEE

10 FEBRUARY 2020 AT 6.30 PM

PRESENT: Mr MC Sheppard-Bools - Chairman
Mrs DT Glenville – Vice-Chairman
Mrs CM Allen, Mr RG Allen, Mr MB Cartwright, Mrs L Hodgkins, Mr K Morrell,
Mr MT Mullaney, Mr K Nichols, Mr LJP O'Shea and Mr R Webber-Jones

Officers in attendance: Mark Brymer and Rebecca Owen

313 DECLARATIONS OF INTEREST

No interests were declared.

314 SCRAP METAL DEALERS POLICY

Consideration was given to the scrap metal dealers policy following the recent consultation exercise. It was noted that there had been support for the policy from the operators and visits had subsequently been carried out, finding all were operating in accordance with regulations and policy.

Councillor Webber-Jones entered the meeting at 6.34pm.

A member asked whether dealers had to provide information about the area to be used for storage of scrap metal and in response it was noted that the only address they were required to submit was the registered site office.

It was noted that it was not a requirement to have a scrap metal dealers policy and not all districts in Leicestershire had adopted one.

A member was concerned about stolen metal being sold to dealers but in response it was noted that cash payments for metal were illegal and sellers had to produce identification.

In response to a member's question, it was noted that authorised collectors must have their licence on display in their windscreen. A member requested a list of licenced dealers for quick reference and it was noted that there was a public register on the website which contained this information.

It was moved by Councillor Cartwright, seconded by Councillor R Allen and

RESOLVED – the scrap metal dealers policy be RECOMMENDED to Council.

(The Meeting closed at 6.42 pm)

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Scrutiny	25 March 2021
Council	20 April 2021

Wards affected: All Wards

Hinckley & Bosworth Economic Regeneration Strategy 2021 - 2025

Report of Director (Environment & Planning)

1. Purpose of report

1.1 This report concerns the new Economic Regeneration Strategy 2021 – 2025.

2. Recommendation

2.1 That members endorse the Economic Regeneration Strategy 2021 – 2025.

3. Background to the report

3.1 The overall aim of the Economic Regeneration Strategy 2021- 2025 is to promote economic well-being for all local businesses and residents across the whole of the borough. In particular it incorporates policies that will help both businesses and residents build economic resilience to combat the difficulties that many are facing due to the impact of the COVID-19 pandemic.

3.2 The new strategy includes both policies that are being taken forward from the previous strategy covering the period 2016 to 2020 (some slightly adapted) because they have proved effective and are still relevant to the current economic climate, together with some new ones. It also includes policies that are COVID related and have been worked up through various recovery groups that have been set up as a direct result of the pandemic. It uses the Hinckley & Bosworth COVID-19 Recovery Strategy as a base document for these COVID related elements.

3.3 A business survey, widely publicised through our business database and social media, was carried out in September 2020 to help capture the impacts on businesses of COVID-19 and to ask what support they would like to be provided with moving forward. One of the questions asked was what should

be the top priority for the new Economic Regeneration Strategy over the next few years. Answers to this question have been incorporated into the COVID recovery related policies.

- 3.4 The draft strategy was subject to a four week consultation period that closed on Friday 18 December 2020 and six detailed responses were received. These have been incorporated and the strategy amended accordingly. The strategy is in Appendix A.

- 3.5 Appendix B gives an update on work undertaken from April 2019 to March 2020 including ongoing initiatives, in order to fulfil the aims of the Action Plan of the Economic Regeneration Strategy 2016–2020 and was an important reference in the new strategy's preparation.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 This report will be taken in open session.

5. Financial implications [CS]

- 5.1 None arising directly from this report. Any future funding for projects will be requested in accordance with financial procedure rules.

6. Legal implications [MR]

- 6.1 None

7. Corporate Plan implications

- 7.1 The new Economic Regeneration Strategy has synergy with the Corporate Plan's vision as a 'Place of Opportunity'. Particularly under 'Prosperity' by 'Supporting the regeneration of our town centres and villages' and 'Boosting economic growth and regeneration by encouraging investment that will provide new jobs and places to live and work all over the borough'.

8. Consultation

- 8.1 The new Economic Regeneration Strategy was subject to public consultation via the council's website, our business database and through liaising with key partnerships.

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
None		[

10. Knowing your community – equality and rural implications

- 10.1 Projects put forward in the Economic Regeneration Strategy generally have a good spread over the whole of the Borough to include both the urban and rural areas.
- 10.2 It is considered that this report will not have any effect on equality for any of the protected characteristics and therefore no further analysis or action is necessary.

11. Climate implications

- 11.1 A section of the strategy is devoted to climate change and relates to the council's declared climate emergency. Furthermore it considers climate implications in its policies generally e.g. the Hinckley Town Centre Public Realm Masterplan promotes improved walking and cycling routes.

12. Corporate implications

- 12.1 By submitting this report, the report author has taken the following into account:
- Community Safety implications – none directly as a result of this report
 - Environmental implications – various projects identified in this report will have a positive impact
 - ICT implications - none directly as a result of this report
 - Asset Management implications - none directly as a result of this report
 - Procurement implications - none directly as a result of this report
 - Human Resources implications - none directly as a result of this report
 - Planning implications – planning matters will be dealt with, when appropriate, through the regeneration projects being brought forward
 - Data Protection implications - none directly as a result of this report
 - Voluntary Sector – the voluntary sector is supported through a number of initiatives identified in this report.

Background papers: None

Contact officer: Judith Sturley, 01455 255855
Executive member: Councillor S Bray

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Hinckley & Bosworth Economic Regeneration Strategy 2021 -2025

Hinckley & Bosworth
Borough Council



Background and Principles

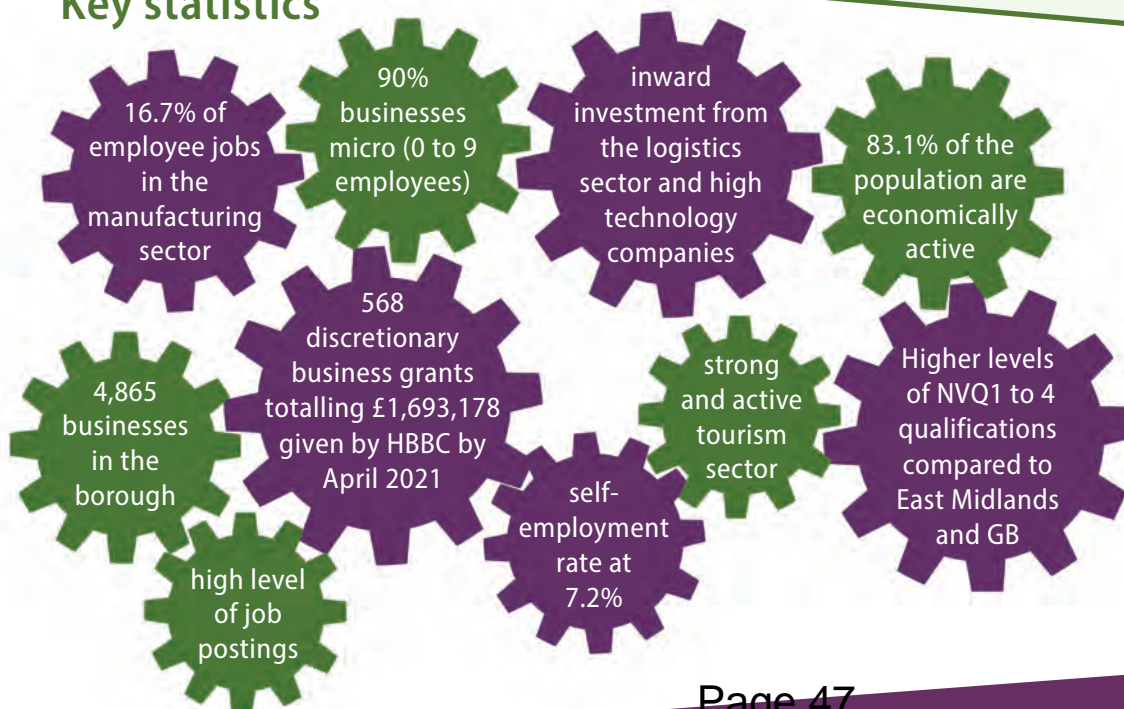
The Borough Council has economic regeneration as a key corporate priority and has delivered significant outcomes linked to its former adopted Economic Regeneration Strategy. A number of key drivers now influence the need for a refresh and publication of a new Economic Regeneration Strategy to take us forward to 2025. Of immediate need is to include policies to help the local economic recovery from the unprecedented situation that the UK overall is facing in terms of the COVID 19 pandemic. A further influence will be the impact of Brexit now the UK has left the EU Single Market and Customs Union, and how the end of the transition period will affect the local economy and businesses.

This Strategy sets out the vision and aims for ensuring the whole borough prospers from economic recovery and growth over the next five years.

The Vision

- To have a vibrant location with a competitive and thriving sustainable local economy across the whole of the borough
- To work towards sustained economic recovery from the COVID pandemic
- To attract and sustain investment, business growth and entrepreneurship
- To have a flexible and skilled workforce enabling sustainable communities and a location where people want to live and work, because good quality jobs are available in both the urban and rural areas of the borough
- To enable an environment of partnership and collaboration, where the private, voluntary and public sector come together to invest in the future of the borough

Key statistics



Places

- Produce new Town Centres' Strategy vision documents in order to promote the vitality of our town centres and use the emerging Local Plan to provide the planning policy framework to support the delivery
- Work with partners including the Hinckley Business Improvement District to develop our plans and new events programme to attract shoppers and visitors to help increase footfall to pre-COVID levels and above in our town centres while maintaining social distancing
- Invest in marketing and communication to promote our town centres i.e. shop local campaigns
- Re-imagine Hinckley town centre through the new Public Realm Masterplan to identify new opportunities that will secure the ongoing regeneration of Hinckley
- To implement the Hinckley High Streets Heritage Action Zone to improve the appearance of identified historic buildings and public spaces
- Promote improved walking and cycling access to our town centres and across the borough including between the different centres
- Continue to support our rural town centres to help ensure a vibrant and sustainable economy, engage the Local Plan in safeguarding rural centres and rural employment sites continuing to support the sustainable economic growth of rural enterprises
- Promote the Investor Prospectus, a guide to development and relocation opportunities, and regularly update its key sites
- Bring forward employment sites and facilitate quality 'move on' space for businesses wishing to expand, supporting the sustainable extension of existing employment sites
- To promote the MIRA Technology Park and Enterprise Zone
- To promote infrastructure projects in order to open up employment and residential sites
- To work with tourism partners in relation to delivery of Tourism Growth Plans and tourism key assets and heritage trails
- Continue to deliver the Environmental Improvement Programme



Prosperity

- To support local businesses in their bids to Government for funding support to help sustain them through recovery from COVID19
- To support the local economy and minimise business closures and help to maintain supply chains
- Consider financial impacts on all types of businesses and provide support to access both grant and support programmes from sources such as government, the Leicestershire Growth Hub, Leicestershire County Council and Hinckley & Bosworth Borough Council
- Ensure businesses are provided with advice on COVID requirements and are COVID safe
- To provide businesses with advice in respect to Brexit, in particular businesses who are challenged by changes in exports, now the UK has left the EU Single Market and Customs Union
- Engage with our Employment & Skills Taskforce to deliver its action plan on intervention and support, including securing local data to inform on trends and inform actions
- Establish relationships with and an understanding of the needs of both existing and new businesses especially related to skills in order to establish likely future skill requirements of businesses
- Facilitate and promote business events by working in partnership on subjects chosen through collaboration with local businesses and education colleagues
- Through relevant digital programmes enable businesses to best use superfast broadband opportunities
- Work with tourism partners and the Leicester and Leicestershire Economic Partnership to secure external support for key tourism destinations in our area
- Through the Local Plan identify opportunity sites for redevelopment and investment opportunities for the provision of new small-scale employment such as grow-on space and small affordable units for start-ups
- Make use of data collection and intelligence to engage with local commercial agents to understand changing market conditions and build confidence
- Undertake a review of our own commercial estate and opportunities for the future
- Review the opportunities through master planning for potential re-uses of vacant office/commercial buildings in our centres and enable more people to live in appropriate locations of town centres in order to support local businesses



People

- Through the Employment and Skills Taskforce to work with local schools, academies and colleges to enable young people to have confidence in their future, raise aspirations and ensure students have an understanding of local employment and training opportunities
Specific Action: the provision of events (locational or remote until the pandemic is over) such as Careers Speed Networking, Primary Engineers programme, Secondary Engineers programme and Teen Tech
- To promote future sector specific, including low carbon, job opportunities at schools and colleges in order to improve perceptions and attract young people into employment in these sectors
- To work with education providers and businesses to match training courses and apprenticeships to local business needs including any replacement demand requirement
- To encourage the upskilling of local people, to retain local skills and encourage the retention of local graduates
- To support people to overcome barriers to employment and work with the Voluntary and Community Sector to provide support programmes
- To support people wishing to set up in business and those working from home
- To work with construction companies and developers on local sites to encourage them to take on local people for jobs, apprenticeships and work placements
- To engage with appropriate local transport providers and enablers to help people access employment and training



Wellbeing

- Support the wellbeing and health of the local workforce through working in partnership to help with mental health issues, business diversification possibilities and upskilling
- To work with Job Centre Plus and other partners to assist people who have recently been made redundant in their search for new job opportunities
- Through the Employment & Skills Taskforce help tackle the increase in youth unemployment by engaging with initiatives such as Kickstart
- Promote to local businesses wellbeing initiatives such as the Leicester-shire and Rutland Sport Wellbeing at Work Charter to improve the health and wellbeing of their staff, and reap the benefits of a healthier workforce

Climate Change

- To support the Councils Climate Change Strategy to encourage businesses to share best practise and foster active environments to include increased cycling and walking
- Identify how we can support new working practices for businesses which have a positive impact on carbon emissions such as investment in renewable energy technology
- To support implementation of the Councils Green Infrastructure Strategy and assist Leicestershire County Council to deliver active travel interventions that will encourage greater use of walking, cycling and electric vehicles
- To signpost access to financial assistance initiatives available to support businesses to install low carbon measures and increase their energy efficiency



To work in partnership to fulfil the economic potential of the area

- To ensure a broad range of support packages are available to local businesses across all sectors, particularly micro and small enterprises
- To develop strong partnership relationships, which have the capacity to lever in funding where required to deliver both large and small scale projects
- Support and work with town centres groups in respect to initiatives and events
- To source appropriate Section 106 Agreement funding to support the regeneration of town centres and other appropriate economic development initiatives such as Local Employment and Skills Training

Hinckley & Bosworth
Borough Council



For more information please contact:

Regeneration Team,
Hinckley & Bosworth Borough Council
tel **01455 255855**

online contact form:

www.hinckley-bosworth.gov.uk/regenerationQ

website:

www.hinckley-bosworth.gov.uk



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Appendix B

Hinckley & Bosworth Economic Regeneration Strategy 2016-2020 Action Plan Update

This document provides Members with an update on work undertaken from April 2019 to March 2020 including ongoing initiatives, in order to fulfil the aims of the Action Plan of the Economic Regeneration Strategy 2016 – 2020.

Update in Respect to Projects

Key Aim 1- Local Investment in Place

Summary and Highlights of Local Investment in Place

- The Hinckley Town Centre Public Realm Masterplan has been completed and sets clear ambitions for phased schemes with evidence of costs. It will assist the council in preparing evidence to apply for future funding initiatives and when seeking developer contributions through Section 106 Agreements.
- The application for funding from Historic England to deliver a High Streets Heritage Action Zone for Hinckley Town Centre was successful. The award of over £880,000 will be used to match fund the delivery of a programme of works over a four year period.
- At Stockwell Head, the retailer Aldi has completed its new store scheduled which opened in Autumn 2019 whilst Lidl have acquired the former HJ Hall factory site at Coventry Road and constructed a food store that also opened in Autumn 2019.
- The LEADER programme has recently been completed. It has awarded £665,073 of grants for projects in the Hinckley and Bosworth area. This programme and the LEADER funded 'Destination Heritage Project' will be the subjects of a separate report
- An event 'Better Environment Better Business, the Importance of Public Realm and Heritage', was held on 29 October as part of the Leicester Business Festival. Speakers outlined exciting projects related to heritage tourism and how the look of places is so important to attracting both local residents and visitors to our towns and villages.
- The Environmental Improvement Programme 2019/2020 within budget delivered 12 schemes. Highlights include: completion of heritage nameplates in Hinckley Town Centre Conservation Area, installation of the final two heritage street lights in Sibson, borough wide rural heritage trail, Hinckley and District Museum signage and John Sketchley Blue Plaque.

Key Aim 2- Local Investment in Business

Summary and Highlights of Local Investment in Business

- The Investor Prospectus is regularly updated and recent site additions include Tungsten Park, Lime Kilns, Hinckley, a prime logistics location on the A5, with two units suitable for light and general industry; storage and distribution.

- Using the business database the Council continue to signpost businesses to the latest business support, events, news and grant funding information. In particular the Leicester and Leicestershire Enterprise Partnership Growth Hub Business Gateway free expert advice and Business Growth Grant.
- A flyer has been included in the business rates demands with one side promoting the LLEP Growth Hub and the other promoting the Councils #Hinckleybusiness initiative on Twitter promoting business support available.

Key Aim 3: Local investment in People

Summary and Highlights of Local Investment in People

- The Local Employment & Training Strategy drawn up with IM Properties in respect to its development at Hinckley Park adjacent Junction 1 of the M69 has proved effective in the promotion of jobs, training, apprenticeships and local business opportunities. 140 local people have secured work as a result of this site as at the end of February 2020. It has also enabled innovative training by piloting an on-site groundworks training facility with North Warwickshire & South Leicestershire College, supported by local business W K Construction. Two groundwork courses have taken place benefitting 21 people.
- The council has organised a successful programme of apprenticeships, placements and interns working across departments and currently there are 9 apprentices.
- A careers speed networking event for Hinckley and Bosworth Secondary Schools was held on the 18 June 2019 at MIRA Technology Institute (MTI). More than 80 students aged 12 to 14 attended and had the opportunity to gain careers advice in one-on-one, five minute networking sessions with professionals from 40 local businesses.
- On 8 November 2019 a Teen Tech event was arranged in partnership with North Warwickshire & South Leicestershire College and North Warwickshire and Nuneaton & Bedworth Borough Councils. Hosted by TV scientist Dallas Campbell it took place at MTI. 160 Year 9 students from local schools attended and participated in workshops that offered an insight into the exciting engineering and technology industries. They had the unique opportunity to explore the transport solutions of the future, from driverless vehicles to cybersecurity. Organisations including HORIBA MIRA, Triumph, Autins and the University of Leicester provided career advice. The feedback from both students and teachers was very positive.
- On the 10 March 2020 an Engineering focused careers speed networking took place at the MTI with 36 students from 5 local schools given an insight into local engineering career pathways from 13 ambassadors.
- The Primary Engineer Programme, linking schools with engineers, held an event on the 26 June 2019 at which the children were able to display and race both mechanical and battery operated vehicles that they had created, helped by their teachers and engineers from local companies including J J Churchill's and Triumph

Key Aim 4: To work in Partnership to Fulfil the Economic Potential of the Area

Summary and Highlights of Working in Partnership

- The Hinckley & Bosworth Employment & Skills Taskforce has continued to go from strength to strength with an excellent representation from local businesses, LLEP, the college and secondary schools. Examples of achievements include surveys to understand the take-up and any issues related to apprenticeships in both small and larger companies; the promotion of the Employability initiative by Cadent that supports interns in the workplace aged 16-19 with special educational needs or disabilities supported by job coaches and Job Centre Plus have held regular successful job fair events at the Hub
- Regular meetings are held between officers and Job Centre Plus to exchange information on new employment site job opportunities and the number of people seeking work and what help they might need to do to take advantage of these posts
- The Hinckley & Bosworth Tourism Partnership has continued to meet quarterly. The Bosworth Rural Tourism Partnership has flourished with the small businesses networking and supporting each other and the group has created a new visitor map
- Working in partnership to promote business support packages and grant opportunities available to local businesses.
- Officers attend the Leicestershire Economic Development Officers Network and Market Towns Sub-Group and have worked on joint initiatives e.g., free town centre Wi-Fi to the benefit of all the districts

Regular meetings take place with Earl Shilton and Barwell Town Teams to discuss relevant regeneration and economic development items and monitor the progress of the respective Barwell and Earl Shilton Delivery plans. The team is also represented on Hinckley BID and Market Bosworth Business Group.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

25 MARCH 2021 AT 6.30 PM

PRESENT: Cllr MR Lay - Chairman
Cllr C Ladkin and Cllr P Williams – Vice-Chairmen

Cllr JMT Collett, Cllr MJ Crooks, Cllr SM Gibbens, Cllr K Morrell, Cllr A Pendlebury,
Cllr MC Sheppard-Bools and Cllr R Webber-Jones

Also in attendance: Councillor CM Allen, Councillor RG Allen, Councillor MB Cartwright,
Councillor MA Cook and Councillor HG Williams

Officers in attendance: Matthew Bowers, Valerie Bunting, Bill Cullen, Malcolm Evans,
Simon D Jones, Julie Kenny, Stephen Meynell, Rebecca Owen, Sharon Stacey and
Ashley Wilson

679 DECLARATIONS OF INTEREST

No interests were declared at this stage.

681 ECONOMIC REGENERATION STRATEGY 2021 TO 2025

Consideration was given to the Economic Regeneration Strategy 2021-2025 which had
been through a period of consultation. It was noted that the strategy followed on from the
previous edition which expired in 2020. The following points were noted:

- Responses to the consultation from businesses were included in the document
- The document followed the themes of the corporate plan and visions associated
with those themes
- The action plan for the final year of the previous strategy was included.

During discussion, the following points were raised:

- An action plan would be created from the strategy once the strategy had been
adopted
- The reference to young people in relation to skills and economy was welcomed
- The pandemic had had an impact on residents and activities would take place to
support people and also the subsequent impact on businesses in the borough
- The document needed to be updated to reflect the fact that the UK had left the
single market
- Concern about the amount of logistics developments as communities were
suffering but not necessarily benefitting from the jobs created.

A member expressed concern about the sustainability of the town centre and in
response it was noted that over 80% of businesses in Hinckley were independent and it
was evident from the banking crisis and more recently that these had fared better in
difficult economic climates. It was also noted that the Heritage Action Zone had secured
investment for the town centre.

It was suggested that representatives from the logistics sector be invited to a future meeting to provide evidence relating to employment.

RESOLVED – the report be endorsed.



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Scrutiny Commission	25 March 2021
Council	20 April 2021

Wards affected: All Wards

Masterplan for Land South of Station Road, Market Bosworth.

Report of Director (Environment & Planning)

1. Purpose of report

- 1.1 This report seeks Members support that Full Council approve the masterplan for Land South of Station Road, Market Bosworth as a Supplementary Planning Document (SPD), to aid in the delivery of the allocated site within the Council's current Local Plan (2006-2026) and Market Bosworth's Neighbourhood Plan (2015).

2. Recommendation

- 2.1 That Members support that Full Council approve the adoption of the Land South of Station Road, Market Bosworth Masterplan as an SPD to aid in the delivery of the site and for it be used in decision making with the submission of any related planning application and pre-application discussions.

3. Background to the report

- 3.1 Within Hinckley and Bosworth Borough Council's Local Plan and more specifically the Site Allocations and Development Management Policies DPD (2016), land south of Station Road, Market Bosworth was allocated for a mixed use development. This allocation has a specific policy (SA5) which states that proposals for the land should:
- Provide between 0.5ha to 1ha of additional B1, B2 or B8 employment land;
 - Provide approximately 100 dwellings with a density, mix and design in line with Core Strategy Policy 16;
 - Create a safe pedestrian access off Station Road and alternative pedestrian access in to the site;

- Provide some allotment provision on site with associated car parking facilities;
 - Provide open space and play provision in line with the Core Strategy Policy 19; and
 - Provide affordable housing in line with Core Strategy Policy 15.
- 3.2 In addition to the Local Plan, Market Bosworth have a 'made' neighbourhood development plan and Policy BD2: Site allocation of south of Station Road and Heath road identified Land South of Station Road as a site for housing and employment opportunities.
- 3.3 Since the adoption of both the Market Bosworth Neighbourhood Plan (2015) and Council's Site Allocations and Development Management Policies DPD (2016), the development market has not been able to deliver the site due to the existing access constraints. The allocated site sits south of the Station Road industrial estate, part of which is under the ownership of Hinckley and Bosworth Borough Council and is 100% occupied by existing businesses.
- 3.4 As the Council owns land that could facilitate the access to the development site, the Council has worked collaboratively with the land owner of the allocation to commission a masterplan to facilitate the delivery of the site by enabling suitable access routes. The work on the masterplan has been funded from the existing Local Plan budget with agreement from the church commissioners that the costs would be offset once the development deal had been agreed. It consisted of the following elements:
- Define: Work to Masterplan consultation stage £10,500
 - Consultation and final publication for SPD status £13,000
 - Mode: Transport evidence base £3,400
 - Graphic Magazine: Consultation advert £115
- 3.5 The Land South of Station Road, Market Bosworth Masterplan SPD presents two deliverable options for the site giving future developers a degree of flexibility when assessing the site's development.
- 3.6 The Land South of Station Road, Market Bosworth Masterplan SPD also considers the local and borough policy requirements as well as the aspirations of the landowners, parish council and Neighbourhood Development Group. In relation to all roads within the Market Bosworth Masterplan site area at page 12 of the SPD it states they should be designed to an adoptable standard as required by the Leicestershire Highway Authority's Design Guide

LCC Highway Design Guide (Chapter 5, para 5.2) states

'We will encourage developers to create, whenever possible, 'road' layouts that are to an adoptable standard and that will be offered for adoption for:

- *Residential developments of five or more dwellings; and*
- *Multitple-building, multiple occupation industrial and commercial developments (developments occupied by more than one company).’*

<https://resources.leicestershire.gov.uk/sites/resource/files/field/pdf/faq/2018/6/5/Part-5-adopting-new-roads-apcs.pdf>

- 3.7 If the Land South of Station Road, Market Bosworth Masterplan SPD is adopted as an SPD, it becomes a material consideration when any planning application is submitted for the site as well as aiding in the deliverability of the site.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 This report will be taken in open session.

5. Financial implications [CS]

- 5.1 None arising directly from this report, however, any future projects as a result of the adoption of this master plan will require approval in accordance with financial procedure rules.

6. Legal implications [MR]

- 6.1 The Market Bosworth Masterplan SPD must be prepared and adopted in accordance with Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012.

7. Corporate Plan implications

- 7.1 The Land South of Station Road, Market Bosworth Masterplan SPD will contribute to the delivery of the following Corporate Plan priorities:

People

- Help people to stay healthy, be active and feel well
- Take measure to reduce crime and antisocial behaviour and protect people from harm
- 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

8. Consultation

8.1 There have been many forms of engagement and consultation for the Land South of Station Road, Market Bosworth Masterplan SPD in line with the Council's Statement of Community Involvement 2019. These include:

- 24 July 2019 - Meeting to establish a Stakeholder Group (including the local elected member, the Parish Council and Neighbourhood Plan group) to bring forward the site for development.
- 26 September 2019 - Meeting with the Stakeholder Group to agree appropriate consultants to undertake the work for the masterplan.
- 7 October 2019 – Attendance of the Stakeholder Group at the inception meeting with appointed consultants.
- 22 October 2019 – The appointed consultants and HBBC officers met with existing businesses on the Station Road industrial estate to explain the masterplan process and its implications.
- 11 November 2019 –meetings between the consultants, HBBC and individual business owners to gather their individual business needs as part of any redevelopment.
- 27 November 2019 – HBBC and the appointed consultants met with the Stakeholder Group to talk through the initial access options to the site.
- 29 May 2020 - informal public consultation started where the draft was posted on the Council's website and comments invited from landowners, occupiers within and adjacent to the site, members of the public and statutory consultees.
- Between Tuesday 24 November 2020 and Tuesday 22 December 2020 formal public consultation where the final draft of the Market Bosworth Masterplan SPD was made available.
- 1 March 2021 - HBBC and the appointed consultants met with the Stakeholder Group to update on the outcomes of the recent formal consultation and inform them of the process now to formally adopt the document as a Supplementary Planning Document. A similar meeting was held with HBBC tenants on the Station Road industrial estate on 5 March 2021.

8.2 The public consultation received 40 responses from statutory consultees, developers, planning agents, parish councils and members of the public. The consultation followed COVID-19 protocols to comply with the national guidelines that prevailed at the time of consultation with the masterplan published on our website and an article and advert placed in the Graphic magazine that was circulated to residents in Market Bosworth.

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
DLS 36 Improve quality of place through design: failure to do so leads to non achievement of corporate aim to create: 'A vibrant place to live and work'.	Ensure community consultation on planning applications and regeneration schemes.	Nicola Smith
DLC 37 Consult with customers and stakeholders: failure to do so leads to non compliance of Local Authority's Statement of Community Involvement	Ensure consultation to meet statutory requirements ensuring it is all inclusive. Regularly reviewing processes.	Kirstie Rea
DLS. 51 Housing Delivery Test. Failure to have design guidance elongates the planning process and can delay the delivery of housing, which could result in the Council failing the housing Delivery Test in future years.	Using the land South of Station Road, Market Bosworth Masterplan to facilitate delivery of an allocated development site with a targeted approach.	Stephen Meynell

10. Knowing your community – equality and rural implications

- 10.1 The Land South of Station Road, Market Bosworth Masterplan SPD along with the already adopted Good Design Guide, Site Allocations and Development Management Policies DPD, Core Strategy, Hinckley Town Centre Area Action Plan and Earl Shilton and Barwell Area Action Plan, address issues associated with development.
- 10.2 Engagement with relevant stakeholders and other local authorities is an integral part of plan making and this has been undertaken in accordance with the Council's Statement of Community Involvement 2019.

- 10.3 An Equality Impact Assessment was conducted as part of the Site Allocations and Development Management Policies DPD (2016) and Land South of Station Road, Market Bosworth Masterplan SPD provides additional guidance to those policies which have regard to the requirements of the Equality Duty set out in Section 149 of the Equality Act 2010.

11. Climate implications

- 11.1 The inclusion of sustainable drainage systems (SUDS) and services and the promotion of improved walking and cycling routes are within the masterplan.

12. Corporate implications

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

- Community Safety implications – none directly as a result of this report
- Environmental implications – the masterplan requires the delivery of 1.08 hectares of Green Space, a net gain for on-site biodiversity, the inclusion of sustainable drainage systems (SUDS) and services, retain the existing trees & hedgerows, establish new hedgerow & tree corridors.
- ICT implications - none directly as a result of this report
- Asset Management implications - the Council owns land that could facilitate the access to the development site.
- Procurement implications - none directly as a result of this report
- Human Resources implications - none directly as a result of this report
- Planning implications – the Land South of Station Road, Market Bosworth Masterplan will be used as an SPD to aid in the delivery of the site and in decision making with the submission of any related planning application and pre-application discussions.
- Data Protection implications - none directly as a result of this report
- Voluntary Sector – none directly as a result of this report.

Background papers: The Site Allocations and Development Management Policies
DPD (2016)
Market Bosworth Neighbourhood plan (2015)
Land South of Station Road, Market Bosworth Masterplan SPD
Consultation Statement

Contact Officer: Stephen Meynell 01455 255775
Executive Member: Councillor D Bill

MARKET BOSWORTH

AN OPPORTUNITY **SOUTH OF STATION ROAD**

DEVELOPMENT BRIEF / ACCESSIBILITY VERSION
MARCH 2021



FIGURE 1 - SITE LOCATION PLAN

Define Planning and Design Ltd and Mode Transport Planning have been instructed by Hinckley and Bosworth Borough Council (HBBC) and St Peter's Parochial Church Council (SPPCC) to prepare a Development Brief relating to their land South of Station Road, Market Bosworth ("the site"). It is intended that this Development Brief will be adopted by HBBC as a Supplementary Planning Document (SPD) to inform the development of this mixed use site.

The site is located south of Station Road, and comprises existing employment land to the north and two parcels of agricultural land to the south.

Land South of Station Road has been identified for mixed use development within both HBBC's Site Allocations and Development Management DPD and the Market Bosworth Neighbourhood Plan. That allocated land includes the greenfield element within the site, but also additional land to the west. The allocation seeks the provision of approximately 100 residential dwellings, a half to one hectare of employment land, and associated infrastructure, open space and landscaping.

This document reflects the aspiration of HBBC to assist in the delivery of the mixed use development of the site, with the production of a high quality and deliverable masterplan. In doing so, this exercise will contribute to HBBC's Vision for the Borough to be 'a place of opportunity' which seeks to create great places to live, work and relax in. It will set out the site's capacity and deliverability, and will illustrate how the site may be developed in a sustainable manner to provide an attractive new extension to the existing community.

In that light, this exercise has:

- Ensured that there is a clear appreciation of the client bodies' aspirations;
- Identified, assessed and addressed the key constraints and policy tests, and identified an appropriate design response to address those matters;
- Proactively undertook stakeholder and public engagement to build consensus;
- Prepared and communicated attractive scheme proposals that clearly set out the vision and key parameters and principles for the future development of the site; and
- Ensured that the final Masterplan is robust, deliverable and attractive to potential developers of the site.

The Development Brief will follow the structure set out below:

1. Introduction: Provides the rationale for the preparation of this document.
2. The Site and Context: Sets the context for Land South of Station Road and the wider settlement of Market Bosworth.
3. Site Synthesis: Considers key constraints and opportunities relating to the development of Land South of Station Road.
4. Planning Policy: Discusses the site's mixed use allocation and the planning policies and design principles that it is subject to.
5. Development Requirement: Outlines the requirements relating to the site's mixed use development.

6. Engagement: Summarises the extensive consultation that was undertaken to inform the iterative development of the proposals set out within this document.
7. Access and Highways: Discusses considerations relating to access and highways specifically, and the proposals that have developed as a result of extensive consultation and technical design considerations.
8. Shaping the Masterplan: Considers the key elements that have shaped the development of the proposed Masterplan.
9. Concept: Responds to these key considerations by setting the fundamental elements of the development framework.
10. The Development Framework: Sets out the key design principles that underpin Options A and B, and summarises the land use budgets associated with each option.
11. Design Principles: Sets out the key design principles that should underpin the development of the site in more detail.
12. Illustrative Sketches: Provides an illustrative indication of the proposed development on the basis of these principles.
13. Illustrative Street Scenes: Provides illustrative streetscapes of the proposed development to demonstrate some of the three-dimensional aspects of the proposals.
14. Implementation: Summarises the process that will be undertaken by the applicant to obtain full planning permission for the site's mixed use development.

1/INTRODUCTION

PREPARED ON BEHALF OF

**ST PETER'S PAROCHIAL CHURCH COUNCIL &
HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

BY

DEFINE

&

mode
transport planning

2/THE SITE & CONTEXT

THE SITE

The site is approximately 7.60 hectares in size and comprises two agricultural land parcels to the south and an employment area to the north. Within the employment component of the site there are a number of third party ownerships (as reflected by the red line boundary). Station Road runs east to west along the site's northern boundary, with existing settlement of Market Bosworth located to the site's east, an industrial site and historic railway line to its west and open countryside to its south (as shown on the Site Context Plan).

The site's greenfield element and much of the land to its south is formed of agricultural fields sub-divided by mature hedgerows and prominent vegetated areas. In contrast, the employment area accommodates a variety of prominent local businesses in an eclectic building mix.

Outside of the site's boundary, land to the immediate west is a single employment site with a number of larger buildings occupied by an engineering company (JJ Churchill). Beyond the adjoining railway track, a residential site has planning permission for the construction of 57 dwellings. A Severn Trent Water pumping station is located adjacent to the site at its south-western boundary, and is accessible through JJ Churchill's land via a private access road along the sites western boundary.

MARKET BOSWORTH

The site is situated on the western edge of Market Bosworth, approximately 1.1km from the town centre along Station Road. The nearest bus stops are located on Station Road, close to the site's northern boundary, and there is an hourly bus service into Market Bosworth town centre and Leicester.

The market town contains a number of services and facilities, including a nursery, primary and secondary schools, a community library, churches and a medical practice / surgery. The attractive local centre also has a popular retail offer, with a chain convenience store, smaller independent retailers, and restaurants, cafés and pubs. The market town also has a good leisure offer, with the presence of Market Bosworth Country Park, Bosworth Spa, Hotel and Gym complex, Bosworth Marina and Bosworth Water Park attracting many visitors.

LEGEND



























	Site Boundary		Prominent Vegetation
	Settlement Boundary		School
	Urban Settlement		Nursery
	Local Centre		Community Library
	Public Right of Way (PROW)		Convenience Store
	Permitted Route		Bus Stop
	Primary Road		Severn Trent Water Pumping Station
	Contour		Church
	Historic Rail Station		Existing Employment Area
	Historic Railway Line		Cultural and Tourism Facility
	Listed Building		Residential Site with Planning Permission
	Scheduled Ancient Monument		Canal
	Open Space, Sports and Recreation Facility		Flood Zone



IMAGE: COMMERCIAL PREMISES ON STATION ROAD



IMAGE: FIELDS IN THE SOUTHERN PORTION OF THE SITE



IMAGE: MARKET PLACE

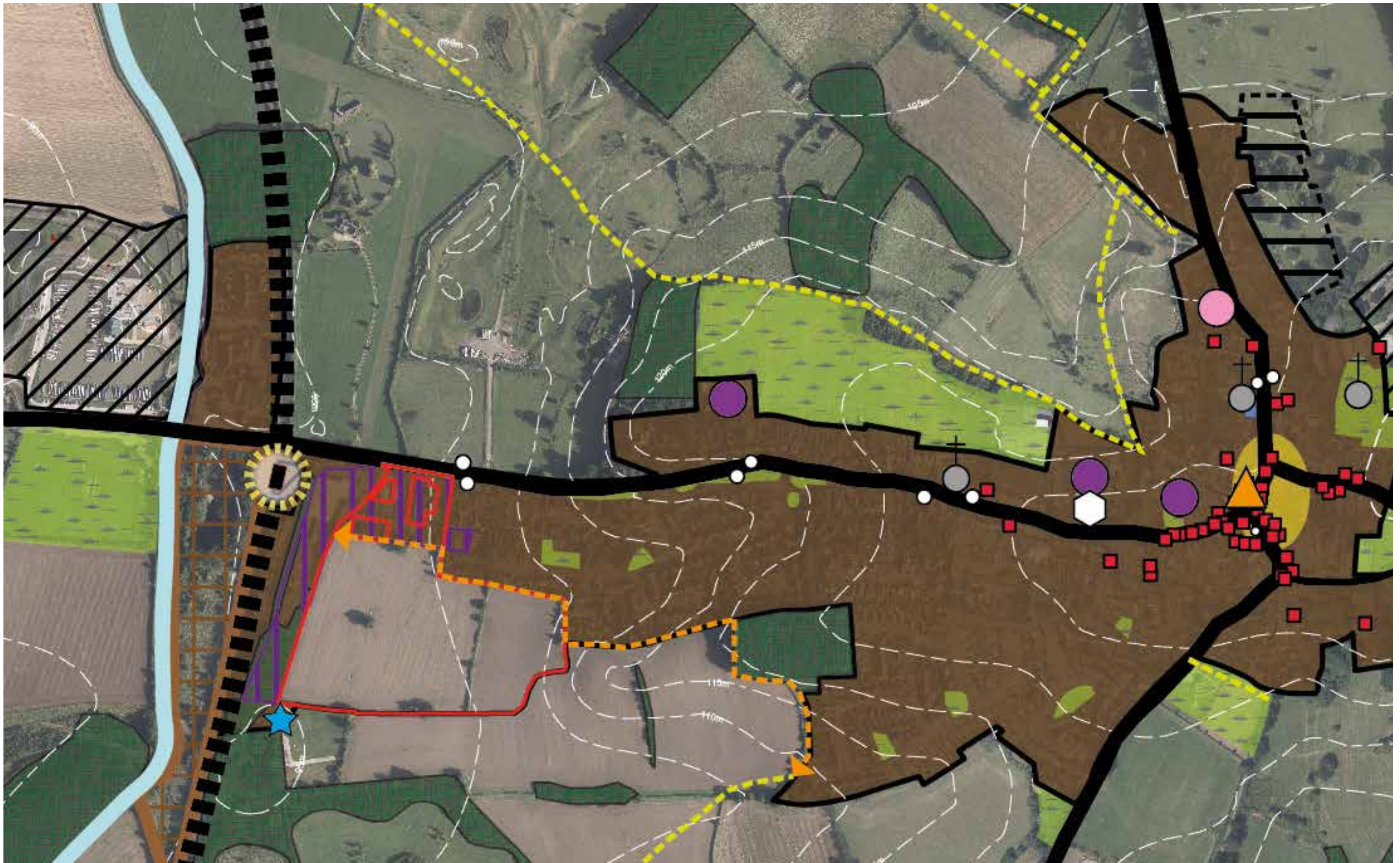


FIGURE 2 - SITE CONTEXT: The above plan shows the site in the context of Market Bosworth. The site is located at Market Bosworth's south-western extent, and lies adjacent to an existing employment area to the west, existing housing to the north and east, and open countryside to the south. The site is well screened by nearby woodland to the south. The site is located in proximity to the local centre, which offers numerous services and facilities, including a nursery, primary and secondary schools, a community library and a medical practice. The plan also identifies Market Bosworth's good leisure offer.

3/SITE SYNTHESIS

An appraisal of the site has highlighted the following key matters that should be considered in the development of the masterplan and future planning applications:

LAND OWNERSHIP & LAND USE

- 1
- Land in the northern part of the site and adjacent to its western boundary is currently in employment use and within a number of separate land ownerships. Scheme proposals will need to respond to those uses to avoid conflict and ensure that they can continue to operate, whether in situ or relocated within the site (e.g. access, egress, security, etc). The potential implications for residential development also need to be carefully considered (e.g. noise).
- 2
- Scheme proposals should also sensitively integrate any new development with the existing residential properties to the site's east to minimise visual impact.
- 3
- The access to the Severn Trent Pumping Station adjacent to the site's south-west boundary and the services that cross the site need to be carefully considered in the development of the scheme proposals. It is assumed that local diversions will be possible.

MOVEMENT

- 4
- Primary access from Station Road to the site's north needs to take account of the existing access arrangements and relevant highways standards, and ensure connectivity to the existing bus stops.
- 5
- There is an existing permitted route that runs along the site's eastern and northern boundary linking to the spinney to the east.
- 6
- An existing field access provides a potential pedestrian connection to the adjacent housing area, play area and Station Road.

RELATIONSHIP WITH SURROUNDING LANDSCAPE

- 7
- The robust vegetation and woodland within and near to the boundary of the site helps to screen it in views from the south.
- 8
- Views in and out of the site are largely limited to those from the open countryside to the site's south east, including those from PROW S72. Partial screening is provided by the localised ridgeline.
- 9
- The site's topography falls to its south-west corner. A drainage discharge connection is required.



FIGURE 3 - SITE SYNTHESIS: The above plan identifies the following key matters that should be considered in the site's development: 1) Neighbouring noise sources. The importance of considering adjacent residential properties and the maintenance of access to the Severn Trent Water pumping station. 2) The need for the primary access to consider the existing access arrangements and highways standards, and the potential for the site to tie in with existing pedestrian routes. 3) That views of the site are limited to views from the site's south-east due to the robust vegetation surrounding the site.

LEGEND







































- | | | | |
|---|---|---|--|
|  | Site Boundary |  | Contours |
|  | Urban Settlement |  | Canal |
|  | Pedestrian connection |  | Ditch / watercourse |
|  | Public Right of Way (PROW) |  | Sewer Network |
|  | Permitted Route |  | View of the site from surrounding area |
|  | Primary Road |  | Key view out of the site |
|  | Historic Rail Station |  | Neighbouring Property |
|  | Historic Railway Line |  | Existing Hedgerow |
|  | Grade II Listed Building |  | Historic Field Boundaries |
|  | Open Space, Sports and Recreation Facility |  | Prominent Hedgerow Trees |
|  | Prominent Vegetation |  | Weaker Hedgerow |
|  | School |  | Noise Source |
|  | Community Library |  | Potential Access |
|  | Bus Stop |  | Potential Secondary Access |
|  | Severn Trent Water Pumping Station | | |
|  | Cultural and Tourism Facility | | |
|  | Residential Site with Planning Permission | | |
|  | Flying Spares (Car parts dealership) | | |
|  | Starman's Rolls Royce Specialist (Car Mechanics) | | |
|  | JJ Churchill (Engineering) | | |
|  | Savage Marine (Lighting manufacturer and distributor) | | |
|  | Fine Art Ceramics (Dental Laboratory) | | |
|  | Land owned by T Mutlow | | |
|  | Land owned by Reuben Heaton | | |



IMAGE: MARKET PLACE, MARKET BOSWORTH



IMAGE: VIEW OF THE SETTLEMENT FROM THE SOUTH



IMAGE: EXISTING EMPLOYMENT USES WITHIN THE SITE

4/PLANNING POLICY

NATIONAL PLANNING POLICY AND GUIDANCE

The National Planning Policy Framework (NPPF) is underpinned by the presumption in favour of sustainable development, and places a particular emphasis on the need to boost the supply of homes, with local planning authorities required to identify sufficient development land to meet the authority's local housing need. Furthermore, the NPPF discusses the requirement to support local business needs.

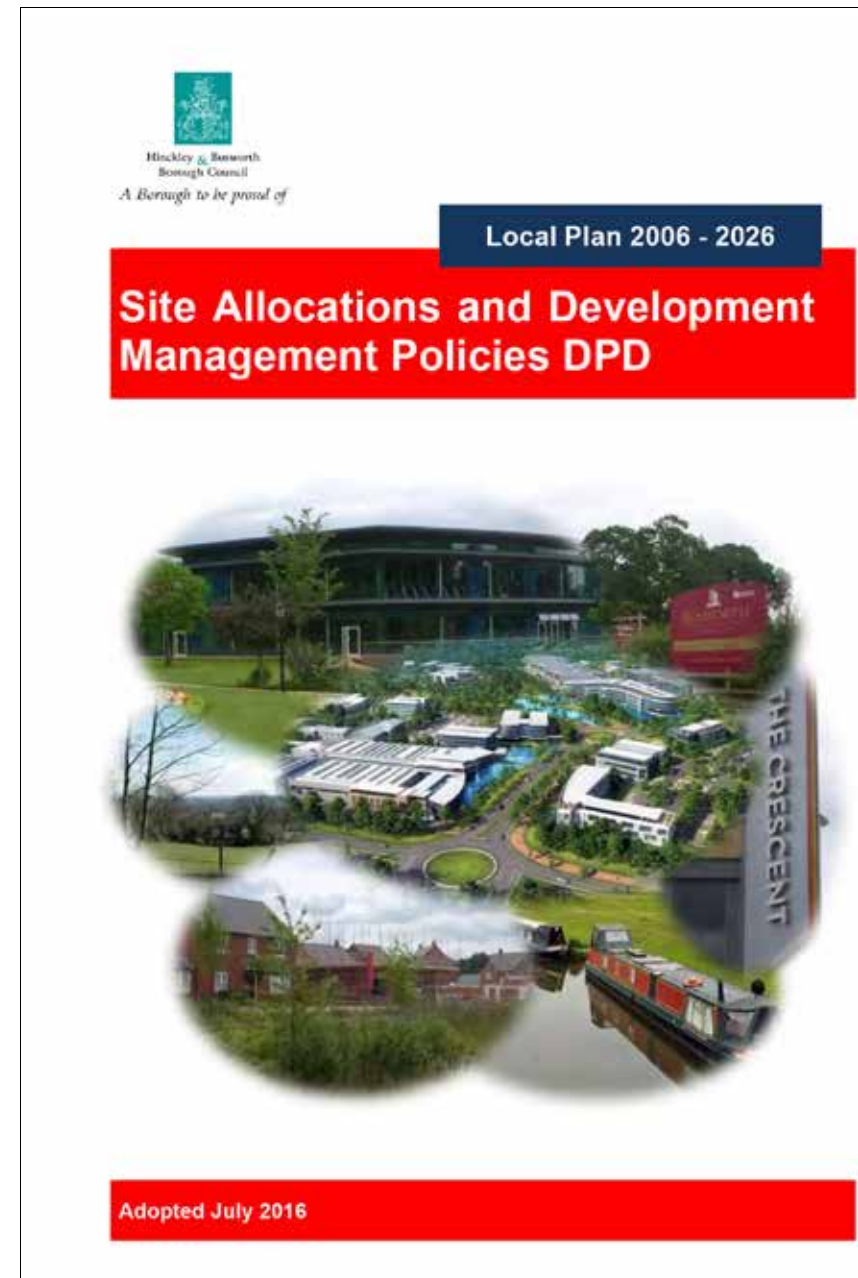
HBBC's Core Strategy (HBCS) sets the Vision and spatial strategy for the Borough, as well as the relevant strategic policies that the site's development must accord with. Meanwhile, HBBC's Site Allocations and Development Management Policies (SADMP) DPD and the Market Bosworth Neighbourhood Plan (MBNP) allocate Land South of Station Road for residential and employment development. This SPD has been developed within this policy framework, and seeks to specifically support Policy SA5 of the SADMP DPD (as below), as well as other relevant policies where appropriate.

SITE ALLOCATION

Site Allocations and Development Management DPD

HBBC's SADMP DPD (adopted July 2016) allocated Land South of Station Road and Heath Road, which covers the site's greenfield element and additional land to the west, for mixed use development under Policy SA5. The following development requirements were outlined:

- Provide between 0.5 to 1 hectare of additional B1, B2 or B8 employment land;
- Provide approximately 100 dwellings with a density, mix and design in line with Core Strategy Policy 16;
- Create a safe pedestrian access off Station Road and alternative pedestrian access into the site;
- Provide some allotment provision on site with associated car parking facilities;
- Provide open space and play provision in line with Core Strategy Policy 19; and
- Provide affordable housing in line with Core Strategy Policy 15.



Market Bosworth Neighbourhood Plan (MBNP)

Land South of Station Road was also allocated for mixed use development within the MBNP (adopted September 2015) within Policy BD2. Policy BD2 states that the development should provide:

- Between 0.5 to 1 hectare of additional B1, B2 or B8 land;
- A minimum of 55 dwellings with overall housing density, mix and design in line with Core Strategy Policy 16;
- An area of open space.

The inclusion of a community facility within the development will also be encouraged.

Policy BD3 provides design guidelines for the site:

- Main vehicular access through industrial area. Ensure that there is a clear and safe separation of HGV traffic and work vehicles from provision for pedestrians and cyclists;
- Minimise visual impact on surrounding area. Building height should be in general conformity with established developments in Character Area D.
- Incorporate and enhance existing landscape features to provide a buffer against surrounding areas;
- Reduce the density of dwellings at the development edge;
- Design the eastern part of the site to be sensitive to the adjoining properties and minimise visual impact;
- Ensure that affordable housing is fully integrated;
- Provide a mix of housing types and sizes;
- Incorporate pedestrian and cycle links to adjoining residential areas to the east;
- Provide a legible street network;
- Provide garages with internal dimensions of 6m x 3m;
- Provide off-street parking;
- Provide vehicle and pedestrian access to Station Road;
- Provide a landscape buffer between employment and residential uses;
- Design a 'gateway' for development along Station Road;
- Ensure that open space / play space are overlooked;
- Retain a publicly accessible space between the development and open countryside;
- Link green spaces within existing green 'corridors.'



DESIGN GUIDANCE

National Planning Policy Framework

NPPF Paragraph 124 emphasises that the creation of high-quality buildings and places is fundamental to the objectives of the planning system, and that good design is a key aspect of sustainable development.

The National Design Guide

The National Design Guide illustrates how well-designed places that are beautiful, healthy, greener, enduring and successful can be achieved in practice. This guidance is designed to be read alongside the NPPF.

Market Bosworth Neighbourhood Forum's 'Station Field Design Brief'

The Station Field Design Brief was produced by the Neighbourhood Development Plan Group to supplement the MBNP and provides key considerations and best practice design principles to aid the development of proposals that comply with the policies and aspirations of the MBNP. Indeed, many of these have shaped the design principles as set out within this report.



HBBC The Good Design Guide SPD

Once adopted, this document will provide guidance to encourage high quality design within the Borough for developers and planning officers alike.

OTHER RELEVANT PLANNING POLICIES

Furthermore, development proposals will be subject to the following planning policies:

- CS Policy 7: Key Rural Centres
- CS Policy 11: Key Rural Centres Stand Alone
- CS Policy 15: Affordable Housing
- CS Policy 16: Housing Density, Mix and Design
- CS Policy 19: Green Space and Play Provision
- SADMP Policy SA5: Land South of Station Road and Heath Road, Market Bosworth
- SADMP Policy DM1: Presumption in Favour of Sustainable Development
- SADMP Policy DM6: Enhancement of Biodiversity and Geological Interest
- SADMP Policy DM7: Preventing Pollution and Flooding
- SADMP Policy DM8: Safeguarding Open Space, Sport and Recreational Facilities
- SADMP Policy DM9: Safeguarding Natural and Semi-Natural Open Space
- SADMP Policy DM10: Development and Design
- SADMP Policy DM11: Protecting and Enhancing the Historic Environment
- SADMP Policy DM12: Heritage Assets
- SADMP Policy DM13: Preserving the Borough's Archaeology
- SADMP Policy DM18: Vehicle Parking Standards
- MBNP Policy BD1: Affordable Housing
- MBNP Policy BD2: Site Allocation South of Station Road and Heath Road
- MBNP Policy BD3: Design guidelines for site allocation south of Station Road and Heath Road
- Leicestershire Planning Obligations Policy (July 2019)

Leicestershire Minerals and Waste Local Plan (LMWLP)

The site also lies within a Sand and Gravel Mineral Consultation Area, with LMWLP Policy M11 aiming to prevent potential mineral reserves being sterilised by non-mineral development. However, consultation with LCC Minerals and Waste indicates that, given the site's residential allocation and that it is surrounded by residential land to the east, employment land to the north, and Ashby De La Zouch Canal to the west, it is unlikely that any minerals present could be realistically worked.

5/DEVELOPMENT REQUIREMENTS

In light of the allocation requirements and wider planning policies, the development proposals will be required to deliver:

- Approximately 100 dwellings. The housing mix should take account of Core Strategy Policy 16 which requires finalised housing mixes to reflect *“the specific needs of each submarket informed by the most up to date Housing Market Assessment, Study Into Older Peoples Housing Needs and Aspirations and other local evidence.”*

Therefore, the proposed housing mix should be discussed in pre-application consultation between the applicant and HBBC at the appropriate time.

Page 74

A minimum of 40% affordable units in accordance with Core Strategy Policy 16 and MBNP Policy BD1.

0.5 to 1 hectare of additional B1 (Business), B2 (General Industrial), or B8 (Storage or distribution) land (or a mix of the above);

- 1.08 hectares of Green Space and Play Provision, in accordance with Core Strategy Policy 19. Of this, the following would be required (based on 100 dwellings):
 - 0.036 hectares of equipped children’s play space;
 - 0.170 hectares of casual / informal play space;
 - 0.388 hectares of outdoor sports provision; and
 - 0.485 hectares of accessible natural green space.
- A net gain for on-site biodiversity.
- Allotment provision and associated car parking.

However, recent consultation has highlighted that allotments are no longer need to be provided on site. Moreover, the need for a new on-site play space or improvements to the nearby existing play space should be agreed at the planning application stage.

Furthermore, any applicant is encouraged to provide superfast broadband / ensure the scope for its future connectivity, and should also consider opportunities to promote low energy / zero carbon technologies.





6/ENGAGEMENT

The proposals as set out within this Development Brief are the result of an iterative assessment and design process that has also responded to an extensive consultation exercise with key stakeholders including the landowners, occupiers of the existing employment premises, planning and highways officers, the Parish Council and Neighbourhood Forum and local residents.

Indeed, that consultation has been undertaken in line with HBBC's Statement of Community Involvement (as adopted in July 2019), as well as the supplementary guidance note in response to the Coronavirus pandemic (as adopted May 2020).

In November 2019, initial consultation with landowners and key stakeholders determined their aspirations for the site's development. Discussions held with occupants of employment premises, both on site and adjacent to it, allowed for an understanding of the options available for the site's access and development, and in particular the quantum of employment land that may need to be relocated within the wider site.

Following this early engagement, and initial site and settlement context analysis, Masterplan options were explored with key planning and highways officers to test their feasibility. The Masterplan options were subsequently refined and presented to the landowner, Borough Council planning officers and the Parish Council and Neighbourhood Forum.

A wider public consultation, where the draft SPD containing the Masterplan was posted on the Council's website and comments invited from landowners, occupiers within and adjacent to the site, members of the public and statutory consultees, was undertaken in May / June 2020. The draft SPD was subsequently revised to address comments made by key stakeholders.

The final draft of the SPD was then the subject of further public consultation between Tuesday 24th November 2020 and Tuesday 22nd December 2020. The SPD was made available for inspection both on the Council's website (as an accessibility version) and within the Council's reception area.

A number of responses were received from statutory consultees, developers, landowners, planning agents, parish councils and members of the public. A summary of those representations together with the Council's response are contained within the SPD's associated Consultation Statement. The SPD was then revised where appropriate ahead of its adoption by the Borough Council.

7/ACCESS & HIGHWAYS

GUIDANCE

This guidance provided in relation to the site's access has been prepared based on desktop sources, site visits, survey data and consultation with key stakeholders, in particular Leicestershire County Council (LCC) as the Highway Authority, and in light of the following documents:

- Leicestershire Highway Design Guide (LHDG);
- Manual for Streets 1 (MfS1);
- Manual for Streets 2 (MfS2);
- Design Manual for Roads and Bridges (DMRB); and
- Local Transport Note 1/07 - Traffic Calming (LTN 1/07).

Notably, to establish design parameters for the site's access proposals, an Automatic Traffic Count (ATC) was carried out between the dates of 28th October and 3rd November 2019. That demonstrated that, whilst traffic flows are light (in the worst case c. 4 vehicles / minute in any one direction during peak hours), speeds are in excess of the posted 30 mph speed limit. That indicates a pre-existing speeding issue on Station Road.

PRINCIPLES OF ACCESS

Given the mixed use nature of the proposals and the requirement to provide access to retained industrial estate units, design guidance set out in Tables DG1 (General Geometry of Internal Roads) and DG2 (General Geometry of Employment and Commercial Roads) of the LHDG has been referred to in the design of site access proposals.

They specify a maximum quantum of development that can be delivered from a single access point (8ha employment - Table DG2, and 150-400 dwellings dependent on access - Table DG1).

Given that the development proposals are less than these thresholds, access via a single (or multiple) points could be appropriate. Therefore, the access proposals set out have assumed the greatest order of road (Industrial Access Road) to serve the site where use will be shared between the employment and residential elements. It is envisaged that the road classification will be stepped down where access is solely to the residential element at an appropriate gateway feature, so as to be more reflective of a residential access road.

Two corridors have been identified as potentially being suitable to provide a new / improved access to serve the development proposals, as illustrated on pages 14 and 15. There is not a "preferred" access option at this stage.

LCC Highways' starting point is that the access scheme should be designed to accord with the appropriate highways design standards. The proposed approaches set out here respond to the site specific constraints and site allocation development proposals. Given that this will be a mixed industrial / residential development, LCC has highlighted that careful consideration needs to be given to interaction between vehicles, HGVs and pedestrians. Potential conflict points will need to be identified and risk minimised to ensure that a suitable site access for all users can be delivered to serve the proposed development.

Future applicants will be expected to provide the evidence and justification to demonstrate the suitability of the final access proposals, and LCC Highways have encouraged applicants to undertake further pre-application consultation directly.

ACCESS VISIBILITY REQUIREMENTS

Site access junction visibility is a key consideration in achieving adequate visibility for vehicles exiting the development and providing adequate junction spacing.

Visibility splay requirements are a function of passing vehicle speeds on the mainline carriageway. The observed 85th percentile speeds on Station Road are up to 11mph faster (41mph) than the posted speed limit (30mph), and the cut-off between MfS / DMRB visibility standards typically equates to a design speed of 60kph (37mph). The design speed visibility requirements are therefore in line with the DMRB equating to 120m 'y' distance.

The site frontage with Station Road is only 94m in length and accordingly adequate junction spacing is not achievable given the constraints, assuming that passing vehicle speeds remain as per recorded.

Therefore, a traffic calming scheme is proposed as part of the site access as a means of reducing passing vehicle speeds, and therefore reducing visibility splay requirements to be more in line with those set out in the MfS. The typical cut off for use of MfS standards is 37mph passing vehicle speeds and accordingly the traffic calming will be seeking a reduction of between 2-4mph from the recorded speeds.

PRINCIPLES OF TRAFFIC CALMING

The principle of traffic calming has been discussed with LCC Highways at length, but the detailed traffic calming scheme will need to be designed, audited and agreed as part of the future planning application. Following this, those details will need to undergo further consultation prior to its instillation. That presents a risk to deliverability that will need to be overcome as part of the implementation process.

LCC have confirmed that they will not accept vertical traffic calming features such as speed humps as Station Road is a bus route, and such measures can lead to passenger discomfort. LCC Highways also confirmed that softer traffic calming measures such as gateway features, slow markings, vehicle activated signage etc would be unlikely to achieve the desired effect in isolation.

Accordingly, horizontal traffic calming measures were considered and agreed in principle with LCC Highways as a means of achieving and justifying use of MfS visibility splays. Supporting justification for this is set out in LTN 1/07 which describes the effectiveness of various traffic calming measures in reducing vehicle speeds.

The evidence considered suggests that horizontal traffic calming features deliver reductions in recorded speeds in excess of that required in this instance; however, for robustness all junction visibility and spacing requirements have been considered assuming a 37mph design speed on Station Road as the maximum limit for application of MfS standards. The visibility requirements considered are therefore 2.4m x 59.0m assuming an allowance for bonnet length in derivation of the visibility requirements.

The traffic calming features shown on the site access drawings are a combination of give-way chicanes and a central reservation creating a visual narrowing dependent upon the option considered.

SUSTAINABLE ACCESS

Sustainable access to the site can be accommodated by the incorporation of 2m wide footways on both sides of the site access road. It is envisaged that these tie into the existing provision on Station Road. A further opportunity for pedestrian access is presented by the existing cut-through route linking with Heath Road on the northern boundary of the greenfield element of the site.

The site is situated within reasonable distance of existing bus stops on Station Road. These will need to be relocated in order to accommodate the proposed traffic calming; that will need to be addressed as part of a subsequent planning application.

SITE ACCESS OPTIONS

ACCESS OPTION A

Access Option A, as illustrated, delivers the following:

Design Parameter	Notes
Carriageway Width	7.3 metres
Footways	2 by 2 metre width
Corner Radii	Compound curve left hand access radii. 6 metre right hand access radii.
Visibility splays	2.4 metres by 59 metres (MfS)
Traffic calming	Give-way chicane (westbound) Central reservation, slow markings and change in carriageway treatment (eastbound)
Existing industrial estate access	Closed
Access to retained units	To be provided via spur off new proposed access road to the south of retained unit 2 before rejoining existing estate road network. Area of hardstanding to be retained to allow small goods vehicles to access retained unit 1. Access to retained units on eastern side of access road will need to spur off new road.

OPTION A

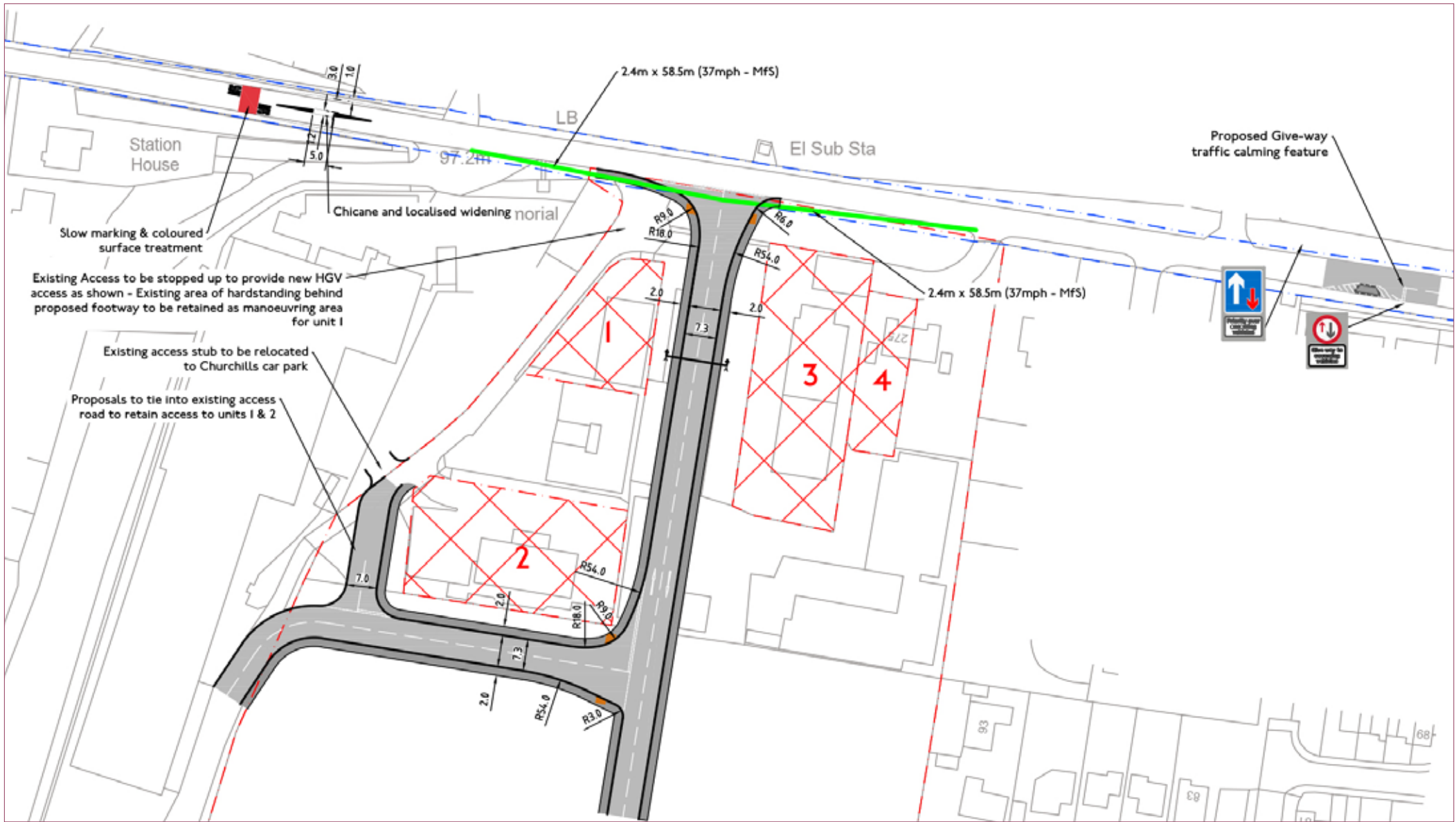


FIGURE 4 - ACCESS OPTION A: The above plan sets out the highways proposals associated with Access Option A. In relation to traffic calming along Station Road, this option would provide slow marking and coloured surface treatment, as well as chicane and localised widening to the west of the site access. Meanwhile, a give-way feature would be provided at its east. The current access to industrial units would be ‘stopped up’ from Station Road. In its place, an access to the existing and new employment premises and residential properties would be provided via a new access road from a simple priority junction with Station Road. The new access road would travel centrally through the site between existing units. A new HGV access to Churchills at the west of the site would also be provided from the new site access.

OPTION B

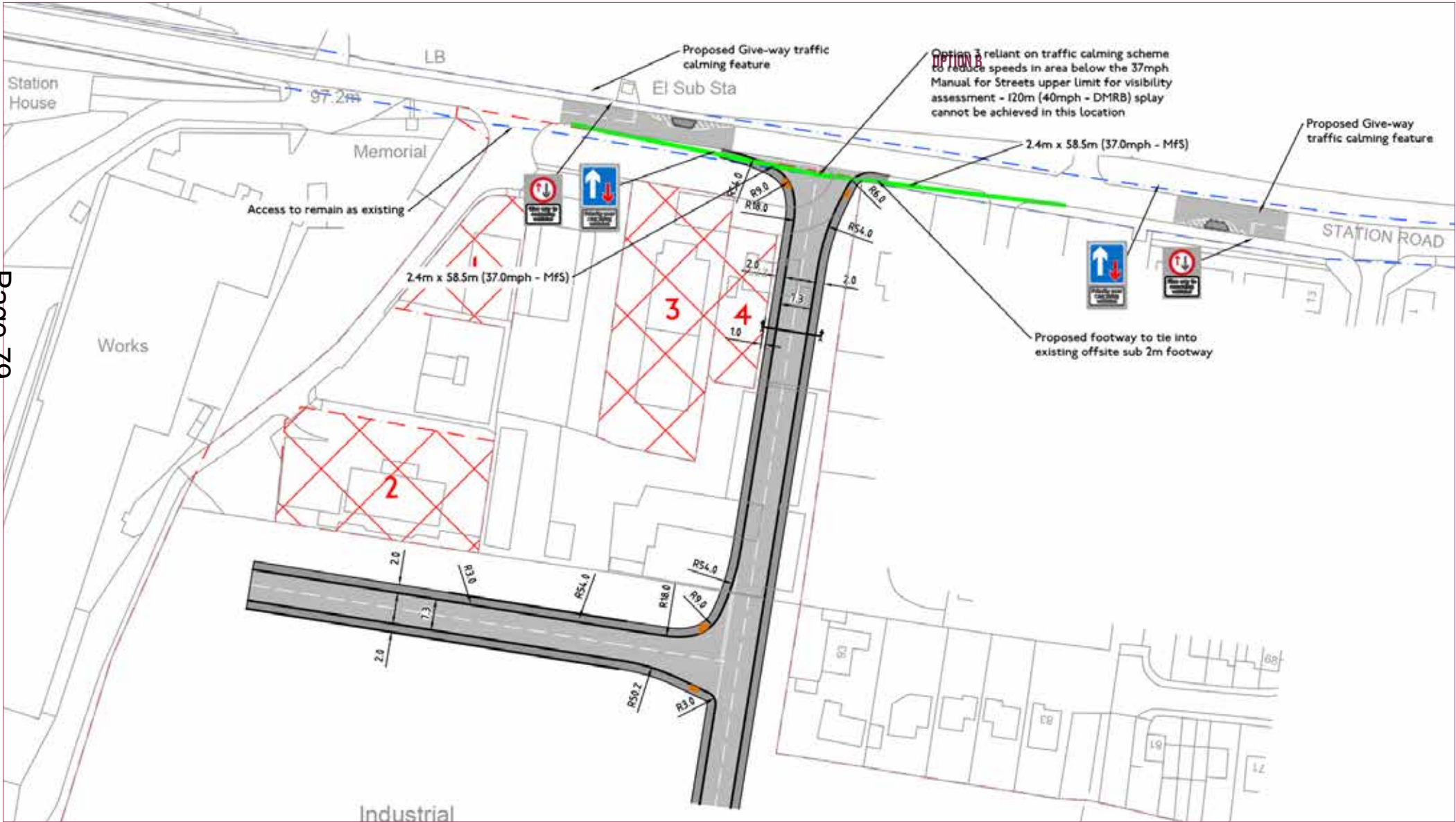


FIGURE 5 - ACCESS OPTION B: The above plan sets out the highways proposals associated with Access Option B. In relation to traffic calming along Station Road, this option would provide two new give-way traffic features, one at the east of the site’s access, and one at its west. The existing industrial estate access would be retained to continue to serve existing units and Churchills to the west of the site. A new site access should be provided via a simple priority junction with Station Road close to the eastern site boundary to serve new residential premises and employment units.

ACCESS OPTION B

Access Option B, as illustrated, delivers the following:

Design Parameter	Notes
Carriageway Width	7.3 metres
Footways	2 by 2 metres width, pinch point of 1.5 metres required on eastern footway at Station Road junction
Corner Radii	Compound curve left hand access radii. 6 metre right hand access radii.
Visibility splays	2.4 metres by 59 metres (MfS)
Traffic calming	Give-way chicane (westbound)
Existing industrial estate access	Retained
Access to retained units	Using retained access. Potential to improve access to retained units and adjacent premises via a new access road subject to land availability. New employment uses to be served from new access to seek to avoid intensification of use of the existing substandard access.

8/SHAPING THE MASTERPLAN

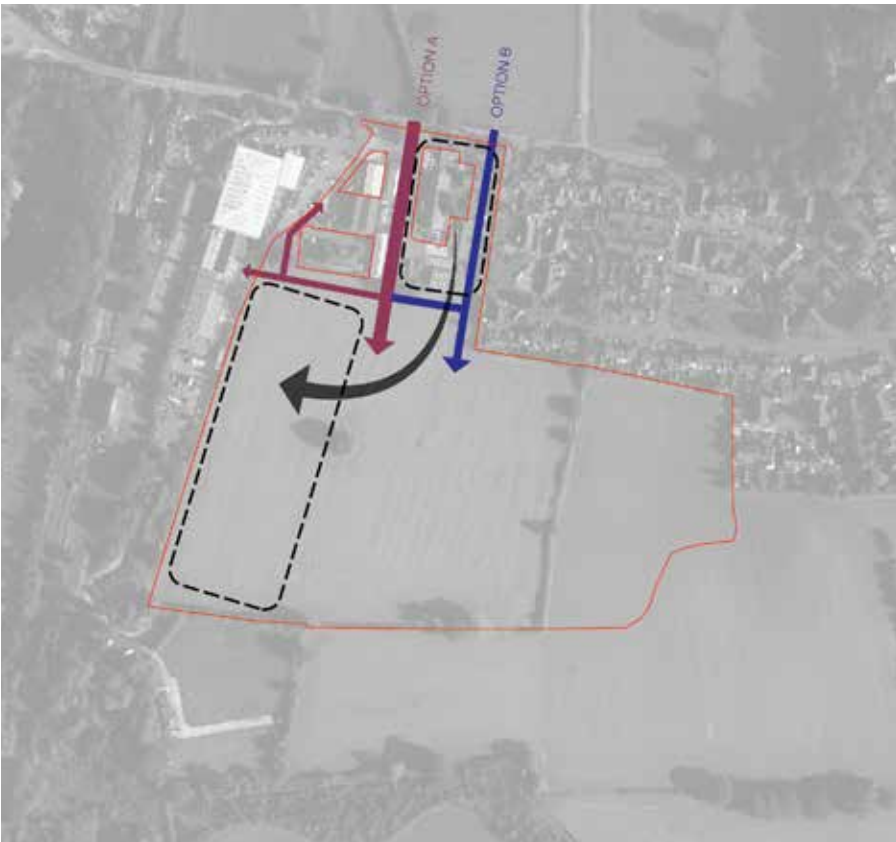
ESTABLISH A NEW VEHICULAR ACCESS OFF STATION ROAD

To provide a suitable access for the proposed development, a new road off Station Road will be required, cutting through part of the existing employment area. Two options have been identified but there is not a preference at this stage.



RELOCATE EXISTING EMPLOYMENT

The implementation of the new access will allow some of the existing employment uses to be relocated to the west of the site. There will also be space for new employment premises. To be less intrusive, it will be located on the more contained lower ground to the west of the site, next to other existing employment uses.



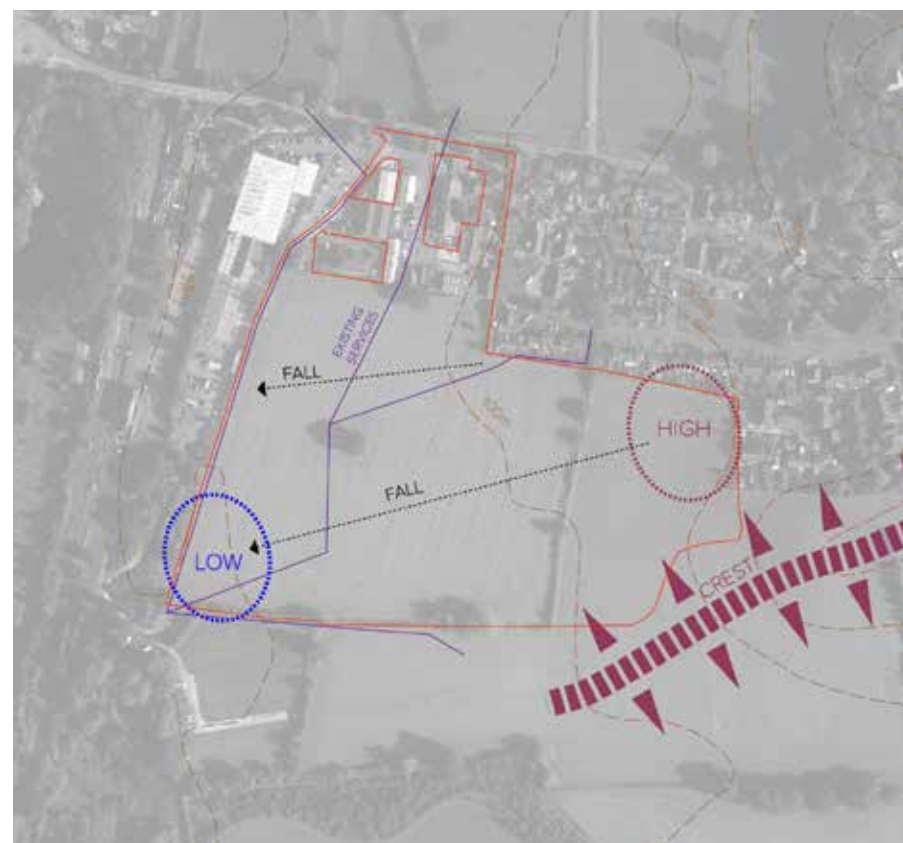
CREATE A RESIDENTIAL 'GATEWAY' ON STATION ROAD

The relocation of the existing employment uses will potentially allow that land (and potentially also other land within the employment estate but outside of the site) to be released for new residential development. The housing could extend up to Station Road, helping to signpost the wider new residential development further south. The new access road and / or a landscaped area will create a buffer between the employment and housing areas, which will be reinforced by the positioning and orientation of buildings fronting on to the road.



RESPOND TO TOPOGRAPHY AND SERVICES

The underlying topography will help to inform the structure of the masterplan, with proposed housing positioned on the rising ground next to the existing residential area and new employment proposed on the more contained lower ground. It will also dictate the drainage strategy for the site, with attenuation features being located to positively manage runoff from the development. The existing services crossing the site will need to be accommodated or diverted locally where necessary.



USE THE HISTORIC FIELD PATTERN TO ADD STRUCTURE

The majority of the site is comprised of a large open field. In the past it was subdivided by field boundaries that have now largely been lost. These can be seen on the historic mapping. The position of these features will be used to help structure the proposed development, informing the location of green corridors within the site and helping to link up the retained existing hedgerows and field boundaries.



CONSIDER THE NEIGHBOURS

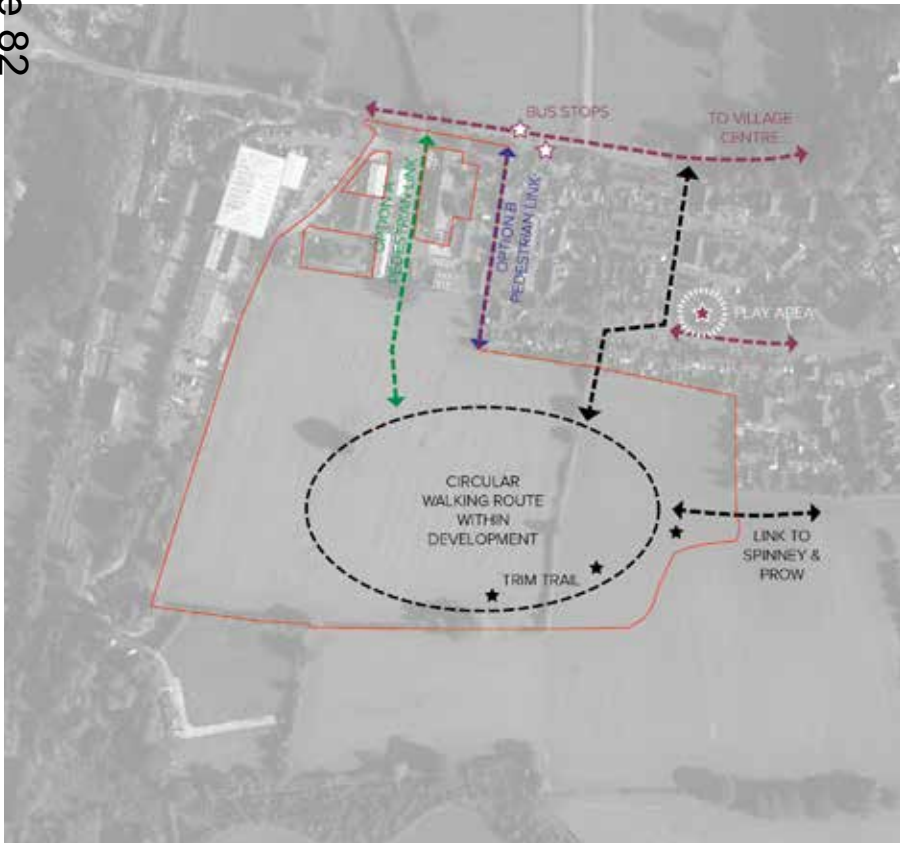
A number of houses back on to the north eastern edge of the site, including bungalows. New housing will be set back and arranged to 'wrap' around these private boundaries and will be of an appropriate height and scale to minimise the potential effect on the amenity of neighbouring properties. Furthermore, the ongoing operation of the nearby employment uses should be respected and reflected in the location and arrangement of the proposed development.



PROMOTE ACTIVE MOVEMENT

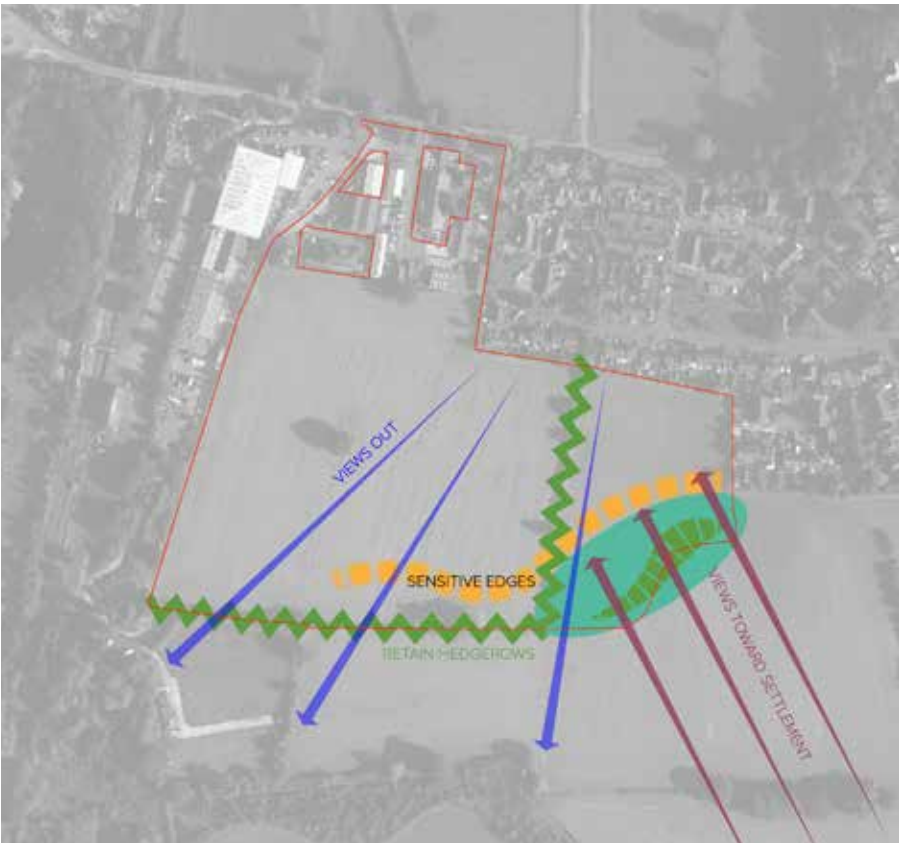
A pedestrian link between the new development and the adjoining community will be provided, allowing easy access to the nearby play area and to bus stops on Station Road. It will also allow people to walk to the nearby market place. Residents from the existing community will also be able to access facilities within the new development, which will include a circular footpath and trim trail. A permissive footpath link will also be provided crossing the field to the east, allowing access to the nearby public rights of way.

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INTEGRATE URBAN/RURAL

The existing mature hedgerows and trees will be retained and enhanced to help integrate the new development into the landscape. This will be supplemented by new tree planting and public open space located along the southern edges of the site. As well as softening the impact of the new housing in views from the south, appropriate set backs and filtered screening will help to ensure a sensitive transition is provided between the proposed housing and the surrounding countryside. Key views out will be incorporated where possible.



CREATE DEFENSIBLE PERIMETER BLOCKS

The proposed layout will incorporate perimeter blocks - areas of housing that are characterised by public fronts forming a strong outward (or public facing) edge and private backs. Garden spaces are secured within the centre of the block and enclosed by the surrounding houses. This approach will also be used along the surrounding edges of the site to 'wrap' existing private gardens within new perimeter blocks rather than exposing them to the proposed public realm.



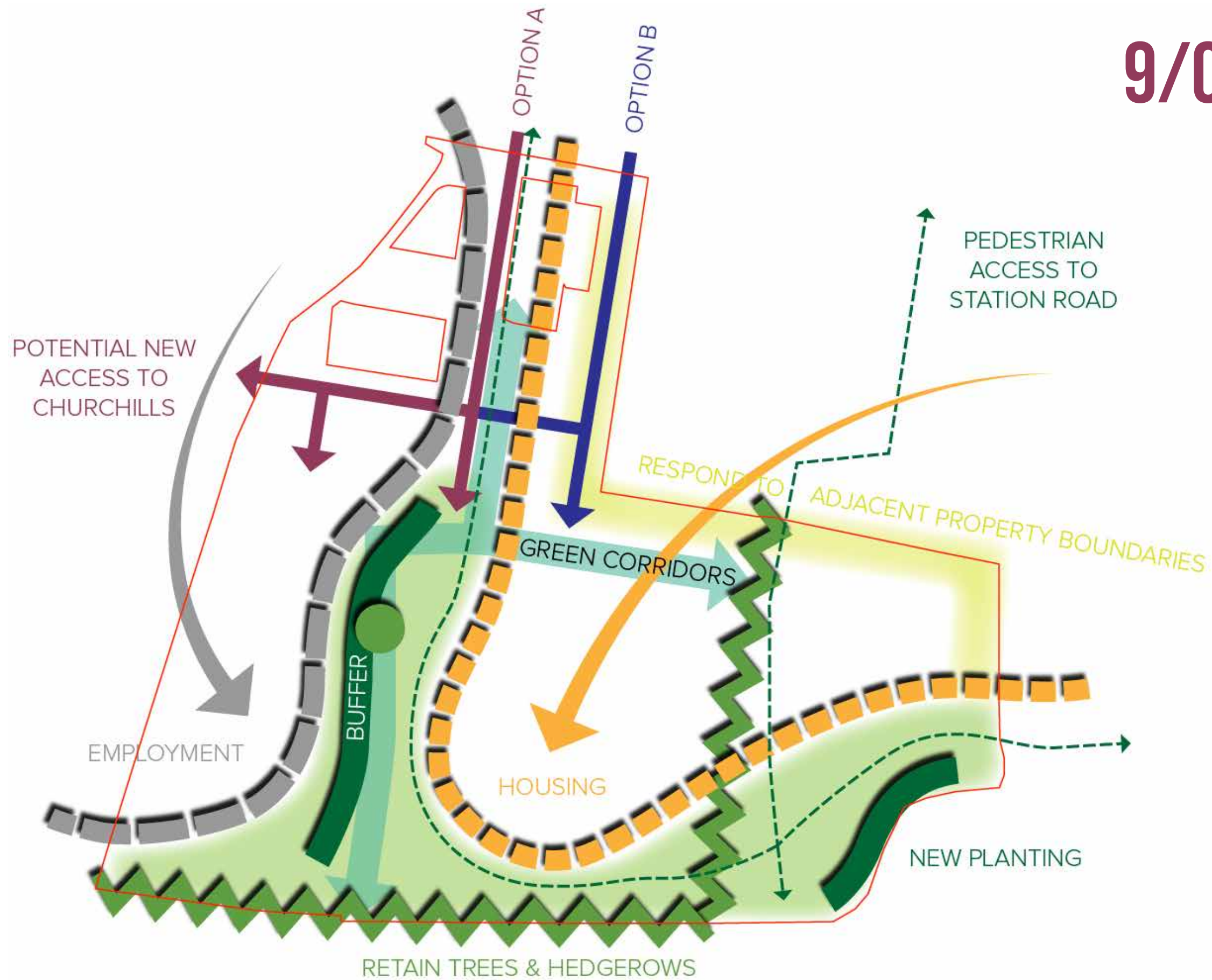


FIGURE 6 - CONCEPT PLAN: The above figure shows a concept for the site's development derived from the preceding analysis. It shows the provision of residential development at the site's east and employment development at the site's western extent; separated by a vegetated linear green corridor that incorporates new tree planting to act as a buffer between the two uses. Hedgerows and trees at the site's boundaries should be retained and enhanced through new planting, particularly at the site's east.

10/THE DEVELOPMENT FRAMEWORK

The Development Framework is an indicative plan that seeks to highlight the key design principles which will help to shape development on the site. Two options, A and B have been prepared - one for each access option. The following pages set out the key design principles that underpin the Development Framework Options in more detail.

LAND BUDGET

OPTION A

Proposed Land Use	Approx Area (Hectares)
Site Area	7.60
Residential (Net Developable Area)	3.04
Employment	1.45
Green Infrastructure	2.59

OPTION B

Proposed Land Use	Approx Area (Hectares)
Site Area	7.60
Residential (Net Developable Area)	3.03
Employment	1.21
Green Infrastructure	2.83

Note: A detailed drainage strategy is required to determine the nature, location and size of SUDS facilities, sewers and discharge points required to serve the proposed development. The existing sewers that cross the site will also need to be accommodated, potentially with some local diversions. It is recognised that these matters may affect the final layout, land budget and development capacity.



FIGURE 7 - DEVELOPMENT FRAMEWORK OPTION A: The above figure shows a Development Framework for the site’s development on the basis of Access Option A. That option would involve provision of a central access road close to the eastern site boundary, and therefore the retention of the existing employment premises to its west, which would in turn tie in with additional employment provision at the site’s western corridor. As the new access route enters the site at its north, land to the east could be developed for residential use and would wrap the adjacent residential edges; providing sufficient separation distances to sensitively respond to their amenity. Residential development would also be focused at the site’s centre and south-east, and should be supplemented by generous areas of public open space and landscaping. A landscaped open space corridor through the centre of the site would provide a buffer between employment and residential uses, and should also incorporate drainage features.



LEGEND

- Site boundary
- Indicative residential areas
- Potential future residential (subject to third party)
- Indicative employment areas
- Indicative landmark building
- Open space
- Indicative planting areas
- Indicative drainage areas
- New hedgerows (some reinstating historic field boundaries)
- Retained existing tree (subject to survey)
- Indicative tree
- Indicative structure planting
- Indicative footpath connections
- Indicative vehicular circulation
- Existing off-site play area
- Potential trim trail activity points
- Potential LEAP location (if required)
- Traffic calming feature (see Section 7 "Access & Highways")
- Potential new access routes to pumping station and residual allocation area to the west

FIGURE 8 - DEVELOPMENT FRAMEWORK OPTION B: The above figure shows a Development Framework for the site's development on the basis of Access Option B. That option would involve provision of a new access road close to the east of the site boundary, and therefore would allow the retention of the existing units to the west, which would in turn tie in with additional employment provision at the site's western corridor. As the new access route enters the site at its north-east, land to the immediate west would be developed for residential use, whilst a tree-lined corridor would be located to the east of the access route to provide a buffer to existing residential areas. As with option 1, residential development would also be focused at the site's centre and south-east, and should be supplemented by generous areas of public open space and landscaping. A landscaped open space corridor through the centre of the site would provide a buffer between employment and residential uses, and should also incorporate drainage features.

11/DESIGN PRINCIPLES

A/SLOW TRAFFIC ALONG STATION ROAD

So that the new access junction can function safely, measures need to be taken to ensure that traffic speeds are reduced along Station Road. To achieve this effectively traffic calming features are proposed in two locations along Station Road, east and west of the proposed access.

B/CREATE A NEW ACCESS OFF STATION ROAD

A new access is required to serve the proposed development. The position of this access is limited because of proximity to other junctions and landownership boundaries. Two options have been proposed - A and B. For each option the proposed development will seek to establish a residential presence at the Station Road access, which should also look to avoid barriers to any potential future development, particularly to the south and east.

C/USE TREES TO DEFINE THE ENTRANCE ROAD

Avenue tree planting flanking the entrance road will help to create a strong sense of character while helping to soften the impact of the retained employment buildings along its western edge (Option A) or reducing the exposure of rear property boundaries (Option B).

D/WRAP ADJACENT RESIDENTIAL EDGES WITH HOUSING

There are a number of existing properties that back on to the site - many with views across the site to the south and west. The proposed development will be arranged to 'wrap' these private boundaries with rear gardens and form perimeter blocks. Bungalows and increased separation distances should be used to reduce the impact on private amenity and any sense of overlooking. Development proposals should have specific consideration to the Government's National Design Guide and the Council's adopted 'The Good Design Guide' SPD.

E/ACCOMMODATE NEW EMPLOYMENT

The proposed access road will allow new employment to be provided in the western part of the site. Buildings will be placed in the lowest part of the site, alongside the existing employment area, and will be positioned to screen associated car parking and noise from the adjacent housing area. The size and distribution of the units is still to be determined in detail and will be guided by market demand. Additional car parking could also be provided to serve the existing employment area.

F/PROVIDE A NEW ACCESS TO THE ADJACENT LAND

A new access to the off-site pumping station can be accommodated within the layout. Subject to land availability access could also be provided to the residual allocation area to the west.

G/INCLUDE SUSTAINABLE DRAINAGE SYSTEMS (SUDS) AND SERVICES

A sustainable drainage strategy will underpin the masterplan, to store and manage water run-off within the site before discharging it into the surrounding drainage network. This will include the use of attenuation basins and swales where appropriate. The existing services crossing the site will need to be accommodated, potentially with some local diversions. Further detailed work will help to fix the position and size of these features / services within the layout.

H/ESTABLISH NEW HEDGEROW & TREE CORRIDORS

Based on the historic field pattern, a new hedgerow will form the eastern edge of the proposed employment area as part of a robust landscape buffer. As well as helping to screen the employment buildings it will provide an important green linkage within the site. This will be linked to the existing hedgerow further to the east by an open green corridor running alongside one of the internal access roads, which will accommodate a drainage swale and tree planting.

I/PROVIDE FOCAL SPACES WITHIN THE LAYOUT

Located around key road junctions within the development, these spaces will be defined by distinctive built enclosure and landscaping. As well as providing a focal point for the new community it will be a recognisable location within the layout, helping people to find their way around.

J/CREATE A PEDESTRIAN/CYCLE LINK TO HEATH ROAD

This will allow easy pedestrian and cycle movement between the new development and the adjacent housing area, allowing access to the existing play area, to the bus stops on Station Road and to the centre of Market Bosworth and beyond.

K/RETAIN THE EXISTING TREES & HEDGEROWS

These will form the basis of green corridors within the site as well as providing established landscape features within the layout.

L/PROVIDE A PERMEABLE INTERNAL ROAD HIERARCHY

A looped road arrangement will allow larger service and delivery vehicles to move around more easily within the development. Quieter residential streets will then be accessed from this loop road. The potential to facilitate further development to the south and east of the site should be protected in the internal highways and landscape design.

M/LOCATE PUBLIC OPEN SPACE ON THE SOUTHERN EDGE

This will help to provide a transition between the settlement edge and the surrounding countryside. It will incorporate a trim trail and opportunities for informal recreation - including new footpath links. It will also include tree planting to help soften the impact of the new housing in views from public rights of way to the south.



FIGURE 9 - KEY DESIGN PRINCIPLES

FIGURE 9 - KEY DESIGN PRINCIPLES: This figure highlights the key design principles that should guide the site's development, with specific reference to Design Principles A to M as set out on Page 22.

12/ILLUSTRATIVE SKETCHES

The following illustrative sketches show how the development framework principles may be realised. They are provided to give a flavour of the potential development rather than a fixed design at this stage. More detailed work would be required in developing the layout as part of any future planning application for the site, and this would be subject to further consultation.

- A Fine Art Ceramics
- B Access road
- C Tree lined verge
- D Employment units & parking
- E Residential threshold
- F Change in surface treatment
- G Retained tree
- H Tree & hedgerow buffer
- I Residential edges
- J New access to surrounding existing employment



FIGURE 10 - SKETCH 1, EMPLOYMENT AREA @ 1:750: Shows the relationship between the existing employment area at the site’s north, the proposed employment area at its west, and the proposed residential area at its east. This sketch shows how the green landscape and access corridor, which should incorporate generous open space and provision of enhanced planting, could create an appropriate interface between these uses.



- A** Neighbouring bungalows
- B** Proposed bungalows
- C** Grass drainage swale and trees
- D** Shared surface focal space
- E** Planting providing seasonal colour
- F** Parking integrated into the space
- G** Buildings provide strong enclosure
- H** Seating as part of communal meeting place



FIGURE 11 - SKETCH 2, RESIDENTIAL SQUARE @ 1:750: Shows how the development proposals would sensitively respond to neighbouring bungalows to the north by limiting development at the north-eastern boundary to single-storey bungalows. The sketch also demonstrates how residential development should be provided as part of a 'residential square' that incorporates shared surfaces and focal spaces, seasonal planting and communal seating, and could promote a strong sense of enclosure.

PRECEDENT IMAGES





- A** Pedestrian/cycle connection to Heath Road
- B** Retained hedgerow and trees
- C** Houses arranged to overlook green corridors
- D** Pedestrian priority at crossing points
- E** Informal housing arrangement along southern edge
- F** Amenity open space for variety of public use
- G** Circular footpath link with trim trail at intervals
- H** Tree belt provides screening on southern boundary
- I** Potential links to off-site public rights of way
- J** Hedges help to screen roads and parking areas

FIGURE 12 - SKETCH 3, SOUTHERN OPEN SPACE @ 1:750: Shows the area of open space that should be provided at the site's south, adjacent to the proposed residential area. This area should retain and enhance existing hedgerows and trees to create a green corridor that incorporates amenity open space for public use and should also include provision for children's play. The open space area should also incorporate a circular footpath that potentially may link to off-site public rights of way.



13/ILLUSTRATIVE STREET SCENES

SECTION A-A' - NORTHERN EDGE (1:250)

Section A-A gives a flavour of the proposed housing at the site's northern edge. It identifies that bungalows should be provided where adjacent to existing neighbouring bungalows to reduce the scale of development in order to sensitively respond to the amenity of neighbouring properties. The scale could increase in size further away from neighbouring bungalows. The section also shows the proposed footpath / cycle link to Heath Road.



SECTION B-B' - COUNTRYSIDE EDGE (1:250)

Section B-B gives an example of how the development could respond to its surroundings at the countryside edge. Darker and more traditional materials should be incorporated into houses at this location to help dwellings blend into the surroundings, whilst retained and proposed tree belts would filter views from the surrounding countryside. Focal buildings should be utilised to respond to green movement and corridors and open spaces.



14/IMPLEMENTATION

Following the adoption of this Development Brief, HBBC welcomes the submission of planning applications for the mixed use development of Land South of Station Road, Market Bosworth. This may be in the form of an initial outline planning application with a later reserved matters application(s), or through a full planning application.

HBBC offers a Pre-Application Advice service. It is strongly advised that pre-application advice is sought prior to the submission of a planning application. Details of that service can be found on the Council's website:

https://www.hinckley-bosworth.gov.uk/info/200316/pre-application_advice

HBBC also encourages applicants to undertake early pre-application engagement with statutory consultees.

It is specifically noted that any application will be required to consider access for all users of the proposed development and should engage with LCC Highways as part of the pre-application planning process. In doing so, LCC Highways will expect the applicant to provide justification and evidence to demonstrate the acceptability of the access proposals.

Indeed, as highlighted within this report, the proposed traffic calming scheme will need to undergo further consultation prior to its instillation which presents a risk to deliverability that will need to be overcome as part of any planning application.

It is also recommended that subsequent design is completed using a topographical survey, and that a stage 1 road safety audit is completed as part of any planning application.

Any application would be expected to incorporate the following submissions:

- A **Planning Statement** demonstrating how the development proposals accord to the development and design requirements of the site's allocation, as well as adopted policies as set out within national, local and neighbourhood planning policies (as set out above).
- A **Design and Access Statement** that explains the design principles and concepts in relation to the amount, layout, scale, landscape and appearance of and access to the proposed development.
- A **Transport Statement** that demonstrates that the proposed development would not have an unacceptable impact on the transport network or highway safety.
- **Detailed Access Plans** that demonstrate how the site will be accessed from Station Road, and any highways mitigation that will be required to facilitate this.
- A **Noise Assessment** that establishes the current baseline position, notably as a result of the existing employment uses within and adjacent to the site, and assesses the potential implications of the proposed employment and residential development, identifying appropriate mitigation measures if it is necessary to do so.
- A **Heritage and Archaeological Assessment** that establishes the impact that the proposed development would have on designated and non-designated heritage assets, notably of archaeological interest. Initial consultation with LCC Archaeology indicates that, given the absence of site-specific investigation and the presence of numerous recorded heritage assets in the site's surrounds, that will likely require a full archaeological assessment that comprises a desk-based assessment and geophysical survey. Furthermore, it is anticipated that targeted trial trenching will be required prior to the application's determination.

- An **Ecological Appraisal** including a Phase 1 Habitat Survey that assesses the ecological value of the site and surrounding area, and evaluates any impacts arising as a result of the proposals. Initial consultation with LCC Ecology indicates that **protected species surveys** (specifically for badgers and bats) will also be necessary.
- An **Arboricultural Assessment** that provides an evaluation of the proposal's impact on trees present on-site and along the site's boundaries.
- A **Geo-Environmental Study** that provides an assessment of potential ground-related development constraints.
- A **Flood Risk Assessment and Drainage Strategy** that assesses the risks of all forms of flooding to and from a development, and sets out the proposed surface water and foul drainage strategy to serve the development. The location of the existing services crossing the site and how they will be accommodated in the development should also be confirmed.
- A **Landscape and Visual Appraisal** that records the baseline condition of the surrounding landscape character and visual amenity, investigates how the proposed development will fit into the existing landscape, and considers how the proposed development would relate to this baseline condition. This LVA should accord with the '*Guidelines for Landscape and Visual Impact Assessment, Third Edition*' (2013) guidance.

A full list of requirements is set out in the Council's Local Validation Criteria, which is available on the Council's website:

https://www.hinckley-bosworth.gov.uk/downloads/file/6017/validation_requirements

Following the application's validation, the need for potential financial contributions to community infrastructure provision will be assessed at the application stage and will be informed by the contribution requests received during the application's consultation period and the county and Borough's stated infrastructure requirements.

On the basis of the consultation undertaken during the preparation of this SPD, contributions are likely to be requested in relation to sports provision, education provision, sustainable travel, waste and civic amenity, biodiversity net gain, and ecological enhancement. The potential for other developer contributions will be considered throughout the planning application process.

Should those developer contributions be substantiated on up-to-date evidence and considered appropriate (in accordance with CIL Regulation 122), they will be secured via a Section 106 Agreement on the grant of planning permission.

PREPARED ON BEHALF OF

**ST PETER'S PAROCHIAL CHURCH COUNCIL &
HINCKLEY AND BOSWORTH BOROUGH COUNCIL**

BY

DEFINE

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&

mode

transport planning

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

25 MARCH 2021 AT 6.30 PM

PRESENT: Cllr MR Lay - Chairman
Cllr C Ladkin and Cllr P Williams – Vice-Chairmen

Cllr JMT Collett, Cllr MJ Crooks, Cllr SM Gibbens, Cllr K Morrell, Cllr A Pendlebury,
Cllr MC Sheppard-Bools and Cllr R Webber-Jones

Also in attendance: Councillor CM Allen, Councillor RG Allen, Councillor MB Cartwright,
Councillor MA Cook and Councillor HG Williams

Officers in attendance: Matthew Bowers, Valerie Bunting, Bill Cullen, Malcolm Evans,
Simon D Jones, Julie Kenny, Stephen Meynell, Rebecca Owen, Sharon Stacey and
Ashley Wilson

679 DECLARATIONS OF INTEREST

No interests were declared at this stage.

682 MASTERPLAN FOR LAND SOUTH OF STATION ROAD, MARKET BOSWORTH

The Scrutiny Commission received a report on the masterplan for land south of Station Road, Market Bosworth which was an allocated site within the current Local Plan and the Market Bosworth Neighbourhood Plan. It was noted that the masterplan would be a Supplementary Planning Document.

It was noted that the borough council had previously been involved but took a more proactive approach in 2019 with the commissioning of a masterplan when there had been no progress in relation to the site. Access to the site had been a potential issue but it was noted that, as a landowner on the site, the council could assist with that. The authority had been working with tenants on the site who were supportive of the scheme.

A member asked whether aspirations, for example relating to adoption of roads, could be included in such a document. In response it was noted that the local plan would probably be a more appropriate document for such matters as the SPD would be a material consideration rather than a policy.

Concern was expressed about the noise impact from the railway on residents of the new properties. In response it was noted that in the masterplan the commercial units were indicated closer to the railway and would act as a noise buffer to residential properties.

Councillor Gibbens left the meeting at 8pm.

With regard to the authority's investment in the masterplan, it was noted that the biggest cost had been officer time, but that a consultant had been procured to undertake the masterplanning in agreement with the church commissioners and that the costs would be offset once the development deal had been agreed.

It was noted that the majority of commercial tenants were on long term leases and would need to be compensated. If a developer wished to take on the site with tenants they

would need to compensate, whereas if we were to hand over the site with a clear title, we would need to compensate the tenants but the land value would be adjusted to take account of this. A separate report on any land disposal would need to be prepared and considered by members at the appropriate time.

The ward councillor thanked officers for bringing the plan forward and reported that the parish council and residents were also supportive, particularly as residents had voted for development on the site in the Neighbourhood Plan.

In relation to the timescale for the plan, it was noted that it would be taken to the next meeting of Council and would become a material consideration thereafter.

RESOLVED – the report be noted and endorsed.



Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Ethical Governance & Personnel Committee	24 March 2021
Council	18 May 2021

Wards affected:	All wards
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Process for dealing with Code of Conduct complaints

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To seek members' views on the draft complaints process which is under review on the request of the committee.

2. Recommendation

- 2.1 The proposed process be supported.

3. Background to the report

- 3.1 Section 28(6) of the Localism Act 2011 states that the authority must have arrangements in place to investigate and make decisions on allegations that a member has breached the Code of Conduct.
- 3.2 The current process for dealing with complaints about councillor conduct was adopted in July 2012 and last reviewed in March 2015.
- 3.3 The process requires that most complaints are presented to the Ethical Governance & Personnel Committee for determination at every stage. This results in committee time being taken up by complaints that could be resolved by the Monitoring Officer under delegated authority.
- 3.4 This proposed new process will enable the Monitoring Officer to consider any complaints they, in consultation with the Independent Person, feel require no further action or could be resolved by way of formal apology and/or requiring

the subject member to undertake training. These will be those complaints that are frivolous or not an appropriate use of the committee's time.

- 3.5 The section on 'Appeals' has also been amended to make provision for the complainant and subject member to complain to the Local Government and Social Care Ombudsman if they are dissatisfied with the way their complaint has been handled, as is the appropriate course of action for such matters.
- 3.6 In addition to the amendments in 3.4 and 3.5 above, the document has been laid out more clearly.
- 3.7 A flowchart is also attached for operational use in considering complaints.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 Report to be taken in open session.

5. Financial implications (IB)

- 5.1 None.

6. Legal implications (MR)

- 6.1 Section 28(6) Localism Act 2011 stipulates that the Council must have in place:
 - a) Arrangements under which allegations can be investigated; and
 - b) Arrangements under which decisions on allegations can be made.
- 6.2 Section 28 (7) of that Act provides that such arrangements must include provision for the appointment of at least one independent person
 - a) whose views are to be sought and taken into account before it makes a decision in an allegation that it has decided to investigate, and
 - b) whose views may be sought
 - i) by the Council in relation to an allegation in circumstances not within paragraph 7 above;
 - ii) by a member of the Council if that person's behaviour is the subject of an allegation; and
 - iii) by a member of the Council if that person's behaviour is the subject of an allegation and the authority is the parish council's principal authority.
- 6.3 Section 101 Local Government Act 1972 empowers the Council to arrange for the discharge of its functions by an officer.

- 6.4 There doesn't seem to be anything in the legislation which prohibits the delegation proposed in this report.

7. Corporate Plan implications

- 7.1 This report supports all aims and objectives as it ensures good governance through high standards of conduct.

8. Consultation

- 8.1 The purpose of this report is to consult the Ethical Governance & Personnel Committee.

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
None		

10. Knowing your community – equality and rural implications

- 10.1 This report does not impact any groups or communities as it is a corporate matter which support good conduct and governance across the authority.

11. Climate implications

- 11.1 Whilst this report would not have direct impacts on the climate, if the new process was adopted it would have an indirect benefit in reducing the frequency of meetings and therefore the impact of travel associated with them, and fewer and/or shorter agendas, thereby also reducing paper usage.

12. Corporate implications

- 12.1 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: Code of Conduct for members

Contact officer: Julie Kenny, Monitoring Officer

Executive member: Cllr S Bray

Hinckley & Bosworth Borough Council

Arrangements for dealing with complaints against councillors (Borough and Parish)

The Localism Act 2011 requires all local authorities to adopt their own Code of Conduct (“the Code”) for members (and for any co-opted members who have the right to vote in meetings). The Code has to be based on seven principles of public life namely: Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership.

In addition the Code requires members to declare and publicly register certain financial interests that they may have. These are called Disclosable Pecuniary Interests. Failure to declare and register these particular interests is a criminal offence.

The Localism Act 2011 goes on to require local authorities to have arrangements in place to deal with formal complaints against members. Those arrangements have to include the appointment of an ‘Independent Person’ whose views must be sought by the authority before making a final decision on a complaint and can also be sought at any stage of dealing with a complaint. In addition, the member being complained about has a right to consult an Independent Person at any time in the process.

Making a Complaint

Members of the Hinckley & Bosworth Borough Council and parish councils within the borough pride themselves on their high standards of behaviour. There may however be occasions when you might consider that a member has breached the Code of Conduct. In these instances, you may complain to the Monitoring Officer who is a senior officer in the authority and has statutory responsibility for maintaining the register of members’ interests and for administering a system for considering complaints against members.

To ensure that all the necessary information is provided with a complaint a standard complaint form has been drawn up. You can access the complaints form [here](#).

Once completed the form should be sent either by e-mail or in the post to:

Julie Kenny
Monitoring Officer
Hinckley & Bosworth Borough Council
Hinckley Hub
Rugby Road
Hinckley
Leicestershire LE10 0FR

E mail: julie.kenny@hinckley-bosworth.gov.uk

It is important that you provide your contact details so that we can keep you informed of the progress of your complaint. The form includes a section for you to indicate if you don't want the member you're complaining about to know who the complainant is. However, there are only very specific situations where your details can be withheld.

Once received your complaint will be dealt with in accordance with the following process:

First steps

You will be sent an acknowledgement letter or e mail usually within five working days of receipt of your complaint.

The subject member and his/her political group leader (if applicable) will be notified of the complaint and provided with the details of the complaint.

Preliminary Assessment

The Monitoring Officer, in consultation with an Independent Person, will assess your complaint and decide whether it constitutes a breach of the Code of Conduct.

Complaints that are considered to be vexatious or politically motivated will not be accepted. If for these or other reasons the Monitoring Officer, in consultation with the Independent Person, does not feel that the complaint should be considered, you, the member being complained about and the group leader (if applicable) will be notified. If you are dissatisfied with this decision, you can request re-consideration by the Monitoring Officer.

If the complaint is deemed to relate to an alleged breach of the Code of Conduct the Monitoring Officer will decide whether or not that breach relates to the declaration or registration of a Disclosable Pecuniary Interest. (See below for information on complaints not deemed appropriate for consideration).

Alleged breaches of requirement in connection with Disclosable Pecuniary Interests

In these instances, the Monitoring Officer will consider whether the matter should be referred to Leicestershire Police for investigation. In making that decision the Monitoring Officer has to decide whether any alleged failure to declare or register an interest was intentional. The Monitoring Officer will need to be able to provide sufficient evidence to justify a Police investigation.

Other alleged breaches of the Code of Conduct.

For complaints that are **not** about Disclosable Pecuniary Interests, the Monitoring Officer, in consultation with the Independent Person, will decide whether the allegation warrants detailed consideration and, if so, whether that consideration needs to be by the Monitoring Officer or by a panel of elected members.

Complaints considered by the Monitoring Officer

These are complaints for which the Monitoring Officer in consultation with the Independent Person, feel that either no further action is required or that the appropriate remedy would be:

- a formal apology to you by the member concerned within 14 days of the request to do so;
- a requirement for the member to undertake specific training, or both.

You will be informed of the outcome of the complaint. Where members belong to a political group, the group leader will be notified of the outcome of the complaint and of any sanctions imposed.

Complaints considered by the Ethical Governance & Personnel Committee (EGPC)

Where the Monitoring Officer, in consultation with the Independent Person, thinks that it is not appropriate for them to deal with the complaint or that more serious sanctions might be appropriate the complaint will be referred to EGPC. Both you and the member being complained about will be invited to submit evidence for the EGPC to consider.

The EGPC will decide whether it believes a full investigation into the complaint is required or whether there is more appropriate action, such as an apology, training or indeed whether no further action should be taken. In all cases, the Monitoring Officer will be asked to advise you and the subject member of the decision.

If the EGPC requests a full investigation, this will be undertaken by the Monitoring Officer or a person appointed by them. If necessary, the EGPC can request additional information from other parties to help them consider the complaint. More serious cases might warrant the commissioning of an investigation report by either an officer not directly involved in work with the member concerned or by an independent adviser.

If the recommendation of the investigation is that there has not been a breach of the Code of Conduct and no further action be taken, the report will also be sent to the Independent Person and the Chair of the EGPC, who will be asked whether they agree with the recommendation. Where all parties agree, that will be the end of the matter and you, the member and the relevant town or parish clerk will be advised of the decision.

However, if an investigation finds a complaint is upheld and there has been a breach of the Code of Conduct then the EGPC will meet for a hearing and the subject member will be invited to attend.

Hearings by the Ethical Governance and Personnel Committee

Hearings are not a court. Evidence will not be taken on oath and persons attending the hearing will not be expected to stand. The committee is quasi-judicial and the

principles of natural justice will be applied. All comments or questions must be put through the Chair. The committee will reach its decisions on the balance of probabilities based on the evidence presented to it.

The subject member may be represented or accompanied during the meeting.

The EGPC Chair will:

- (i) introduce those present;
- (ii) establish that the hearing is quorate
- (iii) deal with any disclosures of interest;
- (iv) ensure that the participants understand the procedure to be followed;
- (v) ensure that the member, if unaccompanied, was made aware that he or she could have been represented.
- (vi) ensure that any issues of confidentiality are dealt with

If the subject member is not present, the committee will consider whether to hold the hearing in their absence or adjourn the hearing.

The investigator will act as a facilitator introducing any witnesses to give evidence. The subject member and/or his/her representative may ask questions of the investigating officer and any witnesses. The EGPC may ask questions of the investigating officer and any witnesses.

The subject member and/or his/her representative will put his/her case and may call witnesses. The EGPC may ask questions of the subject member and any witnesses.

The EGPC will withdraw to consider the case and come to a decision in private. The Monitoring Officer and the officer recording the proceedings will remain with the Committee. The Chair will announce the Ethical Governance and Personnel Committee's decision in respect to the material facts and whether they amounted to a breach of the Code of Conduct.

If a complaint is upheld:

The EGPC will decide if any of the following sanctions should be imposed:

- Formal apology
- Additional training
- Formal letter to the member concerned highlighting failings in their conduct
- Recommendation to Council / Parish Council on the removal of the member from membership of a specific committee, outside body or position of responsibility

- Recommendation to the political group leader (if applicable) on the removal of the member from a specific committee, outside body or position of responsibility
- Issue of a press release on the nature of the complaint and the committee's decision which will be published on the council's website
- A recommendation to Council that the member be censured.
- Limit the member's access to support services and officers (if a Borough member).

If the complaint is not upheld

No action will be taken against the councillor concerned.

You, the subject member, the group leader and town or parish clerk (if applicable) will be informed of the committee's decision.

Appeals

There is no right of appeal against the decision on whether to investigate a complaint or decisions made following investigation.

If you are unhappy about the way in which your complaint has been administered, a complaint can be lodged with the Local Government and Social Care Ombudsman who can be contacted as follows:

Website: <https://www.lgo.org.uk/make-a-complaint/how-to-complain>

Tel: 0300 061 0614

The subject member may also make a complaint to the Local Government and Social Care Ombudsman if they are unhappy with the way the complaint against them has been handled.

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HINCKLEY AND BOSWORTH BOROUGH COUNCIL

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE

24 MARCH 2021 AT 6.30 PM

PRESENT: Cllr R Webber-Jones - Chairman
Cllr MB Cartwright – Vice-Chairman
Cllr DC Bill MBE, Cllr MA Cook, Cllr A Furlong, Cllr L Hodgkins, Cllr E Hollick,
Cllr LJP O'Shea and Cllr RB Roberts (for Cllr RG Allen)

Also in attendance: Mr G Grimes, Independent Person

Officers in attendance: Julie Kenny and Rebecca Owen

671 CODE OF CONDUCT COMPLAINTS PROCESS

The Monitoring Officer presented a report which proposed changes to the process for dealing with code of conduct complaints. It was highlighted that the proposal was to remove some steps in order to avoid the need for frivolous, vexatious or political complaints to come to the Ethical Governance & Personnel Committee and to delegate authority to the Monitoring Officer to issue a recommendation of an apology or training where the complaint is of a lower level.

It was moved by Councillor Cook that the “no further action” wording be amended to “there has been no breach of the code of conduct and therefore there is no further action” so it is clearer to those involved. Cllr Cartwright seconded the motion but requested that the process be reviewed by the committee in 12 months.

The Monitoring Officer suggested bringing an annual report on numbers of complaints to the committee to be able to assess the effectiveness of the new procedure, which members supported.

RESOLVED –

- (i) The process be endorsed and RECOMMENDED to Council;
- (ii) An annual report be brought to the committee to assess the effectiveness of the process.

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Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 18 May 2021

Wards affected: All wards

Appointment of Independent Persons

Report of the Monitoring Officer

1. Purpose of report

- 1.1 To seek agreement for the appointment of a pool of Independent Persons to support the code of conduct complaints process and statutory officer employment processes.

2. Recommendation

- 2.1 Appointment of the candidates listed in appendix 1 be approved for a four year term.

3. Background to the report

- 3.1 The role of Independent Person was introduced under the Localism Act 2011. In June 2012 and again May 2016, Hinckley & Bosworth Borough Council appointed a pool of Independent Persons following a joint recruitment exercise with the other district councils in Leicestershire. The term of office of those appointed in 2016 was extended in 2020 due to Covid 19 and expires in May 2021.
- 3.2 In addition to the role of Independent Persons in relation to code of conduct complaints, as a result of changes introduced by the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, at least 2 Independent Persons must be appointed to a panel where an authority is considering the dismissal of a statutory officer. For this purpose, the pool of Independent Persons is the same as that appointed under the Localism Act 2011.

- 3.3 In early 2021, Monitoring Officers from district councils in Leicestershire again agreed to a joint recruitment exercise to select a pool of Independent Persons. Following interview, the following six candidates are recommended for appointment:

Michael Gibson
Gordon Grimes
Richard Gough
Michael Pearson
Laurence Faulkner
Mark Shaw.

A brief background to each candidate is included at appendix 1 but this is exempt due to containing personal information so cannot be discussed in the open part of the meeting.

4. Exemptions in accordance with the Access to Information procedure rules

- 4.1 To be taken in open session.

5. Financial implications (FMc)

- 5.1 The Independent Persons will be able to claim expenses for things such as mileage and parking but these costs will be minimal.

6. Legal implications (MR)

- 6.1 For the purposes of section 28 Localism Act 2011, (dealing with Codes of Conduct and their enforcement) HBBC must include in its arrangements provision for the appointment of one at least one independent person.
- 6.2 A person is not an Independent Person if
- a) A member, co-opted member or officer of the Council,
 - b) A member, co-opted member or officer of a parish council within HBBC's area, or
 - c) A relative or close friend of anyone in a or b above.
- 6.3 A person may not be appointed as an Independent Person if at any time during the 5 years ending with the appointment, the person was
- a) A member, co-opted member or officer of the Council,
 - b) A member, co-opted member or officer of a parish council within HBBC's area.
- 6.4 A person may not be appointed as an Independent Person unless
- a) The vacancy has been advertised
 - b) The person has submitted an application to fill the vacancy, and
 - c) The person appointed has been approved by a majority of the members of the Council.

7. Corporate Plan implications

- 7.1 This report supports all corporate aims in ensuring support for the code of conducts complaints process, thereby ensuring good governance.

8. Consultation

- 8.1 Members of the Ethical Governance & Personnel Committee have been consulted in preparation of 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 appoint Independent Persons would be in breach of the Localism Act 2011 and would have a detrimental impact on the code of conduct complaints process.	Ensure Independent Persons are appointed in a timely manner and the relevant training and support is provided.	Julie Kenny

10. Knowing your community – equality and rural implications

- 10.1 The actions recommended in this report will have no direct impact on any community group or any particular parishes within the borough.

11. Climate implications

- 11.1 This report has no direct implications on climate change.

12. Corporate implications

- 12.1 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:

Contact officer: Becky Owen, tel 01455 255879
Executive member: Councillor S Bray

By virtue of paragraph(s) 1, 10 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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