

# Public Document Pack

**HINCKLEY & BOSWORTH  
BOROUGH COUNCIL**



## **Hinckley & Bosworth Borough Council**

**AGENDA FOR THE  
MEETING OF THE COUNCIL**

**TO BE HELD ON**

**TUESDAY, 18 APRIL 2023**

**AT 6.30 PM**

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

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We also allow the use of social media during meetings, which helps to bring the issues discussed to a wider audience.

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## Use of mobile phones

To minimise disturbance to others attending the meeting, please switch off your phone or other mobile device or turn it onto silent or vibrate mode.

Thank you



**Date: 06 April 2023**

Dear Sir/Madam

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council in the Council Chamber at these offices on **TUESDAY, 18 APRIL 2023 at 6.30 pm**

Yours faithfully

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

Miss RK Owen  
Democratic Services Manager

## **A G E N D A**

1. **Apologies**
2. **Minutes of the previous meeting (Pages 1 - 10)**  
To confirm the minutes of the meeting held on 22 February.
3. **Additional urgent business by reason of special circumstances**  
To be advised of any additional items of business which the Mayor decides by reason of special circumstances shall be taken as matters of urgency at this meeting. Items will be considered at the end of the agenda.
4. **Declarations of interest**  
To receive verbally from Members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the Agenda.
5. **Mayor's Communications**  
To receive such communications as the Mayor may decide to lay before the Council.

6. **Questions**

To deal with questions under Council Procedure Rule number 14.

7. **Petitions**

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

8. **Leader of the Council's Position Statement**

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

9. **Minutes of the Scrutiny Commission (Pages 11 - 12)**

To receive for information only the minutes of the Scrutiny Commission meeting held on 16 March.

10. **Review of the Council's Constitution (Pages 13 - 32)**

To review the recommendations of the Constitution Working Group and agree amendments to the council's constitution.

11. **Committee membership**

To agree the following political balance following the truing up process and negotiations. Recommendations for changes to committee membership will be contained in the supplementary agenda.

Body	No of seats	C	L	LD	Ind 1	Ind 2
		No of seats	No of seats	No of seats	No of seats	No of seats
Appeals	12	4		8		
Audit Cttee	11	3	1	6	1	
Ethical Gov	9	2	1	5		1
F&P Scrutiny	9	3		6		
Licensing	11	3	1	7		
Planning	17	4	1	11		1
Scrutiny	11	3	1	7		
<b>TOTAL</b>	<b>80</b>	<b>22</b>	<b>5</b>	<b>50</b>	<b>1</b>	<b>2</b>

12. **Matters from which the public may be excluded**

To consider the passing of a resolution under Section 100A(4) of the Local Government Act 1972 excluding the public from the undermentioned item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraphs 3 and 10 of Schedule 12A of the 1972 Act.

13. **Lease negotiations (Pages 33 - 40)**

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

22 February 2023 AT 6.30 pm

PRESENT: CLLR DT GLENVILLE - MAYOR  
CLLR SM GIBBENS – DEPUTY MAYOR

Cllr CM Allen, Cllr RG Allen, Cllr DC Bill MBE, Cllr SL Bray,  
Cllr MB Cartwright, Cllr MA Cook, Cllr DS Cope, Cllr MJ Crooks,  
Cllr WJ Crooks, Cllr REH Flemming, Cllr A Furlong,  
Cllr L Hodgkins, Cllr E Hollick, Cllr C Ladkin, Cllr KWP Lynch,  
Cllr K Morrell, Cllr LJ Mullaney, Cllr MT Mullaney, Cllr K Nichols,  
Cllr LJP O'Shea, Cllr A Pendlebury, Cllr RB Roberts,  
Cllr MC Sheppard-Bools, Cllr H Smith, Cllr BR Walker,  
Cllr R Webber-Jones, Cllr HG Williams and Cllr P Williams

Officers in attendance: Bill Cullen, Paul Grundy, Caroline Roffey, Sharon Stacey and Ashley Wilson

### 290. **Apologies**

Apologies for absence were submitted on behalf of Councillors Boothby, Collett, Findlay and Lay.

### 291. **Minutes of the previous meeting**

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

RESOLVED – the minutes of the meeting held on 13 December 2022 be approved and signed by the Mayor.

### 292. **Declarations of interest**

Councillor Bill declared a non-registrable interest in agenda item 16 (motions) as a member of Leicestershire County Council's Local Government Pension Scheme Committee and stated he would not take part in discussion or vote on the item.

Councillors W Crooks, Hodgkins, Lynch, Morrell, Nichols and O'Shea declared pecuniary interests in the item 16 as members of the pension fund.

### 293. **Mayor's Communications**

The Mayor provided an update on engagements and events.

### 294. **Questions**

(a) Question from Councillor R Allen to the Executive member for Finance:

“There appears to be renewed activity on the crematorium site. Can the Executive member confirm that work has recommenced and, if so, provide an indicative completion date please?”

Response from Councillor Lynch:

“As Councillor Allen is aware, the site condition surveys undertaken by the administration he was part of failed to accurately highlight the ground conditions on site.

The construction of the crematorium has been put on hold whilst further site investigation and monitoring of the ground conditions take place. As a result, we hope to understand the changing nature of the site and mitigate any ground issues with a suitable design solution.

Monitoring is due for completion at the end of March this year following which the contractor will forward their revised design proposals and costs for delivery of the project.”

By way of supplementary question, Cllr Allen asked for confirmation about whether work had commenced. In response, Councillor Lynch stated that investigations were still underway.

(b) Question from Councillor R Allen to the Executive member for Finance:

“Can the Executive member for Finance please provide me with the figure for the council’s total borrowing commitments as at 31 January 2023?”

Response from Councillor Lynch:

“I am pleased that Councillor Allen has chosen to take an interest in this matter. It’s a shame his party hasn’t taken such an interest in the national situation as latest BBC figures reveal his government’s level of debt has now reached £2.5tn. In December alone they borrowed £27.4bn - £16.7bn more than the December before.

The borrowing position is fully covered in the prudential indicator and treasury management report, with details on external debt held at paragraph 3.18 and internal financing at 3.14. The position in this report at 1 April 2023 is no different to the position as at 31 January 2023.”

**295. Leader of the Council's Position Statement**

The Leader of Council presented his position statement, mentioning items including cost of living events, community health services, the UK shared prosperity fund, asylum seekers, and the national rail freight interchange.

**296. Minutes of the Scrutiny Commission**

The minutes of the Scrutiny Commission were received.

**297. Budget reports:**

Consideration was given to the general fund budget 2023/24, the housing revenue account budget 2023/24, council tax setting, fees and charges 2023/24,

capital programme & capital strategy, and treasury management & prudential indicators. The finance team was thanked for its work on the budget.

It was moved by Councillor Lynch and seconded by Councillor Bray that the budget reports be approved.

(a) General fund budget 2023/24

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this motion was recorded.

Councillors Bill, Bray, Cartwright, Cope, J Crooks, W Crooks, Flemming, Gibbens, Glenville, Hodgkins, Hollick, Lynch, L Mullaney, M Mullaney, Nichols, Pendlebury, Sheppard-Bools, Walker, Webber-Jones and P Williams voted FOR the motion (20);

Councillors C Allen, R Allen, Cook, Ladkin, Morrell, O'Shea, Roberts, and Smith voted AGAINST the motion (8);

Councillors Furlong and H Williams abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED –

- (i) The general fund budget for 2022/23 and 2023/24 be approved;
- (ii) The special expenses area budget for 2022/23 and 2023/24 be approved;
- (iii) The proposed one-off movement in the 2022/23 budget be approved;
- (iv) The proposed movement in general fund balances and earmarked reserves for 2022/23 and 2023/24 be approved.

(b) Calculation of council tax for 2023/24

In accordance with the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014, voting on this amendment was recorded.

Councillors Bill, Bray, Cartwright, Cope, J Crooks, W Crooks, Flemming, Gibbens, Glenville, Hodgkins, Hollick, Lynch, L Mullaney, M Mullaney, Nichols, Pendlebury, Sheppard-Bools, Walker, Webber-Jones and P Williams voted FOR the motion (20);

Councillors C Allen, R Allen, Cook, Ladkin, Morrell, O'Shea, Roberts and Smith voted AGAINST the motion (8);

Councillors Furlong and H Williams abstained from voting.

The motion was therefore declared CARRIED and it was

RESOLVED – in accordance with the Local Government Finance Act 1992, the following be approved:

- (i) £61,477,360, being the aggregate of the amounts which the council estimates for the items set out in section 31A (2) of the Act (gross expenditure on general fund services, special district expenses and parish precepts);
- (ii) £53,110,893, being the aggregate of the amounts which the council estimates for the items set out in section 31(A) (3) of the Act (gross income including external financing and the use of reserves);
- (iii) £8,366,467, being the amount by which the aggregate at (i) above exceeds the aggregate at (ii) above calculated by the council in accordance with section 31A (4) of the Act as its council tax requirement for the year (amount to be funded from council tax, including special expenses and parish precepts);
- (iv) £149.87 being the amount calculated by the council, in accordance with section 31(B) of the Act, as the basic amount of its council tax for the year (average local council tax, not including parish precepts);
- (v) A band D council tax for borough wide services, excluding special expenses and parish council precepts, of £130.50;
- (vi) An average band D council tax relating to borough wide services and an average of special expenses and parish council services of £212.24;
- (vii) Appendix B to the report being the council tax for the HBBC district divided by the tax base, including amounts for the Leicestershire County Council, The Office of the Police and Crime Commissioner for Leicestershire, and Leicester, Leicestershire and Rutland Combined Fire Authority and for each area and valuation (council tax band charges for each parish and special expense area).

(c) Housing revenue account budget 2022/23

RESOLVED –

- (i) The rent policy for 2023/24 be approved;
- (ii) The revised housing revenue and housing repairs account budgets for 2023/23 be approved;



(iii) The housing revenue and housing repairs account budgets for 2023/24 be approved;

(iv) The proposed movement in reserves be approved.

(d) Fees & charges 2023/24

RESOLVED – the fees and charges book for 2023/24 be approved.

(e) Capital programme 2022/23 to 2025/26

RESOLVED –

(i) The capital strategy be approved;

(ii) The proposed capital programme for 2022/23 to 2025/26 be approved;

(iii) The growth bids detailed in the report be approved.

(f) Treasury management strategy and prudential indicators 2022/23 to 2025/26

RESOLVED –

(i) The prudential indicators and limits for 2022/23 to 2025/26, including the authorised limit prudential indicator, be approved;

(ii) The minimum revenue provision (MRP) statement be approved;

(iii) The treasury management strategy be approved.

## 298. **Pay Policy Statement**

Consideration was given to the pay policy statement for 2023/24. Members asked whether there had been an exercise to measure salaries against the private sector and enquired about the gender pay gap position. It was agreed that this information would be provided outside of the meeting.

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

RESOLVED –

(i) The pay policy statement for 2023/24 be approved;

(ii) The reduction in the pay gap between the top earner and the median average earner within the council be noted.

**299. Homelessness Rough Sleeping Review & Strategy report**

Council received the homelessness review and homelessness and rough sleeping strategy. Officers were thanked for their work on the strategy and their support of residents.

It was moved by Councillor M Mullaney, seconded by Councillor Bray and

RESOLVED –

- (i) The strategy and subsequent approach to the prevention of homelessness in all its forms be approved;
- (ii) The action plan and associated work streams in progress be noted.

**300. Undertaking of urgent works at Bradgate Stables**

Members were informed of the latest position regarding Bradgate Stables and considered actions to secure its preservation. It was moved by Councillor Bill, seconded by Councillor Cartwright and

RESOLVED –

- (i) The limited progress by the owners on undertaking the urgent works required to preserve the building be noted;
- (ii) The proposals for the long term strategy for the building be noted;
- (iii) The Director (Community & Planning Services) be granted delegated authority to:
  - a. Present the agreed urgent work schedule and specification to the building owner giving a short period of notice that the council intends to carry out the specified works should the building owner fail to take steps to undertake the urgent work voluntarily;
  - b. Serve the agreed urgent works notice if no clear commitment to the works being undertaken voluntarily be provided during the notice period, and to make any necessary amendments to the contents of the notice;
  - c. Authorise the appointment of the required professional services to complete the urgent works in default, with the appointment made upon expiry of a seven day period from the serving of the urgent works notice if no clear commitment to the works being undertaken voluntarily be provided during this period;
  - d. Make necessary provisions for gaining authorised access to the site to complete the urgent works in default should access be withheld.

- (iv) A supplementary budget of up to £300,000 for costs and £240,000 for the grant income from Historic England be approved.

### 301. **Leicestershire Resources and Waste Strategy**

Council considered adoption of the Leicestershire Resources and Waste Strategy 2022. During discussion, concern was expressed regarding the amount of packaging used by retailers.

It was moved by Councillor W Crooks, seconded by Councillor Bill and

RESOLVED –

- (i) The Leicestershire Resources and Waste Strategy be adopted;
- (ii) The continuation of the Leicestershire Waste Partnership be endorsed but it be requested that it be developed and enhanced to ensure appropriate political, strategic and organisational engagement;
- (iii) The Leicestershire Waste Partnership be requested to explore collaborative opportunities which have the potential to deliver environmental improvements whilst helping to reduce costs across the waste system, such that cost shunting is avoided and mutual benefits are shared across all partners;
- (iv) Authority be delegated to the Director (Corporate & Street Scene Services) in consultation with the Executive member for Street Scene Services to make any further changes to the strategy emerging from discussions with partners.

### 302. **Appointments to Markfield Parish Council**

Members were apprised of the current situation at Markfield Parish Council whereby following a number of resignations from parish councillors, the parish council was inquorate. It was moved by Councillor Bill, seconded by Councillor Webber-Jones and

RESOLVED –

- (i) The appointment of Stuart Bray and Richard Allen be approved and the required Order be made;
- (ii) The scheme of delegation be amended to delegate future appointments to parish councils to the Director (Corporate & Street Scene Services).

**303. Motions received in accordance with Council Procedure Rule 17**

The following motion was proposed by Councillor Furlong and seconded by Councillor Cartwright:

“This Council notes:

Monies associated with Hinckley & Bosworth Borough Council’s staff pension scheme are held within the Leicestershire County Council pension fund. This externally managed fund is reported to have fossil fuel investments of £154m on 31 March 2022 or 3.7% of the fund’s total investments of £4.1bn.

The United Nations Paris Agreement, reaffirmed at the COP27 Climate Summit in Egypt, commits governments to keep the global temperature increase to under 2.0 degrees and aim for 1.5 degrees. Carbon budgets produced by the Intergovernmental Panel on Climate Change, United Nations and the International Energy Agency show that preventing two degrees of warming relies on humanity not burning most of its proven fossil fuel reserves.

Former bank of England governor, Mark Carney, has warned that fossil fuel investments risk becoming “enormous, stranded assets”<sup>1</sup> as fund managers reevaluate the sector. Speaking on BBC Radio 4 in 2019 he said “a question for every company, every financial institution, every asset manager, pension fund or insurer – what’s your plan?”

Pension funds have a fiduciary duty to consider the material risks of continued investment in fossil fuels. Fiduciary duty is defined by the Law Commission as “ensuring the pensions can be paid, ensuring that this is undertaken at the best possible value”.

Pension funds also have a legal duty to treat members “fairly as between them”. That means taking seriously the longer-term interests of younger members who may be affected more by the climate transition.

This Council commits to:

1. Reaffirming the principle embodied in the economy strand of the borough’s Climate Change Strategy 2022 – 2024, which seeks to ensure that Council’s investments are placed in environmental and socially responsible stewardship. Fossil fuel investments must be considered as part of the council’s “carbon footprint”.

Withdrawing our pension fund from those companies who create the largest carbon emissions is one of the most impactful steps we can take to reduce our impact on our community and the world.

2. Calculate and publish the scale of that carbon footprint at a borough-wide level associated with pension investments in the Leicestershire scheme.
3. Calling on Leicestershire County Council Pension Fund to bring forward a transparent plan to divest from fossil fuels by 2030 through the development and adoption of responsible investment policies that:

- a) Stop investment in energy companies actively exploiting new fossil fuel reserves
- b) Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds unless the specific funds are being used exclusively to develop or support renewables, carbon capture, hydrogen or other decarbonisation technology
- c) Instruct its fund managers to pursue an active investment strategy in companies with a verified commitment to, and track record of, reducing greenhouse gas emissions and minimise climate risk.”

<sup>1[1]</sup><https://www.cnn.com/2021/10/21/climate-stranded-assets-show-the-need-for-rapid-energy-transition-carney-says.html>

Councillor Furlong, along with five further councillors, requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Bray, Cartwright, Cope, J Crooks, Flemming, Furlong, Gibbens, Glenville, Hollick, L Mullaney, M Mullaney, Pendlebury, Sheppard-Bools, Walker, Webber-Jones and P Williams voted FOR the motion (16);

Councillors C Allen, R Allen, Cook, Ladkin, Roberts, Smith and H Williams abstained from voting.

Having declared an interest in this item, Councillors Bill, W Crooks, Hodgkins, Lynch, Morrell, Nichols and O’Shea did not take part in the vote.

The motion was declared CARRIED and it was

RESOLVED –

- (i) The principle embodied in the economy strand of the borough’s climate change strategy which seeks to ensure that council’s investments are place in environmental and socially responsible stewardship be reaffirmed;
- (ii) The scale of the council’s carbon footprint in relation to pension investments be calculated and published;
- (iii) Leicestershire County Council’s pension fund be called on to bring forward a transparent plan to divest from fossil fuels by 2030 through the development and adoption of responsible investment policies that:
  - a. Stop investment in energy companies actively exploiting new fossil fuel reserves;
  - b. Divest from direct ownership and any commingled funds that include fossil fuel public equities and corporate bonds unless the specific funds are being used exclusively to

- develop or support renewables, carbon capture, hydrogen or other decarbonisation technology;
- c. Instruct its fund managers to pursue an active investment strategy in companies with a verified commitment to and track record of reducing greenhouse gas emissions and minimising climate risk.

(The Meeting closed at 8.51 pm)

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MAYOR

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

16 MARCH 2023 AT 6.30 PM

PRESENT: Cllr MR Lay - Chairman  
Cllr C Ladkin and Cllr P Williams – Vice-Chairman  
Cllr JMT Collett, Cllr L Hodgkins, Cllr K Morrell, Cllr A Pendlebury,  
Cllr MC Sheppard-Bools and Cllr R Webber-Jones

Also in attendance: Councillor MB Cartwright and Councillor MT Mullaney

Officers in attendance: Rachel Burgess, Edwina Grant, Julie Kenny, Rebecca Owen, Ian Pinfold, Caroline Roffey and Sharon Stacey

#### 319. **Apologies and substitutions**

Apologies for absence were submitted on behalf of Councillors Cope and J Crooks.

#### 320. **Minutes**

RESOLVED – the minutes of the meeting held on 26 January be approved as a correct record.

#### 321. **Declarations of interest**

No interests were declared.

#### 322. **Children & Young People update**

Members received a presentation from a member of the Youth Forum who updated on recent projects including food banks and warm spaces. The meeting was also informed of other activities undertaken in partnership with schools, outreach work and safeguarding.

Members acknowledged the importance of the work of the Community Safety team and the positive actions that have resulted from its work. It was noted that whilst many of the activities were not statutory, it was important that they continue despite tighter resources.

The report was endorsed.

#### 323. **Voluntary & Community sector partnership update and commissioning outcomes 2021/22**

The Scrutiny Commission received an update on the voluntary & community sector (VCS) partnership. Members felt that the work of the VCS and the partnership with the authority had a great impact. It was again noted that the council's support for the VCS was not a statutory requirement but added value to the sector for the benefit of Hinckley & Bosworth residents.

Members paid tribute to Edwina Grant who would soon be leaving the authority after 15 years and had led the partnership since its inception.

It was suggested that the added value of the VCS be calculated to demonstrate the benefits provided.

The report was endorsed.

#### 324. **Parish & Community Initiative Fund**

Consideration was given to the recommended allocation of the Parish and Community Initiative Fund. It was noted that the application from Cadeby had been withdrawn.

It was requested that the scoring system be clearly communicated to the parish councils and that regular deadline reminders be sent.

Concern was expressed that some funding remained unallocated and following discussion it was requested that it be rolled over to the following year. It was explained that the forthcoming review would consider whether any aspect of the scheme or criteria should be changed.

RESOLVED –

- (i) SLT be RECOMMENDED to approve the funding allocations outlined in the report;
- (ii) The recommendation to review the scheme be endorsed;
- (iii) SLT be RECOMMENDED to allow the eight schemes from the previous year to be funded and completed.

#### 325. **Chair's comments**

It being Councillor Lay's last meeting as chair, having chaired the Scrutiny Commission since it was constituted in 2003, he spoke about the valuable work of the overview & scrutiny function and the importance of having a non-political forum for open dialogue. He thanked the current and former chief executives and other officers for their support. The vice chairs and members thanked Councillor Lay for his hard work, leadership and fairness.

(The Meeting closed at 8.09 pm)

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CHAIRMAN





## Hinckley & Bosworth Borough Council

Forward timetable of consultation and decision making

Council 18 April 2023

Wards affected: All wards

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### Review of the council's constitution

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Report of the Monitoring Officer on behalf of the Constitution Working Group

#### **1. Purpose of report**

1.1 To propose revisions to the council's constitution.

#### **2. Recommendation**

2.1 The amendments listed in the appendices to the report be approved.

#### **3. Background to the report**

3.1 In autumn 2022 the Constitution Working Group met to consider revisions to the constitution. Members of the working group are:

Cllr Bray (Chairman)

Cllr R Allen

Cllr J Crooks

Cllr Hollick

Cllr Furlong.

3.2 The proposed changes to the constitution are contained in the appendices to this report. Amendments include discontinuation of the term 'chairman', further delegations to enable more efficient decision making, changes to responsibilities following the restructure (already approved by Council but included here for completeness), changes to the deadline for public questions and questions and motions from members and changes to public speaking at Planning Committee to allow speaking on new applications, not those that have been deferred. Appendix 2 provides an additional section to the financial procedure rules.

3.3 The constitution will be checked for any other typographical and grammatical errors which will be corrected before publication.

**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 are no financial implications arising directly from the report.

**6. Legal implications (MR)**

6.1 Responsibility for amendments to the constitution lies with Council following a report by the Monitoring Officer or by a group of members appointed for that purpose.

**7. Corporate Plan implications**

7.1 The recommendations within this report support all corporate aims by ensuring decision making is carried out in accordance with legislation and the council's constitution.

**8. Consultation**

8.1 The Constitution Working Group, which is made up of representatives of all political groups on the Council, drafted these proposals.

**9. Risk implications**

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

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

Management of significant (Net Red) risks

Risk description	Mitigating actions	Owner
Failure to maintain an up to date constitution.	Ensure the document is regularly reviewed and updated	J Kenny

## **10. Knowing your community – equality and rural implications**

10.1 This report does not impact any group or community.

10.2 This report does not propose a new service or change so significant that it would require an equality impact assessment.

## **11. Climate implications**

11.1 Amending the constitution does not in itself have climate implications. The amendments proposed to the constitution would also not have an impact.

## **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

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Background papers: None

Contact officer: Becky Owen, Democratic Services Manager, ext 5879

Executive member: Councillor S Bray.

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**SCHEDULE OF PROPOSED CHANGES TO THE CONSTITUTION  
PARTS 2b, 2f, 3b, 3c, 3h, 4f and 4h**

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
Throughout		Chairman	Chair  Reason: Gender neutrality
2b	1.18	Making orders relating to car parks or other off-street parking	Move from Council to Executive, with onward delegation of authority to the Head of Street Scene Services to amend the parking order to implement changes to fees and charges agreed by the relevant body, change the terms and conditions of parking permits, change parking restrictions (such as bay restrictions and time limits), update and implement legislation within the parking order in line with changes at a national level.  Reason: Not reserved to Council in legislation
2f	Throughout	<ul style="list-style-type: none"> <li>• Director (Community Services)</li> <li>• Director (Corporate Services) / Monitoring Officer</li> <li>• Director (Environment &amp; Planning)</li> </ul>	<ul style="list-style-type: none"> <li>• Director (Community &amp; Development Services)</li> <li>• Director (Corporate &amp; Street Scene Services) / Monitoring Officer</li> <li>• Remove reference to Director (Environment &amp; Planning)</li> <li>• Reassign delegated powers from the Director (Environment &amp; Planning) to the Director (Community &amp; Development Services) and Director (Corporate &amp; Street Scene Services) as appropriate</li> <li>• Update other job titles as necessary.</li> </ul>

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
			Reason: Physical update to the document following the senior management restructure and agreement of areas of responsibility (already approved by Council)
2f	5.2	New addition under the 'governance' sub-heading of the Scheme of Delegation for the Director (Corporate & Street Scene Services)	<ul style="list-style-type: none"> <li>• Declare the office of councillor vacant under the six month rule</li> <li>• Make appointments to parish councils.</li> </ul> <p>Reason: If a member does not attend a meeting for six months without Council having accepted a reason for failure to attend, they cease to be a councillor. Without delegated authority, the vacancy must be declared at a meeting of Council which could lead to a delay between the person ceasing to be a member and the vacancy officially occurring. The delegation of appointments to parish councils has already been approved by Council and is included here as a physical change to the constitution only.</p>
2f	8.2	The Head of Planning has delegated authority to...	<p>Addition of bullet point under 'conservation':</p> <ul style="list-style-type: none"> <li>• Exercise functions in relation to Planning (Listed Buildings and Conservation Areas) Act 1990 including serving urgent works notices.</li> </ul> <p>Reason: To be able to carry out essential duties</p>
2f	10.1	The Head of Street Scene Services is responsible for refuse, recycling, garden waste, street cleaning, grounds maintenance, green spaces, neighbourhood wardens, street furniture and cemeteries	<p>The Head of Street Scene Services is responsible for refuse, recycling, garden waste, street cleaning and neighbourhood officers, grounds maintenance, green spaces, cemeteries and car parks.</p> <p>Reason: To reflect current responsibilities</p>

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
2f	10.2	<p>The Head of Street Scene Services has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Administer the council’s responsibilities and take action in accordance with the Anti-Social Behaviour Crime and Policing Act 2014</li> <li>• Monitor and take action to deal with dangerous trees under relevant legislation</li> <li>• Liaise with the highways authority on traffic management and highways maintenance</li> <li>• Manage and recommend policies relating to the management of car parks in the borough</li> <li>• Serve notices or recommend legal action in relation to dog fouling, refuse, refuse containers, abandoned vehicles, litter and graffiti under relevant legislation</li> <li>• Manage the council’s vehicle fleet and related contracts including acquisition, disposal and maintenance</li> <li>• Hold the operator’s licence on behalf of the council</li> <li>• Hold an environmental permit to operate a waste transfer station</li> <li>• Progress and monitor improvement schemes in relation to parks and open spaces within approved budgets</li> <li>• Negotiate terms and recommend for adoption public open space in accordance with S106 agreements.</li> </ul>	<p>The Head of Street Scene Services has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Administer the council’s responsibilities and take action in accordance with the Anti-Social Behaviour Crime and Policing Act 2014</li> <li>• Monitor and take action to deal with dangerous trees under relevant legislation</li> <li>• Manage and recommend policies relating to the management of car parks in the borough</li> <li>• Amend the parking order to implement changes to fees and charges agreed by the relevant body, change the terms and conditions of parking permits, change parking restrictions (such as bay restrictions and time limits) and update &amp; implement amendments within the parking order in line with legislative changes at a national level.</li> <li>• Serve notices or recommend legal action in relation to dog fouling, refuse, refuse containers, abandoned vehicles, litter and graffiti under relevant legislation</li> <li>• Manage the council’s vehicle fleet and related contracts including acquisition, disposal and maintenance, and HGV operator licencing requirements in accordance with the financial procedure rules</li> <li>• Hold an environmental permit to operate a waste transfer station</li> <li>• Progress and monitor improvement schemes in relation to parks and open spaces within approved budgets</li> </ul>

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
			<ul style="list-style-type: none"> <li>• Negotiate terms and recommend for adoption public open space in accordance with S106 agreements.</li> </ul> <p>Reason: Update to better reflect current responsibilities</p>
2f	12.2	<p>The Head of Housing has delegated authority to:</p> <p>Anti social behaviour and tenancy management</p> <ul style="list-style-type: none"> <li>• Exercise any function in relation to crime and disorder and anti-social behaviour in accordance with relevant legislation</li> <li>• Administer the housing rents service and manage arrears</li> <li>• Apply for a rent repayment order</li> <li>• Manage tenancies in accordance with council policy and relevant legislation</li> <li>• Administer the council's housing, social and welfare policies and initiatives</li> <li>• Sign notices of seeking possession.</li> </ul> <p>Housing repairs</p> <ul style="list-style-type: none"> <li>• Manage the delivery of reductions in carbon emissions in council-owned property</li> <li>• Carry out planned maintenance and improvements for homes to the decent homes standard</li> <li>• Deal with repair requests on a priority basis in accordance with the council's policies.</li> </ul>	<p>The Head of Housing has delegated authority to:</p> <p>Anti social behaviour and tenancy management</p> <ul style="list-style-type: none"> <li>• Exercise any function in relation to crime and disorder and anti-social behaviour in accordance with relevant legislation</li> <li>• Administer the housing rents service and manage arrears</li> <li>• Apply for a rent repayment order</li> <li>• Manage tenancies in accordance with council policy and relevant legislation</li> <li>• Administer the council's housing, social and welfare policies and initiatives</li> <li>• Sign notices of seeking possession.</li> <li>• Approve the transfer and mutual exchanges of council house tenants.</li> </ul> <p>Housing repairs</p> <ul style="list-style-type: none"> <li>• Manage the delivery of reductions in carbon emissions in council-owned property</li> <li>• Carry out planned maintenance and improvements for homes to the decent homes standard</li> <li>• Deal with repair requests on a priority basis in accordance with the council's policies</li> </ul>



Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
		<p>Housing options</p> <ul style="list-style-type: none"> <li>• Carry out all processes and procedures related to the council's housing function</li> <li>• Effect the allocation of tenancies for all council dwellings in accordance with the council's allocations policy</li> <li>• Let or allocate council-owned garages, sites and parking plots</li> <li>• Lease on behalf of the council accommodation on a short-term basis for use of temporary housing of homeless families</li> <li>• Approve the transfer and mutual exchanges of council house tenants</li> <li>• Carry out duties in relation to the council's responsibilities for homelessness, including the provision of hostels, in accordance with relevant legislation</li> <li>• Provide a housing advice service</li> <li>• Administer the council's housing, social and welfare policies and initiatives</li> <li>• Review any decision made under relevant housing legislation in relation to homelessness and housing allocations.</li> </ul> <p>Private sector housing</p> <ul style="list-style-type: none"> <li>• Serve notices and notifications in relation to drainage, sanitary convenience, earth closets,</li> </ul>	<ul style="list-style-type: none"> <li>• Encourage tenant participation in the housing service.</li> </ul> <p>Housing options</p> <ul style="list-style-type: none"> <li>• Carry out all processes and procedures related to the council's housing function</li> <li>• Effect the allocation of tenancies for all council dwellings in accordance with the council's allocations policy</li> <li>• Let or allocate council-owned garages, sites and parking plots</li> <li>• Lease on behalf of the council accommodation on a short-term basis for use of temporary housing of homeless families</li> <li>• Carry out duties in relation to the council's responsibilities for homelessness, including the provision of hostels, in accordance with relevant legislation</li> <li>• Provide a housing advice service</li> <li>• Administer the council's housing, social and welfare policies and initiatives</li> <li>• Review any decision made under relevant housing legislation in relation to homelessness and housing allocations.</li> </ul> <p>Private sector housing</p> <ul style="list-style-type: none"> <li>• Serve notices and notifications in relation to drainage, sanitary convenience, earth closets,</li> </ul>

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
		<p>food storage accommodation and ruinous and dilapidated buildings under relevant legislation</p> <ul style="list-style-type: none"> <li>• Serve abatement notices for statutory nuisance under relevant legislation</li> <li>• Keep housing conditions under review and identify any action required under relevant housing legislation, including serving notices</li> <li>• Carry out all functions, including notices, in relation to smoke &amp; carbon monoxide alarms</li> <li>• Carry out all functions in relation to prohibition orders, remedial action and improvement notices</li> <li>• Carry out all duties in relation to empty dwellings and management orders</li> <li>• Serve overcrowding notices</li> <li>• Demand recovery of expenses incurred by local authority for service of housing notices and other action</li> <li>• Require documents to be produced in accordance with legislation</li> <li>• Carry out all duties in relation to demolition orders and closing orders, except those reserved for Council</li> <li>• Carry out all duties in relation to Houses in Multiple Occupation, including mandatory licensing</li> <li>• Determine applications for all types of housing financial assistance in accordance with the financial procedure rules in accordance with the housing renewal policy, including revisions to the amount of grant approved is the actual cost is less than the approved estimate and all types of</li> </ul>	<p>food storage accommodation and ruinous and dilapidated buildings under relevant legislation</p> <ul style="list-style-type: none"> <li>• Serve abatement notices for statutory nuisance under relevant legislation</li> <li>• Keep housing conditions under review and identify any action required under relevant housing legislation, including serving notices</li> <li>• Carry out all functions, including notices, in relation to smoke &amp; carbon monoxide alarms</li> <li>• Carry out all functions in relation to prohibition orders, remedial action and improvement notices</li> <li>• Carry out all duties in relation to empty dwellings and management orders</li> <li>• Serve overcrowding notices</li> <li>• Demand recovery of expenses incurred by local authority for service of housing notices and other action</li> <li>• Require documents to be produced in accordance with legislation</li> <li>• Carry out all duties in relation to demolition orders and closing orders in accordance with the financial procedure rules, except those reserved for Council</li> <li>• Carry out all duties in relation to Houses in Multiple Occupation, including mandatory licensing</li> <li>• Determine applications for all types of housing financial assistance in accordance with the financial procedure rules in accordance with the housing renewal policy, including revisions to the amount of grant approved if the actual cost is less</li> </ul>

Part of current constitution	Reference (paragraph or section number)	Current wording	New wording & reason
		<p>financial assistance which include the provision of dwellings by conversion or a reduction in the number of dwellings</p> <ul style="list-style-type: none"> <li>• Oversee all functions in relation to energy efficiency in private dwellings</li> <li>• Carry out all actions in relation to redress schemes for lettings agency work and property management work</li> <li>• Take action in relation to mobile homes</li> <li>• Serve notices to protect buildings not adequately secured</li> <li>• Taking action under the Protection from Eviction Act 1977.</li> </ul> <p>Housing assets and support</p> <ul style="list-style-type: none"> <li>• Operate a warden scheme and central control</li> <li>• Encourage tenant participation in the housing service</li> <li>• Arrange for and provide valuations to the Legal Services Manager in respect of Right to Buy applications</li> <li>• Determine right to buy applications</li> <li>• Manage tenancies in accordance with council policy and relevant legislation.</li> </ul>	<p>than the approved estimate and all types of financial assistance which include the provision of dwellings by conversion or a reduction in the number of dwellings</p> <ul style="list-style-type: none"> <li>• Oversee all functions in relation to energy efficiency in private dwellings</li> <li>• Carry out all actions in relation to redress schemes for lettings agency work and property management work</li> <li>• Take action in relation to mobile homes</li> <li>• Serve notices to protect buildings not adequately secured</li> <li>• Taking action under the Protection from Eviction Act 1977.</li> </ul> <p>Housing assets and support</p> <ul style="list-style-type: none"> <li>• Operate a warden scheme and central control</li> <li>• Arrange for and provide valuations to the Legal Services Manager in respect of right to buy applications</li> <li>• Determine right to buy applications</li> <li>• Lead the housing service to ensure compliance with fire safety requirements</li> <li>• Manage tenancies in accordance with council policy and relevant legislation.</li> </ul> <p>Reason: reordering of functions and addition of compliance with fire safety requirements.</p>

2f	13	<p>Community Safety &amp; Performance Manager</p> <p>The Community Safety &amp; Performance Manager has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Support, in partnership, a domestic violence refuge</li> <li>• Exercise any function in relation to crime and disorder and anti-social behaviour in accordance with relevant legislation.</li> </ul>	<p>Community Safety &amp; Safeguarding Manager</p> <p>The Community Safety &amp; Safeguarding Manager has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Support, in partnership, a domestic abuse refuge</li> <li>• Exercise any function in relation to crime and disorder and anti-social behaviour in accordance with relevant legislation</li> <li>• Coordinate the involvement of young people in decision making</li> <li>• Exercise functions as designated safeguarding lead for the authority in accordance with relevant legislation</li> <li>• Exercise functions as designated lead officer for Prevent – preventing people from being drawn into extremism of any kind, in accordance with statutory legislation</li> <li>• Oversee the development and delivery of the voluntary &amp; community sector (VCS) support arrangements for the borough via the VCS Partnership</li> <li>• Oversee the development and delivery of the annual SLA with Citizens Advice</li> <li>• Exercise functions in relation to the serious violence duty.</li> </ul> <p>Reason: update to reflect role and reassignment of duties from Strategy &amp; Community Planning Manager</p>
2f	14.1	<p>The Cultural Services Manager has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Coordinate the involvement of young people in decision making</li> <li>• Manage and sustain the Hinckley markets</li> <li>• Manage and deliver the CCTV operations</li> </ul>	<p>The Cultural Services Manager has delegated authority to:</p> <ul style="list-style-type: none"> <li>• Strategically and operationally support the development of Hinckley town centre</li> <li>• Manage and sustain the Hinckley markets</li> </ul>

		<ul style="list-style-type: none"> <li>• Support rural town centres in their development</li> <li>• Work alongside the leisure centre operation to ensure high quality provision</li> <li>• Support the provision of sports facilities with the aim to increase participation</li> <li>• Support the creative arts sector</li> <li>• Work with third parties to undertake a programme of general tourism destination marketing to support the local tourism sector and to work with them to promote product quality and co-ordinate marketing</li> <li>• Provide access to information to incoming visitors and local citizens</li> <li>• Provide street furniture and bus shelters</li> <li>• Work with partner organisations to improve the health of all people in the borough</li> <li>• Implement a GP referral scheme</li> <li>• Improve access to services which can contribute to health.</li> </ul>	<ul style="list-style-type: none"> <li>• Manage and deliver the council's CCTV operations</li> <li>• Support rural town centres in their development</li> <li>• Work alongside the Hinckley leisure centre operator to ensure high quality provision and to oversee the fulfilment of the contractual arrangements</li> <li>• Support the provision, including securing external funding to enhance sports and leisure facilities with the aim to increase participation</li> <li>• Support the creative arts sector</li> <li>• Work with tourism sector colleagues to ensure the destination is promoted and marketed to visitors and residents</li> <li>• Provide access to information to incoming visitors and local citizens</li> <li>• Work with partner organisations to improve the health and wellbeing of all people in the borough, where possible via preventative interventions</li> <li>• Coordinate the involvement of key stakeholders in shaping development and delivery of services.</li> <li>• Oversee the development and delivery of the borough's rural strategy, including the coordination and delivery of parish forum meetings and the annual rural conference</li> <li>• Act as a first point of contact for parish councils and provide support to the lead member for rural affairs</li> </ul> <p>Reason: update to reflect role and reassignment of duties from the Strategic &amp; Community Planning Manager</p>
2f	15.1	Strategic & Community Planning Manager	Delete reference here and throughout  Reason: Deletion of post

2f	19	Human Resources & Transformation Manager New delegation	Addition to delegated duties: <ul style="list-style-type: none"> <li>Act as Deputy Electoral Registration Officer</li> </ul> Reason: Capacity and resilience
3b	12.2	Notice of questions by the public  A question may only be asked if notice has been given by delivering it in writing or by email to the Democratic Services Officer no later than midday five working days before the day of the meeting.	Notice of questions by the public  A question may only be asked if notice has been given by delivering it in writing or by email to the Democratic Services Manager no later than 5pm five clear working days before the day of the meeting.  Reason: consistency with other questions / motions deadlines (see amendments to paragraphs 14.3 and 17.1 of part 3b below)
3b	14.3	Questions by members  Notice of questions  A member may only ask a question if either  <ul style="list-style-type: none"> <li>Notice has been given by delivery it in writing or by email to the Democratic Services Officer no later than midday five clear working days before the day of the meeting.</li> </ul>	Questions by members  Notice of questions  A member may only ask a question if either  <ul style="list-style-type: none"> <li>Notice has been given by delivering it in writing or by email to the Democratic Services Manager no later than 5pm five clear working days before the day of the meeting.</li> </ul> Reason: Request of working group.
3b	17.1	Motions on notice  Except for motions which can be moved without notice in accordance with the relevant procedure rule, written notice of every motion or other item of business raised by a member must be delivered to the Democratic Services Officer no later than 12pm seven clear working days before the date of the meeting.	Motions on notice  Except for motions which can be moved without notice in accordance with the relevant procedure rule, written notice of every motion or other item of business raised by a member must be delivered to the Democratic Services Manager in writing or by email no later than 5pm seven clear working days before the date of the meeting.

			Reason: Request of working group.
3c	1.1	<p>Seating arrangements at Planning Committee</p> <p>Members of the committee will sit in their allocated seats, with members in attendance who are not on the Planning Committee sitting at the outer circle of desks.</p>	<p>Members of the committee will sit in their allocated seats, with members in attendance who are not members of the Planning Committee visibly separate.</p> <p>Reason: To take account of post-covid seating plan.</p>
3c	2.14	New paragraph	<p>2.14 If a decision on an application is deferred, there will be no opportunity for members of the public, parish or county councillors to speak unless the application is considered by the Head of Planning in consultation with the chair to have been the subject of subsequent, significant amendment.</p> <p>Reason: To avoid repetition and focus decision making.</p>
3h	2.8	<p>Revenue budgets – variations</p> <p>Variations up to £1,000:</p> <ul style="list-style-type: none"> <li>• Directors can approve virements and supplementary budgets on codes relating to their own directorate to a maximum annual aggregate of £20,000 (virements between the general fund and the HRA are not allowed).</li> </ul> <p>Variations up to £10,000:</p> <ul style="list-style-type: none"> <li>• S151 Officer can approve virements to a maximum of £200,000 per year in aggregate</li> <li>• Directors, in consultation with the S151 Officer, can approve virements across their individual</li> </ul>	<p>Revenue budgets – variations</p> <p>Variations up to £1,000:</p> <ul style="list-style-type: none"> <li>• Directors can approve virements and supplementary budgets on codes relating to their own directorate to a maximum annual aggregate of <b>£40,000</b> (virements between the general fund and the HRA are not allowed).</li> </ul> <p>Variations up to £10,000:</p> <ul style="list-style-type: none"> <li>• S151 Officer can approve virements to a maximum of <b>£300,000</b> per year in aggregate</li> </ul>

		<p>directorate budget heads within the same fund to a maximum of £100,000 per year in aggregate</p> <ul style="list-style-type: none"> <li>• S151 Officer can approve supplementary budget requests to a maximum of £200,000 per year in aggregate.</li> </ul>	<ul style="list-style-type: none"> <li>• Directors, in consultation with the S151 Officer, can approve virements across their individual directorate budget heads within the same fund to a maximum of <b>£200,000</b> per year in aggregate</li> </ul> <p>S151 Officer can approve supplementary budget requests to a maximum of <b>£400,000</b> per year in aggregate.</p> <p>Reason: the limits not having been increased for many years, this is now necessary in line with inflation</p>
3h	8.5	<p>Supplementary and virement approval</p> <p>Overspend up to £25,000 on a capital project:</p> <ul style="list-style-type: none"> <li>• The Chief Executive or S151 Officer will be authorised to vire across budget heads up to a maximum of £250,000 per year in aggregate, with a limit per individual virement of £25,000. All such proposals must be reported to the accountancy section</li> <li>• The Chief Executive, in consultation with the S151 Officer, is authorised to approve supplementary estimates up to a maximum of £250,000 per year in aggregate, with a limit per individual supplementary estimate of £25,000.</li> </ul> <p>Overspend between £25,001 and £50,000 on a capital project:</p> <ul style="list-style-type: none"> <li>• Executive will be authorised to vire across budget heads up to a maximum of £500,000 per year in aggregate, with a limit per individual virement of £50,000</li> </ul>	<p>Supplementary and virement approval</p> <p>Overspend up to <b>£50,000</b> on a capital project:</p> <ul style="list-style-type: none"> <li>• The Chief Executive or S151 Officer will be authorised to vire across budget heads up to a maximum of <b>£500,000</b> per year in aggregate, with a limit per individual virement of <b>£50,000</b>. All such proposals must be reported to the accountancy section</li> <li>• The Chief Executive, in consultation with the S151 Officer, is authorised to approve supplementary estimates up to a maximum of <b>£500,000</b> per year in aggregate, with a limit per individual supplementary estimate of <b>£50,000</b>.</li> </ul> <p>Overspend between <b>£50,001</b> and <b>£100,000</b> on a capital project:</p> <ul style="list-style-type: none"> <li>• Executive will be authorised to vire across budget heads up to a maximum of <b>£500,000</b> per year in aggregate, with a limit per individual virement of <b>£50,000</b></li> </ul>



		<ul style="list-style-type: none"> <li>Executive will be authorised to approve an individual supplementary estimate of £50,000 up to a maximum of £500,000 per annum in aggregate</li> </ul> <p>Overspend greater than £50,000 on a capital project</p> <ul style="list-style-type: none"> <li>Council will be authorised to approve a virement across budget heads above £50,000 per individual virement</li> <li>Council will be authorised to approve an individual supplementary estimate above £50,000.</li> </ul>	<ul style="list-style-type: none"> <li>Executive will be authorised to approve an individual supplementary estimate of £100,000 up to a maximum of £500,000 per annum in aggregate</li> </ul> <p>Overspend greater than £50,000 on a capital project</p> <ul style="list-style-type: none"> <li>Council will be authorised to approve a virement across budget heads above <b>£100,000</b> per individual virement</li> <li>Council will be authorised to approve an individual supplementary estimate above <b>£100,000</b>.</li> <li></li> </ul> <p>Reason: the limits not having been increased for many years, this is now necessary in line with inflation</p>
4f	2	In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles.	In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles and comply with the code of conduct.
4f	4.1	Where you accept any gift or hospitality... which you estimate to have a market value or cost of provision of £25 or greater...	Where you accept any gift or hospitality... which you estimate to have a market value or cost of provision of £50 or greater...
4f	4.2	Even if the value of the gift or hospitality is less than £25...	Even if the value of the gift or hospitality is less than £50...
4h	2	Additions to list of politically restricted posts	Electoral Services Manager Senior Electoral Services Officer

			Electoral Services Officer Democratic Services Officer.  Reason: updated structure
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## Part 3h – Financial procedure rules

### 25. UK Subsidy Control

- 25.1. The Subsidy Control Act (SCA) rules regulate financial assistance committed by the public sector (and on its behalf) to organisations that are engaged in economic activity. There are two objectives to the rules, firstly to ensure the UK is able to meet its international subsidy commitments, and secondly to regulate the impact of subsidies across the UK's internal market.
- 25.2. For the purposes of this Act, a subsidy covers financial assistance that may be given and includes:
- a) a direct transfer of funds (such as grants or loans);
  - b) a contingent transfer of funds (such as guarantees);
  - c) the forgoing of revenue that is otherwise due;
  - d) the provision of goods or services;
  - e) the purchase of goods or services
- 25.3. Where a subsidy is present, the funding may still be lawfully awarded provided certain steps are taken. There are five routes under which a subsidy (or subsidy scheme) may be awarded. These routes are:
- Minimal Financial Assistance
  - Services of Public Economic Interest and Assistance;
  - Streamlined Subsidy Schemes.
- 25.4. Minimal Financial Assistance (MFA) can be given under the SCA up to £315,000 per enterprise, may be awarded in the current and two previous financial years without the need to comply with many of the subsidy control requirements. There does remain transparency requirement for the subsidy to be published on the government's Subsidy Database.
- 25.5. MFA is an area that covers many aspects of what would previously be considered routine financial activity. For Example, the issues of leases with a discounted rent for a period of time, a cash payment in the form of a grant or other support, relief on business rates charge, a loan with interest below the market rate or free use of equipment or office space.

### Control over authorisation of subsidy

#### Minimal Financial Assistance up to £315,000

Non-cash-based subsidies.

- 25.6. Non-cash subsidies of less than £100,000 may be approved jointly by the Director of the service, the Chief Executive, and the Section 151 officer after consultation with the Executive Member for Finance.

25.7. Non-cash subsidies of over £100,000 up to £315,000 can be approved the Executive.

25.8. Non- cash means where the subsidy is not a direct cash payment or giving on an asset to a third party. For Example, a contingent transfer of funds (such as guarantees);the forgoing of revenue that is otherwise due.

Cash based subsidies.

25.9. Cash based subsidies of less than £5,000 may be approved by the Director of the service must be approved by the Executive. Up to an annual limit of £50,000

25.10. Cash based subsidies up to £10,000 may be approved by the Director of the service must be approved by the Executive. Up to an annual limit of £250,000

25.11. Cash based subsidies up to £25,000: The Chief Executive and S151 Officer have delegated authority to approve. They must submit reports to Executive at six monthly intervals, summarising subsidies given awarded in year for all items of £25,000 or less . Up to an annual limit of £500,000

25.12. Cash based subsidies of up to £100,000 must be approved by the Executive.

25.13. Cash based subsidies of over £100,000 up to £315,000 must be approved the Council.

25.14. Cash based means where the subsidy is a direct cash payment or giving on an asset to a third party. For Example, a direct transfer of funds (such as grants or loans); the provision of goods or services; or the purchase of goods or services.

#### **Non- Minimal Financial Assistance subsidies above £315,000**

25.15. All subsidies falling outside the MFA regulations must be approved by Council unless less than £100,000, which must be approved by the Executive.

By virtue of paragraph(s) 3, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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