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Steve Atkinson MA(Oxon) MBA FIoD FRSA
Chief Executive

Date: 11 April 2012



Hinckley & Bosworth
Borough Council

A Borough to be proud of

To: Members of the Scrutiny Commission

Mr MR Lay (Chairman)	Mrs L Hodgkins
Mr PAS Hall (Vice-Chairman)	Mr DW Inman
Mr C Ladkin (Vice-Chairman)	Mr K Morrell
Mr PR Batty	Mr K Nichols
Mr Bessant	Mrs S Sprason
Mrs WA Hall	Miss DM Taylor

Copy to all other Members of the Council

(other recipients for information)

Dear Councillor,

There will be a meeting of the **SCRUTINY COMMISSION** in the Council Chamber on **THURSDAY, 19 APRIL 2012 at 6.30 pm** and your attendance is required.

The agenda for the meeting is set out overleaf.

Members of the Scrutiny Commission are requested to attend a pre-meeting at 6.00pm in Committee Room 2 to agree questions to witnesses.

Yours sincerely

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

Rebecca Owen
Democratic Services Officer

SCRUTINY COMMISSION - 19 APRIL 2012

A G E N D A

1. APOLOGIES AND SUBSTITUTIONS
2. MINUTES (Pages 1 - 4)
To confirm the minutes of the meeting held on 1 March 2012.
3. ADDITIONAL URGENT BUSINESS BY REASON OF SPECIAL CIRCUMSTANCES
To be advised of any additional items of business which the Chairman decides by reason of special circumstances shall be taken as matters of urgency at this meeting.
4. DECLARATIONS OF INTEREST
To receive verbally from members any disclosures which they are required to make in accordance with the Council's code of conduct or in pursuance of Section 106 of the Local Government Finance Act 1992. **This is in addition to the need for such disclosure to be also given when the relevant matter is reached on the agenda.**
5. QUESTIONS
To hear any questions in accordance with Council Procedure Rule 10.
6. CARE FOR PEOPLE SUFFERING WITH DEMENTIA (Pages 5 - 6)
Continuation of the Scrutiny Review into care for people suffering with Dementia. An updated timetable of the review is attached. Dr Gethin Jenkins (GP), Pamela Wills (carer), Jane Thorpe & Jim Bosworth (PCT Cluster) and Jane Forbes (Community Mental Health) will be in attendance.
7. HIGHWAYS
Further to a request of the Commission, representatives of Leicestershire County Council Highways Service will be in attendance.
8. COMMUNITY SAFETY 6 MONTH UPDATE
Members will receive a presentation to update on the latest statistics.
9. POLICE AND CRIME COMMISSIONERS, PCC ELECTIONS AND THE POLICE AND CRIME PANEL (Pages 7 - 16)
Report of the Chief Executive attached.
10. PARISH AND COMMUNITY INITIATIVE FUND (Pages 17 - 26)
Report of the Chief Officer, Business, Contract & Street Scene Services attached.
11. WIND TURBINE POLICY POSITION (Pages 27 - 30)
Report of the Deputy Chief Executive (Community Direction) attached.
12. S106 CONTRIBUTIONS (Pages 31 - 34)
Report of the Deputy Chief Executive (Community Direction) attached.
13. PLANNING APPEAL DECISIONS (To Follow)

14. SCRUTINY COMMISSION WORK PROGRAMME 2011-12 (Pages 35 - 40)

Work programme attached.

15. DATES OF MEETINGS 2012/13

Following the request at Council on 23 February that dates of the Scrutiny Commission in July and August 2012 be amended from those in the Calendar presented to that meeting, it is requested that the meeting scheduled for 5 July be amended to 28 June, and that scheduled for 16 August be amended to 23 August. Members are asked to agree these changes.

16. FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS (Pages 41 - 48)

Copy of the Forward Plan for April to July attached.

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

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Agenda Item 2

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

1 MARCH 2012 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman
Mr PAS Hall and Mr C Ladkin – Vice-Chairman

Mr PR Batty, Mrs WA Hall, Mrs L Hodgkins, Mr DW Inman, Mr K Morrell, Mr K Nichols and Mrs S Sprason

Also in attendance: Councillor JS Moore

Officers in attendance: Steve Atkinson, Michael Brymer, Louisa Horton, Rebecca Owen and Sharon Stacey

411 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Bessant.

412 MINUTES

On the motion of Councillor Nichols, seconded by Councillor P Hall, it was

RESOLVED – the minutes of the meetings held on 5, 19 & 30 January were confirmed and signed by the Chairman.

413 DECLARATIONS OF INTEREST

No interests were declared at this stage.

414 SCRUTINY REVIEW: FUEL POVERTY - INTERVIEW OF WITNESSES

Due to representatives of the Energy Saving Trust being unable to attend, this item was deferred to the next meeting.

415 SCRUTINY REVIEW: CARE OF PEOPLE WITH DEMENTIA - INTERVIEW OF WITNESSES

In continuation of the Scrutiny Commission's review of care of people with dementia, three witnesses attended the meeting to provide information to Members and to answer questions.

Mark Goddin from Leicestershire County Council provided a presentation and spoke about personalisation, working with other agencies on healthcare matters (focussing on services for dementia patients), service transformation and support for care homes.

Cindy Nicholls, Manager of Tudor Care Home which was specifically for people with dementia, spoke to the Commission about the support provided in her establishment and the challenges faced, including reduced funding. She also highlighted the difference in the specialised care she provided compared to that available in some other homes.

Ruth Johnson from Leicestershire County and Rutland NHS spoke about Continuing Healthcare including the referral, assessment and appeal processes, the relationship with other agencies, specifically Adult Social Care, and the funding packages available.

Members asked questions of the witnesses and raised concerns and comments. During questions and discussion, the following points were made:

- The options for Personalised budgets were either a cash budget, managed budget or provider managed account.
- The importance of early intervention and prevention which often meant that ongoing support for dementia sufferers wasn't required.
- A county-wide call centre for dementia care was being set up which would provide a 24-hour response service.
- The County Council provided support and training for carers.
- The "choose my support" website had been developed to assist people in accessing information and selecting the most suitable support for their needs.
- New dementia adviser posts were being created within the County Council and would act as a first point of contact after diagnosis to provide advice.
- 'Fair access to care' recognised four different levels of need – low, moderate, severe and critical, and assessments were made on an individual basis based on need rather than on diagnosis.
- Support for people with dementia had changed since the National Dementia Strategy had been published by the Government in 2009.
- The need to re-assess people with dementia regularly to ensure the care package provided is suitable and the ability for a review to be requested.
- Funding and income were such that care homes could only pay their staff minimum wage, whilst at the same time trying to provide the best care possible and employing suitable and experienced staff.
- Additional checks, monitoring and staff training were essential for homes caring for people with dementia.
- The cost of the care recommended was not taken into account by the NHS when assessing individual cases to ensure the decision enabled the most suitable care for the person concerned.
- There were some overlaps in support provided by Adult Social Care and the NHS, but for the user it should be a seamless transition between or combination of the two.

The Chairman thanked the witnesses for their very helpful presentations and valuable responses to questions from Members.

416 BUSINESS, CONTRACT & STREET SCENE SERVICES - VALUE FOR MONEY REPORT

The Scrutiny Commission received an annual report which demonstrated the value for money of Street Scene Services. During the presentation of the report and discussion thereon, the following points were raised:

- The recycling rate for 2010/11 was 50.6%.
- Staff attendance was in the top quartile of councils.
- The street cleansing service was ranked in the top 10% of the benchmarking group.
- The Green Flag Award had been sustained.
- More income had been raised than predicted and savings had been made in the new vehicle contract.
- New recycling bins with an insert for card and paper were being rolled out and it was anticipated that this would lead to a higher quality of recyclable materials.
- The Housing Repairs service had improved its service and reduced expenditure since being brought back in-house in late September 2011.

- The community payback scheme was generally successful and generated savings.
- In response to public feedback, services has been re-prioritised so, for example, dog fouling was resolved more quickly than fly tipping.

All staff within Business, Contract & Street Scene Services were congratulated on their performance and commitment which had ensured improved value for money.

417 SCRUTINY COMMISSION WORK PROGRAMME 2011-12

Members gave consideration to the Scrutiny Commission's work programme for 2011/12. It was requested that an item on wind turbines in the context of planning be included on the agenda for the next meeting. It was also suggested that Members visit Tudor Care Home before the next meeting.

418 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

The Scrutiny Commission received for information the Forward Plan for the current period.

419 MINUTES OF MEETING MONDAY, 31 OCTOBER 2011 OF FINANCE, AUDIT & PERFORMANCE COMMITTEE

The minutes of the meeting of the Finance, Audit & Performance Committee held on 31 October 2011 were received for information.

420 MINUTES OF MEETING MONDAY, 12 DECEMBER 2011 OF FINANCE, AUDIT & PERFORMANCE COMMITTEE

The minutes of the meeting of the Finance, Audit & Performance Committee held on 12 December 2011 were received for information.

421 MINUTES OF MEETING MONDAY, 30 JANUARY 2012 OF FINANCE, AUDIT & PERFORMANCE COMMITTEE

The minutes of the meeting of the Finance, Audit & Performance Committee held on 30 January 2012 were received for information.

422 MINUTES OF MEETING WEDNESDAY, 8 FEBRUARY 2012 OF BARWELL & EARL SHILTON SCRUTINY GROUP

The minutes of the meeting of the Barwell & Earl Shilton Scrutiny Group held on 8 February 2012 were received for information. It was noted that this had been the first meeting of the new group, and attendees had felt that it had been very useful.

(The Meeting closed at 9.03 pm)

CHAIRMAN

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Scrutiny Commission – Care for people suffering from Dementia
Scope and Timetable

Date of Scrutiny Meeting	Areas of the review to be covered	Witnesses/Officers involved	Councillor/ Commission role	Recommendations or further work arising
8.12.11	Scoping areas of the review		Identify key areas for the review	
19.1.12	Understanding Dementia and Alzheimer's The local context Support in the 3 rd sector	Clive Taylor – Older Persons Manager Diane Smith Locality Manager. The Alzheimer's Society	Note report and identify questions Prepared questions – attendance at 6pm	
1 March 2012	Care for those suffering from dementia County Perspective Continuing Health Care Care homes	Leicestershire County Council adults and Communities Mark Goddin – lead Officer on Dementia Sandy McMillan – PCT confirmed Cindy Nicholls – Tudor Care Home	Prepared questions – attendance at 6pm	
19 April 2012	Care for those suffering from dementia – at home How the Dementia Strategy is being implemented Support for carers	GP witness – Dr Gethin Jenkins Pamela Wills - carer Jane Thorpe/and Jim Bosworth – PCT Cluster Jane Forbes – Community Mental Health	Prepared questions – attendance at 6pm	
24 May 2012	Final report – recommendations	Clive Taylor		

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SCRUTINY COMMISSION – 19 APRIL 2012

REPORT TITLE: POLICE AND CRIME COMMISSIONERS, PCC ELECTIONS AND THE POLICE AND CRIME PANEL REPORT OF CHIEF EXECUTIVE



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

To advise Members of the Scrutiny Commission about the Role of Police and Crime Commissioners and the Police and Crime Panels and what the role of Hinckley and Bosworth Borough Council is in the process.

2. RECOMMENDATION

That Scrutiny consider the report and comment/make recommendations, as appropriate.

3. THE GENERAL ARRANGEMENTS

A summary note of a workshop at the District Council Network Assembly on 7 March 2012 is attached at appendix 1 or for more information follow this link to the Police and Crime Commissioners Update Bulletin 7 on the Home Office website <http://www.homeoffice.gov.uk/publications/police/police-crime-comms-bulletin/>

Police and Crime Commissioners

- 3.1 On 15 November 2012, the public will elect a police and crime commissioner who will be accountable for how crime is tackled in their police force areas.
- 3.2 Police and crime commissioners (PCCs) will aim to cut crime and deliver an effective and efficient police service within their force area. It is intended that they will provide stronger and more transparent accountability of the police. PCCs will be elected by the public and expected to hold chief constables and the force to account; effectively making the police answerable to the communities they serve.
- 3.3 Police and crime commissioners will ensure community needs are met as effectively as possible and will improve local relationships through building confidence and restoring trust. They will also work in partnership across a range of agencies at local and national level to ensure there is a unified approach to preventing and reducing crime.
- 3.4 PCCs will not be expected to run the police operations. The role of the PCC is to be the voice of the people and hold the police to account. They will be able to set the priorities for the police force within their force area, respond to the needs and demands of their communities more effectively, ensure that local and national priorities are suitably funded by setting a budget and the local precept, and hold to account the local chief constable for the delivery and performance of the force.

3.5 The PCC will have a number of powers, these include

- holding the chief constable to account for the delivery of the force
- setting and updating a police and crime plan (see paragraph 3.24)
- setting the force budget and precept
- regularly engaging with the public and communities
- appointing, and where necessary dismissing, the chief constable

Elections

3.6 The first PCC elections will take place on 15 November 2012 to elect a PCC for each police force area in England and Wales outside London. Everyone registered to vote in the police force area will be able to vote, including British, EU and Commonwealth citizens living in the UK.

3.7 These elections will be run on behalf of the Home Office by each local authority for their own local authority area. Each authority will have a Local Returning Officer (LRO) and will report to a central Police Area Returning Officer (PARO) for their police area.

3.8 The Hinckley & Bosworth Local Authority area falls within the Leicestershire & Rutland police force area together with Blaby, Charnwood, Harborough, Leicester City, Melton, North West Leicestershire, Oadby & Wigston and Rutland.

- The PARO for Leicestershire and Rutland will be Christine Fisher of NWLDC
- The LRO for Hinckley & Bosworth will be Steve Atkinson
- The election will be funded by the Home Office

3.9 Final regulations for these elections have yet to be issued so much of the final detail is as yet known. However, it is expected that standard election processes will apply.

3.10 The voting system to be used will be the 'supplementary voting system'. Under this system, the ballot paper will contain two voting columns. The voter is required to mark the ballot paper (X) with their first choice in the first column against the candidate they are voting for. If they wish to indicate that they have a second choice, they are required to mark the second column (X) against their second choice candidate.

3.11 If there are only two candidates, the first past the post system will apply and the traditional ballot paper will be used.

3.12 The count is expected to take place locally to each individual authority within the police area and the local results fed back to the PARO for collation and to calculate the results for the police area.

3.13 The count itself is likely to be a 2 stage procedure. To summarise this:

- Stage 1
 - the first preference votes are counted
 - If one of the candidates has 50% + 1 of the total valid votes cast (across the police area), they will be declared as the winner

- if none of the candidates have 50% + 1 of the valid votes cast (across the police area), the count proceeds to stage 2
 - Stage 2
 - The two candidates with the highest number of votes from stage 1 are the only two candidates to go through to stage 2
 - The second preference votes marked on the papers for all the other candidates are examined. Any second preference vote which has been cast for either of the two candidates left in the contest are added to the number of votes they received at stage 1
 - The candidate with the highest number of votes after both stage 1 and 2 counts (across the police area) will be declared the winner
- 3.14 It should be noted that stage 2 will not be able to proceed at a local level until all stage 1 local results have been collated centrally by the PARO and a stage 1 declaration has been announced. This is because the two candidates to go forward to the stage 2 will not be known until the results for all authorities within the police area have been calculated.
- 3.15 This could mean that there are likely to be some lengthy periods during the counting process at a local level where nothing appears to be happening. It is recommended that counting agents for each candidate attend each local count wherever possible.

Police and Crime Panels (PCP)

- 3.16 The police and crime panel (PCP) will have power to scrutinise Police and Crime Commissioners' activities, including the ability to review the police and crime plan and annual report, veto decisions, request PCC papers and call PCCs and chief constables to public hearings. The panel can also seek a professional view from HMIC regarding potential dismissals. Local authorities have to choose a lead authority to hold central funding and provide scrutiny support. In Leicestershire and Rutland, the lead Authority is Leicestershire County Council.
- 3.17 The Home Office will provide funding to help panels to do the job required of them under the new legislation. This funding will be a total of £53,300 for support and running costs. In addition there will be funding for each member of the panel (including additional co-optees) to fund necessary expenses. Funding will begin in October 2012. This will ensure that the panel can meet and agree procedures before commissioners are elected and in place in November.
- 3.18 A key responsibility of the PCC will be to report to the public in a transparent and open way how funding is being used; hold the force to account in an annual report for their local use of resources, including any national arrangements for buying goods and services and of nationally provided services; and to hold the force to account for their contribution to and use of collaboratively provided services within their region.
- 3.19 Local authorities are free to use their own budgets to further resource the PCP as they see fit, although central funding is being provided to deliver the function described in legislation.

- 3.20 PCPs are a critical friend to the PCC, providing support and challenge, so when considering how to develop their local PCP, areas should consider examples of scrutiny good practice. The PCP is a scrutinising body but does have limited decision making powers as well in that it can veto the precept and the chief constable appointment. These are powers that the PCP can use as a last resort.
- 3.21 PCPs will comprise one elected representative (councillors and, where relevant, elected mayors) from each local authority within the force area and two independent members or co-optees. There must be a minimum of ten elected representatives and both top-tier and district councils will need to be represented on the PCP. Independent members could be experts in their field, or representatives of community organisations or appointed on the basis of other relevant knowledge and skills.
- 3.22 PCPs and member councils can decide what membership works best for their force area, taking into account the legislative framework and the balanced appointment objective to, as far as is practicable, consider the make-up of the local areas, including the political make-up, and the required skills, knowledge and experience for the panel to function effectively.
- 3.23 In Leicestershire and Rutland the arrangements for representation and structure of the PCP are currently being discussed and at the time of writing this report have not been finalised.

The PCC and the Community Safety Partnership.

- 3.24 One of the main responsibilities of the PCC will be to work with partners and fund community safety activity to tackle crime and disorder. The PCC will not sit on the Community Safety Partnership (CSP), but there is a mutual duty on PCC's and CSP's to cooperate to reduce crime and disorder.
- 3.25 The PCC's police and crime plan must have regard to the priorities of the CSP and vice versa, which should encourage joint working. However, whilst the CSP's priorities are based on evidence, PCC's priorities could be based on their election commitments and their own philosophy regarding policing.
- 3.26 The CSP doesn't report to the PCC, but there is a level of accountability with the PCC able to request a report from the CSP if it's not meeting it's priorities and call on chairs of CSP to discuss strategic priorities, merging issues etc.
- 3.27 The CSP will still require to have its own scrutiny structure in place.
- 3.28 The funding currently received by the CSP, which underpins much of the work undertaken, will go directly to the PCC who will decide what services to commission. CSP's need to place themselves in a strong position to bid for funding by actively demonstrating the impact their activity has on local crime and ASB. Work is being undertaken at a local and county level to provide this evidence and influence.

The Police and Crime Plan

- 3.29 The Police and Crime Commissioner will set out in a document the priorities for local policing for the whole force area, their term of office and how they are going to be addressed. Essentially it must set out the PCC's objectives for policing and reducing crime and disorder in the area, how policing resources will be allocated and agreements for funding and reporting on the work.
- 3.30 In developing the plan the PCC must consult the chief constable, who acts as their principle adviser on policing matters. They must also obtain views on the plan from local people and the victims of crime in that area. The Plan must include and address the views on local policing of the electorate; it will be a public document and a key mechanism for the PCC to hold the chief constable to account.
- 3.31 The Police and Crime Commissioners Timeline is attached at appendix 2.

4. FINANCIAL IMPLICATIONS AB

- 4.1 Police funding for the Community Safety Partnerships budget will have to be agreed by the PCC. Currently these funds are received directly from the Leicestershire Police. As previously stated the CSP need to place itself in a strong position to bid for funding by actively demonstrating the impact their activity has on local crime and ASB.
- 4.2 The costs of the Police and Crime Commissioner's election will be funded by the Home Office.
- 4.3 PCP funding will be funded via the Home Office.

5. LEGAL IMPLICATIONS LH

Contained in the body of the report.

6. CORPORATE PLAN IMPLICATIONS

Strong and Distinctive Communities and Safer Communities

7. CONSULTATION

None the report is for noting only

8. RISK IMPLICATIONS

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
Failure to engage in the process	Engagement and understanding	Steve Atkinson

9. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The EIA will be undertaken by the lead Authority

10. **CORPORATE IMPLICATIONS**

- None

Background papers: Guidance papers

Contact Officer: Louisa Horton
Executive Member: Councillor David Bill

DCN ASSEMBLY - 7 MARCH 2012

Notes from Breakout Group - **Police and Crime Panels**
- **Police and Crime Commissioners**

Presenter/Facilitator - Mark Norris (LGA Senior Adviser)

Mark presented a number of slides on the requirements of the new arrangements, the process and timescale for implementation, what Districts should be seeking to do over the next few months, what 'good' arrangements might look like and what support was available from the LGA.

[Copies of the slides will be available with minutes of Assembly]

Main Points

- * PCC Elections - 15 November
- * PCC in place - 22 November
- * Serving Councillors cannot be PCCs
- * PCPs - arrangements/membership to be notified to Home Secretary by 1 July 2012 - to be in place by October 2012
- * Great deal of work for PCPs in first few months - budget, precept, Strategic Plan, confirmation of Chief Constable (in many cases)
- * Need for local councils to agree membership of PCPs, with regard also to 'balance' - by negotiation **NOW**
- * PCPs not just 'scrutiny' bodies; duty also to 'assist' the PCC
- * Strong point that membership should be from Executives (though not necessarily/advisedly the Leader)
- * Directly Elected Mayors are PCP members from their Authority as of right
- * Cost of new arrangements may exceed the £53k plus c£17k (£920 per 20 members) (total c£70k) allowance from Government
- * No formal allowances for PCP members.
- * First year based on assumed maximum of 20 members; based on £920 per actual membership basis thereafter
- * Will estimate of four meetings per year be sufficient?

- * PCPs have responsibilities, enabling powers and power of veto (precept and Chief Constable appointment confirmation)
- * Will PCC give high priority to Community Safety, when main requirement is to reduce crime? Districts must engage early and often to ensure that this is included in Strategic Plan, as it is high on local public expectations across the country.
- * Whilst reducing crime is main priority, Police Forces must have regard also to counter-terrorism and other national issues.
- * The Act provides no power for mergers of Forces.

There was a request from the first Workshop session that DCN join LGA in formal submission to Nick Herbert (Home Office Minister) regarding the potential shortfall in funding for 'something we did not ask to do'.

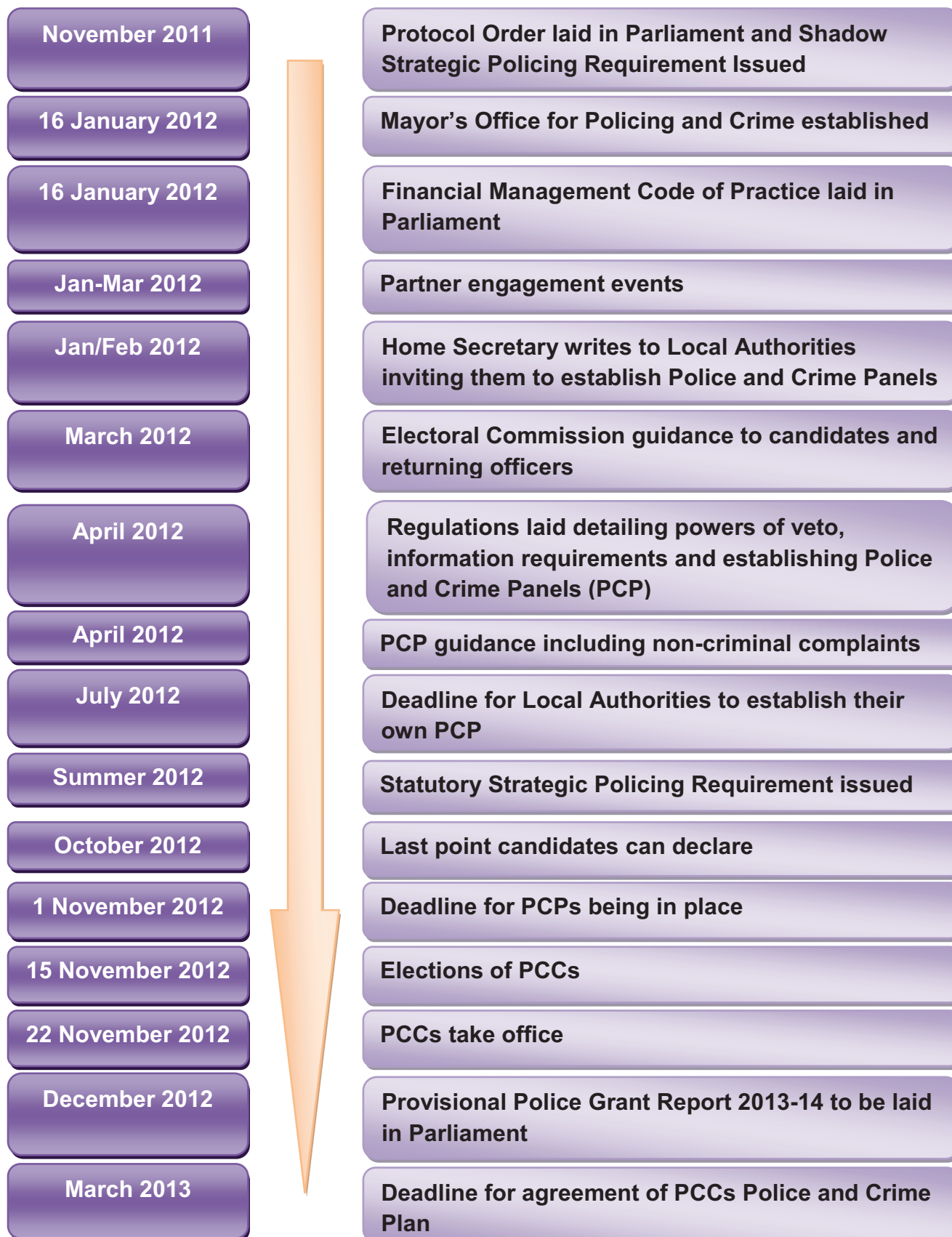
Request also for brief note reminding DCN members of actions to be taken. Both these will be followed up.

[SA]

Steve Atkinson
DCN
8 March 2012

Police and Crime Commissioners

Timeline



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SCRUTINY COMMISSION – 19 APRIL 2012

PARISH AND COMMUNITY INITIATIVE FUND ALLOCATION OF GRANTS FOR 2012/2013 REPORT OF CHIEF OFFICER BUSINESS, STREET SCENE AND CONTRACT SERVICES



WARDS AFFECTED: ALL PARISH WARDS

1. PURPOSE OF REPORT

To request Scrutiny approve the allocation of grants through the Parish and Community Initiative Fund 2012/13.

2. RECOMMENDATION

That Scrutiny approves the funding allocations as detailed in section 5 for the Parish and Community Initiative Fund 2012.

3. BACKGROUND TO THE REPORT

3.1 Since 2005 the Parish Community Initiative Fund has distributed over £580,000 for 118 schemes to local parishes or voluntary organisations.

3.2 In 2011/12 the scheme received 22 applications from across the Borough and a total of £104.130 was awarded to 21 schemes

4. CHANGES TO THE FUND

4.1 After the awarding of grants for 2011/12, Officers recommended consultation with parishes, grant recipients, community groups and Borough Councilors' to determine priorities for the allocation of grants, to seek to improve the application process, and to ensure that the fund was meeting the needs of rural communities. This consultation took place during the summer 2011. Changes to the fund were agreed in a report to Executive in October 2011.

4.2 The key changes were as follows:

- Funding prioritised towards schemes such as children's and young peoples play and community buildings
- Boundary walls and fences, bus shelters and car parks no longer funded
- Help in kind will be offered where possible (dependent on project, and capacity of services to assist)
- In the event the fund is over subscribed, then priority will be given to applicants who did not receive a grant the previous year.
- Maximum grant £10,000 per project and £10,000 per parish
- Value for money and evidence of need will be the priority areas for assessors.

5. APPLICATIONS FOR 2012/13

5.1 The table in Appendix 1 of this report provides an objective scoring summary of the assessments made of all the applications by the Public Space Team.

5.2 The assessment panel then determined grants to be allocated. This panel consisted of Caroline Roffey – Public Space Manager, Edwina Grant – Strategic and Community Planning Officer, Paul Scragg – Public Space Team Leader (Community

and Development), Lisa Kirby – Neighbourhood Warden Team Leader and Chris Pocock Green Space Technical Officer.

- 5.3 The maximum amount of funding available to each Parish is £10,000. The grant will fund a maximum of 50% of the project costs. Each applicant must seek support from their Parish Council and Borough Councillor. Only capital items are funded, and because the fund is over subscribed, the lowest submitted quote has been used to calculate the maximum eligible grant.

32 applications have been received requesting a total of £142,344. The applications were scored using new criteria, based on the results of the consultation carried out in the summer 2011. The panel determined applications must score 57 points or more to be funded.

- 5.4 Based on the information in Appendix 1 the assessment panel recommends funding the following schemes totalling £92,126: (Applications are set out in alphabetical order by parish and parish name is given in brackets)

- i. Old Colliery Sports Ground Project – Bagworth and Thornton Parish Council (Bagworth & Thornton)
Outline: Demolition of old pavilion and replace with new pavilion and associated facilities to provide better quality sports provision.
Recommended grant: £2,550
- ii. Club House Toilet Block Extension, Bagworth Bowls Club – (Bagworth and Thornton)
Outline: To extend the existing clubhouse to provide toilet facilities for males and females, plus disabled provision.
Recommended grant: £3,725
- iii. Installation of heating system – St Peter's Church, Thornton (Bagworth and Thornton)
Outline: To install a new heating system to replace the current old inefficient system. The facility is used for a variety of community events.
Recommended grant: £3,725
- iv. Youth Shelter – Barlestone Parish Council (Barlestone)
Outline: To install a youth shelter in Bagworth Road Playing Fields.
Recommended grant: £5,000
- v. Access for all at Elohim Church – Elohim Church (Barlestone)
Outline: Improve access to provide better provision for pushchairs and disabled users and provide learn and play equipment for toddlers.
Recommended grant: £5,000
- vi. Impact Play Area – George Ward Centre (Barwell)
Outline:- Provide safety surfacing to a fenced play space for small children.
Recommended grant: £1,212
- vii. Kirkby Road footpath improvements – Barwell Parish Council (Barwell)
Outline: Renewal of Cemetery pathways at Kirkby Road Cemetery.
Recommended grant: £2,966
- viii. Jubilee Green Space – Cadeby Parish Council (Cadeby)
Outline: planting of bulbs and plants at entrance points to the village.
Recommended grant: £1,821
N.B Discussions are underway with Cadeby PC to discuss if any parts of these works can be carried out by HBBC groundcare as work in kind.

- ix. Refurbishment of Desford Free Church – Desford Free Church (Desford)
Outline: Refurbishment of community room.
Recommended grant: £1,050

- x. Equipment for GP Referral Sessions – Sport in Desford (Desford)
Outline: provision of a multi-programmed treadmill for use in GP referral sessions.
Recommended grant: £2,375

- xi. Mill Lane Columbaria Project – Earl Shilton Town Council (Earl Shilton)
Outline: The installation of columbaria at Mill Lane Cemetery, this provides an alternative facility for the interment of ashes.
Recommended grant: £3,340

- xii. Quarry Park Play Area – Groby Parish Council (Groby)
Outline: The provision of a new play area at Quarry fields, for children aged between 4 and 14 years of age.
Recommended grant: £6,000

- xiii. Groby Scout headquarters improvements – 73rd Leicester (Groby) Scout Group (Groby)
Outline: The replacement of a flat roof, 3 windows and fascias to the entrance hall, group room and kitchen areas.
Recommended grant: £4,000

- xiv. St Peter's Church Toilet Provision – Parochial Church Council (Higham-on-the-Hill)
Outline: To provide a toilet facility in the church.
Recommended grant: £4,000

- xv. Footpath drainage and repairs – Market Bosworth Parish Council (Market Bosworth)
Outline: Resurfacing and improving drainage on the footpath at the Parish Fields in Market Bosworth, to allow improved access for all.
Recommended grant: £1,741

- xvi. New Adventure Play Equipment – Markfield Parish Council (Markfield)
Outline: The installation of a new item of play equipment at Mayflower Close play area.
Recommended grant: £4,363

- xvii. New Kitchen Project – Newbold Verdon Parish Church (Newbold Verdon)
Outline: Improvements to existing kitchen at Newbold Verdon Baptist Church.
Recommended grant: £2,668

- xviii. Peckleton village Hall Kitchen Improvements – Peckleton Parish Council (Peckleton)
Outline: Improvements to the existing kitchen.
Recommended grant: £3,244

- xix. Ratby Skate Park – Ratby Parish Council (Ratby)
Outline: Provision of a new skate park/wheeled sports facility at Ferndale Park.
Recommended grant: £10,000

- xx. Shakerstone Church restoration – Shakerstone Church Restoration Trust (Shakerstone)
Outline: repairs and restoration of stonework and windows, replacement of floor in bell chamber.

Recommended grant: £10,000

- xxi. Windows and floor replacement – Without Walls Christian Fellowship (Stanton under Bardon)
Outline: To replace 7 timber framed windows, and remove and replace unsafe flooring.
Recommended grant: £5,399
- xxii. Stanton Youth Club roof repairs – Stanton under Bardon Youth Club (Stanton under Bardon).
Outline: To replace the remainder of the roof felt to make building water tight.
Recommended grant: £1,082
- xxiii. Play Area improvements Stage 2 – Stoke Golding Parish Council (Stoke Golding)
Outline: Improvements to the play area at Stoke Golding recreation ground by replacing the current fencing to meet British standards and install a self closing gate.
Recommended grant: £2,563
N.B this scheme will be delivered by HBBC Groundcare as work in kind.
- xxiv. Dadlington Notice Board – Sutton Cheney Parish Council (Sutton Cheney)
Outline: To install a new community notice board at Dadlington Green to replace the old one.
Recommended grant: £498 (+ installation total value £676)
N.B The installation of the notice board will be carried out by HBBC Groundcare as work in kind.
- xxv. Village Hall Energy Improvements – Norton Juxta Twycross Village Hall Institute (Twycross)
Outline: To improve the energy efficiency of the village hall, by replacing the boiler, and improving insulation.
Recommended grant: £3,625

The Assessment panel recommends **rejecting** the following application:

- a) St Giles Church Organ Repairs – St. Giles Parish Church (Barlestone)
Outline: replacement of blower in church organ.
Funding applied for: £1,250
Rational: Failed to score sufficient points. Only community benefit identified was during church services when organ in use.
- b) Parish Notice Boards – Lash Hill Community Group – (Burbage)
Outline: Provision of community notice boards in 2 locations within Lash Hill Ward of Burbage.
Funding applied for: £2,000
Rational: Failed to score sufficient points. No evidence of any funding from applicant, No consent from landowner for installation, the total costs of scheme are unclear.
- c) Digital Projector project – St Martin's Church (Desford)
Outline: To install a permanent digital projector and pull down screen.
Funding applied for: £590
Rational: Failed to score sufficient points. Has little overall community benefit.
- d) Heritage Street Lights – Desford Parish Council (Desford)
Outline: To erect Heritage Lampposts in the conservation area.
Funding applied for: £6,000
Rational: HBBC are already funding £6,000 towards this project from the Environmental Improvement Grant.

- e) Jubilee Village Signs – Nailstone Parish Council (Nailstone)
Outline: Erect a village sign to commemorate the Queens Diamond Jubilee.
Funding applied for: £1,600
Rational: Failed to score sufficient points. No quotes were provided, uncertainties of positioning and permission from landowner.
- f) Toilet replacement at Ratby Church rooms – Ratby Church Rooms – (Ratby)
Outline: New disabled facilities and better ladies and gents toilet facilities at Ratby Church rooms.
Funding applied for: £6,900
Rational: Failed to score sufficient points. Total allocation for parish already funded through other project.
- g) Tables and storage Trolley at Sheepy Memorial Hall – Sheepy Memorial Hall (Sheepy).
Outline: Purchase of 10 new folding tables and a storage trolley.
Funding applied for: £701
Rational: Failed to score sufficient points. Has little overall community benefit.

6. FINANCIAL IMPLICATIONS (IB)

- 6.1 The total Capital budget for 2012/13 is £100,000. The total grants recommended for approval is £92,578.

There are 3 grants totaling £22,297, which were approved for 2011/12 where projects have been delayed. These will be completed in 2012/13. A request to carry forward this budget under spend into the year 2012/13 will be submitted as part of the year end process. These are Bagworth and Thornton Community Centre Renovation £12,000, Stoke Golding play area improvements £3,889 and Barwell Parish Council New pavilion project £6,408.

- 6.2 To allow for the carry forward of the 3 projects the 2012/13 capital budget will be increased by £22,297. Additionally, the 2012/13 budget will be reduced by £7,874 to reflect the approved allocations in the year. For 2012/13 this will result in a revised programme budget of £114,423. If approved, these budget revisions will form part of the year end accounting process.

7. LEGAL IMPLICATIONS (AB)

- 7.1 None raised directly by this report

8. CORPORATE PLAN IMPLICATIONS

- 8.1 The Parish & Community Initiative fund supports Parishes and Community groups to achieve the aims and objectives of the Corporate Performance Plan to:
- Cleaner and greener neighbourhoods
 - Safer and healthier borough
 - Strong and distinctive communities

9. CONSULTATION

The level of consultation undertaken by applicants for grants is assessed as part of determining the grants to be awarded. A consultation took place in summer 2011 to determine the need for any changes to the funding process. These are detailed in section 4 of this report.

10. RISK IMPLICATIONS

No significant risks identified

11. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

All grants are awarded to the rural areas, and parish council support is sought for each application.

12. CORPORATE IMPLICATIONS

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications - some schemes will require planning consent
- Voluntary Sector

Background papers: Appendix 1 attached

Contact Officer: Paul Scragg – Senior Public Space Officer x5983

Executive Member: Cllr B Crooks – Executive Member for Rural Issues

APPENDIX 1 – PCIF allocation of grants 2012/13

Parish	Project	Applicant	Project cost	Amount applied for	Maximum eligible grant	Score	Recommended grant	Conditions to be applied / comments
Bagworth & Thornton	Old Colliery Sports Ground Project	Bagworth and Thornton Parish Council	£5,100	£2,550	£2,550	74.0	£2,550	Planning permission required before building can be demolished.
Bagworth and Thornton	Club House toilet block extension	Bagworth Bowls Club	£22,140	£10,000	£10,000	59.0	£3,725	Funding allocated to allow spread of available budget across parish
Bagworth and Thornton	Installation of Heating System	St Peter's Church Thornton	£14,255	£7,000	£7,127	60.5	£3,725	Planning permission required. Funding allocated to allow spread of available budget across parish
Barlestone	Youth Shelter	Parish Council	£10,000	£5,000	£5,000	78.5	£5,000	
Barlestone	Access for all at Elohim Church Hub	Elohim Church	£10,798	£5,399	£5,399	81.5	£5,000	
Barlestone	St Giles Church Organ repairs	St Giles Parish Church	£2,500	£2,500	£1,250	56.5	0	Low scoring scheme. Has little community benefit.
Barwell	Impact play area for children	George Ward Centre	£2,425	£1,212	£1,212	65.0	£1,212.50	
Barwell	Kirkby Road footpath improvements	Parish Council	£5,932	£2,966	£2,966	70.0	£2,966	
Burbage	Parish Notice Boards	Lash Hill Farm Community Action Group	£4,000	£2,000	£2,000	46.0	£0	Low scoring scheme. Overall costs of scheme unclear, no evidence of funding from applicant and no consent from landowner.
Cadeby	Jubilee Green Space	Parish Council	£3,642	£2,824	£1,821	72.0	£1,821	Grant award based on 50% of capital elements of the scheme. Discussion with HBBC regarding carrying out some of the project as work in kind.
Desford	Refurbishment at Desford Free Church	Desford Free Church	£2,670	£1,335	£1,335	73.5	£1,050	Based on 50% funding using the lowest quote.
Desford	Equipment for GP referral sessions	Sport in Desford	£4,750	£2,375	£2,375	66.0	£2,375	
Desford	Digital Projector Project	St Martin's Church	£953	£590	£476	56.0	0	Low scoring scheme. Has little community benefit.
Desford	Heritage Street Lights	Desford Parish Council	£15,000	£6,000	£7,500	65.0	0	£6,000 already being funded through the HBBC Environmental Improvement Grant.
Earl Shilton	Mill Lane Columbaria Project	Town Council	£26,720	£10,000	£10,000	59.5	£3,340	Grant allocated to fund 50% of 1 x Columbaria

Parish	Project	Applicant	Project cost	Amount applied for	Maximum eligible grant	Score	Recommended grant	Conditions to be applied / comments
Groby	Quarry Park Play Area	Parish Council	£32,651	£10,000	£10,000	88.5	£6,000	Grant allocated to allow for appropriate funding across the Parish
Groby	Groby Scout Headquarters	73rd Leicester (Groby) Scout Group	£19,380	£9,690	£9,690	71.5	£4,000	Grant allocated to allow for appropriate funding across the Parish
Higham-on-the-Hill	St Peters Church Toilet Provision	Parochial Church Council	£14,000	£4,000	£7,000	62.0	£4,000	Need to check final quotes before funding allocated
Market Bosworth	Footpath drainage and repairs, Parish fields	Market Bosworth Parish Council	£3,880	£1,940	£1,940	64.5	£1,741	Grant offer based on lowest quote received, from LCC.
Markfield	New Adventure Play Equipment	Markfield Parish Council	£8,727	£4,363	£4,363	80.5	£4,363	Still awaiting final quote. Funding subject to final quote being received.
Nailstone	Jubilee Village Sign	Nailstone Parish Council	£3,200	£1,600	£1,600	46.0	0	Low scoring scheme. No quotes were included, and lots of uncertainties.
Newbold Verdon	New Kitchen Project	Newbold Verdon Baptist Church	£15,802	£2,668	£7,901	67.0	£2,668	
Peckleton	Peckleton Village Hall Kitchen Improvements	Peckleton Parish Council	£8,490	£4,250	£4,245	70.0	£3,244	Grant based on lower quote received.
Ratby	Ratby Skate Park	Parish Council	£48,483	£10,000	£10,000	91.0	£10,000	Should consult with planning and environmental health before starting works
Ratby	Toilet replacements at Ratby Church Rooms	Parish Church Rooms	£13,800	£7,000	£6,900	55.0	0	Low scoring scheme. Total Parish amount already funded.
Shakerstone	Shakerstone Church Restoration	Shakerstone Church restoration Trust	£75,232	£10,000	£10,000	58.5	£10,000	
Sheepy	Tables and Storage Trolley at Sheepy Memorial Hall	Sheepy Memorial Hall	£1,403	£701	£701	54.5	0	Low scoring scheme. Has little community benefit.
Stanton under Bardon	Windows and floor replacement	Without Walls Christian Fellowship	£10,799	£5,399	£5,399	58.5	£5,399	
Stanton Under Bardon	Stanton Youth Club Roof repairs	Stanton Under Bardon Youth Club	£2,165	£1,665	£1,082	57.0	£1,082	Awaiting confirmation from leaseholder.
Stoke Golding	Play Area Improvements Stage 2	Stoke Golding parish Council	£6,000	£3,000	£3,000	93.0	£2,563	This scheme will be carried out by HBBC as work in kind.
Sutton Cheney	Dadlington Notice Board	Sutton Cheney Parish Council	£1,385	692	£692	60.0	£676	The installation of the notice board will be carried out by HBBC as work in kind.
Twycross	Village Hall Energy Improvements	Norton Juxta Twycross Village Hall Institute	£7,250	£3,625	£3,625	65.5	£3,625	
Total			£403,532	£142,344	£149,149		£92,126	

Parish	Project	Applicant	Project cost	Amount applied for	Maximum eligible grant	Score	Recommended grant	Conditions to be applied / comments
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SCRUTINY COMMISSION –

WIND TURBINE POLICY POSITION REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)



Hinckley & Bosworth
Borough Council

A Borough to be proud of

WARDS AFFECTED: ALL WARDS

1. PURPOSE OF REPORT

To inform Scrutiny Commission of the current planning policy position on wind turbines.

2. RECOMMENDATION

That the Scrutiny Commission endorses the report.

3. BACKGROUND TO THE REPORT

Any proposals for wind farms would be subject to the policies within the Borough Council's development plan. A policy regarding wind power (BE27) is currently included in the Hinckley and Bosworth Local Plan. This states:

Policy BE27 – Wind Power

Planning permission for wind farms and individual wind turbines will be approved where:

- a) The council is satisfied that the proposal is capable of supporting the generation of wind power;*
- b) The proposed development is sensitively located in relation to the existing landform and landscape features so that its visual impact is minimised and the proposal would not be unduly prominent in views from important viewpoints;*
- c) The proposal would not have a detrimental impact on surrounding properties due to noise and other forms of nuisance;*
- d) The structure is located, a minimum distance that is equal to its own height, away from any public highway or publicly accessible area;*
- e) The proposal would not involve the erection of overhead power lines to connect it to the national grid that would have an adverse impact on the landscape of the area.*

The impact of any development on the amenity of nearby residents would also be a primary consideration through the provisions of policy BE1: Design and Siting of Development.

In addition to the local policies, paragraph 97 of the National Planning Policy Framework identifies that local planning authorities “should consider identifying suitable areas for renewable and low carbon energy sources, and supporting infrastructure, where this would help secure the development of such sources”. A foot note to this identifies that in assessing sites and planning applications for onshore wind farms, local planning authorities should follow the approach set out in the National Policy Statement for Renewable Energy Infrastructure. This document identifies that the following key impacts should be taken into consideration:

1. Biodiversity and geological conservation;
2. Historic environment;

3. Landscape and visual impacts;
4. Noise and vibration;
5. Shadow flicker; and,
6. Traffic and transport.

The planning policy team are currently producing a Site Allocations and Generic Development Control Policies document which will be reviewing and updating the policies in the Local Plan. Policies on design and the impact of renewable energy developments will be included as part of this document.

In terms of permitted development rights, there are different criteria for the development of building mounted and stand alone wind turbines.

The installation, alteration or replacement of a building mounted wind turbine can be considered to be permitted development (not needing an application for planning permission) provided ALL the limits and conditions listed below are met:

- Permitted development rights for building mounted wind turbines **apply only to installations on detached houses** (not blocks of flats) and other detached buildings within the boundaries of a house or block of flats. A block of flats must consist wholly of flats (e.g. should not also contain commercial premises).
- Development is permitted only if the building mounted wind turbine installation complies with the Microgeneration Certification Scheme Planning Standards or equivalent standards.
- The installation must **not be sited on safeguarded land (for aviation or defence purposes)**.
- **Only the first installation of any wind turbine would be permitted development**, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- No part (including blades) of the building mounted wind turbine should protrude more than **three metres** above the highest part of the roof (excluding the chimney) or exceed an overall height (including building, hub and blade) of **15 metres**, whichever is the lesser.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than **five metres**.
- No part of the building mounted wind turbine (including blades) must be **within five metres of any boundary**.
- The swept area of any building mounted wind turbine blade must be no more than 3.8 square metres.
- In **Conservation Areas**, an installation is not permitted if the building mounted wind turbine would be on a wall or roof slope which fronts a highway.
- **Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.**

In addition, the following conditions must also be met. The wind turbine must:

- Use non-reflective materials on blades.
- Be removed as soon as reasonably practicable when no longer needed for microgeneration.
- Be sited, so far as practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

** Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.*

The installation, alteration or replacement of a stand alone (not building mounted) wind turbine within the boundaries of a house or block of flats can be considered to be permitted development (not needing an application for planning permission) provided ALL the limits and conditions listed below are met:

- Development is permitted only if the stand alone wind turbine installation complies with the Microgeneration Certification Scheme Planning Standards or equivalent standards.
- The installation must **not be sited on safeguarded land** (for aviation or defence purposes).
- **Only the first installation of any wind turbine would be permitted development**, and only if there is no existing air source heat pump at the property. Additional wind turbines or air source heat pumps at the same property requires an application for planning permission.
- The highest part of the stand alone wind turbine **must not exceed 11.1 metres**.
- The distance between ground level and the lowest part of any wind turbine blade must not be less than five metres.
- An installation is not permitted if any part of the stand alone wind turbine (including blades) would be in a position which is less than a distance equivalent to the overall height of the turbine (including blades) plus **10 per cent** of its height when measured from any point along the property boundary.
- The swept area of any stand alone wind turbine blade must be no more than **3.8 square metres**.
- In **Conservation Areas**, development would not be permitted if the stand alone wind turbine would be installed so that it is nearer to any highway which bounds the curtilage (garden or grounds) of the house or block of flats than the part of the house or block of flats which is nearest to that highway.
- **Permitted development rights do not apply to a turbine within the curtilage of a Listed Building or within a site designated as a Scheduled Monument or on designated land* other than Conservation Areas.**

In addition, the following conditions must also be met. The wind turbine must:

- Use non-reflective materials on blades.
- Be removed as soon as reasonably practicable when no longer needed for microgeneration.
- Be sited, so far as is practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

** Designated land includes national parks and the Broads, Areas of Outstanding Natural Beauty, and World Heritage Sites.*

4. FINANCIAL IMPLICATIONS [CB]

None arising directly from this report.

5. LEGAL IMPLICATIONS [EP]

The Local Plan has been assessed for compliance with the NPPF and Policy BE1 is felt to be highly compliant and therefore the policy can be attributed significant weight when considered in relation to planning applications.

6. CORPORATE PLAN IMPLICATIONS

The development of wind turbines relates to the following Corporate Aims:

Cleaner and greener neighbourhoods

7. **CONSULTATION**

Any change in planning policy will be subject to full public consultation prior to adoption.

8. **RISK IMPLICATIONS**

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

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.

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
None	n/a	n/a

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

Local and national planning policy relates to all areas in the borough. Any changes in policy will have an impact on rural areas and will be subject to full public consultation prior to adoption.

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications
- Environmental implications
- ICT implications
- Asset Management implications
- Human Resources implications
- Planning Implications
- Voluntary Sector

Background papers: None

Contact Officer: Andy Killip, Planning Policy Officer – Ext 5732
Executive Member: Councillor Stuart Bray

SCRUTINY COMMISSION – 19 APRIL 2012

S106 DEVELOPER CONTRIBUTIONS REPORT OF DIRECTOR OF COMMUNITY DIRECTION

WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth
Borough Council

A Borough to be proud of

1. PURPOSE OF REPORT

To inform members of the Scrutiny Commission of the position in respect of the Section 106 contributions that have not been spent within the 5 year period that contain a 5 year claw back clause and therefore are at risk of being clawed back by the developer, and those that are over 4 years old but not beyond the 5 years threshold.

2. RECOMMENDATION

That the report be noted.

3. BACKGROUND TO THE REPORT

Developers/applicants can be requested to make financial contributions to make a planning application acceptable, where it would otherwise be refused, towards infrastructure needed as a consequence of their development, i.e. towards play and open space, libraries, education facilities etc. The contribution request has to be in accordance with the Community Infrastructure Levy Regulations 2010. In addition, any contribution requested prior to the 27 March 2012 had to be in accordance with Circular 05/2005 Planning Obligations.

This can be done through the entering into of a Section 106 agreement or the acceptance of a s.106 Unilateral Undertaking both of which identify the amount of contribution and when the contributions need to be paid, i.e. on the commencement of development or first occupation.

The latter option has no claw-back period. However, the money must be used for the purposes identified otherwise the developer may be entitled to claw the money back.

Section 106 agreements have a claw-back period normally of 5 years, on the basis that if the infrastructure improvements are not in place by then, there is clearly no need for the facility.

The contributions are closely monitored through a database set-up on a parish basis and are available to the parish councils on request. This enables parish councils to clearly see what funds may come forward, to help them plan for improvements in their area. Open invitations have been sent to all parish council clerks with regard to receiving a presentation on understanding the full S106 process.

Whilst the database is complex, owing to the amount of information held, it helps to identify what money the development may bring in, when development has commenced, and monies outstanding. It also indicates where money has been committed through the Green Space Strategy.

When analysing the database, there is one S106 agreement greater than 5 years old which contains a claw-back totaling £1.68 – Market Bosworth, there are four S106 agreements between 4 – 5 years totaling £159,239.11, and three between 3 – 4 years totaling £165,865.74 :-

- Market Bosworth Land at Beulah House Station Road £1.68 (> 5 yrs)
- Earl Shilton Land at Montgomery Road, Earl Shilton £92,921.79 (4-5 yrs)
- Earl Shilton Land off Candle Lane, Earl Shilton £43,857.32 (4-5 yrs)
- Kirkby Mallory Rear 34 Main Street Kirkby Mallory £4,480.00 (4-5 yrs)
- Hinckley 44 Westfields Road, Hinckley £17,980.00 (4-5 yrs)
- Barwell Land off the Common, Barwell £57,768.01 (3-4 yrs)
- Earl Shilton Land at 2 Oxford Street £72,200.00 (3-4 yrs)

- Congerstone Barton Road £35,897.73 (3-4 yrs)

The Section 106 Forum was set up 5 years ago and also monitors the database.

4. **FINANCIAL IMPLICATIONS [CB]**

Contained within the body of the report.

5. **LEGAL IMPLICATIONS [EP]**

The obligation as to when the monies must be repaid will depend upon the wording negotiated in the particular s.106 agreement. The two common obligations are for the Council to repay the monies:

1. after with period of 5 years – with no need for the developer to make request under the terms of the agreement
2. after 5 years but with the need for the developer to make a request, written or otherwise.

6. **CORPORATE PLAN IMPLICATIONS**

This document contributes to Strategic aim of the Corporate Plan ‘Safer and Healthier Borough’

7. **CONSULTATION**

N/A

8. **RISK IMPLICATIONS**

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

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.

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

Risk	Mitigating actions	Owner
If monies are paid within the timescale but not used for the purpose identified or not used at all, then these may be clawed back by the developer /applicant.	Close monitoring of database.	Simon Wood / Sally-ann Kempin

9. **KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS**

None

10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications
 - Environmental implications
 - ICT implications
 - Asset Management implications
 - Human Resources implications
 - Planning Implications
 - Voluntary Sector
-

Background papers: S106 Database & NPPF

Contact Officer: Sally-ann Kempin ext 5654

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A Borough to be proud of

Hinckley & Bosworth
Borough Council

**Overview and Scrutiny
Work Programme
2011/2012**

ISSUE 2011/05: FEBRUARY 2012

Welcome to Hinckley and Bosworth Borough Council's Overview and Scrutiny Work Programme, which sets out the work to be carried out by the Council's Overview & Scrutiny function during 2011/2012.

A structured, focussed and supported scrutiny process, which dovetails into the Council's wider democratic, performance and financial management processes, provides for an evidence based approach to challenging and developing the Council's long term vision and priorities and ensuring that the needs of the Borough's Citizens are met.

This is the seventh year that we have managed the work of scrutiny through a work programme. Following a review of progress in November 2005, it was proposed that future work programmes be configured into the following categories to better represent all the roles and responsibilities of the Overview and Scrutiny Function:

- **Scrutiny Topics** – This includes items of particular interest to overview and scrutiny that can be classified as 'scrutiny topics' to investigate in particular detail.
- **Performance Management Information** – Information provided by the council identifying current performance levels against performance indicators, progress with implementation of business delivery plans, best value reviews and service improvement projects. This is in accordance with the Council's Performance Management Framework.
- **Participation in Policy Development Issues** – These are issues being revised or introduced by the Council or other external organisations. The Overview and Scrutiny Function should be engaged in the development of such matters so that the decision-making body (Executive, Council or external organisation) are informed of all possible views before taking a decision / agreeing a new policy.
- **Tracking of implementation with previous recommendations** – The scrutiny commission will review progress with the implementation of previously agreed recommendations.
- **Committee Management Issues** – These include the minutes of previous meetings, progress reports on actions, overview and scrutiny work programmes and development issues for the overview and scrutiny function.

The Work Programme ensures that Scrutiny's work is:

- outcome focussed;
- prioritised accordingly;
- resourced properly; and
- project planned properly.

The Work Programme has been designed to ensure it is a living document and it will be reviewed at each meeting of the Scrutiny Commission, and the Finance, Audit & Performance Committee will also review its section at each of its meetings, to ensure it remains focussed and relevant.

*Councillor Matthew Lay
Chairman of Scrutiny Commission*

SCRUTINY COMMISSION WORK PROGRAMME 2011/2012

1. Performance Improvement

- How the Council proactively manages performance to ensure that issues are addressed in a timely fashion and that there is continuous improvement; and
- Monitor the quarterly Performance Reports to Executive and the decisions they take.
- Risk Management.

2. Implementation of Rural Areas Review

- Annual progress report on implementation of outcomes.

3. Community Safety Partnership

- Six-monthly report on progress of Partnership

4. Planning methodology

- Review the methodology used in planning regarding travellers sites;
- Review planning methodology in order to protect the countryside and consider the impact of development on green wedge.

5. New Homes Bonus

- Understand the process and implications regarding the New Homes Bonus.

6. Sales of cars on the roadside

- Analysis of the problem, implications and possible solutions.

7. Health care

- Care for the elderly
- Specific focus on Alzheimer's support
- 3rd sector role
- GP services.

8. Reviewing performance (frontline services)

- Housing repairs

9. Fuel Poverty

- Internally focussed review
- Numbers in fuel poverty
- How local authorities can help
- Private sector housing – advice and support provision

10. Youth provision

- What do / can parishes do?
- Look at support for volunteers / community groups;
- How can we support & increase the number of volunteers.

SCRUTINY COMMISSION

TIMETABLE

Scrutiny Commission - Thursday 19 April 2012						
Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)	External Involvement
Scrutiny Topics	Wind turbine policy	Request of Commission	Outline policy to raise awareness			
	Planning Appeal Decisions & S106 contributions	6-monthly review	Ensure high performance of Planning Cttee		Head of Planning	
	Highways Service as consultee	Request of Commission	Clarify process and basis for decisions			County Council
	Health Review: care of people with dementia: interview of witnesses (3)	Externally focussed review	To recommend improvements to healthcare	Safer & Healthier Borough	Chief Officer for Scrutiny	County Council, GPs, PCT
Performance Management Information						
Participation in Policy Development Issues	Review of Forward Plan to identify items	Scrutiny of Executive decisions	Identification of reports for review ahead of decision making	All Corporate Aims	Executive member for Corporate Services/ Head of Corporate & Scrutiny Services	
	Parish & Community Initiative Fund	Consider proposed distribution of funding	Recommendations to Executive	Strong & Distinctive Communities	Executive Member for Rural Areas / Deputy Chief Executive	
Tracking of implementation with previous recommendations	Community Safety Partnership Review	6-monthly update	Reduction in crime	Safer and Healthier Borough	Executive member for Community safety	
Committee Management Issues	Work Programme	Review work load for the year	Agreed forward work programme	All Corporate Aims		

Scrutiny Commission - Thursday 24 May 2012

Function	Activity/ Objective	Reason	Desired Outcome	Vision, Values and Aims	Responsible (member/officer)	External Involvement
Scrutiny topics	Health Review: care of people with dementia: final report	Externally focussed review	To recommend improvements to healthcare	Safer & Healthier Borough	Chief Officer for Scrutiny	County Council, GPs, PCT
Performance Management Information						
Participation in Policy Development Issues	Review of Forward Plan to identify items	Scrutiny of Executive decisions	Identification of reports for review ahead of decision making	All Corporate Aims	Executive member for Corporate Services/ Head of Corporate & Scrutiny Services	
Tracking of implementation with previous recommendations	Rural areas review	Review progress against previous recommendations		Strong and distinctive communities	Executive Member for Rural Affairs	
Committee Management Issues	Work Programme	Review work load for the year	Agreed forward work programme	All Corporate Aims		

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Hinckley & Bosworth
Borough Council

A Borough to be proud of

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

APRIL 2012 TO JULY 2012

HINCKLEY & BOSWORTH BOROUGH COUNCIL

INFORMATION ABOUT THE FORWARD PLAN

WHAT IS THE FORWARD PLAN?

The Forward Plan contains decisions which are due to be taken by Council, Executive or under delegated powers to individual Executive members or senior officers. Each plan covers a four month period and is updated monthly. The plan includes all decisions to be taken both “key decisions” (definition opposite) and non-key decisions.

WHAT INFORMATION IS CONTAINED IN THE FORWARD PLAN?

The Forward Plan details:

- The nature of the decision to be made and whether it is a key decision (definition opposite);
- The committee or individual who will take the decision;
- The date or period when the decision is to be taken;
- The stages which will be undertaken prior to the decision, both consultation and presentation to committees;
- The documents which will be presented to the decision maker(s);
- The author of the report.

You can view copies of the current Forward Plan on our web site (www.hinckley-bosworth.gov.uk) or alternatively at:

The Main Reception, Council Offices, Argents Mead, Hinckley

WHAT IS A KEY DECISION?

A key decision is an Executive decision which:

- involves expenditure (of reduction of income) of over £20,000 on any particular scheme/project;
- adopts a policy or strategy (which the Executive has the power to adopt);
- involves the adoption or amendment of the Scale of Fees and Charges;
- is one that affects the whole of the Borough and is one which the residents of Hinckley & Bosworth would normally expect to be notified or consulted; or
- involves a recommendation by the Executive to a Partnership organisation which will take the ultimate decision.

Decisions by the regulatory committees (ie Planning, Regulatory, Licensing and Standards) and Personnel Committee are never key decisions.

A copy of this Forward Plan can be downloaded from our website (www.hinckley-bosworth.gov.uk) or can be obtained by telephoning 01455 255879, sending a fax to 01455 635692 or emailing democraticsupport@hinckley-bosworth.gov.uk

RESPONSIBILITY FOR DECISIONS

Part 3 of the Council’s Constitution sets out which committee/individual has responsibility for taking decisions.

FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

1 APRIL 2012 TO 31 JULY 2012

Issue	Service	Date of decision	Report pathway	Consultation	Documents (report author)
Green Space Delivery Plan	Business, Contract & Street Scene Services	Executive 28 Mar 2012			None. (Caroline Roffey)
Carbon Management Plan 2011-14	Environmental Health	Executive 28 Mar 2012	Scrutiny Environment Group Before 28 Mar 2012	Internal & external	None. (Rob Parkinson)
HRA Subsidy Reform	Housing	Executive 28 Mar 2012		Report to Scrutiny Scrutiny Commission	None. (Sharon Stacey)
Area of Separation	Planning	Executive 28 Mar 2012			None. (Simon Wood)
Value for money report	Business, Contract & Street Scene Services	Council 17 Apr 2012	Scrutiny Commission 1 Mar 2012		None. (Michael Brymer)
Corporate Governance Review	Corporate Services	Council 17 Apr 2012		Residents, stakeholders	None. (Louisa Horton)
New Standards Regime To seek approval of procedures and agree changes to Constitution following Localism Act	Corporate Services	Council 17 Apr 2012			None. (Louisa Horton)

Pre-determination For information following changes to requirements	Corporate Services	Council 17 Apr 2012			None. (Louisa Horton)
Single Equality Policy	Corporate Services	Council 17 Apr 2012			None. (Louisa Horton)
Homelessness mortgage prevention & empty properties grants	Housing	Council 17 Apr 2012			None. (Sharon Stacey)
HRA Business Plan	Housing	Council 17 Apr 2012	Scrutiny Commission 13 Mar 2012		None. (Sharon Stacey)
Affordable Rent	Planning	Council 17 Apr 2012	Executive 28 Mar 2012	Recommendation by Planning Committee 06/03/12 then Executive	None. (Simon Wood)
Constitution - review of Scheme of Delegation Amendments to Scheme of Delegation relating to Environmental Health items	Corporate Services	Council 15 May 2012			None. ()
Leicestershire Waste Partnership Strategy	Business, Contract & Street Scene Services	Executive 23 May 2012			Strategy (Michael Brymer)
Waste Collection Policy	Business, Contract & Street Scene Services	Executive 23 May 2012	Executive 19 Apr 2012		None. (Michael Brymer)
Areas of special character	Planning	Executive 23 May 2012			None. (Simon Wood)

Discounted open market sale properties	Planning	Executive 23 May 2012			None. <i>(Valerie Bunting)</i>
Earl Shilton & Barwell Area Action Plan	Planning	Executive 23 May 2012		Public, Town & Parish Councils, Scrutiny working group	None. <i>(Simon Wood)</i>
Green wedge / areas of separation / countryside topic paper	Planning	Executive 23 May 2012			None. <i>(Simon Wood)</i>
Strategic Housing Land Availability Assessment Review	Planning	Executive 23 May 2012			None. <i>(Simon Wood)</i>
Environmental Health food hygiene annual plan	Environmental Health	Council 19 Jun 2012			None. <i>(Rob Parkinson)</i>
Argents Mead	Planning	Council 19 Jun 2012			None. <i>()</i>
Leisure Centre	Cultural Services	Council 19 Jun 2012			None. <i>(Simon D Jones)</i>
Introduction of full cost recovery for licensing	Environmental Health	Executive July 2012			None. <i>()</i>

DETAILS OF COUNCIL DECISION MAKERS

The table below details the Council's Service Areas and the Executive Member responsible for each with the Council Official responsible for service management.

AREA OF RESPONSIBILITY / SERVICE AREA	EXECUTIVE MEMBERS AND CHIEF OFFICERS	HEAD OF SERVICE CONTACT DETAILS
Strategic Leadership	Councillor SL Bray (Leader) Mr S Atkinson (Chief Executive)	Tel: 01455 255606 Fax: 01455 890229 Email: steve.atkinson@hinckley-bosworth.gov.uk
Community Direction (including Housing, Community Safety, Partnerships, Environmental Health, Planning & Cultural Services)	Councillor D Bill (Deputy Leader) (Community Safety) Councillor SL Bray (Leader) (Planning) Councillor DS Cope (Housing & Environmental Health) Councillor MT Mullaney (Culture, Leisure, Parks & open spaces) Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk
Corporate Direction (including Corporate & Customer Resources, Scrutiny, Ethical Standards, Finance, ICT, Estates & Asset Management)	Councillor KWP Lynch (Finance, ICT & Asset Management) Councillor Ms BM Witherford (Corporate Services, Equalities) Mr S Kohli (Deputy Chief Executive, Corporate Direction)	Tel: 01455 255607 Fax: 01455 251172 Email: sanjiv.kohli@hinckley-bosworth.gov.uk
Business, contract & Streetscene Services (including Refuse Collection, Street Cleansing, Car Park Management, Housing repairs, Neighbourhood Wardens)	Councillor SL Bray (Leader) (Car Parks) Councillor DS Cope (Housing Repairs) Councillor WJ Crooks (Refuse and Recycling, Street Cleansing) Councillor MT Mullaney (Green Spaces, Grounds Maintenance) Mr M Brymer (Head of Service)	Tel: 01455 255852 Fax: 01455 234590 Email: michael.brymer@hinckley-bosworth.gov.uk
Rural Issues (across all portfolios and including Village Centres)	Councillor WJ Crooks Mr B Cullen (Deputy Chief Executive, Community Direction)	Tel: 01455 255676 Fax: 01455 890229 Email: bill.cullen@hinckley-bosworth.gov.uk

Further clarification and representations about any item included in the Forward Plan can be made to the appropriate Executive Member and Head of Service either using the contact details above or in writing to: Hinckley and Bosworth Borough Council, Council Offices, Argents Mead, Hinckley, Leicestershire, LE10 1BZ. Representations should be made before noon on the working day before the date on which the decision is to be taken.

DECISION MAKING ARRANGEMENTS

The views of local people are at the heart of decision making at Hinckley & Bosworth Borough Council, because major decisions are made by Councillors who are elected every four years by local people. Councillors work with the communities that they represent to ensure that local priorities are reflected in the work that the Council does.

The Council is made up of 34 Councillors representing 16 wards. If you want to know which Councillor(s) represents your area or you would like to contact your Councillor(s) concerning an issue, you will find contact details on our website (www.hinckley-bosworth.gov.uk) or alternatively you can contact the Council on 01455 238141.

The Council is committed to the principle of open government and everyone is welcome to attend meetings (except for confidential business) and to receive details of non-confidential items. Below are further details of the Council's democratic decision making arrangements.

The Council

The Council is responsible for setting the budget and the policy framework. Each year there is an Annual Meeting, which selects the Mayor and Deputy Mayor (who are the Chairman and Vice-Chairman of the Council) and decides the membership of the Scrutiny Commission and Regulatory Committees. There are six ordinary meetings of the Council per year, which make strategic, policy and major budget decisions.

This Forward Plan details decisions to be taken by the Council over the next four months.

Executive Functions

Many day to day policy and operational decisions are taken by Executive, a group of seven Councillors comprising of the Leader, Deputy Leader and five Executive Members each responsible for an area of Council policy and activity. The Executive members and their responsibilities are detailed in the previous table.

Overview and Scrutiny Functions

Decisions of the Executive are subject to scrutiny by the Scrutiny Commission and the Finance, Audit & Performance Committee. The Scrutiny Commission and Finance, Audit & Performance Committee also have a role in Policy development. In addition, Scrutiny Panels are established to oversee ad-hoc projects. The Scrutiny Commission publishes an Annual Report and a Work Programme; this is available on the Council's website and from the Council on request.

Regulatory Functions

In addition the Council has established committees to deal with regulatory issues, these committees are Planning Committee, Licensing Committee, Regulatory Committee and the Standards Committee.

Further information about the Council's Decision Making Arrangements can be obtained from Democratic Services on 01455 255879.

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