

# Public Document Pack

**Steve Atkinson** MA(Oxon) MBA FIoD FRSA  
Chief Executive



Date: 05 November 2012

Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

Dear Sir/Madam

I hereby summon you to attend a meeting of the Hinckley & Bosworth Borough Council in the Council Chamber, Council Offices, Hinckley at these offices on **TUESDAY, 13 NOVEMBER 2012 at 6.30 pm**

Yours faithfully

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

Miss RK Owen  
Democratic Services Officer

## AGENDA

1. Apologies
2. To confirm the minutes of the meeting held on 18 September (attached) (Pages 1 - 12)
3. 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
4. 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. To receive such communications as the Mayor may decide to lay before the Council
6. To receive petitions in accordance with the Council's Petitions' Scheme
7. To deal with questions under Council Procedure Rule number 11.1
8. To receive the Leader of the Council's Position Statement
9. To receive for information only the minutes of the Scrutiny Commission meetings held on 23 August and 27 September 2012 (Pages 13 - 20)
10. Leisure Centre Procurement (Pages 21 - 34)

11. Local Democracy Event (Pages 35 - 38)
12. Gambling Act 2005 - Statement of Principles (Pages 39 - 72)
13. Annual Review of the Constitution (Pages 73 - 78)
14. To consider the following motions, notice of which have been received in accordance with Council Procedure Rules 13.1 and 13.2:-
  - (a) Motion received from Councillor Bray, seconded by Councillor Gould

“This Council wishes the Secretary of State for Communities and Local Government to note the following:

Hinckley & Bosworth Borough Council believes that local people, through their democratically elected local authorities, are the most suitable judges of what development is acceptable in an area and the suitable level of contributions that developers need to make;

Hinckley & Bosworth Borough Council opposes:

- The Secretary of State's proposals for the Planning Inspectorate to have powers to override agreements between Councils and developers over the number of affordable housing units allocated to planning applications.
- The Secretary of State's proposals for planning permission – currently required for extensions of more than three or four metres from the rear wall of any home – to only be needed for those reaching beyond 8m for detached homes and 6m for others
- The Secretary of State's intention to override Section 106 of the Town and Country Planning Act of 1990 which will allow developers to immediately appeal to the Planning Inspectorate over the allocation of affordable housing units in any scheme they maybe concerned with.
- The Secretary of State's proposals for the Planning Inspectorate to take planning powers away from local authorities which he deems to be slow or of making poor quality planning decisions in determining applications. This Council notes that the current Coalition government did listen earlier in the year over concerns regarding the National Planning Policy Framework and revised its plans accordingly, so urges the Government to listen to the concerns being expressed by the cross-party LGA;

This council however welcomes other parts of the stimulus package including:

- £300 million to provide 15,000 affordable homes across the country
- An extension of the refurbishment programme to bring an extra 5,000 empty homes back into use
- £280m for FirstBuy, the shared equity scheme to give a further 16,500 first time buyers the chance to own their own homes
- Up to £10bn of guarantees to housing associations, property management companies and developers which will be able to use the guarantees to secure lower borrowing costs. This will lead to hundreds of thousands of extra rental homes being built.

This council also notes:

- the record of the previous Labour government on providing affordable social housing – and that during their 13 years in power, the social housing stock fell by another 420,000 houses, as Labour continually failed to build more homes than they were selling off. In the meantime, social housing waiting list soared to almost 1.8million, a rise of 741,000 families.

- the record of previous Conservative Governments where 1.1 million social homes were lost from the stock during the 18 years of Tory rule up to 1997, through a combination of Right to Buy sales and a failure to invest in replacements. When the Major government left office more than 1 million families were on social housing waiting lists.

This council resolves to formally write to the Secretary of State for Communities and Local Government, outlining this council's opposition to the plans.

- (b) Motion received from Councillor Gould and seconded by Councillor

"This Council asks our Chief Executive to write to the Chancellor of the Exchequer, George Osborne, and urge him to support the national e-petition of over a 100,000 signatures to abandon the unfair beer duty escalator. Introduced by the last government in 2008, this tax unfairly increases duty by 2% above inflation annually and today beer is taxed at a staggering 40%. This excessive tax year on year penalises those who work in the local pub industry and has a detrimental effect on employment, tourism and community cohesion. This e-petition is only the 12<sup>th</sup> out of over 16,000 submitted to have ever reached the 100,000 mark, thus sparking a Parliamentary debate, showing the strength of feeling both locally and nationally."

- (c) Motion received from Councillor Crooks and seconded by Councillor

"The Council acknowledges from the Parish Councils bordering the River Sence, their concerns regarding a possible increase in flood risk to their areas from new development within the catchment area. The Council requests that the Environment Agency and all relevant planning authorities ensure that all developments within the River Sence catchment are built in accordance with Government guidance on Sustainable Urban Drainage Systems to minimise this perceived risk, and that the environment agency takes an overall view of these developments to ensure the existing drainage systems are able to cope given the recent increase in flooding".

15. 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.

16. Development Agreement for the Bus Station Site (Pages 79 - 82)

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# Agenda Item 2

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

18 SEPTEMBER 2012 AT 6.30 PM

PRESENT: MR MB CARTWRIGHT - MAYOR  
MRS L HODGKINS – DEPUTY MAYOR

Mr RG Allen, Mr JG Bannister, Mr PR Batty, Mr Bessant, Mr DC Bill, Mr SL Bray, Mrs R Camamile, Mrs T Chastney, Mr DS Cope, Mr WJ Crooks, Mr DM Gould, Mr PAS Hall, Mrs WA Hall, Mr MS Hulbert, Mr DW Inman, Mr C Ladkin, Mr MR Lay, Mr KWP Lynch, Mr R Mayne, Mr JS Moore, Mr K Morrell, Mr MT Mullaney, Mr K Nichols, Mrs J Richards, Mrs H Smith, Mrs S Sprason, Miss DM Taylor and Mr R Ward

Officers in attendance: Steve Atkinson, Michael Brymer, Valerie Bunting, Bill Cullen, Malcolm Evans, Louisa Horton, Sanjiv Kohli, Rebecca Owen and Robert Vaughan

### 158 APOLOGIES

Apologies were submitted on behalf of Councillors Boothby, O'Shea, Sutton and Witherford.

### 159 MINUTES OF THE PREVIOUS MEETING

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – the minutes of the meeting held on 19 June 2012 be confirmed and signed by the Mayor.

### 160 ITEMS OF URGENT BUSINESS BY REASONS OF SPECIAL CIRCUMSTANCES

- (a) It was reported at this juncture that former Borough Councillor John Bown was unwell and it was agreed that a card be sent from the Mayor on behalf of the Council.
- (b) It was noted that an emergency motion had been received and would be dealt with under the relevant agenda item. It was confirmed that the matter was considered urgent due to only becoming aware of the matter after the preparation of the agenda.
- (c) It was stated that the Leader's position statement contained some information that would interest members of the public due to arrive at 7.30pm. It was agreed that when the aforementioned group of members of the public arrived, the item being debated at that point be allowed to draw to its natural conclusion and the Leader then be permitted to make his statement.
- (d) It was agreed that item 21 (Review of the Constitution) be deferred to the next meeting to allow for consideration by the Planning Committee of planning-related proposed changes.

### 161 DECLARATIONS OF INTEREST

No declarations were made at this stage.

162 MAYOR'S COMMUNICATIONS

The Mayor reported on the success of Hinckley Carnival and the forthcoming visit of a delegation from Grand Quevilly.

In response to a question, the Mayor stated that he had written to congratulate TeamGB on their Olympic success and the IOC on the organisation of the Games and agreed to send a copy of the letter to Councillor Ladkin.

163 QUESTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULES

a) Question from Councillor Hulbert to Councillor Bray

“Could the Leader inform the Council what the new National Planning Policy Framework says about sustainable developments such as the one proposed for Barwell?”

Response from Councillor Bray

“The National Planning Policy Framework (NPPF) is underpinned by a ‘presumption in favour of sustainable development’. Paragraph 14 of the NPPF clearly emphasises this:

Indeed, the Ministerial foreword (made by the former Minister for Planning, the Right Honourable Greg Clark M.P) to the NPPF confirms “sustainable development is about positive growth – making economic, environmental and social progress for this and future generations.... Development that is sustainable should go ahead without delay...”.

*“At the heart of the National Planning Policy Framework is a **presumption in favour of sustainable development**, which should be seen as a golden thread running through both plan-making and decision-taking.*

*For **plan-making** this means that:*

- *local planning authorities should positively seek opportunities to meet the development needs of their area;*
- *Local Plans should meet objectively assessed needs, with sufficient flexibility to adapt to rapid change, unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.*

*For **decision-taking** this means:*

- *approving development proposals that accord with the development plan without delay; and*
- *where the development plan is absent, silent or relevant policies are out of date, granting permission unless:*
  - *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or*
  - *specific policies in this Framework indicate development should be restricted.”*

The guidance goes on to reaffirm that “Housing applications should be considered in the context of the presumption in favour of sustainable development (para 49 NPPF).” It further states in relation to support growth and urban extensions that “The supply of new homes can sometimes be best

achieved through planning for larger scale developments, such as new settlements or extensions to existing villages and towns.....” (para 52 NPPF).

Underpinning this support for sustainable growth, the NPPF states that “The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore, significant weight should be placed on the need to support economic growth through the planning system.”(para 19 NPPF).”

b) Question from Councillor Hulbert to Councillor Bray

“Could the Leader inform me when the idea of a sustainable urban extension for Barwell and Earl Shilton was first mooted? And which group controlled the Council at the time?”

Response from Councillor Bray

“A Draft Core Strategy Preferred Options Document was published for public consultation in July 2006 (prior to the Liberal Democrats gaining control of Hinckley & Bosworth at the 2007 election). This identified the Council’s preferred vision for shaping future development in the Borough until 2026. The Spatial Objectives of the preferred option were identified as:

- **Spatial Objective 1: Overarching principles of sustainable and spatial development** – the principles of sustainable and spatial development form the basis for this strategy, taking a holistic view of the Borough and working in partnership to address the challenges
- **Spatial Objective 2: Development Framework** – To deliver well designed and balanced housing, employment, community, leisure and cultural provision to meet the needs of the Borough up to 2026, concentrating most new development on previously developed land and comprehensively planned urban extensions adjacent to the existing urban core of the Borough.

The Preferred Option Core Strategy – July 2006 included a section entitled “Directions for Growth – Development Framework”. This section included reference to the assessment of sub-areas within which development would be channelled. The preferred sub-areas included:

**West of Barwell** – land lying to the west of Barwell up to the A447. Development here would provide an opportunity to meet future housing needs.

**South of Earl Shilton** (land lying to the south of Earl Shilton up to the line of the proposed Earl Shilton bypass. Development here would involve a planned urban extension providing homes, employment supporting facilities and accessible open space.”

164 MINUTES OF THE SCRUTINY COMMISSION MEETING HELD ON 24 MAY 2012

The Chairman of the Scrutiny Commission presented the minutes of the meeting on 24 May 2012 for information, making reference in particular to the review into care for people with dementia, which would be concluded shortly.

165 FINANCE REPORTS

Items 10, 11, 12 and 13 on the agenda (Final outturn, Statement of Accounts, Annual Governance Statement and Review of Reserves) were introduced and discussed together (but voting recorded separately). During discussion, the following points were made:

- Following previous discussions on the possibility of payments to staff earning below £21,000 and payment of the 'living wage' as a minimum, it was confirmed that both of these had now been actioned and payment of the living wage had been backdated to April 2012.
- Good progress had been made on reserves, which were twice the minimum balance.
- The HRA was ringfenced.
- With reference to item 10 on page 17 of the agenda, part of the LDF reserve had been set aside for the SUE and had been carried forward due to delays.
- A business case for the use of the New Homes Bonus was being put together.

The Accountancy Manager and team were thanks for their hard work.

166 FINAL OUTTURN

On the motion of Councillor Lynch, seconded by Councillor Bray, it was

RESOLVED –

- (i) the outturn positions for 2011/12 and associated transfers to balances set out in paragraphs 3.4 and 3.10 of the report be approved;
- (ii) the carry forward to 2012/13 as set out in appendices 1 and 2 to the report be approved.

167 STATEMENT OF ACCOUNTS

On the motion of Councillor Lynch, seconded by Councillor Bray, it was

RESOLVED – the statement of accounts for 2011/12 be approved.

168 ANNUAL GOVERNANCE STATEMENT

On the motion of Councillor Lynch, seconded by Councillor Bray, it was

RESOLVED – the Annual Governance Statement be approved.

169 REVIEW OF RESERVES

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

RESOLVED –

- (i) transfers from balances to reserves as outlined in section 3.4 of the report be approved;
- (ii) the use of earmarked reserves to fund future spend as outlined in section 3.7 of the report be approved.



170 CIVIC OFFICES SITE

Members received a report which provided an update on the outcome of the recent developer procurement process for the civic offices site on Argents Mead and the termination of the procurement process due to the current poor market conditions was being recommended. It was further explained that arising from an independent Options Appraisal the possibility of building a leisure centre on the site was now being considered

There was general support for the suggestion to build a new leisure centre on Argents Mead, but concern for how this fit into the overall 'jigsaw' of the capital programme and the possibility of a 'sporting hub' on Leicester Road was expressed.

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED –

- (i) the outcome of the recent developer procurement process for a residential / retirement village on this site be noted and the termination of the process be endorsed;
- (ii) the progression of feasibility work in respect of possible development of a leisure centre on the site be agreed;
- (iii) the establishment of a new project board to lead the leisure centre option work be supported;
- (iv) a report on the outcomes of the leisure centre option work be brought back to Council in November 2012.

171 LEADER'S POSITION STATEMENT

At this juncture the Leader of the Council presented his position statement, mentioning the success of the Olympic and Paralympic events and successful delivery of local sporting and cultural initiatives linked to the Olympics. He also highlighted work being undertaken on the development of a single framework scheme for Council Tax Discount across the county and decisions made by the Executive the previous week.

The Leader addressed members of the public present on the situation regarding the Sustainable Urban Extensions, including the background including the extensive public consultation already undertaken and progress made. Reference was made to the current government's focus towards promoting development and also the obligation on the Borough Council as Local Planning Authority to determine any application received and the requirement to give weight to material planning considerations in doing so.

172 CHANGES TO HRA BUDGETS

A report was presented which sought approval for the re-alignment of Housing Revenue Account budgets for various council house improvement schemes linked to the recently adopted Council Housing Investor Strategy and funding of housing surveys from the Housing Revenue Account balances. Some Members emphasised the success of services that had been brought in-house and suggested that such successes be promoted.

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

RESOLVED –

- (i) the 2012/13 allocation of the ‘earmarked’ service improvement expenditure as set out in the report be approved;
- (ii) the permanent transfer of £150,000 for service improvement expenditure from the Housing Revenue Account General Fund budget to the HRA Capital Budget be approved;
- (iii) the future allocation from 2013/14 of the £150,000 for service improvement expenditure be delegated to the Chief Officer, Business, Contract and Street Scene Services and the Executive Member for Housing in accordance with agreed Tenant Priorities;
- (iv) the movement of £120,000 from the existing Major Voids Enhancements Housing Revenue Account Capital Budget to the Kitchen Upgrades Housing Revenue Account Capital Budget be approved;
- (v) the movement of £11,000 from the existing Windows: Single to Double Glazing Capital Budget to a newly created Sheltered Accommodation Improvements Capital Budget be approved;
- (vi) the movement of £10,000 from the Environment Works Housing Revenue Account Revenue Budget to a newly created Neighbourhood Improvement Fund Housing revenue Account Revenue Budget be approved;
- (vii) A supplementary estimate of £96,628 for the stock condition surveys and stock profile surveys from the Housing Revenue Account balances be approved.

(Councillor Richards was absent for the vote on this item).

173 RICHMOND PARK

Approval was sought for additional expenditure to be funded from additional grant funding and existing reserves to improve the drainage on Richmond Park. Members welcomed the report. It was moved by Councillor Crooks, seconded by Councillor Bray and

RESOLVED –

- (i) the increase in the project budget for the Richmond Park Project to £300,000 be approved;
- (ii) the increase of £62,880 be funded from additional FA grant funding of £49,823 and earmarked reserves of £13,057.

174 CARLTON RURAL EXCEPTION SITE

Council was informed of the issues surrounding the development of the Carlton Rural Exception Site and the funding shortfall was outlined. Members supported the report and congratulated officers on the work done to bring the project forward. On the motion of Councillor Mullaney, seconded by Councillor Bray, it was

RESOLVED –

- (i) the provision of a Rural Exception Site in Carlton be supported;
- (ii) the contribution of £55,000 to enable the development of the site to progress be approved.

(Councillor Bill was absent during voting on this item).

175 PROPERTY ASSET MANAGEMENT PLAN

Members received a report which sought approval for adoption of a revised Property Asset Management Plan. It was moved by Councillor Lynch, seconded by Councillor Bray and

RESOLVED – the Property Asset Management Plan with Acquisition Strategy and Disposal Strategy be approved.

176 DESFORD, ST MARTINS DRIVE

Approval was sought for the disposal of land at St Martins Drive, Desford. Members asked if the sum from the sale could be ringfenced for spending in that Ward. In response it was agreed that this would be checked and done if possible. On the motion of Councillor Lynch, seconded by Councillor Bray, it was

RESOLVED – the sale of the land identified in appendix 1 to the report be sold for the sum of £125,000.

177 LEICESTERSHIRE AND RUTLAND COUNTY SPORTS PARTNERSHIP ANNUAL REVIEW

Members were updated on the Leicester-Shire and Rutland County Sports Partnership Annual Review 2011/12 and the excellent progress made in securing investment in sport within the Borough. On the motion of Councillor Cope, seconded by Councillor Bray, it was

RESOLVED –

- (i) the Leicester-shire and Rutland County Sports Partnership Annual Review be acknowledged and endorsed;
- (ii) the significant investment secured for sport and physical activity within the Borough during 2011/12 be noted and endorsed.

178 ANNUAL REVIEW OF THE CONSTITUTION

It was agreed that the annual review of the Constitution be deferred to the next meeting of Council.

179 CHAIRMANSHIP OF COMMITTEES: APPEALS PANEL

On the motion of Councillor Bray, seconded by Councillor Bill, it was

RESOLVED – Councillor Cartwright be appointed as Chairman of the Appeals Panel for the remainder of the municipal year.

(Councillors Batty, Ladkin and Ward were not present during the vote).

180 EXTENSION OF MEETING IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 9

In anticipation of the meeting continuing past 9.30pm, it was moved by Councillor Bray, seconded by Councillor Bill and

RESOLVED – the meeting be permitted to continue until all remaining items of business had been transacted.

181 MOTIONS RECEIVED IN ACCORDANCE WITH COUNCIL PROCEDURE RULE 13.2

(a) Motion from Councillor Bray, seconded by Councillor Bannister

“This Council notes with concern the decision by Leicestershire Police Authority to sell off Hinckley Police Station, an important public building in the centre of Hinckley, in secret and with no public consultation. Furthermore this Council is concerned that any future uses of this building should not add to the already grave on-street parking problems in this part of Hinckley”

Discussion ensued regarding the lack of consultation by the Police Authority and the requirement to hold the meeting in private. Concern was expressed regarding parking provision.

Councillor Bray and five other Councillors requested that voting on the motion be recorded. The vote was taken as follows:

Councillors Bannister, Bill, Bray, Cartwright, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lynch, Mayne, Mullaney, Nichols and Taylor voted FOR the motion (17);

Councillors Allen, Batty, Bessant, Camamile, Chastney, Ladkin, Lay, Moore, Morrell, Richards, Smith, Sprason and Ward abstained from voting.

The motion was declared CARRIED and it was

RESOLVED – the motion be supported.

(b) Motion from Councillor Mullaney, seconded by Councillor Inman

"Council notes with concern the proposals of the East Midlands Ambulance Service (EMAS) which would see the 66 current ambulance stations in this region, including one in Hinckley, replaced by 13 hub stations, one of which will be in Leicester.

EMAS will be announcing later this year the venue for it's public consultations. Because of the huge concern felt by many residents in the borough about the threat to Hinckley Ambulance Station, Council urges EMAS to visit a venue in Hinckley and Bosworth as part of the consultation.

Council believes that Hinckley's Ambulance Station is an important local service and should not be closed unless EMAS can provide extremely compelling and convincing evidence that changing to the Hub system will improve response times."

Members shared concerns regarding the service and it was suggested that representatives of EMAS be invited to the Scrutiny Commission to enable Members to have a full understanding of the proposals and possible implications. It was moved by Councillor Mullaney, seconded by Councillor Inman and

RESOLVED – the motion be supported and in addition EMAS be invited to the next suitable meeting of the Scrutiny Commission.

(c) Motion from Councillor Crooks, seconded by Councillor Mullaney

"Council notes with concern the current proposal by Leicestershire County Council to remove the Number 7 bus service.

This is the only regular bus service that runs through many villages in our Borough including Fenny Drayton, Witherley and Sheepy Magna.

The proposed demand responsive transport that would replace the number 7 would mean far fewer buses, travelling on fewer days through these villages.

Council notes the large number of submissions to the County Council's consultation on the future of bus services, including many about the Number 7 bus. These included a submission from the Borough Council's Executive supporting the Number 7 service.

Council notes proposals submitted by residents, via a petition, which suggested an amended bus service running through these villages.

Council resolves to urge the County Council to maintain the number 7 bus service and look seriously at the option of an amended route as suggested by residents of the affected villages."

Councillor Bessant, seconded by Councillor Sprason, moved an AMENDMENT:

"HBBC supports the action already taken by County Councillor Ivan Ould, notes the 990 name petition, and supports his attempt to secure a recommendation to Cabinet from the Review Panel that the No 7 bus be re-routed to run from Market Bosworth to Atherstone and return."

The amendment was not accepted by the mover and seconder of the original motion, therefore merits of the amendment were debated and upon being put to the vote, the AMENDMENT was LOST.

Councillor Bray and four other Councillors requested that voting on the substantive motion be recorded. The vote was taken as follows:

Councillors Bannister, Bray, Cartwright, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lay, Lynch, Mayne, Mullaney, Nichols and Taylor voted FOR the motion (18);

Councillors Allen, Batty, Bessant, Camamile, Chastney, Ladkin, Moore, Morrell, Richards, Smith, Sprason and Ward abstained from voting.

The substantive motion was CARRIED. It was therefore

RESOLVED – the motion be supported.

- (d) Motion from Councillor Taylor seconded by Councillor Nichols

“This Council notes recent concerns and frustrations expressed by members of all groups about the advice often received from the Highways Authority. This Council therefore asks the Deputy Chief Executive (Community Direction) to investigate options for securing secondary highways advice on planning applications to allow members to make more fully informed decisions.”

RESOLVED – the motion be supported.

(Councillor Ladkin was absent from the meeting during voting on this item).

- (e) Motion from Cllr Bill, seconded by Councillor Lynch

"This Council recognises the vital role played by Police Community Support Officers in the upkeep of law and order and urges both the County Council and the incoming Police & Crime Commissioner to ensure that they are retained in full despite the difficult financial situation".

Councillor Bessant, seconded by Councillor Allen, moved an AMENDMENT:  
“This Council recognises the vital role played by Police Community Support Officers in the upkeep of law and order and urges the incoming Police & Crime Commissioner to ensure that despite the difficult financial climate they are retained where appropriate to identified policing needs but not at the expense of removing Police Officers from the beat particularly in rural areas and at the cost of effective Community Policing”.

The amendment was not accepted by the mover and seconder of the original motion and upon being put to the vote was LOST.

Councillor Bray and four further Members requested that voting on the substantive motion be recorded. The vote was therefore taken as follows:

Councillors Bannister, Bill, Bray, Cartwright, Cope, Crooks, Gould, Mrs Hall, Mr Hall, Hodgkins, Hulbert, Inman, Lay, Lynch, Mayne, Mullaney, Nichols and Taylor voted FOR the motion (18);

Councillors Camamile and Sprason voted AGAINST the motion (2);

Councillors Allen, Batty, Bessant, Chastney, Ladkin, Moore, Morrell, Richards, Smith and Ward abstained from voting.

The substantive motion was therefore declared CARRIED and it was

RESOLVED – the motion be supported.

(f) Motion from Councillor Hulbert, seconded by Councillor Nichols

“The Council notes:

1. Already 1 in 4 households in the UK are in fuel poverty, meaning they need to spend more than 10% of their income on keeping their homes warm. The problem is likely to get worse, with 1 in 3 households projected to be in fuel poverty by 2016.
2. The main reasons for this crisis are that gas, oil and coal prices are high, and the UK's homes are some of the most energy inefficient in Europe – leaking heat from their doors, walls and windows.
3. Cold homes are damaging the health of vulnerable members of society, including children, older people and people with disabilities. Diseases such as asthma are made worse, and people are more likely to have strokes and heart attacks. Illnesses caused by cold homes cost the NHS nearly one billion pounds each year.
4. Over the next 15 years the Government will raise an average of £4 billion every year in carbon taxes through the European Emissions Trading Scheme and the Carbon Floor Price. Recycling this revenue back into households could bring 9 out of 10 homes out of fuel poverty, lower people's bills, cut carbon emissions and create jobs.

The Council therefore resolves to:

1. Support the Energy Bill Revolution campaign calling for the Government to recycle revenues from carbon taxes into improving the energy efficiency of UK homes.
2. Notify local Members of Parliament of its support for the campaign and urge them to sign Early Day Motion 47 – “Reducing Fuel Bills through Energy Efficiency.”

RESOLVED – the motion be supported.

(g) Motion from Councillor Gould, seconded by Councillor Taylor

“Given the opposition to unplanned development in our Borough, this Council asks that the Chief Officer (Community Direction) writes to George Osborne's office asking that he consider alternative approaches to stimulate development as the National Planning Policy Framework has already failed to have any real impact.”

Following a Member's suggestion, the mover and seconder agreed to WITHDRAW the motion and look at a more constructive way of addressing the issues.

(h) Emergency motion received from Councillor Lay, seconded by Councillor Bray

It was explained that this motion was deemed to be urgent as the information had only just come to light.

“This Council calls upon the Secretary of State for Health, the Right Honourable Jeremy Hunt MP, to follow up his written commitment to ask the Independent Reconfiguration Panel (IRP) to undertake and initial review of the request from

the Leicester, Leicestershire and Rutland Joint Health Overview and Scrutiny Commission, give serious consideration to the recommendations of the IRP on 21 September and reverse the proposed closure of the Children's Cardiac Surgery service at the EMCHC at Glenfield Hospital, Leicester"

RESOLVED – the motion be supported.

(The Meeting closed at 10.20 pm)

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MAYOR



# Agenda Item 9

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL

### SCRUTINY COMMISSION

23 AUGUST 2012 AT 6.30 PM

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

Mr PR Batty, Mr Bessant, Mrs L Hodgkins, Mr MS Hulbert, Mr DW Inman, Mr K Morrell, Mrs S Sprason and Miss DM Taylor (for Mr K Nichols)

Also in attendance: Councillor JS Moore

Officers in attendance: Steve Atkinson, Michael Brymer, Bill Cullen, Rachel Dexter, Edwina Grant, Louisa Horton, Rebecca Owen, Sally Smith, Sharon Stacey and Simon Wood

#### 126 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Mrs Hall and Councillor Nichols with the substitution of Councillor Taylor for Councillor Nichols authorised in accordance with Council Procedure Rule 4.1.

#### 127 MINUTES

On the motion of Councillor Batty, seconded by Councillor Hulbert, it was

RESOLVED – the minutes of the meeting held on 24 May 2012 were confirmed and signed by the Chairman.

#### 128 DECLARATIONS OF INTEREST

No interests were declared at this stage.

#### 129 ENVIRONMENTAL IMPROVEMENT PROGRAMME

Councillor Ladkin arrived at 6.34pm.

The Commission received a report which outlined the Environmental Improvement Programme for 2012/13. Members queried whether there had been a reduction in resources for the projects. In response it was reported that funding had not been reduced and it was agreed that a year end update would be provided.

#### 130 FIRST SIX MONTHS OF INTERNAL HOUSING REPAIRS SERVICE

Members were presented with a statement on the progress made since bringing the Housing Repairs service in house in September 2011. Members were reminded that there had been some teething problems due to the previous contractor causing confusion regarding staff transfers and also not completing jobs as agreed. The Commission was pleased to hear that the cost of the service had, even in the first six months, reduced – despite transfer costs. Other successes highlighted included an increase in the number of jobs completed, a reduction in recalls by almost 50%, achieving all targets, and that the backlog of void works had now been returned to normal timescales.

It was agreed that an end of year update be brought to the November meeting. Members requested that their congratulations be passed on to all staff and management.

131 CREDIT UNION PROVISION - PROGRESS REPORT

The Scrutiny Commission was provided with an update on the local Credit Union provision. It was reported that there would be no longer be drop-in sessions in Hinckley, but scheduled appointments would be available. It was anticipated that this would allow the local Manager to concentrate on marketing. Members asked questions about the services provided by Clockwise and the take up.

Concern was expressed that the problem of doorstep lenders was ever prevalent and also that Christmas Clubs would soon become a problem again. It was suggested that Members receive presentations on the work of Clockwise and how to enable the public to benefit from the services, and also that the Parishes Forum may find a presentation useful in order to provide a link with rural areas.

Representatives of Clockwise were thanked for their work in this Borough.

132 THE DISTRICT, LOCAL AND NEIGHBOURHOOD CENTRE REVIEW 2012

Members were informed of the results of the District, Local and Neighbourhood Centre review which would be used to inform the Site Allocations and Development Management Policies DPD. It was explained that the review would help to draft policies to retain a mixture of uses in centres.

Members questioned the vacancy rate in business units and also expressed concern that some businesses started in Barwell or Earl Shilton, where rents were lower, then moved on when they had become more successful.

The outcomes of this review were noted and endorsed for use as part of the evidence base for the production of Local Plan policies and Development Plan documents.

133 ASSESSMENT OF NEW GREEN WEDGES TOPIC PAPER AND STATEMENT ON THE CONSISTENCY OF THE GREEN WEDGE DESIGNATION WITH THE NATIONAL PLANNING POLICY FRAMEWORK

Members were informed of the Assessment of New Green Wedges Topic Paper, outlining new suggestions that had arisen through consultation events. It was reported that none of the areas assessed had met all four criteria to be designated as green wedges, but that did not mean they wouldn't be protected under existing policies. It was agreed that further information on the assessments would be circulated separately.

A revised recommendation was tabled following consideration of the report by the Executive.

RESOLVED –

- (i) the Scrutiny Commission endorses the topic paper to be used as part of the evidence base for the submission version of the Site Allocations and Development Management Policies Development Plan Document and the Statement to support the green wedge designation;
- (ii) in order to reflect the significance and importance of the areas identified within the topic paper, Executive be RECOMMENDED to seek to provide the maximum protection to them by the most

appropriate and robust means, provided they are in accordance with existing policies and requirements in the adopted Development Plan.

134 SCRUTINY COMMISSION WORK PROGRAMME 2011-12

The work programme for the remainder of 2012/13 was discussed and the following suggestions were made:

- Notes of the Renewable Energy Working Group be included on the Scrutiny Commission agenda for information;
- Invite Police in to discuss neighbourhood policing as the situation seemed to differ from the assurances received prior to the reallocation of resources;
- Work on linking colleges with industry / creating employment for the area – it was noted that work was currently underway and should be completed by the end of the financial year, at which point it may be possible to invite representatives from the LEP, key stakeholders, MIRA and North Warwickshire and Hinckley College;
- Impact of the bus station on the town centre, inviting the Tin Hat Regeneration Partnership to give evidence;
- Invite highways representatives again to discuss use of government funding in the Borough;
- Leisure Centre (programmed for November);
- Dog fouling;
- Accessibility of public transport to people with disabilities.

135 DEMENTIA REVIEW - FORMULATION OF RECOMMENDATIONS

Members received a report which summarised the findings of the review so far and provided a reminder of areas for recommendations. It was reported that the Strategic Needs Assessment contained a chapter on Dementia and work was being undertaken to prioritise the actions.

During discussion, the following points were raised:

- Whilst Wardens in sheltered schemes received training on dementia, this should ideally be provided to more HBBC staff, for example the Contact Centre, who come into contact with the public most regularly;
- An e-learning module could be designed to provide training to all staff and Members;
- Work was already undertaken to signpost services, but research should be undertaken into whether an information pack for dementia sufferers and carers was available or whether HBBC could seek support in producing one;
- Links to GPs would be made through Hinckley's Health & Wellbeing partnership.

Councillor Bessant arrived at 8.09pm.

It was noted that the final report would be brought to the next meeting of the Commission.

136 ADDITIONAL ITEM: BARWELL & EARL SHILTON SCRUTINY GROUP

A Member of the above group reported that Severn Trent Water had not been able to attend or provide information for the group and asked that a request to attend a meeting or to meet on site be sent by the Scrutiny Commission. It was also requested that the matter be raised with the local MP.

137 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

The following items were requested to come to the Scrutiny Commission prior to a decision being made by the Executive or Council:

- Argents Mead;
- Leisure Centre.

(The Meeting closed at 8.25 pm)

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CHAIRMAN

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

SCRUTINY COMMISSION

27 SEPTEMBER 2012 AT 6.30 PM

PRESENT: Mr MR Lay - Chairman  
Mr PAS Hall and Mr C Ladkin – Vice-Chairman  
Mr PR Batty, Mr Bessant, Mrs WA Hall, Mrs L Hodgkins, Mr MS Hulbert, Mr K Morrell,  
Mr K Nichols and Mrs S Sprason

Officers in attendance: Rebecca Owen, Storme Coop, Bill Cullen, Louisa Horton, Simon D Jones, Sharon Stacey and Melanie Walker

196 APOLOGIES AND SUBSTITUTIONS

Apologies were submitted on behalf of Councillor Inman.

197 MINUTES

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

RESOLVED – the minutes of the meeting held on 23 August 2012 be confirmed and signed by the Chairman.

198 DECLARATIONS OF INTEREST

No interests were declared at this stage.

199 QUESTIONS

In accordance with Council procedure rule 10, the following question was received from Councillor Batty, addressed to the Chairman of the Scrutiny Commission:

“Could we please have full disclosure on the information pertaining to the sale of land at the former Stoke Road Boys’ Club? Particularly, can we please have the final net figures in respect of the capital receipt to include discounts, re-imburement of fees or reductions, for ground abnormalities”.

Members were disappointed to hear that a response to this question had not been finalised, and it was agreed that the response would be sent to Members the following day and reported to the next meeting of the Scrutiny Commission.

200 WELFARE REFORM

Members received a presentation on Welfare Reform which introduced the principle of Universal Credit, changes to council tax benefit, the benefit cap, under occupancy, the Social Fund, Personal Independence Payments, and what HBBC were doing to help.

Councillor Bessant arrived at 7.10pm.

Members were concerned about the changes and about the huge affect that this would have on some sections of the community, particularly those who would be affected by more than one of the changes. It was felt that it was crucial to review the anti-poverty strategy in light of these changes.

With regard to direct payments, concern was expressed that whilst older people could still have direct payments, younger people could not, regardless of whether they struggled to look after their own affairs and perhaps had no experience of having to do so.

It was unanimously

RECOMMENDED – the presentation be provided to the Executive.

## 201 CULTURAL & SPORT STRATEGY 2012-2017

The Scrutiny Commission was presented with the new Culture and Sport Strategy 2012-2017 and achievements in appendix A to the report were highlighted. Current projects were noted as promoting positive mental health, enhancing economic development opportunities, reducing health inequalities and maximising sporting opportunities, particularly arising from the legacy of London 2012.

Concern was expressed that activities in the rural areas were not included in the strategy, and it was requested that this be included in future.

A Member highlighted other pieces of positive work including the new Youth for You scheme, the creation of a healthy eating cook book, National Play Day, the Youth Games, and the continuation of valuable Safeguarding work.

In response to a Member's question it was stated that there was still a demand for more football pitches and that it was intended to create more as part of the sustainable urban extensions.

It was moved by Councillor Nichols, seconded by Councillor Mrs Hall and

RESOLVED – the report be endorsed and achievements be acknowledged.

## 202 SCRUTINY REVIEW: CARE FOR PEOPLE WITH DEMENTIA

Members were presented with the final report for the review of Care for People with Dementia and the recommendations of the review as agreed at the previous meeting. It was requested that a press release be made to highlight the work of the Commission on this review.

It was requested that the recommendations include the need for GPs to diagnose dementia sooner and to ask what GPs were doing to increase the chances of early diagnosis.

It was suggested that recommendations 2.3, 2.5 and 2.6 were within the remit of the Health & Wellbeing Board, which were due to meet the following day, and it was therefore agreed that these recommendations would be reported to them.

RECOMMENDED –

- (i) training of frontline staff on the issues surrounding dementia be extended (from wardens of sheltered housing schemes) to as many frontline staff as possible and consideration be given to extending this to all staff on a 'bronze', 'silver' and 'gold' basis;
- (ii) the Council undertakes to do as much awareness-raising as possible to 'take the fear out of dementia';

- (iii) the Deputy Chief Executive (Community Direction) be asked to raise through the Health and Wellbeing Board the need to ensure that a Dementia Advice pack is prominent in all public buildings and on the Council's website;
- (iv) a database of support groups be collated, publicised on the Council's website and used by Customer Services and other frontline officers in their interactions with carers and those concerned about Dementia;
- (v) the Chairman of the Scrutiny Commission writes to GPs to understand their approach to diagnosis including how they intend to improve the rate of early diagnosis;
- (vi) people be encouraged to seek the support of their GP at an early stage to seek an early diagnosis;
- (vii) the work of the Commission be passed to the "Changing Minds" group to support them in their work to help people suffering with Dementia;
- (viii) the importance of assistive technology which is crucial to support people with dementia be acknowledged and endorsed and communicated to the County Council.

#### 203 SCRUTINY COMMISSION WORK PROGRAMME 2012-13

The following additions to the work programme were discussed or comments on existing items made as follows:

- Town centre (next meeting);
- Leisure Centre (next meeting);
- Council tax benefit reduction;
- Review of anti poverty strategy;
- Impact of viability issues on the housing numbers trajectory;
- Recommendations of the Barwell & Earl Shilton Scrutiny Group.

#### 204 FORWARD PLAN OF EXECUTIVE AND COUNCIL DECISIONS

Members were informed that due to the new Executive Arrangements which had come into force, the Forward Plan was currently being reviewed as 28 days' notice now had to be given if a key or private decision was to be taken by the Executive.

#### 205 RENEWABLE ENERGY TASK & FINISH GROUP NOTES

Following the request at a previous meeting, the Scrutiny Commission received the notes of the Renewable Energy Task & Finish Group, for information only. It was noted that this group had been set up by Council and was not part of the Overview & Scrutiny function.

(The Meeting closed at 8.25 pm)

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CHAIRMAN

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**COUNCIL 13 NOVEMBER 2012**

**LEISURE CENTRE PROCUREMENT**

**REPORT OF DEPUTY CHIEF EXEC (COMMUNITY DIRECTION)**

**WARDS AFFECTED: ALL WARDS**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## 1. PURPOSE OF REPORT

To report on the outcome of an options review for the delivery of a new Leisure Centre for the Borough including advice on the type of facilities will be required including, location, costings, delivery and procurement.

## 2. RECOMMENDATIONS

- 2.1 That Council approves undertaking a new build facility to replace the existing Hinckley Leisure Centre.
- 2.2 That Council approves the new Leisure Centre be developed on Argents Mead subject to maintaining and enhancing the green space and adds value to the park.
- 2.3 That Council endorses and approves the facility options, procurement process and timescales as set out in sections 5 and 6 of this report.

## 3. BACKGROUND TO THE REPORT

- 3.1 In 2007/8, a capital budget was aligned to build a new Leisure Centre for the Borough. Following extensive investigation into site options, a preferred Leisure Centre site was identified within the Sporting Hub Masterplan, which is located adjacent to the Hinckley Cricket Club, A47 Leicester Road. This site was not owned by the Borough Council, however the Hinckley Town Cricket Club were receptive to gifting a parcel of land allowing this development to take place. This was agreed by Council in May 2008 – minute no. 610.
- 3.2 Following an independent review of the capital programme and the emergence of limited capital budgets an alternative affordable interim delivery solution was required.
- 3.3 Therefore, in 2009, the project was deferred in preference for a facelift refurbishment. Results of the condition survey confirmed that there was a need for significant investment to ensure the facility remains open. Some interim investment was undertaken in 2010 to enable the existing contract with SLM to be extended to 2015. However, due to the extensive maintenance requirement on both structure and plant there is no opportunity available to extend the life of the building short term without the risk of running costs increasing or the facility being subjected to temporary or permanent forced closures without warning.
- 3.4 It should be noted that the refurbishment was very well received by customers of the Leisure Centre. Overall footfall has risen year on year – for 2011/12 the figure was 639,353, the highest recorded.
- 3.5 RPT Consulting was appointed in 2012 to undertake an options review for the future delivery of Hinckley Leisure Centre (HLC).

3.6 Whilst considering options for Hinckley & Bosworth an opportunity presented itself to work alongside Oadby & Wigston Borough Council (OWBC) with regards to Leisure Centre procurement and delivery. There are significant benefits from undertaking a joint procurement exercise with OWBC, including cost savings and market attractiveness.

3.7 An internal Project Team, supported by the Project Board, has been established to manage and assist the Consultant in developing this report and its findings.

#### 4. KEY CONSIDERATIONS

4.1 The Consultant supported by the Project Team have investigated a number of key considerations when developing this options review, these include:

- What type of facilities are required (facility mix)
- Site location
- Costings
- Delivery
- Procurement

4.2 The Consultant has produced a full report on the options available to the Council. An Executive Summary which explores each of the above is attached as Appendix A. The high level findings are as follows:

4.3 Facility Mix – The Project Team have developed two facility mix options for the future redevelopment of HLC, based on the sporting need and a commercial approach

4.4 Site location – Three options have been considered; refurbishment, new build at the Sporting Hub and new build on Argents Mead.

4.5 Costings – Each site option has a differing level of potential capital available to it based on capital receipts. Details are contained within the financial implications section of this report.

4.6 Delivery – There are 4 potential options for the future delivery of the services. It is recommended that HBBC progress with entering into a partnership with either an existing Not for Profit Distribution Organisation (NPDO) or the private sector as this is comparable with the existing arrangements and other options will result in additional costs.

4.7 Procurement - There are two principle procurement options for the development of a new facility - Separate design and build contract to an operating contract or a combined Design, Build, Operate and Maintain contract (DBOM) – where the Council enters into one contract to build and operate the facility for a period of time. The DBOM contract provides significant advantages, particularly through risk transfer and delivering the lowest whole life cost.

#### 5. KEY FINDINGS AND PROPOSALS

5.1 The Project Team and Consultant have analysed all of the considerations and are proposing that Council supports the following findings:

A) The Council should undertake a new build to replace the existing HLC and should progress with:

- i. The development on the Argents Mead site, within the development footprint agreed by Executive on 12<sup>th</sup> October 2011.
- ii. The development should maintain and enhance the green space ensuring the facility is sensitively designed to fit and add value to the park.
- iii. Develop the basic facility mix (Option A) as detailed in Appendix A section 0.9
- iv. Seek to establish variants from the market to deliver some or all of the additional facility mix (Option B)

It should be noted that there are a number of significant advantages to the above

- The asset life of a new facility will be 40 years, compared to just 20 years for a refurbishment.
- The BREEAM rating of a new facility will aim for Excellent, as long as the costs associated are not prohibitive and prevent the Council from achieving the required facility mix.
- The secondary spend within Hinckley Town Centre from users who visit the Leisure Centre is considerable. Retaining the Leisure Centre within the town centre would support the economic growth and sustainability of the town centre. Refer to Appendices B and C.
- Would compliment the new Bus Station developments
- Car parking arrangements would be enhanced – currently the Leisure Centre has 90 spaces, the combined number of spaces of the 3 surrounding car parks to Argents Mead (Mount Road 108, Station Road 79 and Church Walk 90) would provide 277, at prime usage periods i.e. weekdays 5pm – 8pm.

B) A future contract should be let with either an existing NPDO or the private sector which should have the following parameters:

- v. A contract length of circa 20 years (this would maximise our return on investment and is the industry norm for new facilities)
- vi. Life cycle costs should be the responsibility of the partner
- vii. Competitive dialogue process should be used

C) The Council should work with OWBC to undertake a joint procurement exercise based on two lots – one for each Council.

## 6. TIMESCALES

6.1 A project plan has been developed (Appendix D) for the ongoing procurement of a new partner to ensure that the partner is in place by April 2014, which suggests that an OJEU advert is placed in December 2012. This enables HBBC to have the new facility operational by March 2015, when the existing contract ends.

## 7. FINANCIAL IMPLICATIONS (KB)

7.1 The financial implications for all options are detailed in Appendix A. The financial implications for the proposed recommendations are detailed below.

7.2 All implications are indicative and based on historical development costs. Actual costs will be established be known on completion of the procurement process.

## Capital

7.3 The capital costs and financing implications for the development of the Argents Mead site are outlined in the table below. The minimum build cost for Option A is £7.1million, rising to a maximum of £11.2million if all elements of Option B are incorporated. Per the recommendation, the Council will seek to establish desired elements of this option from the market and therefore these costs may be reduced as a result of this process.

7.4 The capital cost of the Argents Mead site will be funded in the main by capital receipts. It is forecast that £5.55-5.95 of receipts will be available based on the following estimates:

	<b>£million</b>
Depot site	0.5
Bus Station	2.75
Current Leisure Centre	1.8 – 2.2
Other sales	<u>0.5</u>
	5.55-5.95

7.5 The Council has set aside £1.059million in an earmarked reserve to fund costs associated with the scheme.

7.6 Any shortfall in the financing of the Argents Mead site will be funded by Prudential Borrowing. Based on the range of costs and funding outlined above, the Council will be required to borrow between £0.091million and £4.59million to fund this gap. Based on current PWLB rates, the Council would be required to pay between 3.89% (EIP) and 4.37% (Maturity) interest on this borrowed amount over 40 years. These rates will however become lower from November 2012 following the introduction of the PWLB's new "Certainty Rate".

Scheme Option	Capital costs	Receipts available	Reserves	Borrowing	Interest costs (based on 4.37%)
Argents Mead Site A (Basic)	£7.1M	£5.55 -£5.95M	£1.059M	£0.091M - £0.49M	£0 - £0.02M
Argents Mead Site B (Additionality)	£11.2M	£5.55 -£5.95M	£1.059M	£4.19M - £4.59M	£0.18M - £0.20M

## Revenue

7.6 The net impact on the revenue account for the Agents Mead development will again differ depending on capital receipt received for the site and also the facility option that is undertaken.

Scheme Option	Receipts – lower level		Receipts – higher level	
	Total Revenue Surplus/ (Cost) £'000's	Revenue Saving/ (Cost) v Existing £'000's	Total Revenue Surplus/ (Cost) £'000's	Revenue Saving/ (Cost) v Existing £'000's
A - Basic	(74)	(59)	32	47
B - Additionality	(304)	(289)	(199)	(184)

7.7 This appraisal shows a virtually cost neutral impact if the basic option is agreed for the Argents Mead site. The appraisal assumes a level of additional income which is higher for the additionality mix.

## 8. LEGAL IMPLICATIONS (AB)

8.1 The Local Government Miscellaneous Provisions Act 1976 gives the Council power to provide such recreational facilities as it sees fit including the provision of sports centres.

8.2 Given the value of the contract to be let a full OJEU procurement process will be required to identify a development partner.

#### 9. CORPORATE PLAN IMPLICATIONS

The procurement of a new Leisure Centre links directly to and complements the Borough Council's Corporate Plan, in particular:

- Safer & Healthier Borough
- Strong and distinctive communities
- Thriving economy
- Cleaner & greener neighborhoods

#### 10. CONSULTATION

Consultation has taken place with Sport England, developers, private sector operators and the incumbent Leisure Centre management team. Wider public consultation will be conducted throughout 2013, especially focusing on the design of the new facility and how it will compliment Argents Mead.

#### 11. RISK IMPLICATIONS

Detailed in the Cultural Services corporate risk register and associated Risk Log for this project.

#### 12. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

The aim is to provide a facility that provides acceptable accessibility to all residents within the Borough, including the rural areas. Enhancements to the Bus Station will compliment the proposed new location of the Leisure Centre. When programming activities within the Centre targeted delivery to priority communities and social groups will be fully considered, as per current delivery arrangements.

#### 13. CORPORATE IMPLICATIONS

Support from a wide number of Service areas will be required throughout the procurement and delivery processes. These include:

- Estates & Asset Management
- Finance
- Legal
- Green Spaces
- Planning
- Environment
- Cultural Services

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Background Papers: Previous reports available upon request

Contact Officer: Simon D. Jones, Cultural Services Manager ext 5699

Executive Lead: Cllr. Stuart Bray

# Appendix A

## HINCKLEY AND BOSWORTH BOROUGH COUNCIL LEISURE OPTIONS REVIEW

### EXECUTIVE SUMMARY

#### A BY



October 2012

#### Introduction

- 0.1 Hinckley and Bosworth Borough Council (HBBC) currently provides leisure facilities through a leisure management contract with SLM for Hinckley Leisure Centre (HLC), which expires in March 2015.
- 0.2 HBBC have been considering the need to replace HLC since 2008 as a result of condition survey work which suggests that there is a need for significant investment to ensure the facility remains open. Some investment was undertaken in 2010 to enable the existing contract with SLM to be extended to 2015, however the existing condition does not allow any further short term option to be considered without the risk of costs increasing or the facility having to close.
- 0.3 RPT Consulting was appointed in February 2012 to undertake an options review for the future delivery of HLC.

#### Delivery of Outcomes

- 0.4 HBBC has developed its Leisure Centre to focus on delivering service outcomes, through a contract with SLM, which ends in March 2015.
- 0.5 As a result HBBC are seeking to explore the options for the future delivery of the service.
- 0.6 The options review has identified a number of outcomes for the future delivery of the service, as set out below
  - **Healthy Living** – ensure that the population experience good health and live an active life
  - **Physical Activity** – increase the levels of physical activity amongst the population
  - **Older People** – ensure that older people participate in physical activity and have good access to leisure facilities
  - **Children and Young People** – ensure that children and young people are healthy, safe, participate and enjoy a range of activities

- **Strong Communities** – ensure that people participate in our communities and we develop a flourishing voluntary sector
- **Priority Areas** – ensure that the people in priority areas within the borough have access to high quality leisure facilities
- **Equality of Access** – ensure that there is equality of access to facilities and there are no barriers to participation
- **Sustainable Facilities** – deliver high quality, sustainable facilities with high levels of satisfaction from customers and residents
- **Cost Effective Delivery** – ensure that the costs of delivery of our services are commercially developed to support our service and social outcomes

0.7 In consideration of the future options for delivery of the service **we recommend** that the outcomes shown above are a key part of the evaluation of the most appropriate delivery and procurement option, together with ensuring the partner and new facility deliver on these outcomes.

0.8 The existing revenue cost to HBBC to operate HLC is £15,000 per annum which includes the client maintenance cost.

### Future Facility Mix

0.9 We have developed two facility mix options for the future redevelopment of HLC, based on the sporting need and a commercial approach, which identify the essential facility mix to meet existing need (Option A) and a preferred facility mix which enhances the mix (Option B). we summarise the key features of the mixes in table 0.1 below

**Table 0.1 – Facility Mix Options**

Facility	Option A - Basic	Option B – Additionality
Main Pool	6 lane, 25 metre pool + 100 seats	8 lane, 25 metre pool + 100 seats
Ancillary Pool	Learner pool with some leisure/fun element	Learner pool with some leisure/fun element
Sports Hall	6 badminton court	8 badminton court
Health and Fitness	100 stations	120 stations
Dance Studios/ Multi Purpose Rooms	2	3
Squash Courts	None	2 (with moveable wall)
Catering Area	Café and vending	Café and vending
Climbing Wall		Yes
Health Suite Facilities	Toning facility	Day Spa facility
Soft Play Area		Included
Ancillary Facilities	Reception, Changing Rooms/Village, Small Meeting Rooms, offices	Reception, Changing Rooms/Village, Small Meeting Rooms, offices
Car Parking	Sufficient to meet demand	Sufficient to meet demand

0.10 The financial implications (both capital and revenue) are summarised in the table below compared with the existing cost.

**Table 0.2 – Facility Mix Options – Financial Implications**

Facility Mix Option	Net Surplus/ (Cost) (£000's)	Capital Costs (£'millions)
Existing/ Refurbishment	(15)	8.2
Option A	84	7.1
Option B	141	11.2

0.11 The existing/refurbishment capital cost is based on the condition survey which identified the level of capital cost to refurbishment the facility and keep it operational. If no investment is made then the facility is likely to have to close.

### Development Options

0.12 There are a number of development options based on the facility mixes and potential sites, which are summarised in table 0.3 below.

**Table 0.3 – Development Options**

Site Options	Facility Mix Options		
	Refurbishment	New Build (Basic)	New Build (Additionality)
Existing Site	Option 1C	Option 1A	Option 1B
Sporting Hub Site	n/a	Option 2A	Option 2B
Argents Mead	n/a	Option 3A	Option 3B

0.13 All of the development options (except the refurbishment option) deliver an improved revenue position.

0.14 Each site option has a differing level of potential capital available to it based on capital receipts. At this stage there are some variances in the capital available for the Argents Mead site, ranging from £1.5 – 3.0 million, depending on the amount of land developed. The capital available for the development of a Leisure Centre on each site is summarised below

- Existing Site                      £4.85 - £6.35 million
- Sporting Hub Site                £6.35 - £7.85 million
- Argents Mead                     £4.85 - £6.35 million

0.15 Based on these future revenue costs and capital availability we have identified for each option the future revenue cost based on HBBC financing the capital shortfall from prudential borrowing. This cost has been compared against the existing costs to identify whether there is an additional cost or saving on existing. We summarise the financial implications in Table 0.4 for two scenarios (one based on £1.5 million receipts from Argents Mead and one based on £3.0 million).



**Table 0.4 – Future Revenue Costs**

Development Option	Scenario 1 - £1.5 m for Argents Mead		Scenario 2 - £3.0 m for Argents Mead	
	Total Revenue Surplus/ (Cost) (£'000's)	Revenue Saving/ (Cost) v Existing (£'000's)	Total Revenue Surplus/ (Cost) (£'000's)	Revenue Saving/ (Cost) v Existing (£'000's)
1C - refurbishment	(293)	(278)	(169)	(154)
1A – existing/essential	(74)	(59)	32	47
1B – existing/preferred	(304)	(289)	(199)	(184)
2A – sporting hub/essential	32	47	84	99
2B – sporting hub/ preferred	(199)	(184)	(94)	(79)
3A – Argents Mead/essential	(74)	(59)	32	47
3B – Argents Mead / preferred	(304)	(289)	(199)	(184)

0.16 The financial summaries presented above suggest that.

- The maximum additional revenue cost for developing the basic facility mix is circa £59,000 per annum (existing site and Argents Mead) if only £1.5 million is generated from Argents Mead. If £3.0 million is generated then all three sites deliver a saving on the existing revenue budget.
- The Sporting Hub site is the most cost effective site, due to the capital receipts generated at both Argents Mead and the Existing site. However this should be balanced by the economic effect of moving the Leisure Centre to an out of town location
- The preferred facility mix would cost in the region of £79,000 to £340,000 per annum above the existing costs, depending on the site.
- Refurbishment on the existing site will cost the Council circa £200,000 more per annum than the redevelopment of the basic facility mix (on any site) and is only circa £10,000 - £30,000 per annum less for the additional facility mix.
- The refurbishment option also has a shorter life expectancy for the building having an asset life of 25 years compared to an asset life of 40 years for a new development on Argents Mead or the Sporting Hub Site.

### Site Location Assessment

0.17 There are three possible sites which have the potential to deliver a new facility, including

- The existing site – either refurbishment or new build on the site
- Sporting Hub site – next to Hinckley Cricket Club
- Argents Mead – to develop within the development area identified in the proposed redevelopment following the closure of the council offices.

0.18 There are a number of key questions that have been used to determine the most appropriate site for the development of a new facility.

- Is new build an option?
- Is a Town Centre location critical to the vibrancy and success of the town centre?
- Is continuity of use critical?

0.19 The answers to these suggest that Argents Mead is the most suitable site as it maintains the town centre site and delivers continuity of use.

0.20 In addition there is the ability to design the facility so it integrates with the park well and can add value to the overall presentation of the green space in Argents Mead.

### **Delivery and Procurement Options**

0.21 There are 4 potential options for the future delivery of the services including;

- In house – operation of the facility directly by the Council
- A new NPDO (Not for Profit Distributory Organisation) – set up specifically for HBBC facilities
- An existing NPDO – through a partnership with a NPDO who is operating other facilities such as Greenwich Leisure or Fusion
- Private Sector – in a similar way to the current arrangements with SLM

0.22 It is recommended that HBBC progress with entering into a partnership with either an existing NPDO or the private sector as this is comparable with the existing arrangements and other options will result in additional costs.

0.23 There are also two principle procurement options for the development of a new facility

- Separate design and build contract to an operating contract – where the Council enters into separate contracts for the construction and then for the operation of the facility
- A combined Design, Build and Operate contract (DBOM) – where the Council enters into one contract to build and operate the facility for a period of time

0.24 The DBOM contract provides significant advantages, particularly through risk transfer and delivering the lowest whole life cost.

0.25 There are also significant benefits from undertaking a joint procurement exercise with OWBC, including cost savings and market attractiveness. As long as the procurement is structured in the right way then the benefits can be realised.

## Recommendations and Way Forward

0.26 There are a number of key recommendations which have been identified throughout the report and these are summarised below

Key Recommendations	
iii.	The Council should undertake a new build to replace the existing HLC and should progress with
i.	The basic facility mix (Option A) as the base scheme to develop
ii.	Seek to establish variants from the market to deliver some or all of the additional facility mix (Option B)
iii.	The development on the Argents Mead site, maintaining the green space and ensuring the facility is designed to fit and add value to the park.
x.	A future DBOM contract should be let with either an existing NPDO or the private sector which should have the following parameters
i.	A contract length of circa 20 years
ii.	Life cycle costs should be the responsibility of the partner
iii.	Competitive dialogue process should be used
l.	The Council should work with OWBC to undertake a joint procurement exercise based on two lots, one for each Council.

0.27 If the Council agrees with our recommendations above we propose that the next stage of the project should be to undertake a joint procurement process, which **we recommend** should follow the competitive dialogue process, to secure a new partner who will deliver the outcomes identified earlier. The key principles which should form the basis of the procurement should include

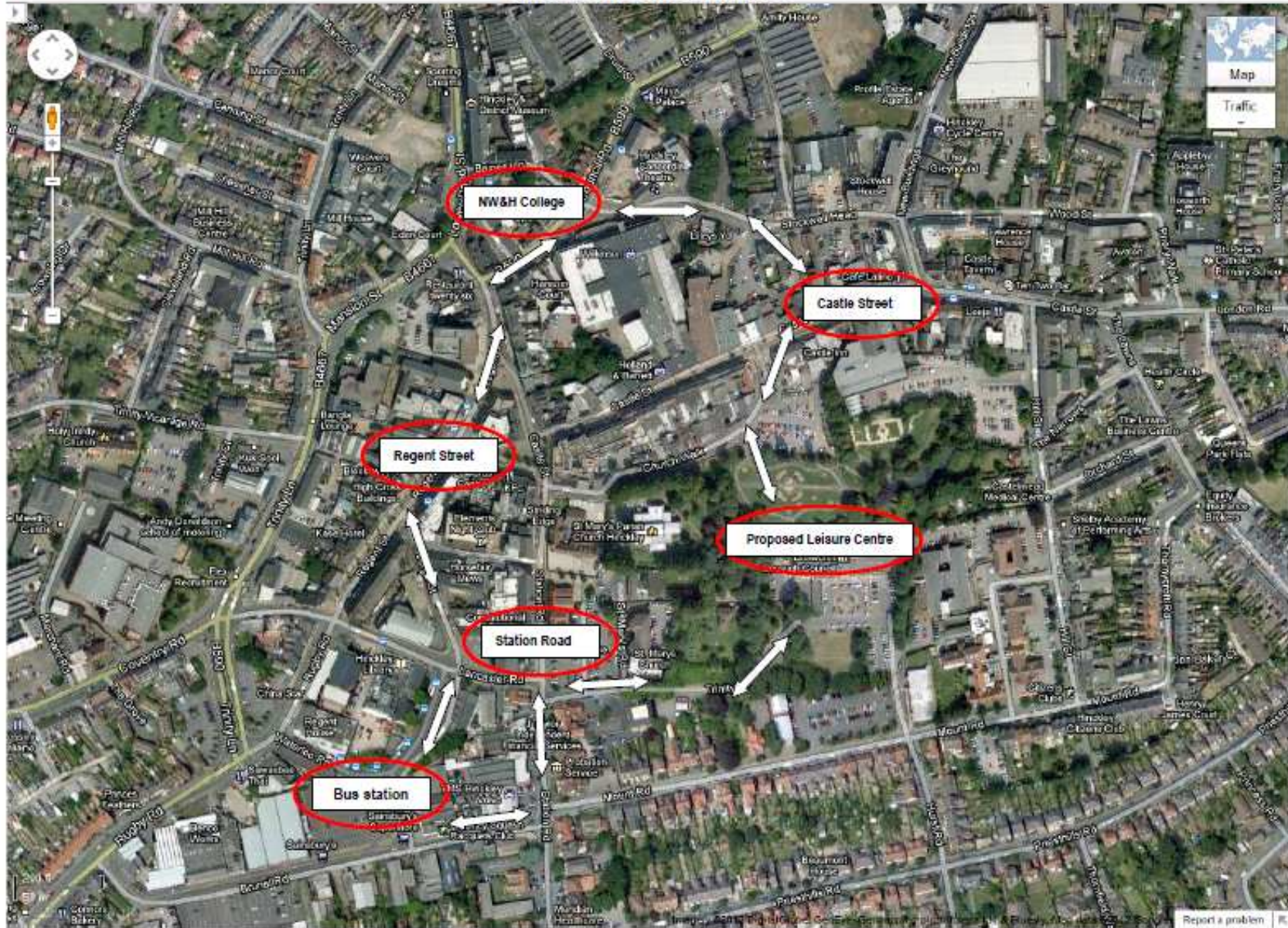
- The partner should be able to deliver the financial savings and capital investment identified earlier, as well as the outcomes
- The contract should be for a minimum of 15 years but ideally 20 years to enable the capital investment, although this could be structured as a 15 year contract with an option to extend for a further 5 years.
- They should present a base bid for the Leisure Centre to include the proposals to deliver the basic facility mix and they should also be required to submit options
- Documentation will be developed which translates the outcomes in to a specification and key requirements they must deliver, including an obligation to invest and maintain the facilities in a good condition, to ensure the assets are handed back to the Council in a good condition
- An appropriate payment mechanism is developed which enables the Council to make deductions from the management fee for non performance
- Evaluation criteria which ensure there is a robust evaluation of both the financial and service outcome delivery
- The affordability position of the Council should be the existing cost of the service.

0.28 We have developed a project plan (Appendix B) for the ongoing procurement of a new partner to ensure that the partner is in place by April 2014, which suggests that an OJEU advert is placed in December 2012. This enables HBBC to have the new facility operational by April 2015, when the existing contract ends.

0.29 The project plan is structured to allow flexibility throughout the process with the potential partners to ensure that HBBC achieve a solution which not only delivers the financial savings but also will deliver the outcomes. Ends.



Enhanced Pedestrian Flow





# Argents Mead – Integration with Park



**Appendix D - Draft Project Timetable (Joint Procurement)**

Activities	2012	2013												2014					2015			
	Dec	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr - Jun	Jul - Sep	Oct - Dec	Jan - Feb	Mar	
<b>Procurement</b>																						
PQQ/IM Preparation																						
Issue OJEU Notice																						
OJEU Period																						
Bidders Open Day																						
PQQ Submission																						
PQQ Evaluation																						
Prepare ISDS docs																						
Issue ISDS																						
ISDS Submission																						
ISDS Evaluation																						
Shortlist Bidders (3)																						
Issue Final Tender																						
FT Submission																						
Select Preferred Bidder																						
Award Contract																						
Contract Start																						
HLC construction																						
New HLC operational																						

Key: PQQ = Pre Qualification Questionnaire, IM = Information Memorandum, ISDS = Invitation to Submit Detailed Solutions, FT= Final Tender

## COUNCIL MEETING 13<sup>TH</sup> NOVEMBER

### REPORT TITLE LOCAL DEMOCRACY EVENT REPORT OF: DEPUTY CHIEF EXEC (COMMUNITY DIRECTION)

#### WARDS AFFECTED: ALL WARDS



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

#### 1. PURPOSE OF REPORT

Inform members of the success of the local Democracy event and in particular the engagement of children aged 5-11yrs to discuss the skills and qualities required of an elected Councillor.

#### 2. RECOMMENDATION

- 2.1 That Council support and embrace further local democracy work with children and young people, in particular to develop Local Democracy Week as an annual celebration.

#### 3. BACKGROUND TO THE REPORT

- 3.1 As part of the Countywide Active Involvement Strategy the council are committed to promoting opportunities to engage children and young people in decision-making processes and to give them as much influence as possible.
- 3.2 Our vision is that Hinckley and Bosworth is a borough where its young citizens feel that their right to have a say is encouraged, welcomed, valued and respected.

#### 4. LOCAL DEMOCRACY WEEK EVENT

- 4.1 During the national Local Democracy Week in October 2012, an event was held with 34 children aged between 8 and 11 years, from 12 primary schools in the Council Chamber.
- 4.2 The aim of the event was to hold a local interactive and child-friendly event to help to meet these principles and introduce young people to local democracy.
- 4.3 The event was a great success and the engagement exceptional. The children had the opportunity to learn about how the council works, the principles of democracy and what it means to vote. They took part in a debate, activities and a question and answer session with members.
- 4.4 They also had the opportunity to discuss and decide what they thought made the perfect Councillor. The outcome of this was fascinating and really highlighted how the children felt. Please refer to Appendix A which summarises the key attributes required.
- 4.5 Outcomes - A number of questions were posed which the children then voted yes or no to and these will be used to help in setting priorities for the work focus over the next 12 months with this age group. For example: Do you eat five portions of fruit and vegetables every day?
- 4.6 The results have given us a good indication on how to focus future engagement and education; none of the children present at the event eat 5 portions of fruit or vegetables every day.

4.7 The children also had a debate around play and the feedback from this will help to inform the Play Charter and its implementation.

4.8 The children received a certificate and a book, the teachers also took away a learning pack to enable them to cascade the learning back within the school environment.

4.9 This local democracy event was the first phase of working more effectively with primary school age children and an ongoing programme is to be developed.

#### 5. FINANCIAL IMPLICATIONS [PE]

5.1 The cost of the event was encompassed within the existing Children and Young people's budget.

#### 6. LEGAL IMPLICATIONS [AB]

6.1 No legal implications arising from this report

#### 7. CORPORATE PLAN IMPLICATIONS

This event supports the Corporate Plan and in particular developing strong and distinctive communities

#### 8. CONSULTATION

The consultation for this event has been ongoing and has been an identified gap through work across the county with the seven other districts as well as via the county wide active involvement group.

#### 9. RISK IMPLICATIONS

None arising from this report

#### 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

All the primary schools within Hinckley and Bosworth were invited to attend and the engagement was very positive. There were schools represented from town centre and rural locations, including Thornton, Stoke Golding, Sheepy Magna and Groby.

#### 11. CORPORATE IMPLICATIONS

There are a number of strategies, local, County and nationally that reference active involvement and its importance. These will be encompassed where appropriate within officer work priorities.

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Background papers: Appendix 1

Contact Officer: Rebecca Ball, Children and Young People's Strategic Co-ordinator ext 5937

Portfolio Holder: Cllr. David Cope

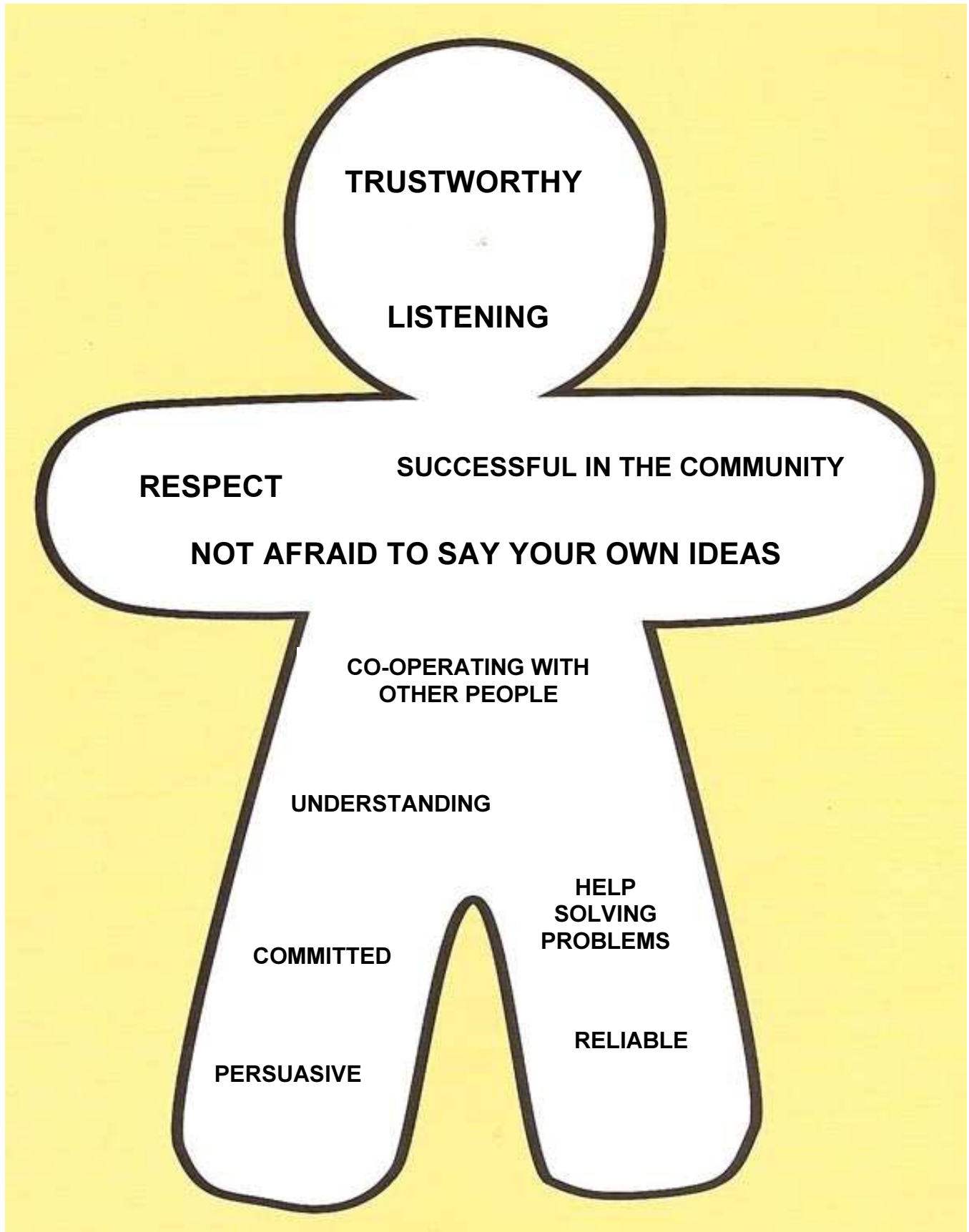
Member Champion: Cllr Mathew Hulbert



## Appendix 1 Local Democracy Event

As part of the activities that the children took part in, they were asked to draw around themselves and then to discuss what they thought were the skills and qualities needed for the perfect councillor.

Once they had taken part in this discussion, they were asked to pick the top two from their list below is the combined list of top skills and qualities.



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**COUNCIL – 13 NOVEMBER 2012**

**REPORT OF DEPUTY CHIEF EXECUTIVE (COMMUNITY DIRECTION)**

**RE: GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES**

**WARDS AFFECTED: ALL WARDS**

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Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

## 1. **PURPOSE OF REPORT**

- 1.1 To consider the Gambling Policy (Statement of Principles) in light of the recent consultation exercise and for the Council to adopt the policy as recommended. A copy of the Statement of Principles is deposited in the Members' Room and is on the Council's website for reference.

## 2. **RECOMMENDATION**

- 2.1 The Council agree to the adoption of the Gambling Policy (Statement of Principles).

## 3. **BACKGROUND TO THE REPORT**

- 3.1 Hinckley & Bosworth Borough Council is required under section 349 of the Gambling Act 2005 to review and republish its Statement of Principles every three years.
- 3.2 When renewing its Statement of Principles, the Council are required to consult with:-
- the chief officer of police for the authority's area,
  - one or more persons who appear to the authority to represent the interests of persons carrying on gambling businesses in the authority's area, and
  - one or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under this Act.
- 3.3 The Council must also ensure that they comply with the Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales) Regulations 2006 (S.I 636 of 2006). These regulations govern the form statements must take, the procedure to be followed in relation to the preparation, review or revision of statements and the publication of statements.
- 3.4 These regulations require that a Statement is published by being made available for a period of at least 4 weeks before the date on which it will come into effect:-
- on the Authority's website, and
  - for public inspection in one or more public libraries or other premises in the Borough such as the Council Offices.

3.5 The Council must also advertise the publication of the revised Statement of Principles by publishing a notice on the Authority's website and in one or more of the following places:

- a local newspaper circulating in the area covered by the statement
- a local newsletter, circular, or similar document circulating in the area covered by the statement,
- a public notice board in or near the principal office of the authority,
- a public notice board on the premises of public libraries in the area covered by the statement.

3.6 The Gambling Commission was set up under the Gambling Act 2005 and was formally established in October 2005. It has taken over the role previously played by the Gaming Board for Great Britain in regulating casinos, bingo, gaming machines and lotteries.

3.7 The Commission also has responsibility for the regulation of betting and remote gambling, as well as helping to protect children and vulnerable people from being harmed or exploited by gambling. The Commission is also responsible for advising local and central government on issues related to gambling.

3.8 Under the terms of the Gambling Act 2005 the Council's licensing responsibilities came into force on 1 September 2007. These included licensing any premises used for gambling, regulating the use of gaming machines, granting permits to certain types of amusement arcades, issuing Temporary Use Notices and registering small society lotteries.

3.9 In drafting the Statement of Principles consideration has been given to the following factors:

1. Guidance issued by the Gambling Commission on various aspects of administering the gambling legislation.
2. Case law which has clarified various aspects of Gambling Act 2005

3.10 Due to the publication and advertising requirements, the Council will need to approve and publish the Statement of Principles no later than 31 December 2012 and therefore will need to adopt the Statement of Principles at the Council meeting on 13 November 2012.

#### **4. FINANCIAL IMPLICATIONS [AG]**

4.1 There are no financial implications arising from this report other than the costs of publicising the policy. This can be done through the website, public notice boards at the council offices and public libraries. The costs will be negligible and will be met from existing budgets.

5. **LEGAL IMPLICATIONS [MR]**

5.1 Set out in the report.

6. **CORPORATE PLAN IMPLICATIONS**

6.1 Objective 3 – Safer and Healthier Borough

6.2 To ensure that the Authority meets its statutory obligations under the Gambling Act 2005. For the most part to ensure licence holders comply with the three licensing objectives.

7. **CONSULTATION [MB]**

7.1 Consultation has been undertaken with persons and organisations representing the gambling industry and groups representing vulnerable persons and the electorate.

- The Chief Officer of Police
- Bingo Association
- Casino Operators Association
- Chief Officer of Police for Leicestershire
- National Turf Accountants
- Club & Institute Union
- Gamcare
- Gamblers Anonymous
- Help The Aged
- A selection of holders of existing premises licences, permits and registrations.
- Lotteries Commission
- Responsible Authorities
- Responsibility in Gambling Trust
- Age Concern
- Alcoholics Anonymous
- Parish Councils
- Ward Councillors

7.2 The Statement of Principles has also been published on the Council's website and comments have been sought on the proposals being made.

7.3 From the consultations carried out, no adverse representations have been received.

## 8. **RISK IMPLICATIONS**

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

<b>Management of significant (Net Red) Risks</b>		
<b>Risk Description</b>	<b>Mitigating actions</b>	<b>Owner</b>
The Council (Licensing Authority) must prepare and publish a statement of the principles that they propose to apply in exercising its functions under the Act. This is a statutory requirement under the Act and in line with the Gambling Commissions Guidance.	Statutory requirement for the policy to be reviewed every three years following a full consultation with statutory consultees.	Mark Brymer

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

9.1 There will be no Impact on Parish Councils.

9.2 There are no environmental implications.

9.3 The updated Equality Impact Assessment can be viewed at [http://www.hinckley-bosworth.gov.uk/downloads/file/1055/equality\\_impact\\_assessment](http://www.hinckley-bosworth.gov.uk/downloads/file/1055/equality_impact_assessment)

## 10. **CORPORATE IMPLICATIONS**

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

- Community Safety implications - None as a direct result of this report.
- Environmental implications - None as a direct result of this report.
- ICT implications - None as a direct result of this report.
- Asset Management implications - None as a direct result of this report.
- Human Resources implications - None as a direct result of this report.
- Planning Implications - None as a direct result of this report.
- Voluntary Sector - None as a direct result of this report.

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Background papers:

Gambling Act 2005

Gambling Commission - Guidance to Licensing Authorities.

Gambling Act 2005 (Licensing Authority Policy Statement) (England and Wales)

Regulations 2006 (S.I 636 of 2006)

Contact Officer: Mark Brymer ext 5645

Executive Member: Councillor David Gould



**Hinckley & Bosworth  
Borough Council**

*A Borough to be proud of*

***Gambling Act 2005***

***Statement of Principles***

To be adopted by the Council on 13<sup>th</sup> November, 2012

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## **Licensing Objectives under the Gambling Act 2005**

The Gambling Act 2005 (The Act) sets out three clear licensing objectives which are:-

1. Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime;
2. Ensuring that gambling is carried out in a fair and open way;
3. Protecting children and other vulnerable persons from being harmed or exploited by gambling.

This Licensing Authority is aware that, under Section 153 of the Act, in making decisions about premises licences and temporary use notices it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant Codes of Practice under section 24 of the Act
- in accordance with any relevant Guidance issued by the Commission under section 25 of the Act
- in accordance with this Statement of Principles, and
- reasonably consistent with the licensing objectives.

### **1.1 Introduction**

Hinckley & Bosworth Borough Council became the Licensing Authority under the Gambling Act 2005. The Council's Geographical area is shown at Appendix C.

Licensing authorities are required by the Gambling Act 2005 to publish a statement of principles to apply when exercising their functions. The statement must be published every three years. This statement will come into effect on the 31<sup>st</sup> January 2013 and will be valid for three years; the statement must also be reviewed from time to time and re-consulted upon. The statement would then be re-published.

### **1.2 Declaration**

The Licensing Authority declares that this Statement of Principles has been prepared having regard to the provisions of the Guidance issued by the Gambling Commission and the licensing objectives of the Gambling Act 2005.

This Statement of Principles can be viewed on Hinckley & Bosworth Boroughs website: - [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

The policy is to be approved at a meeting of the Full Council on 13<sup>th</sup> November 2012 and will be published via the Council's website by 31<sup>st</sup> December 2012. Copies are available upon request.

### **1.3 Consultees on the Statement of Principles**

The Statement of Principles has been subject to formal consultation with:-

1. Leicestershire Constabulary;
2. Representatives of the holders of the various licences for premises within the Borough who will be affected by this Policy;
3. Persons/bodies representing the interests of persons likely to be affected by this policy.

A full list is shown at Appendix A.

### **1.4 Licensing Authority Functions**

The Licensing Authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue Provisional Statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing Club Gaming Permits and/or Club Machine Permits
- Issue Club Machine Permits to Commercial Clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) for the use of two or fewer gaming machines
- Issue Licensed Premises Gaming Machine Permits for premises licensed, under the Licensing Act 2003, where there are more than two machines
- Register small society lotteries below prescribed thresholds
- Issue Prize Gaming Permits
- Receive and Endorse Temporary Use Notices
- Receive Occasional Use Notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

It should be noted that local licensing authorities will not be involved in licensing remote gambling at all (internet gambling). This will fall to the Gambling Commission via operating licences.

Spread betting is regulated by The Financial Services Licensing Authority and the National Lottery is regulated by The National Lottery Commission.

### **1.5 Information exchange**

In fulfilling its functions under sections 29, 30 and 350 of the Act with respect to the exchange of relevant information with other regulatory bodies the Council will establish protocols in this respect. In exchanging such information, the Council will conform to the requirements of the Data Protection Act 1998 in accordance with the Council's existing policies.

Details of those persons making representations will be made available to applicants to allow for negotiation and, in the event of a hearing being held, will form part of a public document. Anyone making representations or applying for the review of a premises licence will be informed that their details will be disclosed.

In keeping with the Hampton principles and the Regulators Compliance Code, we seek to avoid the risk of duplication or over-regulation and maximise the efficient use of our resources. To accomplish this, we recognise the need to share information about our inspections and compliance activities regularly.

## **1.6 Enforcement**

Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

This licensing authority's principles are that:

It will be guided by the Gambling Commission's Guidance to Licensing Authorities and will endeavour to be:

- Proportionate: regulators should only intervene when necessary: remedies should be appropriate to the risk posed, and costs identified and minimised;
- Accountable: regulators must be able to justify decisions, and be subject to public scrutiny;
- Consistent: rules and standards must be joined up and implemented fairly;
- Transparent: regulators should be open, and keep regulations simple and user friendly; and
- Targeted: regulation should be focused on the problem, and minimise side effects.

As per the Gambling Commission's Guidance to Licensing Authorities this licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

This licensing authority has adopted and implemented a risk-based inspection programme, based on;

- The licensing objectives
- Relevant codes of practice
- Guidance issued by the Gambling Commission, in particular at Part 36
- The principles set out in this statement of licensing policy

The main enforcement and compliance role for this licensing authority in terms of the Gambling Act 2005 is to ensure compliance with the premises licences and other permissions which it authorises. The Gambling Commission is the enforcement body for the operating and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines are not dealt with by the licensing authority but should be notified to the Gambling Commission.

This licensing authority also keeps itself informed of developments as regards the work of the Better Regulation Delivery Office in its consideration of the regulatory functions of local authorities.

## **1.7 Responsible Authorities**

In exercising this licensing authority's powers under Section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm, the following principles have been applied:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area
- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

In accordance with the Gambling Commission's Guidance for local authorities this authority designates the Local Safeguarding Children's Board in conjunction with Leicestershire Police.

## **1.8 Interested Parties**

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in the Gambling Act 2005 as follows:

"For the purposes of this Part a person is an interested party in relation to an application for or in respect of a premises licence if, in the opinion of the licensing authority which issues the licence or to which the applications is made, the person-

- a) lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) has business interests that might be affected by the authorised activities, or
- c) represents persons who satisfy paragraph (a) or (b)"

The licensing authority is required by regulations to state the principles it will apply in exercising its powers under the Gambling Act 2005 to determine whether a person is an interested party. The principles are:

Each case will be decided upon its merits. This authority will not apply a rigid rule to its decision making. It will consider the examples of considerations provided in the Gambling Commission's Guidance to Licensing Authorities at 8.11 to 8.19 (if the authority does not wish to follow the Gambling Commission's guidance in any respect it is advised to state this in its statement. Note though that decisions on premises licences and temporary use notices must be "in accordance" with Gambling Commission Guidance (Section 153)).

It will also consider the Gambling Commission's Guidance that "has business interests" should be given the widest possible interpretation and include partnerships, charities, faith groups and medical practices.

Interested parties can be persons who are democratically elected such as councillors and MP's. No specific evidence of being asked to represent an interested person will be required as long as the councillor / MP represents the ward likely to be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will generally require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or has business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the Licensing Committee dealing with the licence application.

## **Part 2 – Premises Licensing**

### **2.1 General Principles**

Premises licences will be subject to the requirements set-out in the Gambling Act 2005 and regulations, as well as specific mandatory and default conditions as detailed in regulations issued by the Secretary of State. Licensing authorities are able to exclude default conditions and also attach others, where it is believed to be appropriate.

This Licensing Authority is aware that in making decisions about premises licences it should aim to permit the use of premises for gambling in so far as it thinks it is:

- in accordance with any relevant code of practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission ;
- reasonably consistent with the licensing objectives; and
- in accordance with the Licensing Authority's statement of licensing policy.

It is appreciated that "moral objections to gambling are not a valid reason to reject applications for premises licences" and also that unmet demand is not a criterion for a Licensing Authority.

### **2.2 Definition of Premises**

Definition of "premises" – In the Act, "premises" is defined as including "any place". Section 152 therefore prevents more than one premises licence applying to any place. But a single building could be subject to more than one premises licence, provided they are for different parts of the building and the different parts of the building can be reasonably regarded as being different premises. This approach has been taken to allow large, multiple unit premises such as a pleasure park, pier, track or shopping mall to obtain discrete premises licences, where appropriate safeguards are in place. However, licensing authorities should pay particular attention if there are issues about sub-divisions of a single building or plot and should ensure that mandatory conditions relating to access between premises are observed.

The Gambling Commission states in the third edition of its Guidance to Licensing Authorities that: "In most cases the expectation is that a single building / plot will be the subject of an application for a licence, for example, 32 High Street. But, that does not mean 32 High Street cannot be the subject of separate premises licences for the basement and ground floor, if they are configured acceptably. Whether different parts of a building can properly be regarded as being separate premises will depend on the circumstances. The location of the premises will clearly be an important consideration and the suitability of the division is likely to be a matter for discussion between the operator and the licensing officer. However, the Commission does not consider that areas of a building that are artificially or temporarily separated, for example by ropes or moveable partitions, can properly be regarded as different premises."

This licensing authority takes particular note of the Gambling Commission's Guidance to Licensing Authorities which states that: licensing authorities should take particular care in considering applications for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes. In particular they should be aware of the following:

- The third licensing objective seeks to protect children from being harmed by gambling. In practice that means not only preventing them from taking part in gambling, but also preventing them from being in close proximity to gambling. Therefore premises should be configured so that children are not invited to participate in, have accidental access to or closely observe gambling where they are prohibited from participating.
- Entrances to and exits from parts of a building covered by one or more premises licences should be separate and identifiable so that the separation of different premises is not compromised and people do not "drift" into a gambling area. In this context it should normally be possible to access the premises without going through another licensed premises or premises with a permit.
- Customers should be able to participate in the activity names on the premises licence.

The Guidance also gives a list of factors which the licensing authority should be aware of, which may include:

- Do the premises have a separate registration for business rates
- Is the premises' neighbouring premises owned by the same person or someone else?
- Can each of the premises be accessed from the street or a public passageway?
- Can the premises only be accessed from any other gambling premises?

This authority will consider these and other relevant factors in making its decision, depending on all the circumstances of the case.

**The Gambling Commission's relevant access provisions for each premises type are reproduced below:**

7.25:

#### **Casinos**

- The principal access entrance to the premises must be from a street (as defined at 7.23 of the Guidance)
- No entrance to a casino must be from premises that are used wholly or mainly by children and/or young persons
- No customer must be able to enter a casino directly from any other premises which holds a gambling premises licence

#### **Adult Gaming Centre**

- No customer must be able to access the premises directly from any other licensed gambling premises

## **Betting Shops**

- Access must be from a street (as per para 7.23 Guidance to Licensing Authorities) or from another premises with a betting premises licence
- No direct access from a betting shop to another premises used for the retail sale of merchandise or services. In effect there cannot be an entrance to a betting shop from a shop of any kind and you could not have a betting shop at the back of a café – the whole area would have to be licensed.

## **Tracks**

- No customer should be able to access the premises directly from:
  - a casino
  - an adult gaming centre

## **Bingo Premises**

- No customer must be able to access the premise directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

## **Family Entertainment Centre**

- No customer must be able to access the premises directly from:
  - a casino
  - an adult gaming centre
  - a betting premises, other than a track

Part 7 of the Gambling Commission's Guidance to Licensing Authorities contains further guidance on this issue, which this authority will also take into account in its decision-making.

## **Premises “ready for gambling”**

The Guidance states that a licence to use premises for gambling should only be issued in relation to premises that the licensing authority can be satisfied are going to be ready to be used for gambling in the reasonably near future, consistent with the scale of building or alterations required before the premises are brought into use.

If the construction of a premises is not yet complete, or if they need alteration, or if the applicant does not yet have a right to occupy them, then an application for a provisional statement should be made instead.

In deciding whether a premises licence can be granted where there are outstanding construction or alteration works at a premises, this authority will determine applications on their merits, applying a two stage consideration process:-



- First, whether the premises ought to be permitted to be used for gambling
- Second, whether appropriate conditions can be put in place to cater for the situation that the premises are not yet in the state in which they ought to be before gambling takes place.

Applicants should note that this authority is entitled to decide that it is appropriate to grant a licence subject to conditions, but it is not obliged to grant such a licence.

More detailed examples of the circumstances in which such a licence may be granted can be found at paragraphs 7.59-7.66 of the Guidance.

### **2.3 Location of Premises**

This licensing authority is aware that demand issues cannot be considered with regard to the location of premises but that considerations in terms of the licensing objectives are relevant to its decision-making. As per the Gambling Commission's Guidance to Licensing Authorities, this authority will pay particular attention to the protection of children and vulnerable persons from being harmed or exploited by gambling, as well as issues of crime and disorder. Should any specific policy be decided upon as regards areas where gambling premises should not be located, this statement will be updated. It should be noted that any such policy does not preclude any application being made and each application will be decided on its merits, with the onus upon the applicant showing how potential concerns can be overcome.

### **2.4 Planning**

The Gambling Commission Guidance to Licensing Authorities states:

7.59 – In determining applications the licensing authority has a duty to take into consideration all relevant matters and not to take into consideration any irrelevant matters, i.e. those not related to gambling and the licensing objectives. One example of an irrelevant matter would be the likelihood of the applicant obtaining planning permission or building regulations approval for their proposal.

This authority will not take into account irrelevant matters as per the above guidance. In addition this authority notes the following excerpt from the Guidance:

7.66 - When dealing with a premises licence application for finished buildings, the licensing authority should not take into account whether those buildings have or comply with the necessary planning or building consents. Those matters should be dealt with under relevant planning control and building regulation powers, and not form part of the consideration for the premises licence. Section 210 of the 2005 Act prevents licensing authorities taking into account the likelihood of the proposal by the applicant obtaining planning or building consent when considering a premises licence application. Equally the grant of a gambling premises licence does not prejudice or prevent any action that may be appropriate under the law relating to planning or building.

## **2.5 Duplication with other regulatory regimes**

Duplication with other regulatory regimes - This licensing authority seeks to avoid any duplication with other statutory / regulatory systems where possible, including planning. This authority will not consider whether a licence application is likely to be awarded planning permission or building regulations approval, in its consideration of it. It will though, listen to, and consider carefully, any concerns about conditions which are not able to be met by licensees due to planning restrictions, should such a situation arise.

When dealing with a premises licence application for finished buildings, this authority will not take into account whether those buildings have to comply with the necessary planning or buildings consents. Fire or health and safety risks will not be taken into account, as these matters are dealt with under relevant planning control, buildings and other regulations and must not form part of the consideration for the premises licence.

## **2.6 Casinos**

There are currently no casinos operating within the Borough.

There is no resolution to prohibit casinos in the Borough at present. However the Council reserves the right to review this situation and may, at some time in the future, resolve not to permit casinos.

Should the Licensing Authority choose to make such a resolution under section 166 of the Act, this will be a resolution of Full Council following considered debate, and the reasons for making the resolution will be given. There is no right of appeal against this resolution.

## **2.7 Bingo Premises**

This licensing authority notes that the Gambling Commission's Guidance states:

18.4 Licensing authorities will need to satisfy themselves that bingo can be played in any bingo premises for which they issue a premises licence. This will be a relevant consideration where the operator of an existing bingo premises applies to vary their licence to exclude an area of the existing premises from its ambit and then applies for a new premises licence, or multiple licences, for that or those excluded areas.

This authority also notes the Guidance at paragraph 18.7 regarding the unusual circumstances in which the splitting of pre-existing premises into two adjacent premises might be permitted, and in particular that it is not permissible to locate eight category B3 gaming machines in one of the resulting premises, as the gaming machine entitlement for that premises would be exceeded.

18.6 Children and young people are allowed into bingo premises; however they are not permitted to participate in the bingo and if category B or C machines are made available for use these must be separated from areas where children and young people are allowed.

## **2.8 Betting Premises**

Betting machines - This licensing authority will, as per the Gambling Commission's Guidance, take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator wants to offer.

## **2.9 Tracks**

This licensing authority is aware that tracks may be subject to one or more than one premises licence, provided each licence relates to a specified area of the track. As per the Gambling Commission's Guidance, this licensing authority will especially consider the impact upon the third licensing objective (i.e. the protection of children and vulnerable persons from being harmed or exploited by gambling) and the need to ensure that entrances to each type of premises are distinct and that children are excluded from gambling areas where they are not permitted to enter. At present there are no tracks within the Borough.

This authority will therefore expect the premises licence applicant to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, but that they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **Gaming machines**

□ Where the applicant holds a pool betting operating licence and is going to use the entitlement to four gaming machines, machines (other than category D machines) should be located in areas from which children are excluded.

## **Betting machines**

This licensing authority will, as per Part 6 of the Gambling Commission's Guidance, take into account the size of the premises and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people, when considering the number/nature/circumstances of betting machines an operator proposes to offer.

## **Applications and plans**

The Gambling Act (s51) requires applicants to submit plans of the premises with their application, in order to ensure that the licensing authority has the necessary information to make an informed judgement about whether the premises are fit for gambling. The plan will also be used for the licensing authority to plan future premises inspection activity.

Plans for tracks do not need to be in a particular scale, but should be drawn to scale and should be sufficiently detailed to include the information required by regulations.

Some tracks may be situated on agricultural land where the perimeter is not defined by virtue of an outer wall or fence, such as point-to-point racetracks. In such instances, where an entry fee is levied, track premises licence holders may erect temporary structures to restrict access to premises.

In the rare cases where the outer perimeter cannot be defined, it is likely that the track in question will not be specifically designed for the frequent holding of sporting events or races. In such cases betting facilities may be better provided through occasional use notices where the boundary premises do not need to be defined.

This authority appreciates that it is sometimes difficult to define the precise location of betting areas on tracks. The precise location of where betting facilities are provided is not required to be shown on track plans, both by virtue of the fact that betting is permitted anywhere on the premises and because of the difficulties associated with pinpointing exact locations for some types of track. Applicants should provide sufficient information that this authority can satisfy itself that the plan indicates the main areas where betting might take place.

## **2.10 Adult Gaming Centre**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

This licensing authority may consider measures to meet the licensing objectives such as:

- Proof of age schemes
- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **2.11 Family Entertainment Centre**

This licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority, for example, that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas.

This licensing authority may consider measures to meet the licensing objectives such as:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- Self-exclusion schemes
- Provision of information leaflets / helpline numbers for organisations such as GamCare.
- Measures / training for staff on how to deal with suspected truant school children on the premises

This list is not mandatory, nor exhaustive, and is merely indicative of example measures.

## **2.12 Travelling Fairs**

This licensing authority is responsible for deciding whether, where category D machines and / or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement that the facilities for gambling amount to no more than an ancillary amusement at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair.

It is noted that the 27-day statutory maximum for the land being used as a fair applies on a per calendar year basis, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land.

This licensing authority will work with its neighbouring authorities to ensure that land which crosses our boundaries is monitored so that the statutory limits are not exceeded.

## **2.13 Provisional Statements**

Developers may wish to apply to this authority for provisional statements before entering into a contract to buy or lease property or land to judge whether a development is worth taking forward in light of the need to obtain a premises licence. There is no need for the applicant to hold an operating licence in order to apply for a provisional statement.

S204 of the Gambling Act provides for a person to make an application to the licensing authority for a provisional statement in respect of premises that he or she:

- expects to be constructed;
- expects to be altered; or
- expects to acquire a right to occupy.

The process for considering an application for a provisional statement is the same as that for a premises licence application. The applicant is obliged to give notice of the application in the same way as applying for a premises licence. Responsible authorities and interested parties may make representations and there are rights of appeal.

In contrast to the premises licence application, the applicant does not have to hold or have applied for an operating licence from the Gambling Commission (except in the case of a track) and they do not have to have a right to occupy the premises in respect of which their provisional application is made.

The holder of a provisional statement may then apply for a premises licence once the premises are constructed, altered or acquired. The licensing authority will be constrained in the matters it can consider when determining the premises licence application, and in terms of representations about premises licence applications that follow the grant of a provisional statement, no further representations from relevant authorities or interested parties can be taken into account unless:

- they concern matters which could not have been addressed at the provisional statement stage, or
- they reflect a change in the applicant's circumstances.

In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- which could not have been raised by objectors at the provisional statement stage;
- which in the authority's opinion reflect a change in the operator's circumstances; or
- where the premises has not been constructed in accordance with the plan submitted with the application. This must be a substantial change to the plan and this licensing authority notes that it can discuss any concerns it has with the applicant before making a decision.

## **2.14 Reviews**

Requests for a review of a premises licence can be made by interested parties or responsible authorities; however, it is for the licensing authority to decide whether the review is to be carried-out. This will be on the basis of whether the request for the review is relevant to the matters listed below;

- in accordance with any relevant Code of Practice issued by the Gambling Commission;
- in accordance with any relevant guidance issued by the Gambling Commission;
- reasonably consistent with the licensing objectives; and
- in accordance with the authority's statement of principles.

The request for the review will also be subject to the consideration by the authority as to whether the request is frivolous, vexatious, or whether it will certainly not cause this authority to wish to alter/revoke/suspend the licence, or whether it is substantially the same as previous representations or requests for review.

The licensing authority can also initiate a review of a particular premises licence, or a particular class of premises licence on the basis of any reason which it thinks is appropriate.

Once a valid application for a review has been received by the licensing authority, representations can be made by responsible authorities and interested parties during a 28 day period. This period begins 7 days after the application was received by the licensing authority, who will publish notice of the application within 7 days of receipt.

The licensing authority must carry out the review as soon as possible after the 28 day period for making representations has passed.

The purpose of the review will be to determine whether the licensing authority should take any action in relation to the licence. If action is justified, the options open to the licensing authority are:-

- (a) add, remove or amend a licence condition imposed by the licensing authority;
- (b) exclude a default condition imposed by the Secretary of State or Scottish Ministers (e.g. opening hours) or remove or amend such an exclusion;
- (c) suspend the premises licence for a period not exceeding three months; and
- (d) revoke the premises licence.

In determining what action, if any, should be taken following a review, the licensing authority must have regard to the principles set out in section 153 of the Act, as well as any relevant representations.

In particular, the licensing authority may also initiate a review of a premises licence on the grounds that a premises licence holder has not provided facilities for gambling at the premises. This is to prevent people from applying for licences in a speculative manner without intending to use them.

Once the review has been completed, the licensing authority must, as soon as possible, notify its decision to:

- the licence holder
- the applicant for review (if any)
- the Commission
- any person who made representations
- the chief officer of police or chief constable; and
- Her Majesty's Commissioners for Revenue and Customs



## **Part 3 - Permits / Temporary & Occasional Use Notice**

### **3.1 Unlicensed Family Entertainment Centres**

Where a premises does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).

The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the Commission under section 25.

This Licensing authority will want applications to demonstrate:

- a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs;
- that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act; and
- that staff are trained to have a full understanding of the maximum stakes and prizes. (24.7)

It should be noted that a licensing authority cannot attach conditions to this type of permit.

#### **Statement of Principles**

This licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include appropriate measures / training for staff as regards suspected truant school children on the premises, measures / training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises. This licensing authority will also expect, as per Gambling Commission Guidance, that applicants demonstrate a full understanding of the maximum stakes and prizes of the gambling that is permissible in unlicensed FECs; that the applicant has no relevant convictions (those that are set out in Schedule 7 of the Act); and that staff are trained to have a full understanding of the maximum stakes and prizes.

### **3.2 (Alcohol) Licensed premises gaming machine permits - (Schedule 13 paragraph 4(1)) Automatic entitlement: 2 machines**

There is provision in the Act for premises licensed to sell alcohol for consumption on the premises to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority.

The licensing authority can remove the automatic authorisation in respect of any particular premises if:

- provision of the machines is not reasonably consistent with the pursuit of the licensing objectives;
- gaming has taken place on the premises that breaches a condition of section 282 of the Gambling Act (i.e. that written notice has been provided to the licensing authority, that a fee has been provided and that any relevant code of practice issued by the Gambling Commission about the location and operation of the machine has been complied with);
- the premises are mainly used for gaming; or
- an offence under the Gambling Act has been committed on the premises.

### **Permit: 3 or more machines**

If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under Section 25 of the Gambling Act 2005, and “such matters as they think relevant.”

This licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harmed or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in sight of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also be help. As regards the protection of vulnerable persons, applicants may wish to consider the provision of information leaflets / helpline numbers for organisations such as GamCare.

It is recognised that some alcohol licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would most likely need to be applied for, and dealt with as an Adult Gaming Centre premises licence.

It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.

It should also be noted that the holder of a permit must comply with any Code of Practice issued by the Gambling Commission about the location and operation of the machine.

### **3.3 Club Gaming Permits & Club Machine Permits**

The Licensing Authority may grant members’ clubs and miners’ welfare institutes (but not commercial clubs) club gaming permits which authorise the establishments to provide gaming machines, equal chance gaming and games of chance as prescribed in regulations.

Club machine permits allow the provision of no more than three gaming machines. These may be from categories B, C or D. The club is permitted to choose the combination of machines on its premises. The Licensing Authority may grant or refuse a permit, but it may not attach any conditions to a permit. The Authority only refuses an application for a machine permit if the:

- (a) the applicant does not fulfil the requirements for a members' or commercial club or miners' welfare institute and therefore is not entitled to receive the type of permit for which it has applied;
- (b) the applicant's premises are used wholly or mainly by children and/or young persons;
- (c) an offence under the Act or a breach of a permit has been committed by the applicant while providing gaming facilities;
- (d) a permit held by the applicant has been cancelled in the previous ten years; or
- (e) an objection has been lodged by the Commission or the police.

### **3.4 Prize Gaming & Prize Gaming Permits**

Gaming is defined as prize gaming if the nature and size of the prize is not determined by the number of people playing or the amount paid for or raised by the gaming. The prizes will be determined by the operator before play commences.

A prize gaming permit is a permit issued by the Licensing Authority to authorise the provision of facilities for gaming with prizes on specified premises.

An application for a permit can only be made by a person who occupies or plans to occupy the premises an individual, must be aged 18 or over. An application for a permit cannot be made if a premises licence or club gaming permit is in effect for the same premises.

### **3.5 Temporary Use Notices**

Temporary Use Notices allow the use of premises for gambling where there is no premises licence but where a gambling operator wishes to use the premises temporarily for providing facilities for gambling. Premises that might be suitable for a Temporary Use Notice, according to the Gambling Commission, would include hotels, conference centres and sporting venues.

The licensing authority can only grant a Temporary Use Notice to a person or company holding a relevant operating licence, i.e. a non-remote casino operating licence.

The Secretary of State has the power to determine what form of gambling can be authorised by Temporary Use Notices, and at the time of writing this Statement the relevant regulations (SI no 3157: The Gambling Act 2005 (Temporary Use Notices) Regulations 2007) state that Temporary Use Notices can only be used to permit the provision of facilities or equal chance gaming, where the gaming is intended to produce a single winner, which in practice means poker tournaments.

There are a number of statutory limits as regards Temporary Use Notices. The meaning of "premises" in Part 8 of the Act is discussed in Part 7 of the Gambling Commission Guidance to Licensing Authorities. As with "premises", the definition of "a set of premises" will be a question of fact in the particular circumstances of each notice that is given. In the Act "premises" is defined as including "any place".

In considering whether a place falls within the definition of "a set of premises", the licensing authority needs to look at, amongst other things, the ownership/occupation and control of the premises.

This licensing authority expects to object to notices where it appears that their effect would be to permit regular gambling in a place that could be described as one set of premises, as recommended in the Gambling Commission's Guidance to Licensing Authorities.

### **3.6 Occasional Use Notices**

The licensing authority has very little discretion as regards these notices aside from ensuring that the statutory limit of 8 days in a calendar year is not exceeded. This licensing authority will though consider the definition of a 'track' and whether the applicant is permitted to avail him/herself of the notice.

## **Part 4- The Licensing Objectives**

### **4.1 Licensing Objectives**

Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, this licensing authority has considered the Gambling Commission's Guidance to Licensing Authorities and some comments are made below

#### **4.2 Preventing gambling from being a source of crime and disorder; being associated with crime and disorder or being used to support crime**

This licensing authority is aware that the Gambling Commission takes a leading role in preventing gambling from being a source of crime. The Gambling Commission's Guidance does however envisage that licensing authorities should pay attention to the proposed location of gambling premises in terms of this licensing objective. Thus, where an area has known high levels of organised crime this authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be suitable such as the provision of door supervisors. This licensing authority is aware of the distinction between disorder and nuisance and will consider factors (for example whether police assistance was required and how threatening the behaviour was to those who could see it) so as to make that distinction.

#### **4.3 Ensuring gambling is conducted in a fair and open way**

This licensing authority has noted that the Gambling Commission states that it generally does not expect licensing authorities to be concerned with ensuring that gambling is conducted in a fair and open way as this will be addressed via operating and personal licences.

#### **4.4 Protecting children and other vulnerable persons from being harmed or exploited by gambling – Licensing Objective**

This licensing authority has noted the Gambling Commission's Guidance that this objective means preventing children from taking part in gambling (as well as restriction of advertising so that gambling products are not aimed at or are, particularly attractive to children). The licensing authority will therefore consider, as suggested in the Gambling Commission's Guidance, whether specific measures are required at particular premises, with regard to this licensing objective.

Appropriate measures may include supervision of entrances / machines, segregation of areas etc.

This licensing authority is also aware of the Gambling Commission Codes of Practice as regards this licensing objective, in relation to specific premises.

## **Vulnerable Persons**

As regards the term “vulnerable persons” it is noted that the Gambling Commission does not seek to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” This licensing authority will consider this licensing objective on a case by case basis.

## **5 COMPLAINTS AGAINST PREMISES LICENSED UNDER THE ACT**

The Licensing Authority will investigate complaints against licensed premises in relation to matters relating to the licensing objectives for which it has responsibility. In the first instance, complainants are encouraged to raise the complaint directly with the licence holder or business concerned to seek a local resolution.

Where an interested party has made either a valid representation about licensed premises or a valid application for a license to be reviewed, the Licensing Authority may initially arrange a conciliation meeting to address and clarify the issues of concern.

This process will not override the right of any interested party to ask that the Licensing Committee consider their valid objections or for any licence holder to decline to participate in a conciliation meeting. Due consideration will be given to all relevant representations.

## **EQUAL OPPORTUNITIES STATEMENT**

This policy shall take into account the aims of Hinckley & Bosworth Borough Council’s Equal Opportunities Policy which is committed to achieving equality for all by removing direct and indirect discrimination on the grounds of:

- Age
- Gender or transgender identity
- Race, colour, nationality, national or ethnic origin, being a traveller or gypsy
- Disability, including people with a hearing impairment, people with a visual impairment, people with learning disability, people with a mental illness, and people living with HIV and AIDS
- Religious belief or non-belief, or other beliefs
- Marital status, family circumstances, or caring responsibilities
- Sexual orientation
- Income, employment status or housing circumstances
- Membership or non-membership of trade unions, or involvement in trade union activity
- Offending Status
- Any other ground that cannot be shown to be justified

## 6 FURTHER INFORMATION

Further information about the Gambling Act 2005, this Statement of Principles or the application process can be obtained from:-

Licensing Service  
Hinckley & Bosworth Borough Council  
Florence House  
St Marys Road  
Hinckley  
LE10 1EQ

Tel: 01455 255645  
Fax: 01455 234590  
E-mail: [esadmin@hinckley-bosworth.gov.uk](mailto:esadmin@hinckley-bosworth.gov.uk)  
Website: [www.hinckley-bosworth.gov.uk](http://www.hinckley-bosworth.gov.uk)

The Gambling Commission  
Victoria Square House  
Victoria Square  
Birmingham  
B2 4BP

Tel: 0121 230 6500  
Website: [www.gamblingcommission.gov.uk](http://www.gamblingcommission.gov.uk)

### APPENDIX A – CONSULTEES ON POLICY

The Licensing Authority has sent copies of the policy to the following to consult on the content of this Statement of Principles:-

- Bingo Association
- Casino Operators Association
- Chief Officer of Police for Leicestershire
- National and Local Turf Accountants
- Club & Institute Union
- Gamcare
- Gamblers Anonymous
- Help The Aged
- A selection of holders of existing licences, permits and registrations that will be affected by the provisions of the Act.
- Lotteries Commission
- Responsible Authorities
- Responsibility in Gambling Trust
- Age Concern
- Alcoholics Anonymous

## APPENDIX B - TERMS OF REFERENCE

Licensing Objectives:	As defined in Part 4
Licensing Authority	Hinckley & Bosworth Borough Council
Borough:	The area administered by Hinckley & Bosworth Borough Council (Map appended at Appendix C)
Licensing Authority Functions:	Applications for licenses and permits as defined in section 1.4
Notifications:	Means notification of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Code of Practice:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Mandatory Condition:	Set by the Secretary of State (some set out in the Act) and some to be prescribed by regulations.
Default Condition:	To be prescribed in Regulations made by the Secretary of State to be attached to all classes of premises licence, unless excluded by Hinckley & Bosworth Borough Council
Specific Condition	Conditions that can be attached to an individual premises by the Licensing Authority. (However these conditions cannot prevent compliance with operating licence conditions.)
Responsible Licensing Authority:	For the purposes of this Act, the following are responsible authorities in relation to premises: <ol style="list-style-type: none"> <li>1. The Licensing Authority in whose area the premises are wholly or mainly situated (HBBC)</li> <li>2. The Gambling Commission;</li> <li>3. The Chief Officer of Police for Leicestershire;</li> <li>4. Leicestershire Fire and Rescue Service;</li> <li>5. The Local Planning Licensing Authority (HBBC)</li> <li>6. A Licensing Authority with functions in relation to pollution of the environment or harm to human health;</li> <li>7. A designated body to advise on the protection of children;</li> <li>8. HM Customs and Excise.</li> </ol>
Interested Party:	For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the license or to which the application is made, the person:- <ol style="list-style-type: none"> <li>a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</li> </ol>



	<p>b) Has business interests that might be affected by the authorised activities;</p> <p>c) Represents persons who satisfy a) or b) above.</p>
Categories of machines	A= Unlimited, B1 = £4000 B2 = £500 B3 = £500 B4 = £250, C = £70, D = £ 5 cash or £ 8 non-monetary prize.

**APPENDIX C**  
**Gambling Act 2005 Scheme of Delegation**

<b>Matter to be dealt with</b>	<b>Full Council</b>	<b>Committee / Sub-Committee</b>	<b>Officers</b>
<b>Final approval of the 3 year Statement of Principles</b>	<b>X</b>		
<b>Review of 3 year Statement of Principles</b>		<b>X</b> (Full Committee only)	
<b>Policy not to permit casinos</b>	<b>X</b>		
<b>Fee setting (when appropriate)</b>		<b>X</b> (Full Committee only)	
<b>Application for premises licences</b>		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn
<b>Application for a variation to a licence</b>		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn
<b>Application for a transfer of a licence</b>		Where representations have been received from the Commission or responsible authority (Sub-Committee)	Where no representations received from the Commission or responsible authority
<b>Application for a provisional statement</b>		Where representations have been received and not withdrawn (Sub-Committee)	Where no representations received / representations have been withdrawn

<b>Review of a premises licence</b>		<b>X</b> (Sub-Committee)	
<b>Application for club gaming/club machine permits</b>		Where objections are made and not withdrawn	Where objections are not received or are withdrawn
<b>Cancellation of club gaming/club machine permits</b>		<b>X</b> (Sub-Committee)	
<b>Applications for other permits</b>			<b>X</b>
<b>Cancellation of licensed premises gaming machine permits</b>			<b>X</b>
<b>Applications for small scale lotteries registration</b>		Where objections are made and not withdrawn (Sub)	Where objections are not made or are withdrawn
<b>Consideration of temporary use notice</b>			<b>X</b>
<b>Decision to give a counter notice to a temporary use notice</b>		<b>X</b> (Sub-Committee)	
<b>Determination of vexatious or frivolous representations or representations which will certainly not influence the authority under the 2005 Act</b>			<b>X</b>

**APPENDIX D – MAP OF THE BOROUGH**



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**COUNCIL – 13 NOVEMBER 2012**

**ANNUAL REVIEW OF THE CONSTITUTION**  
**REPORT OF THE MONITORING OFFICER**

**WARDS AFFECTED: ALL WARDS**



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

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1. **PURPOSE OF REPORT**

To highlight proposed changes to the Hinckley & Bosworth Borough Council Constitution in line with changes in legislation and to bring the document up to date as part of the regular review of the Constitution.

A copy of the Constitution with the proposed changes highlighted is available in the Members' room, on the Council's website as part of the agenda documentation or is available on paper on request. If Members wish to receive clarification on any point, please contact the report author.

This report was deferred at the previous meeting pending consideration by the Planning Committee of matters relating to public speaking at that committee.

2. **RECOMMENDATION**

That Council approves the changes to the Constitution outlined in paragraphs 3.3 to 3.6.

3. **BACKGROUND TO THE REPORT**

3.1 The amendments to the Constitution highlighted in this report include those changes already agreed by Council – which are included in paragraph 3.2 for information only, and proposed changes which are recommended for approval as contained in paragraphs 3.3 to 3.7.

3.2 Council, at its meeting on 17 May 2011, agreed changes to the Constitution to reflect the agreed changes to the Committee structure. At the meeting on 25 October 2011, Council agreed changes regarding delegation of some planning functions and with regard to changes in polling places. Council on 19 June 2012 agreed changes in line with the new Standards regime, including a new Code of Conduct and the creation of an Ethical Governance and Personnel Committee (with removal of the Standards Committee and Personnel Committee). These changes have now been included in this update of the Constitution.

3.3 Changes proposed to parts of the Constitution within the service area of Environmental Health:

- Health Protection: due to changes in Health Protection legislation and the employing of Consultants in Communicable Diseases Control and appointment of these as Proper Officer in order to act in the control of infectious diseases.
- Health and Safety: Changes to enable officers to act under the Sunbeds (Regulations) Act 2010 to prevent people under 18 using sunbeds.
- Water Quality: Changes to enable officers to serve a notice under the Private Water Supply Regulations 2009.

- Food safety powers: power to act with regard to illegally imported foods following consolidated legislation.
- Pollution: update in officer titles required in line with current Corporate structure.
- Applying for warrants: textual changes to delegation.
- The Environmental Permitting (England & Wales) Regulations 2007 to be replaced with updated (2010) regulations.
- Transfer of entry currently under the 'Housing portfolio' section of the Constitution to the 'Environmental Health' section regarding section 29 of the Local Government (Miscellaneous Provisions) Act 1982.
- Food Safety Powers: Removal of reference to "Products of Animal Origin (Third Country Imports) (England) Regulations 2006" and the "Products of Animal Origin (Import & Export) Regulations 2006 (as amended)", and correction of Home Office Circular number, to 30/2005.
- Re-ordering some sections and inserting new headings for purposes of clarity.

#### 3.4 Changes proposed to parts of the Constitution within the service area of Planning:

- Delegate powers to make, confirm, withdraw & revoke TPOs (rather than just confirm)
- Exceptions to delegations clarified.

#### 3.5 Changes proposed to Part 4 – Procedure Rules:

- Sentence inserted to state that only members of the Licensing Committee may sit on a panel for a Licensing hearing (in accordance with legislation)
- Paragraph 20 – record of attendance – has been changed to require recording of leaving the meeting only when a Member is absent for a decision, arrives late or leaves early.
- Public speaking at Planning Committee: Due to an increasing number of complaints from the public, it is proposed that we allow more than one objector with a maximum time for objectors on each application limited to a total of 5 minutes, and that we allow people to speak in support of an application even if they're not the applicant or an agent.

It is proposed that a County Councillor be given the opportunity to speak, in addition to a Borough Councillor, but where a member is a Borough and County Councillor, they may only speak once, for two minutes. A Ward Councillor will have the opportunity to speak for one period of two minutes only.

Where a member of the public speaks on an application which is subsequently deferred, when the application goes back to the Planning Committee there will be a further opportunity to speak on that application, on a first-come first-served basis as previously.

Members of the public will not be able to register to speak until the agenda has been published (ie a week before the meeting). There will no longer be the opportunity for Members to ask questions of a speaker, however if there are any points Members wish to clarify, they can do so of officers who may then refer the question to the speaker.

- The Forward Plan: further to the making of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, which came into force on 10 September 2012, the Forward Plan is no longer relevant in the current format. There is now a requirement for key decisions of the Executive and any Executive decisions to be taken in closed session to be published in a document 28 days prior to the decision being taken. It is therefore proposed that a rolling document of Executive key and private decisions is maintained in place of the Forward Plan. Where this is not possible, the Regulations state that the Chairman of Scrutiny must be informed of the proposed decision. This section of the Constitution has therefore been re-written.
- Changes to Executive arrangements: relevant changes have been made in line with the new Regulations regarding publication of background papers and the procedure for dealing with key and private decisions that cannot be published in the required notice 28 days before the decision and cases of special urgency.
- Updated role profiles, including a new role profile for Members of the Appeals Panel.
- Voting: 18.3 – prevent members who have not heard the full debate from voting.

3.6 Administrative only changes have also been made in relation to post titles and formatting.

3.7 Article 6 (The Overview & Scrutiny function) and Part 4 (Overview & Scrutiny Procedure Rules) have been amended to specifically include risk management as a function of the Finance, Audit & Performance Committee. This does not change the remit of the Committee, but is merely for clarification of its role.

3.8 The Planning Committee considered the proposed changes relating to planning committee procedure at its meeting on 23 October 2012. They did not support the proposed changes with the exception of the start date for speakers to register being the date of agenda publication. An extract from the minutes of Planning Committee is attached as an appendix to this report.

#### 4. FINANCIAL IMPLICATIONS (AB)

None arising directly from this report.

#### 5. LEGAL IMPLICATIONS (LH)

A two-thirds majority is required to make changes to the Constitution.

#### 6. CORPORATE PLAN IMPLICATIONS

This report supports all Corporate aims by ensuring open and transparent decision making.

7. **CONSULTATION**

Many recommended changes arise following issues raised by Councillors and members of the public or legislative changes.

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 / decisions were identified from this assessment:

Management of significant (Net Red) Risks		
Risk Description	Mitigating actions	Owner
1. Failure to approve updated Constitution leading to breaches of legislation and regulations.	Ensure members read and understand the changes prior to the meeting in order to discuss, accept or amend where necessary and on the advice of the Monitoring Officer	Louisa Horton
2. lack of awareness of decision making processes	Ensure the Constitution covers all areas of governance and that Members receive unified advice on the provisions.	

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

The recommendations in this report do not affect any group or community more than another. The spirit of the Constitution is to outline the management and processes within the council to ensure openness and transparency which in turn benefits all who live, work, visit or are educated within the Borough.

10. **CORPORATE IMPLICATIONS**

There are implications for those services who will be affected by changes to the Constitution. However these services have recommended the changes and/or been consulted, or the amendments are as a result of legislative changes and therefore have been imposed on the authority.

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Background papers: None

Contact Officer: Rebecca Owen, Democratic Services Officer, ext 5879

Executive Member: Councillor Bron Witherford



EXTRACT FROM THE MINUTES  
PLANNING COMMITTEE  
23 OCTOBER 2012

206 CHANGES TO PUBLIC SPEAKING AT PLANNING COMMITTEE AS PART OF THE ANNUAL REVIEW OF THE CONSTITUTION

Members received a report on public speaking and related procedures at Planning Committee which had been part of the Annual Review of the Constitution which was deferred at Council on 18 September pending consideration by Planning Committee. It was highlighted that the main changes proposed were to allow more than one objector to speak, with a maximum overall time for all objectors, to allow supporters other than just the applicant or agent to speak, to allow County Councillors to speak, to allow speakers on deferred applications, not to allow public speakers to register prior to publication of the agenda, and to change the format of the 'points of clarification' questioning.

During discussion, the following suggestions were made and debated:

- Reduce public speaking to two minutes and allow two objectors and two supporters to speak – following discussion it was felt that this would lengthen the meeting beyond a reasonable time;
- Allow the relevant County Councillor two minutes to speak – following discussion it was felt that the same procedure would not be followed by the County Council in allowing Borough Councillors to speak, and that the County Councillors had other means of submitting their views;
- Allow one Ward Member from a Ward to speak – following discussion concern was raised that in split-party wards it may be difficult to expect Members to appoint a speaker and agree points between them.

Members did however support the suggestion regarding allowing members of the public to register to speak following publication of the agenda.

On the motion of Councillor Batty, seconded by Councillor Crooks, it was

RESOLVED – Council be RECOMMENDED to reject all proposed changes with regard to Planning Committee and maintain the status quo except for the introduction of a start time for the registering of public speakers.

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

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