

SUMMONS TO ATTEND A MEETING OF THE
NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

Time/Date 6.30 pm on TUESDAY, 17 NOVEMBER 2015
Location Council Chamber, Council Offices, Coalville
Officer to contact Democratic Services (01530 454512)

Christine E. Fisher

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Chief Executive

All persons present are reminded that the meeting may be recorded and by attending this meeting you are giving your consent to being filmed and your image being used. You are kindly requested to make it known to the Chairman if you intend to film or record this meeting.

The Monitoring Officer would like to remind members that when they are considering whether the following items are exempt information under the relevant paragraph under part 1 of Schedule 12A of the Local Government Act 1972 they must have regard to the public interest test. This means that members must consider, for each item, whether the public interest in maintaining the exemption from disclosure outweighs the public interest in making the item available to the public.

AGENDA

Item	Pages
PRAYERS	
1. APOLOGIES FOR ABSENCE	
2. DECLARATION OF INTERESTS	
Members are reminded that any declaration of interest should be made having regard to the code of conduct. In particular, members must make clear the nature of the interest and whether it is 'pecuniary' or 'non pecuniary'.	
3. CHAIRMAN'S ANNOUNCEMENTS	
4. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS	
Members are reminded that under paragraph 11.1 of part 4 of the Constitution, questions can be asked of the Leader and Cabinet Members without notice about any matter contained in any address. Questions shall be limited to five minutes in total for each announcement.	



5. QUESTION AND ANSWER SESSION

To receive questions from members of the public under procedure rule no.10. The procedure rule provides that members of the public may ask members of the Cabinet any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.

6. QUESTIONS FROM COUNCILLORS

To receive members' questions under procedure rule no.11. The procedure rule provides that any member may ask the chairman of a board or group any question on any matter in relation to which the Council has powers or duties which affect the District, provided that three clear days' notice in writing has been given to the Head of Legal and Support Services.

7. MOTIONS

To consider the following motion received from Councillor J Legrys:

“Local Plan & Fire Services

It has recently been announced that the Leicester, Leicestershire and Rutland Combined Fire Authority (CFA) are to consult on proposals for reductions to Leicestershire's Fire and Rescue Service in Coalville and North West Leicestershire.

The North West Leicestershire draft Local Plan which calls for additional increase in housing, employment and retail in the plan period to the following numbers:

Minimum of 10,700 new homes

Additional 96 hectares of employment land

7,300 m² of retail

Approximately half of the draft Local Plan growth will be served or supported by Coalville Fire Station.

In its response to the CFA consultation this Council will:-

outline its proposed housing and economic growth to 2031 and

state that it would be inappropriate to downgrade or reduce services from Coalville & Ashby and any other Fire and Rescue Station serving North West Leicestershire Communities.”

8. PETITIONS

To receive petitions in accordance with the Council's Petition Scheme.

Item	Pages
9. MINUTES	
To confirm the minutes of the meeting of the Council held on 15 September 2015.	5 - 16
10. PROPOSED LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY	
Report of the Chief Executive Presented by the Leader	17 - 92
11. UPDATE TO THE COUNCIL'S CONSTITUTION	
Report of the Head of Legal and Support Services Presented by the Corporate Portfolio Holder	93 - 150
12. REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY	
Report of the Chief Executive Presented by the Community Services Portfolio Holder	151 - 172
13. APPOINTMENT OF A REPRESENTATIVE TO AN OUTSIDE BODY - COALVILLE TOWN FOOTBALL CLUB COMMITTEE	
Report of the Head of Legal and Support Services Presented by the Corporate Portfolio Holder	173 - 174
14. SENIOR MANAGEMENT STRUCTURE	
Report of the Chief Executive Presented by the Leader	175 - 178

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MINUTES of a meeting of the COUNCIL held in the Council Chamber, Council Offices, Coalville on TUESDAY, 15 SEPTEMBER 2015

Present: Councillor J Bridges (Chairman)

Councillors R Adams, G A Allman, R Ashman, R D Bayliss, R Blunt, R Canny, J Clarke, N Clarke, J Cotterill, J G Coxon, D Everitt, T Eynon, F Fenning, J Geary, S Gillard, T Gillard, L Goacher, D Harrison, J Houlton, R Johnson, G Jones, J Legrys, S McKendrick, K Merrie MBE, T Neilson, T J Pendleton, P Purver, V Richichi, N J Rushton, A C Saffell, N Smith, A V Smith MBE, M Specht and M B Wyatt

Officers: Mr S Bambrick, Mr R Bowmer, Ms C E Fisher, Mr G Jones, Mrs M Meredith, Mrs M Phillips and Miss E Warhurst

29. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors R Boam, G Houlton and D J Stevenson.

T Gillard informed members that Councillor D J Stevenson was absent due to him being called into hospital for a serious operation. He expressed best wishes to him on behalf of all members.

The Chairman hoped that Councillor D J Stevenson would make a swift recovery. He requested that a letter be sent from the Council sending best wishes from all members.

30. DECLARATION OF INTERESTS

There were no interests declared.

31. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that his wife had completed a charity bike ride from London to Brighton, a total of 54 miles. He thanked all members and colleagues who had helped, donated and supported her in this event.

The Chairman announced that his charity meal taking place on 17 September was sold out.

The Chairman referred to the numerous events which had been attended by himself and his deputy over the last few weeks.

32. LEADER'S AND PORTFOLIO HOLDERS' ANNOUNCEMENTS

The Leader made reference to the Syrian crisis and the quote in the local news. He commented that the situation in Syria was unprecedented in our lifetime in Europe, and he had said that the Council would be on standby to help, as he felt it was right to do so. He added that this matter was being led on by the Government and would need co-operation with the County Council to provide for the needs of any refugees coming into the area. He added that he would provide updates as necessary.

The Leader referred to his previous announcement in June in respect of the bid to Government in conjunction with the County and City Council to create a combined authority, with a view to bringing about improvements in transport and planning. He advised that this was work in progress, and the next stage was a public consultation starting in the next few weeks. He added that more detail would be available to members as this work progressed.

The Leader reiterated the commitment of the administration to helping businesses grow in the area. He advised that he had met with three of the major employers in the District since June, and the theme for all three was the same, in that they all felt growth was happening, they were short of key staff, and they wanted to work with the Council to tackle those needs. They also welcomed the link with the County Council to connect people in Coalville to the jobs in Castle Donington. He added that they were keen to work with colleges to make sure we produced people that had the skills to help these businesses to grow.

Councillor T Neilson echoed the Leader's comments in respect of the situation in Syria and stated this was a human tragedy. He stated that the Labour group fully stood by the Leader's commitment, should the Council be called upon to assist. He added that the announcement on the combined authority was welcome and he looked forward to receiving more detail as the work progressed.

The Chairman echoed the Leader's views on the tragedy in Syria.

Councillor G A Allman sought to make a statement unrelated to the announcements made and was reminded by the Chairman to confine his comments to the matters contained in the address.

The Regeneration and Planning Portfolio Holder made reference to the renaming of the A453 as Remembrance Way and had been privileged to attend the official opening of the new dual carriageway. He commented that this was a major project, costing £170 million in total. He highlighted that the project had taken two years to deliver, and had been delivered ahead of schedule, including the provision of 7 new bridges, which was a remarkable feat. He highlighted the improvements this had brought about.

Councillor J Legrys welcomed the formal naming of the A453 as Remembrance Way. He referred to some comments made on Twitter about the number of people killed in Afghanistan, which he found distasteful. He sought assurances from the Portfolio Holder that the proposal to plant poppy seeds along the route would proceed.

The Regeneration and Planning Portfolio Holder assured members that the planting of poppy seeds along the route had already taken place.

The Housing Portfolio Holder provided members with an update on the Decent Homes Improvement Programme, as promised at the previous meeting. He reported that of the 608 which had been identified as falling into non-decency, works had already been completed within budget on 374 properties, with an average time of 5.5 days. It was hoped that the remainder would be completed by the end of 2015 and members would be kept informed of progress. He added that a customer satisfaction survey had been circulated to those tenants who had had works completed. The return rate had been exceptionally high at 61% showing a satisfaction rate of 95%.

33. QUESTION AND ANSWER SESSION

There were no questions received.

34. QUESTIONS FROM COUNCILLORS

Councillor N Clarke put the following question to Councillor R D Bayliss:

“In light of the recent High Court decision in respect of R Hardy v Sandwell Metropolitan Borough Council, in which, it was ruled unlawful to take disability living allowance (DLA) into account as an income when assessing discretionary housing payments (DHP's), is

this Council planning to review its policy when assessing DHP's for those in receipt of DLA?"

Councillor R D Bayliss gave the following response:

"The High Court decided that a local authority's decision to take the care component of disability living allowance (DLA) into account when assessing a discretionary housing payment (DHP's) was unlawful. The Court has decided to quash the local authority decision and ordered them to make a fresh one.

Following the ruling by the high court we have amended our calculations for DHP cases (income versus essential expenditure) to exclude the care component of Disability Living Allowance as a form of income, thus giving those in receipt of this benefit a greater chance of qualifying for additional help. This has been implemented from 1 April 2015 for all new claims as well as renewals".

Councillor N Clarke reiterated that this issue had been raised by a member of the public at Council and subsequently had been debated at Policy Development Group. He reminded members that the Council had refused to change the policy at that time. As a supplementary question, he asked if the Portfolio Holder considered that this decision not to change the policy relating to DHP had put the Council at unnecessary risk of incurring costs.

Councillor R D Bayliss stated that he did not believe this decision had put the Council at unnecessary risk, as the provisions of the Act at that time were quite ambiguous. He stated that the Council had established a policy based on an interpretation of the provisions the act. He commented that he was pleased that this had now been tested in court and he awaited advice on whether any further action was required.

35. MOTIONS

No motions were received.

36. PETITIONS

No petitions were received.

37. MINUTES

Consideration was given to the minutes of the meeting held on 30 June 2015.

It was moved by Councillor J Bridges, seconded by Councillor J Cotterill and

RESOLVED THAT:

The minutes of the meeting held on 30 June 2015 be approved and signed by the Chairman as a correct record.

38. UPDATE TO THE COUNCIL'S CONSTITUTION

Councillor N J Rushton presented the report to members.

Councillor J Geary made reference to the issue he had raised previously in respect of procedure rule 9 relating to smoking in the building, which had been deleted, and whether the legislation would cover the use of e-cigarettes.

Councillor N J Rushton stated that he would undertake to provide a written response to Councillor J Geary on this matter, and assured members that this would be duly considered if it had been missed.

It was moved by Councillor N J Rushton, seconded by Councillor T Gillard and

RESOLVED THAT:

- a) The amendments to the Constitution set out in paragraph 3 and appendices 1-3 of the report to Policy Development Group be approved.
- b) The Head of Legal and Support Services be authorised to make those agreed amendments to the Constitution and re-issue the document.

39. DRAFT NORTH WEST LEICESTERSHIRE LOCAL PLAN

The Chairman clarified the process he intended to follow during consideration of the report as below:

Councillor Pendleton would speak to the report, and would hand over to Steve Bambrick, Director of Services, who would give a presentation. The Director of Services would then answer any technical questions arising from the presentation. The debate would then follow. Members were reminded that the usual rules of debate would apply and each member would have 5 minutes in total to speak. Members were also reminded that the usual rules in respect of the duration of meetings would apply. The Chairman would be ensuring that the procedure rules were adhered to throughout the meeting to provide all members who wished to speak a fair opportunity to do so. Members were advised that once the debate had concluded, a vote would then be taken on each recommendation in turn.

Councillor T J Pendleton introduced the report to members. He stated that he was delighted to be recommending the draft Local Plan and he was pleased to have reached the point where the Council could agree this future blueprint for consultation. He made reference to the amount of work that went into preparing such a document and stated that this had been a positively prepared plan, which sought to provide growth to all parts of the district. He stated that he made no apology for focussing on development in Coalville, as this was the district's main town and was a key Conservative priority. He stated that delivering growth in Coalville would bring investment to the town and support the investments being made to improve Coalville. He added that the plan would also deliver important jobs in the district, which would provide for the needs of the residents and safeguard prosperity for future generations. He urged members not to be fooled by those who would argue that this was a developer's charter. He reminded members that as a responsible Planning Authority, it was recognised that the Council must provide and plan for the needs of the district, and adhere to government guidance, or the plan would not be found to be sound. He added however this did not mean development at any cost, as there were some very valuable environmental assets within the district, and the Local Plan contained strong policies to protect these assets, such as the countryside, the National Forest and the green wedges. He commended the preparation of the plan through the cross-party Local Plan Advisory Committee, which had been supported by some excellent external advisors, Malcolm Sharp and Simon Stanion. He thanked them for their support throughout this process and referred members to the advice note prepared by them which gave assurance on the process so far. He concluded that throughout the consultation process the Council would remain alert to any necessary changes. He commended the draft Local Plan to members and expressed confidence that delivering it would leave a strong legacy and a prosperous district.

Councillor J Bridges stated that he was happy to have worked on the Local Plan Advisory Committee and he commended the officers have done a splendid job getting us to this point. He thanked officers.

The Director of Services gave a presentation to members highlighting the background of the Local Plan preparation and the process so far. He highlighted that the Local Plan period would go up to 2031 with a start date of 2011. He reiterated that the importance of having an up to date Local Plan was to be able to resist unwanted development. He referred to the Local Plan Advisory Committee, the purpose of which was to guide the Council in the development of the Local Plan. He added that the final decision would rest with the full Council.

The Director of Services reported that a number of consultation processes had been undertaken, including with parish and town councils on the revised Limits to Development and Town Centre Boundaries. He added that the draft Local Plan was also supported by a significant evidence base.

The Director of Services stated that external advisors had been engaged in the preparation of the draft Local Plan and he referred to their statement and conclusion which set out their view as to the likelihood of the draft Local Plan being found sound and how far Council had complied with the Duty to Cooperate.

The Director of Services advised that the Duty to Cooperate was a legal test of the draft Local Plan, and was the very first hurdle whereby the Inspector must be satisfied that the council had actively cooperated with other local authorities. He explained that arrangements were in place with other local planning authorities in the Leicester and Leicestershire Housing Market Area to agree the housing requirements through a Memorandum of Understanding. He advised that other neighbouring authorities outside of Leicestershire had also been consulted as the council was proposing to adopt a figure which was higher than that suggested in the Memorandum of Understanding.

The Director of Services made reference to the risk management arrangements which had been put in place. He commented that there would always be risks associated with any project of this nature, and advised that a project board had been established to regularly review and monitor risks. He added that there was a major risk in relation to changes in government guidance or plan appeal decisions which could have implications for the draft Local Plan. He advised that the project board were monitoring these risks and would continue to do so.

The Director of Services stated that a key issue in the draft Local Plan was the number of houses within the district being planned for. He pointed out that a significant number of the houses being planned for up to 2031 already had planning permission. He explained that the Strategic Housing Market Area Assessment set out that approximately 7,000 new homes would be required in the district up to 2031, and 1,700 had already been completed since 2011. He advised however that consideration needed to be given to the fact that the district was a significant area for economic growth in Leicestershire and the East Midlands, and he highlighted in particular the significance of the proposal for a Strategic Rail Freight Interchange in the north of the district, which was expected to create an additional 7000 jobs in the area. He highlighted the importance of ensuring that, in preparing the Local Plan, there was an adequate balance between housing growth and jobs growth, as there was significant evidence across the country that where local authorities had not taken account of jobs growth, their Local Plans had been found not to be sound, and there have been a number of Local Plans that had been rejected because of that. He explained that, as a result of taking account of the expected jobs growth, the advice was that the appropriate number of new homes that should be planned for in the Local Plan was around 10,700 new homes.

The Director of Services advised that planning permission had already been granted for over 10,700 new homes since 2011, however consideration needed to be given to how many of those would be deliverable. He explained that officers estimated that around 9,000 of these would be delivered within the plan period, which would leave a shortfall of approximately 1,600 homes to be provided in the plan in order to meet the overall requirement to the end of the plan period. He highlighted the 3 sites which were proposed to be allocated to meet this shortfall, the key site being the Money Hill site to the north of Ashby de la Zouch. He explained that the site at Measham would be included as a reserve site, as permission had already been granted at the Measham Waterside site, however the delivery of this site could potentially be jeopardised by the HS2 proposals. Finally the land at Waterworks Road was a small site which was currently allocated in the existing Local Plan and it was proposed to carry forward that allocation.

The Director of Services highlighted the need to demonstrate that the affordable housing need for the district could also be met. He explained that the estimated need was 212 affordable homes per year, which equated to 60% of the overall housing requirement. He added however that the policies within the Local Plan needed to be deliverable, and from the viability assessments, a policy of 60% affordable housing would clearly not be deliverable. He highlighted the proposed affordable housing targets in the draft Local Plan which had been set to reflect the value of the land within the district and the likely viability of developments coming forward.

The Director of Services highlighted the requirement to meet the needs of all sections of the community, and one of the key sections the council needed to make provision for was gypsies and travellers. He highlighted that there were no sites allocated at this stage in the draft Local Plan, as it was proposed to prepare a separate allocations document to bring forward sites to meet the needs of this section of the community.

The Director of Services explained that the council was required to undertake an assessment of the overall need for new employment land within the district and was required to allocate sites where there may be a shortfall. He stated that the evidence suggested that there was a need for 96 hectares of employment land to the end of the plan period, however the council had already met this requirement through the granting of planning permissions. He added however that one important aspect that needed to be taken account of in the provision of employment land was 'churn', whereby employment land was lost to other uses. He advised that the council needed to demonstrate to an inspector that we have a flexible enough approach to accommodate the fact that some existing sites may be lost to other uses. He explained that as a result, it was proposed to allocate an additional 16 hectares of employment land as part of the Money Hill development, in order to meet the overall shortfall in the district for employment land over the plan period.

The Director of Services advised that the Local Plan contained policies which set the retail hierarchy, and any new major retail proposals in the district would normally follow this hierarchy. He explained that Coalville was the main town and this was where the focus would be for major retail developments, followed by Ashby de la Zouch, and then the other town centres of Castle Donington, Kegworth and Measham. He added that the policies within the plan would direct new retail developments where appropriate to Coalville. He explained that existing evidence suggested that there was no additional requirement for any more floor space for convenience shopping, and as such there were no new food shopping sites allocated, however a need had been identified for 7,300 sqm of comparison shopping. He advised that the draft Local Plan proposed a number of options for allocating additional floor space to meet the retail shortfall, with the preferred site being the land off Wolsey Road on the edge of Coalville town centre.

The Director of Services explained that the Local Plan would be supported by an Infrastructure Delivery Plan which would seek to provide infrastructure associated with

new developments. He advised that the Infrastructure Delivery Plan would need to be finalised by the time the Local Plan was eventually submitted. He explained that this delivery plan would seek to ensure that where new development was proposed, it delivered the necessary levels of infrastructure. He added that infrastructure provided by others was also taken into account so that on balance, the appropriate level of infrastructure was provided to support all the new development proposed in the Local Plan.

The Director of Services highlighted the proposal to maintain the Green Wedge between Coalville and Whitwick in the Local Plan as an Area of Separation. He added that the Local Plan contained policies to protect the River Mease Special Area of Conservation, and to protect and enhance the character of the National Forest and the Charnwood Forest.

The Director of Services highlighted the policies on climate change and sustainable construction and design within the Local Plan, which would consider how the carbon footprint of the district could be reduced. He also highlighted the policies for reducing flood risk and locating developments outside of flood risk areas, and making sure new developments could promote sustainable drainage systems.

The Director of Services referred to the focus on transport, and explained that new developments would need to continue to contribute towards transport infrastructure going forward. He highlighted the key strategic improvements that the Local Plan would seek to continue to fund, such as the significant improvements to J22 of the M1, J13 of the A42, and the A511 corridor. He added that these key improvements would support the growth that is proposed in the Local Plan. He pointed out that the Local Plan continued to contain a policy that supported the reinstatement of the Leicester to Burton line for passengers, should there be a viable business case proven.

The Director of Services advised that it was proposed to undertake a period of public consultation commencing on 28 September 2015, and an engagement plan would guide the consultation being undertaken. He outlined the timetable, which was subject to the agreement of Council. He highlighted that there was still a lengthy process to go through before the Local Plan could be adopted, and any changes in circumstance would need to be taken account of.

The Director of Services explained that once the Local Plan was submitted, an independent inspector would be appointed who would consider whether the Local Plan was sound. He advised that the first task they would need to undertake would be to consider whether the Council had complied with the Duty to Cooperate.

The Chairman then invited members to ask any technical questions arising from the presentation of the Director of Services.

Councillor N Clarke sought clarification on the district council's view on fracking, as this was not mentioned in the draft Local Plan. The Director of Services advised that this was a matter for Leicestershire County Council as the minerals planning authority, and was not an issue for the Local Plan. He added that the district council did not have a formal policy on fracking.

Councillor M B Wyatt made reference to the previous plan which had supported the protection of land for the Bardon relief road. He asked if there was provision for this in the draft Local Plan. In respect of the land off Waterworks Road, he highlighted the area of open space which was between 3 different wards. He asked if this could be classed as an area of separation. The Director of Services advised that it was a matter for the council to decide what land should be allocated as. He advised that this piece of land was not currently designated as an area of separation, but was classified as open space, and as

such there were policies that would protect this land. In respect of the Bardon relief road, the draft Local Plan did not allocate the site at Bardon Grange, because this was a site with existing planning permission, and the associated infrastructure was already contained within the planning permission.

Councillor A C Saffell made reference to the nominal totals of the expected number of houses to be built in settlements in the previous Core Strategy, the total for Castle Donington being 1,400. He compared this with the total number of houses from permissions granted in Castle Donington which totalled 1200. He highlighted the Limits to Development shown on the plan and pointed out that there was barely any space for extra development. He asked if the Council would be seeking to permit sites outside the Limits to Development in order to be able to meet the target. He commented that the Limits to Development were always being stretched and questioned how firm the Local Plan would be. The Director of Services pointed out that the existing Local Plan had an end date of 2001 and the Limits to Development within that plan were drawn with a view to the plan being able to meet the needs of the district up to that date. He added that once the end date of the plan had passed, development had to be accommodated which had not been accounted for. He explained that the Limits to Development were also out of date, which was why developments beyond the Limits to Development often had to be accepted when the Local Plan was not up to date. He added that the purpose of having an up to date Local Plan was that to be able to take account of the needs of the district to a certain date and set to boundaries accordingly. He clarified that this did not mean to say that it could be guaranteed that the Limits to Development would never be breached as all of the circumstances needed to be considered, however the council would be in a much stronger position to resist unwanted development with an up to date Local Plan. He concluded that the reason why members felt that there had been extensions to the Limits to Development was due to the fact that a Local Plan was currently being utilised that had gone beyond its end date.

Councillor A C Saffell commented that the figures did not seem to add up. He added that the target of 30% affordable housing would never be delivered in Castle Donington, and felt that this figure needed adjusting. The Director of Services emphasised that the affordable housing target in the draft Local Plan was the target that would be applied to any future developments that were granted, and could not be applied retrospectively to those permissions that already existed. He added that it was a matter of fact that a significant number of permissions had already been granted under the policy that applied at that time. He stated that going forward, the new policy would apply in order to achieve a figure that was somewhere near delivering the overall level of affordable housing requirement. He added that it was accepted that this need would not be met, because in order to do so, 60% of all houses would need to be affordable, and this was not viable.

The Chairman then invited members to move on to the debate.

Councillor J Legrys thanked officers for the work and conversations with the Labour Group in respect of the draft Local Plan. He also thanked the Chairman in his position of Chairman of the Local Plan Advisory Committee for allowing people such as Councillor A C Saffell to put forward their views on the draft Local Plan. He thanked Malcolm Sharpe in particular for the conversations and help he had given him in understanding the process. He stated that this was not our plan, but was the Administration's plan. He added that the Local Plan could have been very different, particularly with the interventions of former Councillor C Large who had made suggestions about how the strategy could be different, however he felt these suggestions were not listened to. He stated that the Labour Group considered that this draft Local Plan was simply a slightly altered version of the failed developer-led Core Strategy. He felt that the draft Local Plan lacked the vision and strategy to deal with infrastructure, placing overwhelming new housing on existing communities such as Money Hill, Hugglescote and Castle Donington. He added that the Labour Group did not welcome the idea of putting all the employment in the north of the

district and all the housing in the south. He accepted however that governments did move the goalposts and case law would change things. He concluded that he would be voting in favour of sending the draft Local Plan out for consultation because he did not believe that voting against this would achieve anything. He commented that the Labour Group believed the electorate must see and be able to comment on the draft Local Plan and have the opportunity to discuss and debate the proposals. He supported the suggestion that Parish Councils be asked to undertake some consultation, however he highlighted that there was a great need for consultation also to be undertaken in the non-parished areas, and he sought assurance that this would be undertaken. He concluded that people felt they were not being listened to, and he sought assurance that the views of the public would be heard, and the direction of the Local Plan altered if necessary.

The Chairman invited Councillor T J Pendleton to respond to the points made by Councillor J Legrys.

Councillor T J Pendleton acknowledged the valid points made by Councillor C Large in respect of local affordable housing, and added that these were listened to, and were going to be included in a supplementary planning document, however a new national policy had subsequently been issued which the council was required to abide by. He added that consultation would continue with the public and there would be plenty of opportunities for people to come and consider the proposals.

Councillor T Neilson sought to raise a point of order in that Councillor T J Pendleton had exercised his right of reply early on in the debate and it was not customary for the mover of a motion to have more than one right of reply.

The Chairman stated that it had been fair to respond to the points raised by Councillor J Legrys at that point and the debate would proceed.

Councillor N Clarke acknowledged that the recommendation was to submit the document for consultation, and felt that this should not be delayed. He stated that the adequate protection of Charnwood Forest was a vital part of the Local Plan, however he felt that the wording in the document did not do enough to protect the area from unwanted development. He referred to the statement that it was not the intention that the regional park should be a barrier to development, and commented that surely this wording invited developers to explore the possibility of building in the forest rather than discouraging it. In respect of the Bardon relief road, he commented that at present the building of the road was not financially viable, although that may not always be the case. For this reason he believed that it was important for the council to remain committed to building the Bardon relief road, as it was desperately needed and wanted, and this should be reflected in the Local Plan. He highlighted the commitment in the draft Local Plan to reinstate the Leicestershire to Burton rail line, which was also financially challenging to achieve, and as such he saw no reason why a similar attitude could not be adopted in respect of the Bardon relief road, which would also be an alternative to making huge alterations to Hugglescote crossroads. In respect of the land off Waterworks Road, he pointed out that this land was currently registered as a community asset, which gave the local community the opportunity to purchase this land if it was to be sold. He commented that although this would not prohibit the development of the land, it complicated the issue, which could be seen as an unnecessary complication by the inspector. He questioned whether it was worth the risk for such a relatively small allocation.

Councillor G A Allman referred to paragraph 4.24 and stated that he did not support the proposed draft Local Plan, as it was totally inappropriate to increase the housing in Ashby de la Zouch by 61%. He added that this would be difficult for the council to justify. He added that had this item not been included he would have been in full support of the draft Local Plan, however due to the aforementioned he was minded to abstain from the vote.

Councillor T Eynon expressed support for Councillor N Clarke's comments on transport infrastructure, particularly in respect of Bardon relief road. She stated that like him, she was not voting to agree that this was a good plan, but to agree that it needed to go out to consultation, in order to make it a better plan. She added that this was not a good plan, at least not for her particular area of interest, which is health infrastructure. She felt that a good plan would recognise that there was a problem. She stated that whilst this Loc Plan was building thousands of new houses, the NHS Better Care plan was proposing to move more patients into overstretched primary care. She highlighted that in June this year, £1.3 million of Section 106 developer contributions for health remained unspent at this council, some dating back to 2003 and at risk of being returned to developers with interest. She also highlighted that NHS England had recently failed to claim £50,000 in Blackfordby that would have contributed to healthcare in Woodville. She hoped that the consultation period would be utilised to develop a sound approach to the delivery of healthcare infrastructure, and if so, she would be pleased to work with this council.

Councillor M B Wyatt stated that he was unable support this draft Local Plan due to its failure to mention or support the construction of the Bardon bypass which was desperately needed.

Councillor R Blunt thanked the Opposition for their support, acknowledging that the threat of housing makes no one comfortable. He stated that there was a huge amount of work yet to be done and he applauded the support for the document going out for consultation.

Councillor T Neilson stated that there were some serious differences of opinion in respect of methodology and detail however he was strongly of the opinion that local residents needed to have the time and opportunity to seriously consider the draft Local Plan. He added that planning was truly a non partisan topic and he hoped it would long remain so. He added that he Labour Group had participated in the Local Plan Advisory Committee on that basis. He believed that it was right for the Local Plan Advisory Committee to consider the results of the consultation to ensure there was full visibility of the process of dealing with that feedback. He referred to the comments made by Councillor T J Pendleton and stated that not only should the changes be made to the Local Plan that were deemed necessary, but also and changes that were positive and would improve the Local Plan. He added that it was vitally important to listen carefully to the public otherwise the Local Plan would be in danger of failing once again. He stated that if a Local Plan was pushed through without the full support of residents, this would dig a hole that could take 30 years to get out of. He stated that the Labour Group supported the recommendation to put the draft Local Plan out for consultation, but would not support this document in a vote to submit it to the inspector.

Councillor M Specht expressed support for the recommendations. He felt that the recommendations in respect of the housing allocation were out of date however given the crisis in the middle east and the commitment given by the government to take in refugees. He commented that he was fed up of nimbyism. He stated that he fully supported the document, and the sooner the Local Plan was adopted, the better.

The Chairman reminded members to confine their comments to the subject matter of the report.

Councillor A C Saffell commented that he hoped this would be a true consultation and not just a public relations exercise. He agreed with Councillor T Neilson that comments should be taken on board, and an explanation given if they were not. He stated that people needed to understand that they were being listened to and that their views were being taken account of.

Councillor T Gillard thanked the officers for their work and thanked the Administration for listening to the people of Whitwick in respect of the Green Wedge. He stated that he and

past Councillors had campaigned to preserve it and he hoped that would continue. He highlighted that the major influence on this issue had been the Whitwick Action Group, who had lobbied and campaigned and the Administration had listened. He concluded that he supported the document.

Councillor T J Pendleton echoed the comments of Councillor T Gillard and highlighted that every day the council did not have a Local Plan, the Whitwick Green Wedge was seriously threatened. He added that the Administration stood by the commitment given in respect of the Whitwick Green Wedge. He commented that it was difficult to find any more room in Castle Donington for any more houses, and the number of housing that could be allocated near those jobs was finite. He added that Charnwood Borough Council were building 3,500 houses 6 miles away from Castle Donington and Rushcliffe Borough Council were building an additional 4,500 houses and this would take the pressure off Castle Donington and Kegworth in terms of allocating any additional housing. He highlighted the consultation process which had been previously undertaken and reminded members that all the responses had been brought back and any ideas had been changed. He challenged members to go out to their local Parish Council and bring back their thoughts. He also urged members to challenge nimbysism as there was no room for that. He also highlighted that NHS England were actually responsible for the real expansion of GP practices, not this council nor the planning authority. To conclude, he applauded officers for the work they have undertaken so far and he commended the draft Local Plan.

The Chairman then sought to move to the vote.

Councillor T Neilson raised a point of order in that Councillor N J Rushton had not been present for much of the debate and should be excluded from voting.

The Chairman agreed that Councillor N J Rushton had missed a large portion of the debate and therefore would be unable to vote.

The Chairman then moved to the vote. A vote was taken on each recommendation in turn.

It was moved by Councillor T J Pendleton, seconded by Councillor J Bridges and

RESOLVED THAT:

- a) The minutes of the Local Plan Advisory Committee of 4 March 2015 and 10 June 2015 be received; and
- b) The Draft Local Plan be approved for consultation.

Councillor N J Rushton left the meeting at 7.25pm during consideration of the item entitled Draft North West Leicestershire Local Plan and returned to the meeting at 7.36pm.

The meeting commenced at 6.30 pm

The Chairman closed the meeting at 7.53 pm

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 17 NOVEMBER 2015

Title of report	PROPOSED LEICESTER AND LEICESTERSHIRE COMBINED AUTHORITY
Contacts	Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk
Purpose of report	To seek Council's approval to support the County-wide proposal to create a Combined Authority for Leicester and Leicestershire and delegate authority to the Chief Executive in consultation with the Leader to agree ancillary matters to bring this into effect.
Council Priorities	Business and Jobs Homes and Communities
Implications: Financial/Staff Link to relevant CAT Risk Management Equalities Impact Screening Human Rights Transformational Government	 The costs of the Combined Authority shall be met by the Constituent Authorities. Further work on the budget for the Combined Authority will be undertaken in consultation with the Section 151 Officers of the Constituent Authorities. None The body of the report addresses the risks associated with the proposed Combined Authority. Not completed No discernible impact By working together with the other Leicestershire authorities, we will secure more robust strategic decision making on important cross border issues and will be better positioned to take advantage of future devolution opportunities.
Comments of Head of Paid Service	The report is satisfactory.

Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	<p>A public consultation has been conducted by Leicestershire County Council, the results are summarised in this report.</p> <p>Economic Growth Board – 5th November 2015</p> <p>Cabinet – 10th November 2015</p>
Background papers	<p>Initial Combined Authority proposal submitted to the Secretary of State on 3 July 2015</p> <p>Report to Cabinet – 10 November 2015</p> <p>Local Democracy, Economic Development and Construction Act 2009</p> <p>Cities and Local Government Devolution Bill</p>
Recommendations	<p>THAT COUNCIL:</p> <ol style="list-style-type: none"> 1. APPROVES THE SCHEME FOR THE COMBINED AUTHORITY; 2. APPROVES THE GOVERNANCE REVIEW; 3. AUTHORISES THE PUBLICATION OF THE SCHEME AND ITS SUBMISSION TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT; 4. AUTHORISES THE CHIEF EXECUTIVE, FOLLOWING CONSULTATION WITH THE LEADER, TO MAKE ANY FINAL AMENDMENTS TO THE SCHEME AND GOVERNANCE REVIEW PRIOR TO THEIR SUBMISSION TO THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT IN DECEMBER 2015 OR JANUARY 2016; 5. AUTHORISES THE CHIEF EXECUTIVE, FOLLOWING CONSULTATION WITH THE LEADER, TO ENTER INTO DISCUSSIONS WITH THE DEPARTMENT FOR COMMUNITIES AND LOCAL GOVERNMENT AND SUCH OTHER GOVERNMENT DEPARTMENTS AND OTHER PERSONS AS ARE CONSIDERED NECESSARY BY THE

	<p>CHIEF EXECUTIVE TO AGREE THE TERMS OF THE ORDER ESTABLISHING THE COMBINED AUTHORITY AND TO APPROVE THE FINAL FORM OF THE ORDER ON BEHALF OF THE DISTRICT COUNCIL; AND</p> <p>6. AUTHORISES THE CHIEF EXECUTIVE, FOLLOWING CONSULTATION WITH THE LEADER:</p> <p>(I) TO NEGOTIATE, AGREE AND EXECUTE ALL ANCILLARY DOCUMENTS IN SUPPORT OF THE OPERATION OF THE COMBINED AUTHORITY, INCLUDING (WITHOUT LIMITATION) THE CONSTITUTION OF THE COMBINED AUTHORITY; AND</p> <p>(II) TO TAKE ALL DECISIONS AND ACTIONS NECESSARY TO ENABLE THE ESTABLISHMENT OF THE COMBINED AUTHORITY.</p>
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1.0 BACKGROUND

- 1.1 All nine councils in Leicester and Leicestershire have a strong record of working together and with business and other partner organisations to deliver economic growth. There are numerous examples of effective partnership working, particularly through the Leicester and Leicestershire Enterprise Partnership which has a positive track record of delivery.
- 1.2 The nine councils firmly believe they can build upon their successes by strengthening and formalising partnership arrangements through the creation of a Leicester and Leicestershire Combined Authority. In particular, this would allow more opportunity to work closely with government and the Leicester and Leicestershire Enterprise Partnership to enhance their collective impact on economic growth in the area.
- 1.3 The nine Councils in Leicester and Leicestershire (the “Constituent Councils”) submitted a proposal to the Secretary of State for Communities and Local Government on 3 July 2015. This outlined the scope of the Combined Authority and has formed the basis of the actions taken since, outlined below.
- 1.4 All Executives and full Councils of the Constituent Councils are considering similar versions of this report. On the 10 November 2015, North West Leicester District Council’s Cabinet agreed to refer the above recommendations to Council for approval.

2.0 CURRENT ARRANGEMENTS

- 2.1 The Constituent Councils have a strong commitment to joint working and working with business and other partner organisations to deliver economic growth. The Governance Review explores the details of current arrangements and their successes.
- 2.2 Notwithstanding the positive outcomes from the current informal arrangements, the lack of formal, cohesive decision making between all the Constituent Councils on matters of strategic importance exposes the potential for growth to risks. Primarily, the current arrangements are not sufficient for the ambitions of the area in terms of long term funding commitments for transport investment and devolution of funding. Nor do they provide for the ability to commission skills programmes locally and manage growth within the area by demonstrating a stronger level of agreement (i.e. the Duty to Co-operate under the Localism Act 2011).

3.0 LEGAL BACKGROUND

The Local Democracy, Economic Development & Construction Act 2009 (the “2009 Act”)

- 3.1 The 2009 Act sets out the statutory process for the creation of a Combined Authority. A Combined Authority is a public body with its own legal personality created by existing local authorities in an area, but is not a merger of those authorities.
- 3.2 A Combined Authority Order can be made for an area which meets the following conditions:
 - (i) it consists of the whole of two or more council areas in England;
 - (ii) no part of the area is separated from the rest of the Combined Authority by a non-constituent council (e.g. Leicester and Leicestershire could not be a combined authority area with Nottingham City because Nottinghamshire would be between the two areas);
 - (iii) the Combined Authority area does not surround a non-constituent council (e.g. Leicestershire could not form a combined authority without Leicester);
 - (iv) no part of the area is part of another combined authority, economic prosperity board or integrated transport area (this does not apply to non-constituent membership of another combined authority);
 - (v) all parts of the area were included in the scheme prepared and published;
 - (vi) all Councils in the area must consent (including two-tier area, where the County and Districts must agree).
- 3.3 Prior to submitting a proposal to the Secretary of State, Councils must conduct a governance review of their area, prepare a draft scheme meeting the conditions set out in the 2009 Act and then publish and consult on the proposals.

The Cities and Local Government Devolution Bill (the “Bill”)

- 3.4 If passed, the Bill proposes to broaden the scope of powers that it is possible to confer on a combined authority, beyond those related to economic development, strategic planning and transport. It will make it possible for the Secretary of State to transfer functions from an existing public authority (a Minister of the Crown or Government Department, but not a County or District Council) to a combined authority. In addition, the Secretary of State will have power to confer on a combined authority the general power of competence, which the Council enjoys under the Localism Act 2011.
- 3.5 The Bill makes changes to governance structures for combined authorities by enabling the Secretary of State to make a statutory order to 'provide for there to be a mayor for the area of a combined authority'. However, the Minister has explained that this will not be used by the Secretary of State as a condition for agreeing to the transfer of local authority or public authority functions.
- 3.6 At present it is not known what the final changes to the Bill will be and when those changes will be brought into force, however the intention is that the Bill achieves Royal Assent by the end of 2015. The Leicester and Leicestershire Combined Authority Scheme and proposals set out in this report are therefore based on existing legislation, rather than the Bill.

4.0 GOVERNANCE REVIEW AND SCHEME

Governance Review

- 4.1 The Governance Review is an assessment of:
- (i) the effectiveness and efficiency of transport within the review area; and
 - (ii) the effectiveness and efficiency of arrangements to promote economic development and regeneration within the review area.
- 4.2 The Governance Review, attached as Appendix 1 to this report, was undertaken by the Constituent Councils during August and September 2015. The findings of the review are clear that the best governance model to enable economic and transport improvements in the local area is a combined authority.
- 4.3 The benefits of the combined authority model include the provision of a simple means of fully aligning and coordinating transport planning and wider economic development and regeneration, including strategic planning, across a sub-region. This would enable economic development and regeneration and transport initiatives to be aligned, co-ordinated, and delivered swiftly and efficiently by a single body.
- 4.4 The Combined Authority will also enable a shared understanding about Leicester and Leicestershire as a single economic area across the Constituent Councils and will create a strategic framework for economic development and transport which will ensure consistency in local decision making. It will also increase the control and influence of the Constituent Councils across the key drivers of economic growth.
- 4.5 The Governance Review considered alternatives to having a combined authority; for example that the Constituent Councils could continue to work together as they are, or form

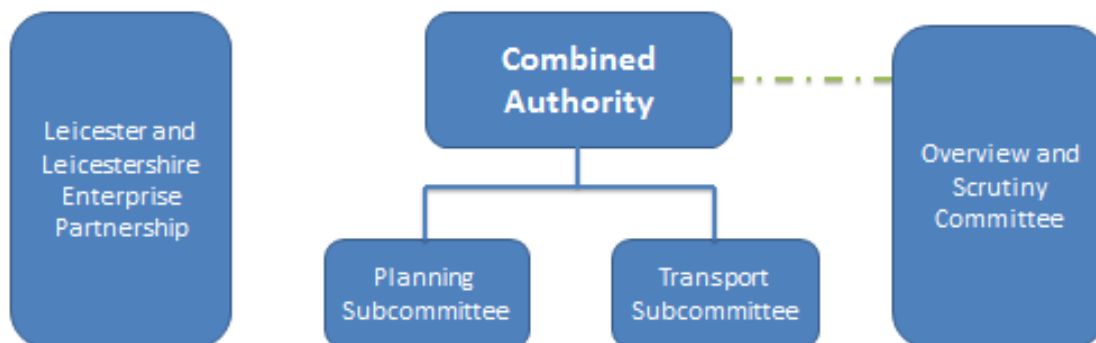
a joint committee, or an economic prosperity board. However, as analysed in the Governance Review, none of these options would give the full benefits of a combined authority. This is shown in the table below:-

Option	Evaluation
Maintain the Status Quo	Maintaining the status quo would mean difficulties in accessing new funding and powers in line with the ambitions of the area. It would leave Leicester and Leicestershire behind other areas and would therefore be likely to have a detrimental impact on the economy of the area in the future. It would not strengthen the governance processes which largely rely on informal arrangements.
Joint Committee	The establishment of a Joint Committee would strengthen the current partnership arrangements and place them on a more formal basis. However, there is a lack of stability and certainty which is unlikely to secure long term funding commitments. In addition, the lack of legal status and financial accountability means that the same difficulties in accessing new funding and powers presented by status quo are likely to be encountered.
Economic Prosperity Board	An Economic Prosperity Board would provide strategic direction and accountability for economic development and regeneration and would ensure that a single formal decision-making body was in place for this. However, strategic transport would not be included in these arrangements, thus greatly limiting the scope for increased effectiveness and efficiency.
Combined Authority	A Combined Authority with devolved funding would create a clear and effective platform for accelerating economic prosperity in Leicester and Leicestershire through the creation of integrated, strategic frameworks to enable the delivery of investment plans for planning, transport and skills.

Draft Scheme

- 4.6 The Scheme is attached as Appendix 2 to this report. It will form the basis for the Order made by the Secretary of State. Part 1 of the Scheme clarifies arrangements relating to membership, voting, and scrutiny.
- 4.7 The Scheme is based on a concurrent powers model with no transfer of existing powers. No Constituent Council is ceding existing functions to the Combined Authority. This is consistent with established and emerging combined authorities.

4.8 The diagram below sets out a proposed governance model for the Combined Authority:-



As the Combined Authority will be a form of local authority in its own right, it will be able to form committees and subcommittees in the same way a Constituent Council would, but could only delegate decisions which the Combined Authority itself could make. The above is a proposed model only and the number and purpose any subcommittees would be subject to agreement between the Constituent Authorities and included in the Combined Authority's Constitution.

4.9 Each of the nine Constituent Councils will appoint a full voting member of the Combined Authority, with the Chair of the LLEP being a non-voting Member.

4.10 Each Constituent Council will appoint elected members to the joint Overview and Scrutiny Committee as are required to achieve political balance across the area of the Combined Authority. Members of the Overview and Scrutiny Committee cannot also be members of the Combined Authority itself, or a member of the Executive of a Constituent Council. Government advises that the Chairman of the Overview and Scrutiny Committee should not be a member of the major political party represented on the Combined Authority. This has been carried through into the current version of the Cities and Local Government Devolution Bill.

4.11 The role of the Overview and Scrutiny Committee will be to review and scrutinise decisions or other actions taken by the Combined Authority, through inviting the relevant members or officers to attend meetings and to make reports or recommendations to the Combined Authority. Further details are included in the Scheme.

4.12 Part 2 of the Scheme sets out the powers and duties of the proposed Combined Authority and gives examples of how it might utilise them. In summary, these are:

- (i) **Planning:** Councils working together to agree a clearer, long-term framework to meet future housing and employment needs for the whole area and identify future growth locations.
- (ii) **Transport:** focussing on long-term investment in road, rail and other public transport infrastructure.

(iii) **Skills:** setting the strategic direction for making improvements in skills and training, to give local people the chance to get better qualifications and employment.

4.13 Following consultation, part 2 of the Scheme has been updated to remove skills devolution from central Government. This is part of the devolution bid that has been submitted and will be pursued separately to the establishment of the Combined Authority.

5.0 CONSULTATION

5.1 Stakeholder and public engagement was undertaken between 21 September and 20 October 2015 to establish the level of support for the Scheme and findings of the Governance Review. This involved a survey of residents, staff and stakeholders, but also included the invitation to submit views by letter or email. The survey was made available on the council website from 21 September 2015. This was accompanied by supporting information which set out the proposals in more detail.

5.2 260 responses were received through the Combined Authority consultation. An analysis of the responses is attached as Appendix 3 to this report.

5.3 There was a high level of support for establishing a Combined Authority with 68.8% of respondents either 'strongly agreeing' or 'tending to agree' that, to enable economic and transport improvements, a combined authority is the best governance model for Leicester and Leicestershire, on the basis that it would avoid duplication and provide value for money. They also commented that it would improve co-ordination between authorities. Those respondents that either 'tended to disagree' or 'strongly disagreed' with the statement expressed concerns about losing local accountability and highlighted the differences between the city and the county.

5.4 There was a similar level of support for the proposed functions of the Combined Authority with 71% of respondents either 'strongly agreeing' or 'tending to agree' that the proposed functions are appropriate, commenting that they are key issues affecting the whole of the Combined Authority area. Just over a fifth of respondents did not support the proposed functions, again expressing concerns that local accountability would be lost.

5.5 The supportive nature of the responses to the consultation enables the Constituent Councils to proceed on the basis set out at the start of the consultation period. However, it will be important for the constitution of the Combined Authority to ensure that local accountability is retained through the new structures. The constitution should also include a process for the resolution of disputes.

5.6 The responses received through the consultation proceed will also feed into the work of the Combined Authority once established.

5.7 Cabinet considered a similar version of this report on 10 November. Draft minutes of that meeting will be circulated to Members prior to this meeting of Council.

6.0 BENEFITS OF A COMBINED AUTHORITY FOR NORTH WEST LEICESTERSHIRE

6.1 In summary, it is officers' view that the following represents the economic case for North West Leicestershire pursuing a Combined Authority:

- (i) The District has prospered in recent times as a result of strong demand for employment land and new housing;
- (ii) The District lies within the 'golden triangle', with exceptional juxtaposition of road, rail and air facilities, making the area very attractive to businesses, particularly in logistics and distribution; and
- (iii) The area is at the heart of the National Forest and provides an exceptional quality of life.

6.2 However:

- (i) Local businesses are struggling to find the right number of employees with the right skills;
- (ii) Local employees are finding it difficult to physically access new jobs;
- (iii) Major economic growth planning is not done most sensibly at district level: the market economy does not respect district boundaries; and
- (iv) National policies and funding are failing to address local skills needs: the system is too slow and does not reflect local need.

6.3 What could a Combined Authority offer to North West Leicestershire?

- (i) Aligned with the Strategic Economic Plan and statutory Local Plans the Strategic Growth Plan will provide certainty over planning and delivery;
- (ii) There would be more coordination and co-operation on the planning of land use, transportation and skills development within a clear decision-making framework;
- (iii) Speaking with a strong, single, collective voice will demonstrate strength and confidence, supporting applications for central government funding;
- (iv) Decisions taken within the Combined Authority would be binding (stronger than the partnership model in place now);
- (v) There will be a formal framework which will assist the assessment of major development proposals – one point of call, one response;
- (vi) Genuinely strategic decision-making which understands 'the bigger picture' and the role of Leicester and Leicestershire within a national and global context;
- (vii) Understanding the bigger picture will allow us to identify the need for a plan for major infrastructure projects;
- (viii) Local business will be able to benefit from consistent support across the wider area and benefit from accelerated growth in the local economy;

- (ix) Environmental assets will be conserved and enhanced creating the 'soft' conditions for high skills, high GVA employment opportunities;
- (x) Understanding demographics across a wider field will help to identify potential new growth sectors (e.g. ageing population and the care industry); matching skills, housing and jobs;
- (xi) Some actions (e.g. major infrastructure) cannot be planned at the local level;
- (xii) We can build skills for the future: target skills funding at growth sectors, the highest value jobs, and at sections of the population that can become more economically active, e.g. women; and
- (xiii) The authority veto would mean that decisions are not made if they are not supported by the 'host' district.

7.0 RESOURCES

- 7.1 Over the last four years, there have been significant reductions in the Government's funding of local authorities. Reductions in local government have been higher than in other parts of the public sector. It is therefore imperative that all future governance models are efficient and reduce duplication and waste wherever possible.
- 7.2 The costs of the Combined Authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration (and any start up costs) will be met by the Constituent Councils. These will be identified in more detail in due course.
- 7.3 The Combined Authority will agree an annual budget for the purpose of this expenditure to enable it to develop and implement the following:
- (i) a joint economic vision for the area of the Combined Authority;
 - (ii) a strategic growth plan looking to 2050 for the area of the Combined Authority;
 - (iii) a strategic asset management plan;
 - (iv) a single strategic transport master plan for the area of the Combined Authority and associated transport infrastructure investment strategy;
 - (v) a long term investment strategy for the Combined Authority area; and
 - (vi) a growth deal framework.
- 7.4 The costs relating to the Combined Authority shall be met by the Constituent Councils. The budget for the Combined Authority will be the subject of further detailed work in consultation with the Section 151 Officers from the Constituent Councils.
- 7.5 The staffing and servicing arrangements for the Combined Authority will need to be agreed between the Constituent Councils, which will be supported by a number of supporting contractual arrangements between those parties. These will need to be negotiated and agreed while the DCLG is considering the draft Scheme and preparing the Order.

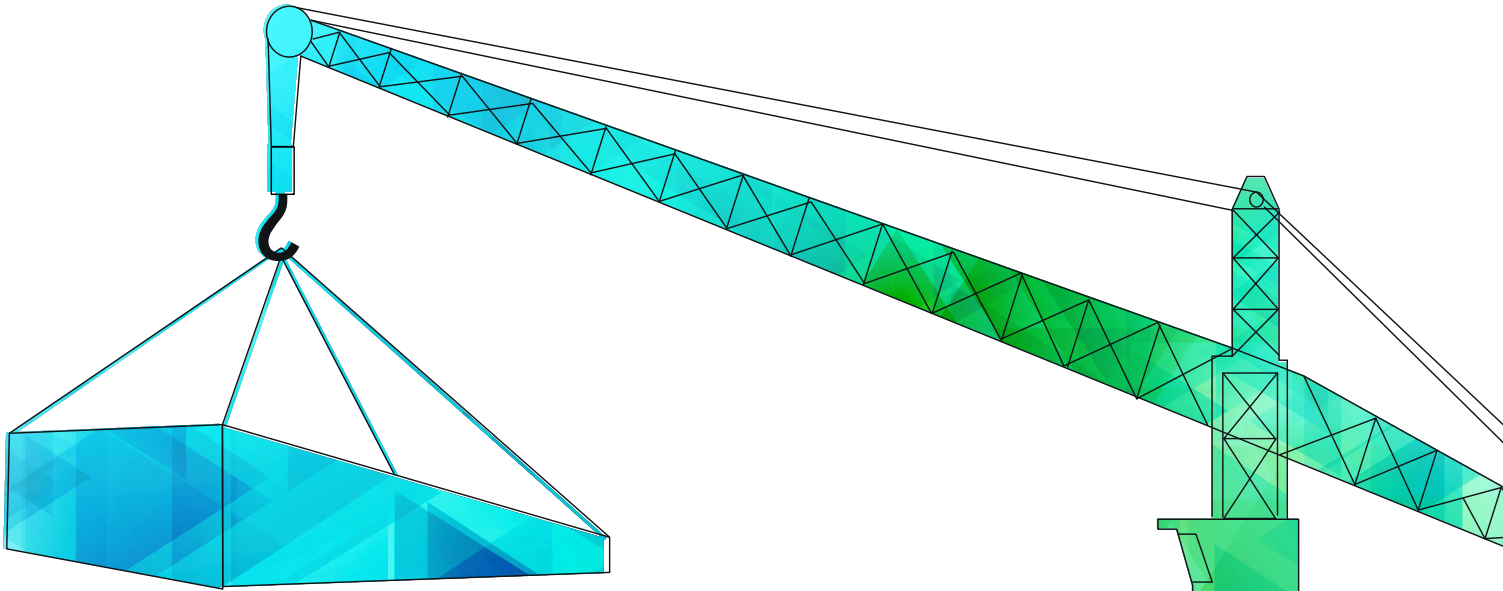
8.0 NEXT STEPS

- 8.1 All Councils in Leicester and Leicestershire are passing a similar form of report through the Executives and full Councils during November and December. The Leicester and Leicestershire Enterprise Partnership Board will be considering the Combined Authority at its meeting on 26 November 2015.
- 8.2 If all Constituent Councils agree, the Governance Review and Scheme will be submitted to the DCLG in December 2015 or January 2016. The DCLG will consider the Scheme and if approved will conduct a second period of consultation and draft an Order to create the Combined Authority, before laying this before Parliament. It is hoped that the Order will be made law in October 2016. Officers will work with the DCLG throughout this process.
- 8.3 In the meantime, officers of the Constituent Councils will work together to agree the practical, legal and operational arrangements for the Combined Authority, expanding upon the governance principles outlined in the Scheme. The documentation will include a full Constitution and Standing Orders for the Combined Authority, agreements between the Constituent Councils in relation to resourcing the Combined Authority and any other necessary arrangements.

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Leicester Leicestershire

Delivering Growth Together

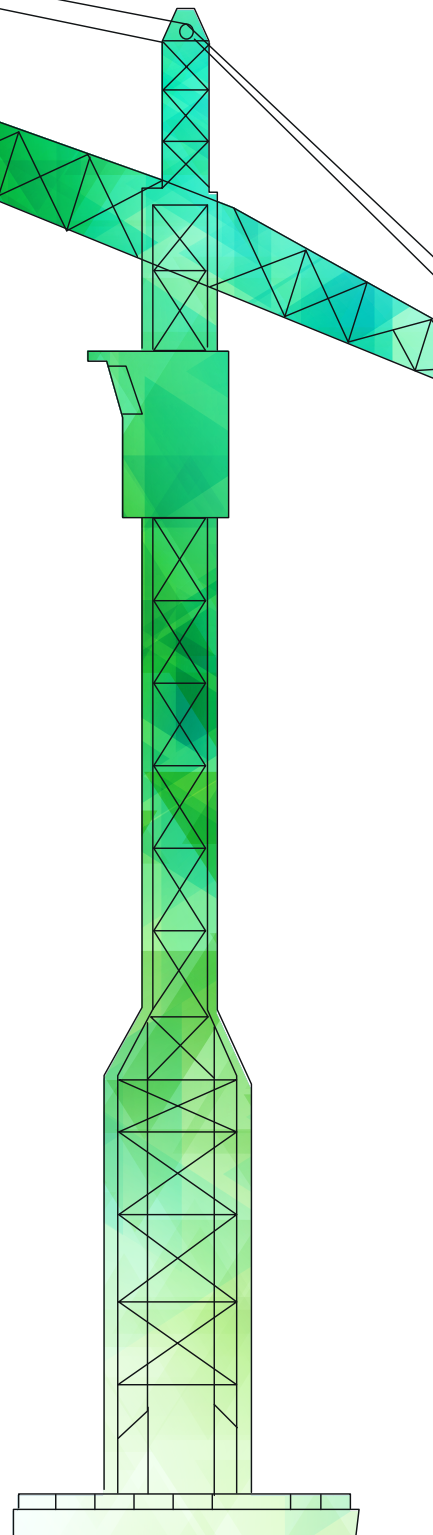


Draft Governance Review

for the Leicester and Leicestershire
Combined Authority



for consultation purposes



1. Introduction

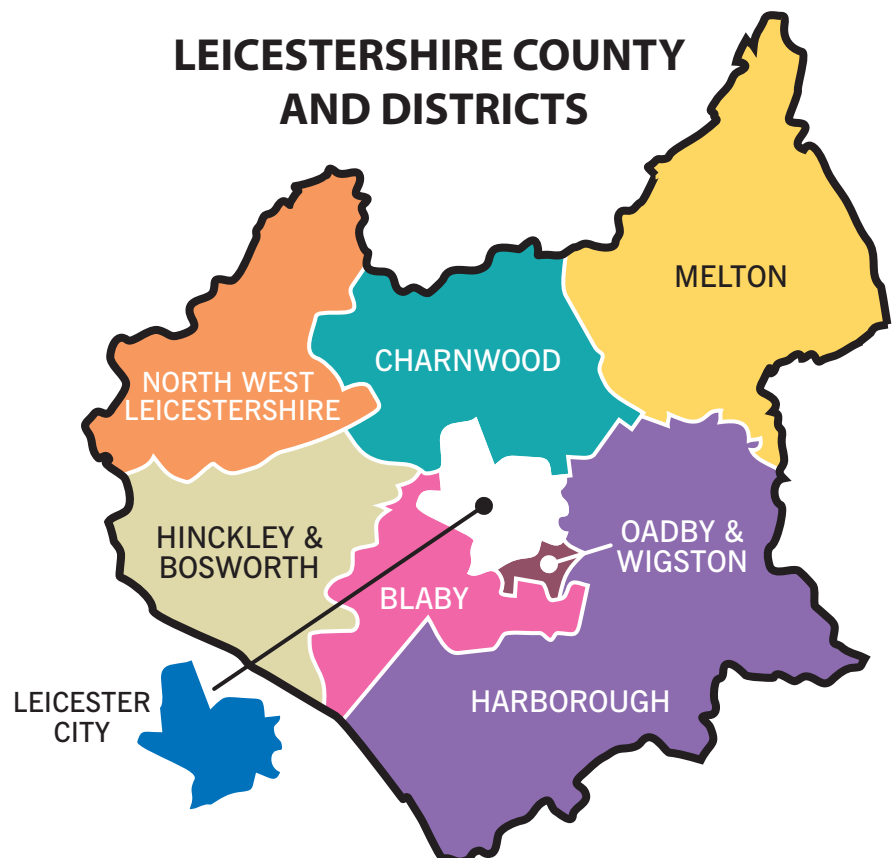
On 25 June 2015 the Leaders of Leicester and Leicestershire's nine local authorities met as the Economic Growth Board for Leicester and Leicestershire and agreed proposals to review their governance arrangements in order to deliver their ambitious plans for growth in Leicester and Leicestershire.

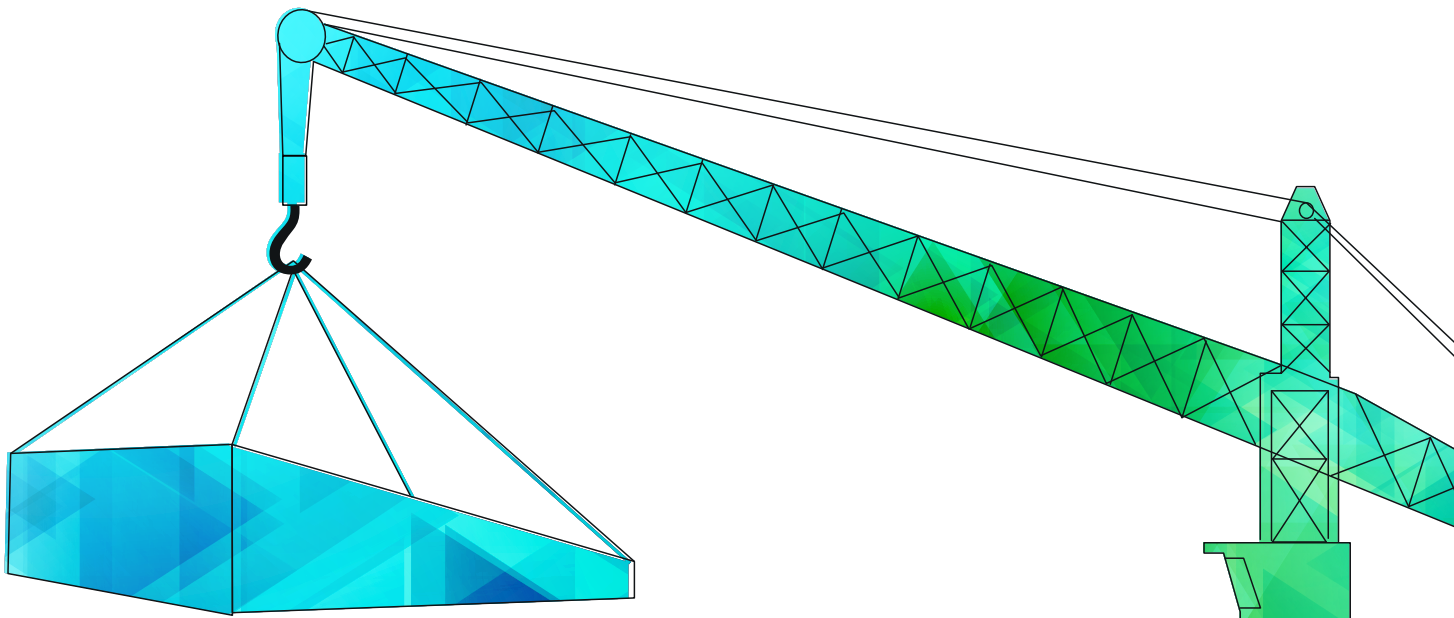
This document details the findings of the governance review undertaken in accordance with Section 108 of the Local Democracy, Economic Development and Construction Act 2009, to review the effectiveness and efficiency of transport within the area and the arrangements to promote economic development and regeneration. The review aims to identify the most effective way in which policy and strategy on these major functions can be joined up across geographical boundaries. It has included consideration as to whether a Combined Authority or Economic Prosperity Board would be most likely to improve the overall economic conditions in Leicester and Leicestershire.

A period of consultation will be undertaken before a final decision is made by the nine local authorities regarding the governance model.

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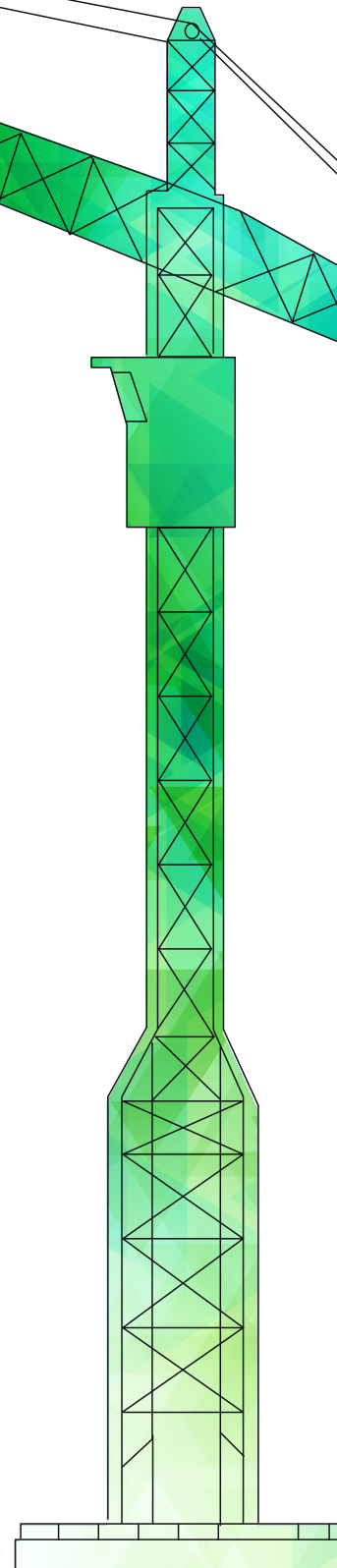
2. Executive Summary

The Governance Review has found that Leicester and Leicestershire functions as an integrated economic area. There are significant interdependencies between the City and the County. There are strong relationships with neighbouring areas. Partnership working on initiatives such as the Growth Deal and Enterprise Zones has further strengthened Leicester and Leicestershire as a functional economic area. Our partnership working has a strong track record that can be built on.

The case for change is compelling. There are a number of limitations within the current arrangements, largely relating to the lack of a single, formally constituted body responsible for taking decisions about economic growth and strategic transport, which has led to problems such as lack of clarity, duplication and inefficiency of decision making. The Review also concluded that the current arrangements inhibited long term strategic decision making and that they were not sufficient to support the ambitions of the area. A simpler, less cumbersome governance arrangement is needed to address the challenges that Leicester and Leicestershire will face in the future, as well as providing greater transparency and accountability.

The financial position facing local authorities should not be overlooked. Over the last four years, there have been significant reductions in the Government's funding of local authorities. Reductions in local government have been higher than in other parts of the public sector. It is therefore imperative that all future governance models are efficient and reduce duplication and waste wherever possible.

The Review finds that a Combined Authority is the best option for providing robust governance across Leicester and Leicestershire. It will act as a clear and effective platform for accelerating economic prosperity in Leicester and Leicestershire through the creation of integrated, strategic frameworks to enable the delivery of investment plans for planning, transport and skills.



3. Methodology for the Governance Review

The governance review has comprised the following:-

- A review of the economic evidence in order to assess the effectiveness of current arrangements (August 2015 – October 2015);
- Desk research of possible future governance structures and an analysis of their advantages (August 2015);
- Stakeholder engagement on the draft review (September – October 2015);
- Final version submitted to the constituent councils for approval (November – December 2015).

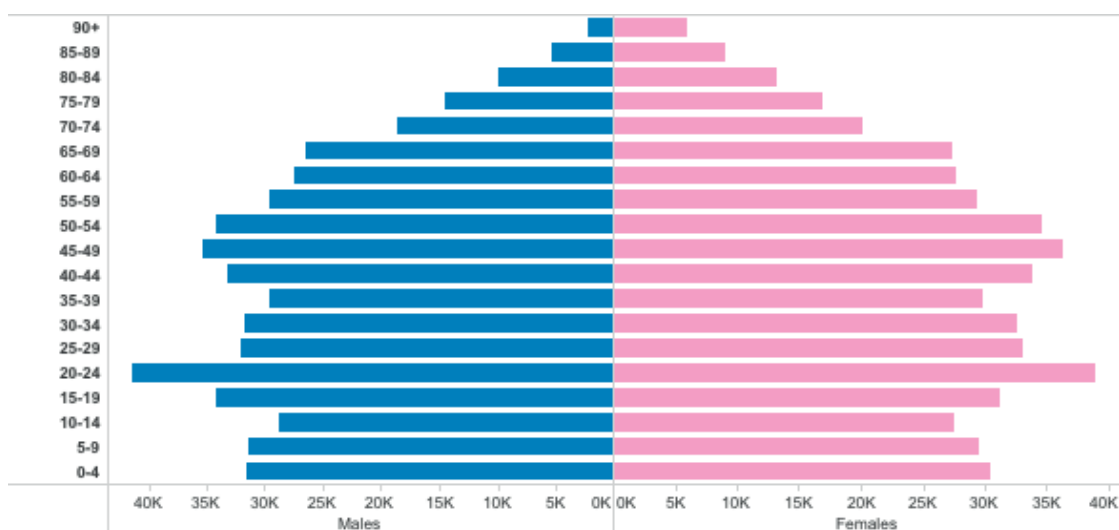
4. Review of Economic Evidence

The full economic review is available as part of the Strategic Economic Plan and can be accessed via www.llep.org.uk/strategies-and-plans/our-strategic-economic-plan-sep/

(a) Workforce Information

The total population of the combined authority area in 2014 was 1,005,600 people of which, 644,700 were of working age (16-64).¹ The population pyramid below shows the total population of the combined authority area by sex and quinary age band.

Figure 1 - Mid-2014 population estimate by sex and quinary age band, combined authority area



Source: Office for National Statistics, 2015.

¹2014 mid-year population estimates, Office for National Statistics. Available online: <http://www.ons.gov.uk/ons/rel/pop-estimate/population-estimates-for-uk--england-and-wales--scotland-and-northern-ireland/mid-2014/rft---mid-2014-uk-population-estimates.zip>

Of the 386,600 resident working age population in employment in the combined authority area², 134,400 (35 percent) worked in Leicester City, followed by Charnwood with 46,800 (12 percent) and Blaby with 38,200 (10 percent). Overall, 326,100 people (84 percent) lived and worked in the combined authority area, while 60,400 (16 percent) lived in the area but travelled outside for work. Of these, 4,400 people travelled to work in Nottingham, while 4,300 commuted to Coventry (both 1 percent). This in itself demonstrates a high level of labour market self-containment, with such a high percentage of people both living and working in the combined authority area.

A total of 64,100 people of working age in employment at the time of the 2011 Census lived outside the combined authority area and travelled into the area for employment, meaning that the area has a small positive net commuting figure (approximately 4,300 people). Of the people travelling into the area for employment, 18,400 people (29 percent) travelled to North West Leicestershire, while 11,300 (18 percent) travelled to Leicester City. The largest number of employees travelled into the area from South Derbyshire (5,200 employees, 8 percent), followed by Nuneaton and Bedworth (4,800 employees, 8 percent) and Rushcliffe (4,000 employees, 7 percent).

In the combined area in the year to December 2014, there were 460,700 people (73 percent of the 16-64 population) with NVQ Level 2 equivalent qualifications³ and above in the combined authority area⁴. This is compared with 71 percent for the East Midlands and 73 percent for Great Britain. The rate for the combined authority area has increased gradually since 2004, when it stood at 60 percent; this has been broadly consistent with the region and national pattern. In comparison, there were 209,100 people (33 percent) with NVQ Level 4 equivalent qualifications⁵ and above in the area, compared with 31 percent for the East Midlands and 36 percent for Great Britain. This rate has increased gradually from 24 percent in 2004 and has increased at a similar rate as the region and national rates. Whilst the change has been broadly consistent with the regional rate, it has lagged slightly behind the national rate.

Finally, in the year to 2014, there were 50,300 people (8 percent) with no qualifications in the combined authority area, compared with 9 percent for both the East Midlands and Great Britain. This rate had fallen steadily since 2004, when it stood at 18 percent. Historically, the rate for the combined authority area has been marginally higher than the regional and national rate, however in 2014; the percent of working age population with no qualifications in the combined authority area dropped below both for the first time since 2004. It is also worth noting that the proportion of the Leicester City population with 'other' qualifications (9.5 percent) is significantly higher than the regional (6 percent) and national (6.2) percent.

The 2015 LLEP Business Survey⁶ noted that a quarter of all employers (25 percent) had experienced difficulties in recruiting staff in the last 12 months, rising to 39 percent of those that have recruited. A lack of the right skills in applicants was the most significant cause of recruitment difficulties (39 percent of those experiencing recruitment difficulties) followed by a lack of the required character traits, and a lack of work experience (24 percent and 22 percent respectively). Overall, 15 percent of all employers report skills shortage vacancies. This increased to 30 percent of businesses with 10-49 employees and 43 percent of businesses with over 200 employees. Skills shortage vacancies were higher than average in the manufacturing sector (22 percent, compared with 15 percent).

Nearly half of all employers (47 percent) have arranged or funded training for employees in the last 12 months. A third of all employers (31 percent) have arranged or funded off-the-job training, while a higher proportion than this (37 percent) have arranged or funded on-the-job or informal training. The majority

²2011 Census, Office for National Statistics. Available online: <https://www.nomisweb.co.uk/census/2011/wu01uk>

³GCSE grades A*-C, NVQ level 2 or equivalent

⁴ONS Annual Population Survey, 2015. Available online: www.nomisweb.co.uk/reports/lmp/lep/1925185552/report.aspx#tabquals

⁵Certificate of higher education, NVQ level 4 or equivalent

⁶Leicester and Leicestershire Business Survey 2015, BMG Research, LLEP. Available online: www.llep.org.uk/our-economy/research-reports/business-survey/

of employers that have not trained cite a lack of need amongst their staff. More than half of all employers (57 percent) plan to train or up-skill their staff in the next 12 months. This proportion increases with business size and includes all businesses with 200+ employees.

(b) Summary of the Local Economy

Leicester and Leicestershire together make up the largest economy in the East Midlands. It is central to the prosperity of the Midlands as it is worth £19.4 billion per year, providing 435,000 jobs and hosting 33,000 trading businesses, many of which are in the manufacturing and logistics sectors.

As highlighted above, Leicester and Leicestershire function as an integrated economic area in terms of travel-to-work patterns, in addition to retail and cultural catchments and transport links. Although it has strong relationships with neighbouring counties, the economic interdependencies and unique transport infrastructure and needs across Leicester and Leicestershire serve to make it a separate economic area.

The area benefits from a diverse industrial structure and is not dependent on the fortunes of any one sector or employer.

Although the service sector has grown in significance over the last 20 years, the economy was built upon a strong manufacturing base which remains a distinctive feature, accounting for the highest number of jobs in the area. The area also benefits from an excellent strategic location at the heart of the UK road and rail network and has the second largest freight handling airport in the UK, reflected in the high numbers of employees in logistical sectors. The table below shows the top ten employment sectors locally in terms of total number of jobs.

Figure 2 - Top ten LLEP area employment sector total (jobs), 2014⁷.

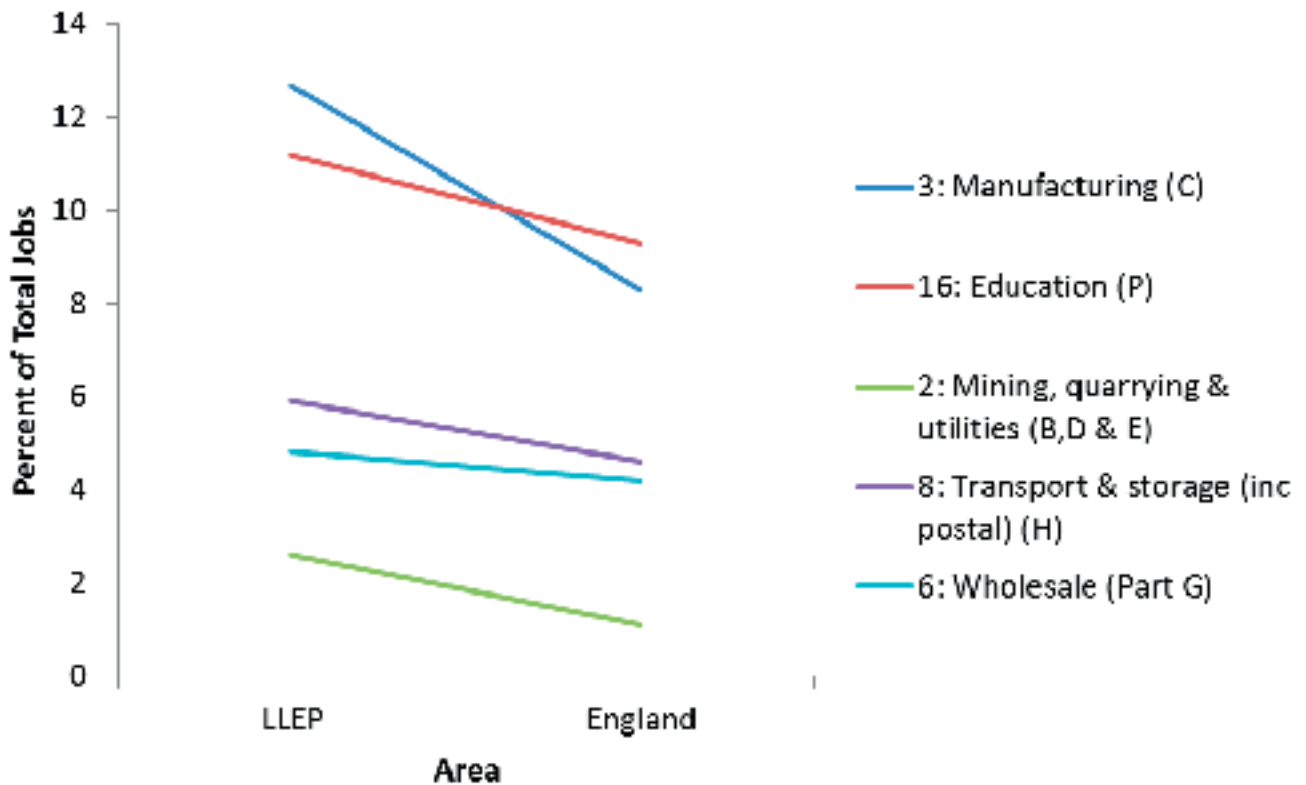
Standard Industrial Classification (SIC)	Employees
Manufacturing (C)	55,800
Education (P)	49,400
Health (Q)	49,400
Retail (Part G)	40,300
Business admin & support services (N)	37,000
Professional, scientific & technical (M)	35,800
Transport & storage (inc. postal) (H)	25,800
Accommodation & food services (I)	24,100
Wholesale (Part G)	21,000
Arts, entertainment, recreation etc (R-U)	19,500

Source: BRES, Office for National Statistics, 2015.

⁷Business Register and Employment Survey (BRES), 2015. Available online: https://public.tableausoftware.com/views/BRESData/BRESDashboard?:embed=y&:display_count=no:showVizHome=no

The combined authority area significantly out performs the national share in various areas. The chart below shows the top five employment sectors that are more important locally than nationally (in terms of the difference between the percentage rates for the combined area and England).

Figure 3 - Top five LLEP area employment sectors by percentage point difference from England, 2014.



Source: BRES, Office for National Statistics, 2015.

The above table and chart demonstrate the importance of the Manufacturing and Transport and Storage sectors in terms of local employment and also shows a relatively high dependency on public sector related employment (specifically Health and Education) which is especially marked in Leicester City, where almost two in every five jobs (38.1 percent) are in public sector related employment (Public Administration and Defence, Health and Education).

Leicestershire is a desirable location for the Logistics and Distribution sector, as noted in the corresponding LLEP Sector Growth Plan⁸. The East Midlands has the largest combined floor space and the largest mean size of warehouse floor spare of any region, housing 20 percent of the national total. The combined authority area is home to 46,800 jobs in the sector; over 2 percent of the total sector jobs in England. The sector constitutes 11 percent of all jobs in Leicester City and Leicestershire, almost 2 percentage points higher than England as a whole. While this figure is higher for Leicestershire (13 percent), it is much lower for Leicester City (6.5 percent). This is most likely a reflection of land availability - given the county's larger area - as well as proximity to major transport links such as the M1, M42 and M69 motorways and East Midlands Airport.

⁸LLEP, June 2014. Available online: www.llep.org.uk/content/uploads/2015/07/LLEP-Logistics-Distribution-Sector-Growth-Plan.pdf

It is also interesting to note those sectors where Leicester and Leicestershire have employment shares that are below the national levels. These include sectors which are associated with above average earnings and make a high contribution to GVA (Gross Value Added) including:

- Information and communications (-2 percentage points), especially in Leicester City (-4.1);
- Finance and insurance (-1.7);
- Property (-0.6); and
- Professional, scientific and technical sectors (-0.3).

The Professional and Financial Services Sector is a part of the economy that is of interest to the combined authority area given its higher GVA, as mentioned above. Analysis of sector structure indicates that there is a slightly lower proportion of professional and financial sector employment than is the case nationally (10 percent compared to 11 percent for England). It is important to close this gap to provide a more resilient platform for growth and generate higher workplace earnings that will help to underpin service sector growth. The overall figure for the area disguises the fact that the share of jobs within Leicester City is particularly low (6 percent) when compared to the county (12 percent) and national (11 percent) figures. Within the county, while a number of areas lag behind the share at a national level, Head Office and Management Consultancy activities (group 70) boast a share 2 percentage points higher than England. The presence of three major universities each with their own area of distinct expertise provides Leicester and Leicestershire with an excellent opportunity to build a stronger knowledge economy. In addition the universities are hosts to a number of national centres.

Further Information

A more detailed breakdown of employment figures for the combined authority area can be found at the link below:

https://public.tableau.com/views/BRESData/BRESDashboard?:embed=y&:display_count=no:showVizHome=no

The LLEP has recently published eight 'sector growth plans' (including a focus on; Textiles; Advanced Manufacturing and Engineering; Low Carbon; Food and Drink Manufacturing; Tourism and Hospitality) that will help shape and focus future funding and investment programmes to support economic growth and development in Leicester and Leicestershire.

Between 2009 and 2014, the number of people in employment increased from 428,300 to 441,200, an increase of 12,900 (2 percent), higher than the increase for the East Midlands as a whole (2 percent), but lower than the increase for England (5 percent). The unemployment rate in Leicester City has been above the national average for many years and there are some pockets of higher than average unemployment in Leicestershire (especially in Coalville and Loughborough).

Further Information

A more detailed breakdown of the unemployment data for the combined authority area can be found at the link below:

https://public.tableausoftware.com/views/UnemploymentBulletin/HeadlineData?:embed=y&:display_count=no:showVizHome=no#

The area faces substantial future demographic changes which will require the provision of substantial numbers of additional homes. Housing needs up to 2028 have been agreed by the nine local authorities in a memorandum of understanding, and work is underway to consider housing requirements beyond then as part of the preparation of a Strategic Growth Plan looking to 2050. A key aspect of this exercise will be to consider an appropriate spatial distribution of new housing which will support economic growth and which can be supported by appropriate infrastructure provision.

(c) Summary of Transport Evidence

There are two highway authorities delivering transportation services within the area: Leicestershire County Council and Leicester City Council. The nine local authorities in Leicester and Leicestershire are collaborating to produce strategic transport evidence looking to 2031. This will inform local planning and set the baseline for strategic planning to 2051.

The transport network is expected to see a 20% growth in traffic over the next 15 years. This could present a substantial barrier to growth if not tackled through a range of major transport initiatives and smaller scale integrated transport interventions. Leicester City

Council and Leicestershire County Council have worked closely together to deliver major corridor improvements and a very successful Local Sustainable Transport Fund (LSTF) programme. In the short to medium term, a further programme of corridor schemes and targeted smaller scale interventions, including proposed LSTF initiatives, will be required to help to manage the existing transport network effectively and prevent city development and growth across the urban area being frustrated. In addition, measures will be required to ensure Leicester can continue to have effective access to the Strategic Road and Rail Network, including the M1, M69, A5 and Midland Mainline and HS2.

With regard to the Strategic Rail Network, the two transport authorities, the LLEP and North West Leicestershire District Council are undertaking work to determine the future rail provision up to 2050. This links to the work on HS2 and Midlands Connect.

(d) Summary of Economic Successes through the LLEP

The Leicester and Leicestershire Enterprise Partnership (LLEP) has the full support and commitment of its public, private and voluntary sector partners and has built a strong spirit of partnership and sense of common purpose. It has a strong track record and is well placed to deliver at pace and provide value for money. Significant successes have already been achieved, including:-

- MIRA (located in Hinckley and Bosworth) has attracted the likes of Ashok Leyland and Bosch and created over 250 jobs;
- investing the Growing Places Fund to unlock the development of thousands of new homes and employment land and secure the location of Formula E (electric motorcar racing) to new international headquarters at Donington Park in North West Leicestershire;
- the City Mayor's Economic Action Plan which is investing over £60m in a range of regeneration, business support and skills programmes to transform Leicester's economy, and the County Council's Enabling Growth Plan which is investing £38m in activities to boost the county economy;
- securing £100m local growth funding to support development in infrastructure, including faster broadband, connectivity and skills, as well as £111m European Structural and Investment Funds to enable investment in 'place, people and business';
- through the City Deal, creating a flagship Business Growth Hub and running one of the most successful business grant programmes in the country; supporting the development of Loughborough University Science and Enterprise Parks and establishing the Leicester and Leicestershire to Work Programme;
- improving the Leicester North West (A50) transport corridor to facilitate mixed use urban extension in the regeneration area and mitigate the impacts of growth in the Coalville area and reduce congestion;
- the development of the Leicester and Leicestershire Integrated Transport Model (LLITM). Working in partnership with relevant authorities such as Highways England and the local planning authorities, LLITM has been successfully used to provide the evidence needed to underpin two adopted core strategies (Blaby and Harborough) and to underpin bids to secure over £25m to deliver schemes in Loughborough, Coalville, Leicester and Hinckley. Through the Strategic Planning Group LLITM is also being used to inform future strategic spatial planning beyond the current timeframe for core strategies (i.e. 2030 and beyond to 2050);
- the recent commencement of work on the Strategic Growth Plan to 2050, providing a longer term spatial strategy for Leicester and Leicestershire beyond the current planned growth (which extends to 2031). To lead this work, a Joint Strategic Planning Manager (funded by all Leicestershire Districts, the City Council, the County Council and the LLEP) has been appointed.

(e) Risks to the Economy

The following risks have been identified:-

- lack of suitable land for the most land intensive priority employment sectors (logistics and manufacturing);
- poor quality public realm and derelict sites requiring land assembly and infrastructure;
- inadequate transport infrastructure causing congestion and resulting in increased business costs;
- 70% SMEs have growth plans but need support;
- recruitment difficulties and skills shortages in key sectors and insufficient young people attracted to careers in sectors such as engineering, manufacturing and logistics.
- Lack of integration between growth and transport, which is necessary in order to shape the location of sites for employment and housing, particularly post 2031.

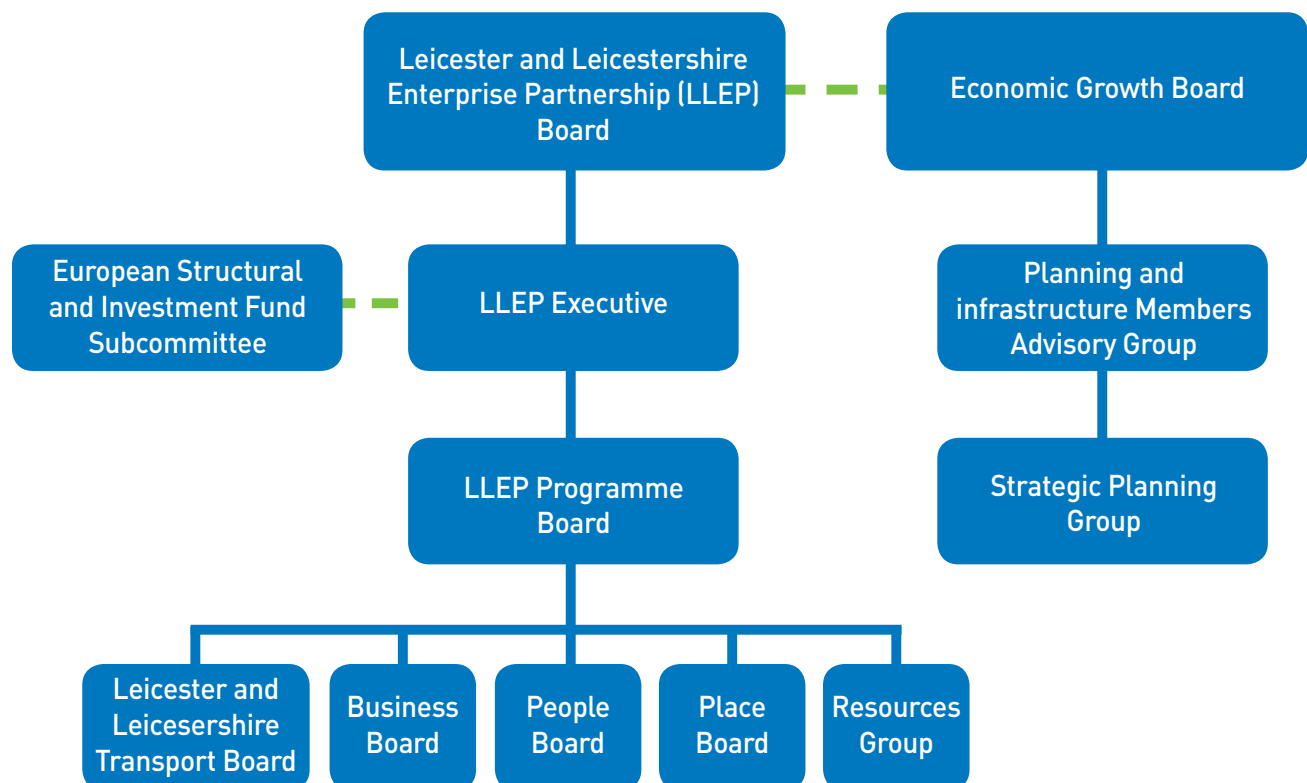
5. Current Strategic Governance Arrangements

The City of Leicester sits at the heart of the county and is governed by a unitary city council which has been managed under the directly elected mayor model of governance since 2011. The surrounding county is managed through a two-tier form of local government, with a county council and seven district councils. The Leicester and Leicestershire Enterprise Partnership (LLEP) operates co-terminously with the city and county boundary.

All nine councils in Leicester and Leicestershire have a strong commitment to joint working with business and other partner organisations to deliver economic growth. There are numerous examples of effective partnership working, particularly through the LLEP which has a strong track record of delivery.

(a) Existing Arrangements to Promote Economic Development and Regeneration

The diagram below summaries the current governance arrangements for the delivery of economic development and growth, as set out in the LLEP’s Strategic Economic Plan.



Strategic governance of the programme for economic development and growth is provided through the Economic Growth Board and the LLEP Board. To ensure alignment between these two Boards, there is a degree of shared membership, with the Chairman of the LLEP sitting on the Economic Growth Board in an observer capacity and four local authority Leaders who are members of the Economic Growth Board sitting on the LLEP Board.

The remit of each of the above bodies involved in economic development and regeneration is set out below, along with some other bodies that are not part of this structure but contribute to this area of work:-

(i) Economic Growth Board for Leicester and Leicestershire

The Economic Growth Board provides strategic oversight of economic development delivery by the local authorities. It informs objectives and prioritisation for investment programmes and the management of pooled local authority resources to support the projects outlined in the LLEP's Strategic Economic Plan.

The Economic Growth Board is comprised of the City Mayor, the County Council Leader and the seven District Council Leaders. The Chairman of the LLEP also attends the Board in an observer capacity.

(ii) Planning and Infrastructure Members Advisory Group

The purpose of the Members Advisory Group is to oversee strategic land-use planning work in Leicester and Leicestershire and support fulfilment of the Duty to Co-operate, as required by the Localism Act 2011 and the National Planning Policy Framework March 2012, which states that Local Planning Authorities, when preparing a development plan document such as a Local Plan must demonstrate effective and collaborative working.

The Member Advisory Group delivers its role through:-

- facilitating the sustainable growth of Leicester and Leicestershire by assisting in the discharge of the statutory Duty to Cooperate (section 110 of the Localism Act 2011) and advising on the preparation of the Strategic Growth Plan;
- providing Member-level advice to the Strategic Planning Group (the officer-level group tasked with preparing a non-statutory Strategic Growth Plan for consideration by Members) on all matters relating to the preparation of the Plan including its nature, form, content and programme;
- conveying the views held by constituent authorities on matters relevant to a non-statutory Strategic Growth Plan and have regard to the aspirations of the wider stakeholder group in the preparation of the Plan including matters relating to the Combined Authority proposal and the refresh of the Strategic Economic Plan prepared by the LLEP;
- ensuring that the preparation of a non-statutory Strategic Growth Plan fully integrates with existing or emerging spatial provisions of all up-to-date, National Planning Policy Framework (NPPF) compliant local plans across the Leicester and Leicestershire area in every strategic and spatial interest of acknowledged importance.

The membership comprises the City Mayor, Planning Portfolio Holders and District Leaders, the County Council's Lead Member for Highways also attends. This is currently an informal group without any decision making powers.

(iii) Strategic Planning Group

The Strategic Planning Group is an officer group which steers and manages strategic planning collaboration and co-operation across Leicester and Leicestershire. It is chaired by a District Council Chief Executive and comprises senior council officers and officers from the Homes and Communities Agency. It is supported by the newly appointed Joint Strategic Planning Manager.

(iv) Leicester and Leicestershire Enterprise Partnership (LLEP) Board

The Leicester and Leicestershire Enterprise Partnership (LLEP) was formed in May 2011. It is a strategic body led by a Board made up of 15 local government and business leaders as well as senior education and third (voluntary) sector representatives. It is chaired by a leading business representative. The local government representatives are elected members.

The LLEP's vision is to "Create a vibrant, attractive and distinctive place with highly skilled people making Leicester and Leicestershire the destination of choice for successful businesses."

Its aim, by 2020, is to have:

- Created 45,000 new jobs;
- Leveraged £2.5bn of private investment;
- Increased GVA (Gross Value Added) by £4bn from £19bn to £23bn.

It will do this by driving forward regeneration and growth of the local economy, by:

- Working with Government to set out key investment priorities for Leicester and Leicestershire;
- Engaging with business, local authorities, Higher Education, Further Education, the voluntary sector and other stakeholders;
- Facilitating local partnership working and relations with national Government
- Influencing national Government economic policy and spending;
- Investing LLEP funding and aligning partner resources;
- Through its investments, influence and activities ensure positive outcomes for the local economy.

(v) LLEP Executive

The LLEP Executive Group is an officer group which ensures implementation of the Board's strategic priorities, programmes and projects, including oversight of the development of the City Deal, European Structural and Investment Fund (ESIF) Strategy and the LLEP's Strategic Economic Plan. It also provides advice to the Board and surety that resources are being managed effectively.

Membership of the LLEP Executive comprises the LLEP Director (Chairman of the Executive), senior local authority officers, senior Higher Education, Further Education, third sector representation and a business

representative nominated by the Business Council, an umbrella organisation for business organisations, with appropriate officer input from national Government.

(vi) LLEP Programme Board

The Programme Board has only recently been established through the Local Assurance Framework. It reports to the LLEP Board and has the following purpose:-

- To maintain the integrity of the LLEP Programme, as defined by the Strategic Operational Plan of the LLEP, which considers projects in relation to the Strategic Economic Plan;
- To agree with the Resources Group on particular routes to funding for the programme, in line with the LLEP finance strategy;
- To make recommendations to the LLEP Board on projects and programmes to approve for funding;
- To oversee the quality of business cases required for project approvals;
- To ensure the integrity of the wider Local Assurance Framework process.

Membership comprises both private sector and public sector member and officer representatives with a private sector chair.

(vii) People Board

The People Board supersedes the former Employment and Skills Board and is responsible for:

- Overseeing the development and review of the People Chapter of the Strategic Economic Plan (SEP) and leading the strategy and direction for skills development and employment support;
- Overseeing and co-ordinating the delivery of key projects and programmes
- Providing delivery assurance to the LLEP Executive of the delivery of projects and programmes;
- Making recommendations to and advising the LLEP Executive and Board about future investment opportunities;
- Directing and managing individual project boards and teams;
- Managing risks and issues, escalating to the LLEP Executive where appropriate;
- Engaging stakeholders in the development and review of the SEP and delivery of programmes.

Membership comprises senior local authority officers and representatives of Higher Education, Further Education, the third sector, business and the Department for Work and Pensions

(viii) Business Board

The Business Board is accountable to the LLEP Executive and is responsible for

- Overseeing the development and review of the Business Chapter of the SEP and leading the strategy and direction for business support and innovation;
- Overseeing and co-ordinating the delivery of key projects and programmes including the Growth Deal and ESIF programmes;
- Providing delivery assurance to the LLEP Executive of the delivery of projects and programmes;
- Making recommendations to and advising the LLEP Executive and Board about future investment opportunities;
- Directing and managing individual project boards and teams;
- Managing risks and issues, escalating to the Executive where appropriate;
- Engaging stakeholders in the development and review of the SEP and delivery of programmes.

Membership comprises senior local authority officers, senior Higher Education, Further Education, and third sector representation and business representatives.

(ix) Place Board

The Place Board is accountable to the LLEP Executive and is responsible for:

- (i) Overseeing the development and review of the Place Chapter of the Strategic Economic Plan (SEP) and leading the strategy and direction for physical infrastructure to support growth:

LLEP Strategic Economic Plan 2014 – 2020

- Growth Areas
- Leicester Urban Area;
- East Midlands Enterprise Gateway;
- Coalville Growth Corridor;
- Loughborough;
- South West Leicestershire.

Transformational Priorities

- Leicester Launchpad;
- East Midlands Gateway Strategic Rail Freight Interchange;
- Loughborough University Science and Enterprise Parks;
- MIRA Technology Park Enterprise Zone.

Growth Programmes

- Market Towns and Rural Leicestershire;
- Infrastructure, Workspace and Cultural Development.

(ii) Overseeing and co-ordinating the delivery of key projects and programmes including the Growth Deal and EU Structural Investment Funds (ESIF) programmes;

(iii) Providing delivery assurance to the Executive of the delivery of projects and programmes;

(iv) Making recommendations to and advising the LLEP Executive and Board about future investment opportunities;

(v) Directing and managing individual project boards and teams;

(vi) Managing risks and issues, escalating to the Executive where appropriate; and

(vii) Engaging stakeholders in the development and review of the SEP and delivery of programmes.

Membership comprises officers from the nine local authorities in Leicester and Leicestershire, the Homes and Communities Agency and the LLEP.

(x) Resources Group

The Resources group is accountable for the funding the LLEP receives from Central Government. It also manages the LLEP's own budget and distributes funds as appropriate.

Membership comprises officers from the LLEP and from the nine local authorities in Leicester and Leicestershire.

(xi) European Structural and Investment Funds (ESIF) Sub-committee

The ESIF Committee governs the LLEP's ESIF programme. The Committee comprises business partners and representatives from the voluntary and public sectors. Public sector representatives include both elected members and officers.

(b) Arrangements to Ensure the Effectiveness and Efficiency of Transport within the Area

(i) Leicester and Leicestershire Transport Board (LLTB)

The LLTB was established in response to the national Government's intention to devolve funding for local major transport schemes to Local Transport Bodies from 2015. Its primary role is to decide which transport investments should be prioritised, to review and approve individual business cases for those investments, and to ensure effective delivery of the programme. Its role is to ensure value for money and sound decision making.

The LLTB pre-dates the LLEP but has been integrated into the LLEP substructure and is currently overseen by the LLEP Programme Board. It is a voluntary partnership between the Leicester and Leicestershire Enterprise Partnership and elected members from Leicester City Council and Leicestershire County Council. A Leicestershire District Council member has also been invited to join the Board, but in a non-voting advisory capacity.

6. Limitations of the Current Arrangements

The current partnership arrangements described above have delivered a significant number of development and growth projects - 5000 new jobs and support to the growth of 3000 new businesses across the city and county - within the last three years. An effective framework has been developed to manage and commission the £100m Local Growth Fund which will unlock a further £160m of investment and create at least a further 2500 jobs and 1300 homes.

However, the current partnership arrangements have a number of constraints, namely:-

- There is no single formally constituted body with responsibility for taking decisions related to strategic economic growth and strategic transport across the sub-region. This has led to a lack of clarity about decision making processes and responsibilities.
- The current bodies that are in place are voluntary and rely on good relations between partners and a mutual interest in working collaboratively.
- As none of the current bodies are formally constituted, it has not been possible for any of the constituent authorities to delegate powers to them. This means that any decisions related to economic growth and transport need to be taken by all the relevant local authorities. This results in longer decision making timescales, duplication of effort and a lack of transparency leading to a potential for confusion.
- The current governance arrangements are not sufficient for the ambitions of the area in terms of long term funding commitments for transport investment, devolution of funding and the ability to commission skills programmes locally and enhanced funding and finance powers through the establishment of new enterprise zones to help deliver priority growth areas.
- As there is no single entity with responsibility for taking strategic decisions on spatial planning and transport at a sub-regional level, there is no straightforward mechanism for coherent long term strategic planning decisions to be made collectively by all local authorities about the future direction of growth, including distribution of employment and housing land in the city and county and key

infrastructure investment. Similarly, there is no cohesive long term approach to strategic transport planning which is a distinct function. It also inhibits shared understanding about the sub-region as a single economic area and a risk that each council acting alone will have limited control or influence over the key drivers of economic growth. This is particularly important in the case of developing relationships with neighbouring LEPs and Housing Market Areas.

- There is no vehicle to provide a single, coherent response to major, national infrastructure investments such as strategic road and rail projects.
- There is no arrangement for binding decisions on strategic land use planning to be taken collectively. This will not give investors, central government and other agencies assurance and confidence in the deliverability of the sub-region's plans for economic growth. There is also no single mechanism for discussing strategic planning and infrastructure with adjacent local authority areas.
- The skills agenda is not at the forefront of current arrangements and existing governance structures have not prioritised it. There is no single, strategic commissioning body to drive and deliver locally-led solutions to improve the delivery of skills training and development.

7. Case for Change

The nine local authorities of Leicester and Leicestershire firmly believe that they can build upon their successes by strengthening and formalising partnership arrangements. In particular, this would allow them to work more closely together with Government and the LLEP to enhance their collective impact on economic growth.

Strengthened partnership arrangements would also create a clear and effective platform for accelerating economic prosperity in Leicester and Leicestershire through the creation of integrated strategic frameworks to enable the delivery of investment plans for planning, transport and skills.

In the current financial climate, where there have been significant reductions in the Government's funding of local government over the last four years which are set to continue in the medium term, it is imperative to have governance arrangements in place that are efficient and reduce both duplication and the timescales for delivery of investment in economic growth.

A Combined Authority will represent clear and co-ordinated governance for Leicester and Leicestershire and will form the foundation for an ambitious devolution deal for the area.

8. Options for Change

This review considers the following options:-

1. Maintaining the status quo;
2. Establishing a Joint Committee;
3. Establishing an Economic Prosperity Board;
4. Establishing a Combined Authority.

These options are considered in the light of the requirement that the Governance Review determines whether the existing governance arrangements for economic development, regeneration and transport in the area are effective or whether the area would benefit from changes, including establishing a new Economic Prosperity Board or Combined Authority.

Option 1: Maintaining the Status Quo

Maintaining the status quo means that the governance arrangements will not be sufficient for the ambitions of the area. These ambitions are:-

- Long term funding commitments for transport investment;
- Devolution of funding and the ability to commission skills programmes locally;
- Enhanced funding and finance powers through the establishment of new enterprise zones to help deliver priority growth areas.

Under the current arrangements, there is no single body which could hold devolved funding and undertake commissioning on a sub-regional basis.

In addition, the lack of a single decision-making body with responsibility across the spectrum of economic development, regeneration and transport means that there is no binding forum where a long term view on policy and strategy can be taken. Without this, it would not be considered prudent for third parties to make long term funding commitments.

Maintaining the status quo would also mean that the area would miss out on the benefits of more efficient partnership working and would leave Leicester and Leicestershire behind a number of other parts of the country which have already, or are in the process of, strengthening and aligning their decision making process in relation to transport and economic development and regeneration. In addition, it would mean that Leicester and Leicestershire would be unable to pursue a devolution deal.

The current arrangements would not allow the sub-region to benefit from a single democratic and financially accountable model which is a legal entity in its own right and can provide the necessary certainty, stability and democratic accountability to allow for long-term, strategic economic decisions to be made.

In conclusion, maintaining the status quo would mean difficulties in accessing new funding and powers in line with the ambitions of the area, leaving Leicester and Leicestershire behind other areas economically with all the attendant implications for local residents. It would also perpetuate the inefficiencies in the current system.

Option 2: Establishing a Joint Committee

Background

Section 102 of the Local Government Act 1972 enables two or more local authorities to set up a Joint Committee to discharge their functions jointly. These arrangements must comply with the Local Authorities (Arrangements for the Discharge of Functions) (England) Regulations 2012. Joint Committees may be decision-making or advisory. The councils concerned determine the numbers of councillors, terms of office and geographic areas of operation of joint committees. It would be possible to co-opt a non-local authority member to a Joint Committee; however they would not be able to vote.

Most Joint Committees appoint a 'lead/accountable' council; some do this on a rotating basis. They have no legal status, cannot impose financial obligations on their constituent authorities, and have no powers to levy council tax. They do not require the involvement of national Government or Parliament and so can be set up within a matter of months.

The Joint Committee model allows an area to demonstrate effective decision making and political oversight for the management of funding that is allocated to the LEP.

The County Council currently manages two joint Committees operating in the area, the Eastern Shires Purchasing Organisation (ESPO) and East Midlands Shared Services (EMSS) and has considered the operation of these in the analysis below.

Analysis

The functioning of a Joint Committee depends upon goodwill and the desire for collaboration which characterises the current arrangements and therefore will not address the deficiencies associated with the status quo. Each authority would need to authorise and delegate functions to the Joint Committee. Councils are also able to withdraw the delegation at any point in the future which poses a significant risk in terms of a lack of stability and certainty which is required to enable long term, strategic economic decisions to be made.

Joint Committees cannot be accountable bodies for funding purposes, nor can they employ staff due to their lack of legal status. Ultimate responsibility for finances remains with the host council. This will not meet the ambitions of Leicester and Leicestershire, which include both the devolution of funding and enhanced funding and finance powers.

Securing new investment and responding to a rapidly changing landscape requires local authority partners in Leicester and Leicestershire to be able to act with agility and pace. If circumstances require further functions to be delegated to a Joint Committee than were originally agreed then it would not be possible for it to act in such a way because of the need for this to be agreed through the formal decision making processes at each of the constituent councils.

In conclusion, the establishment of a Joint Committee would not meet the ambitions for Leicester and Leicestershire. The model represents a significant risk to partnership working which will impact on the ability to secure long term funding commitments. In addition, the lack of legal status and financial accountability means that the same difficulties in accessing new funding and powers presented by status quo will be encountered.

Option 3: Establishing an Economic Prosperity Board.

Background

Economic Prosperity Boards were introduced under the Local Democracy, Economic Development and Construction Act 2009 to enable the integration of economic development (but not transport functions). As a statutory body, an Economic Prosperity Board would have legal personality and is thus considered by central government to provide a strong basis for taking on devolved powers and funding relating to economic development and regeneration, for example accountable body status for an economic development single pot or European Union funding.

Economic Prosperity Boards cannot impose levies on constituent authorities and do not have borrowing powers. The establishment of an Economic Prosperity Board is subject to the same process as for Combined Authorities.

Analysis

An Economic Prosperity Board could strengthen current partnership arrangements by providing a formal structure to lead collaboration between the Leicester and Leicestershire local authorities on sub-regional economic development and regeneration. It could also provide a stable mechanism for strategic decision making on economic issues across the sub-region. This would be of some benefit because it would enable long term funding commitments to be made.

Economic Prosperity Boards can take a strategic view of economic development and where investment should be made to support long-term, sustainable economic growth across the area. They also enable trade-offs to be made at a strategic level, taking into account what is best for the area as a whole.

An Economic Prosperity Board would be a single body that could represent the economic needs and strengths of Leicester and Leicestershire to partners and investors. It would also enable partnerships of authorities to demonstrate that they are committed to long-term joint working. It would facilitate transparency, accountability and visible leadership for sub-regional areas.

However, the major disadvantage of an Economic Prosperity Board is that it does not include transport functions. Transport is essential to the ambitions for growth in Leicester and Leicestershire. The interdependencies between economic growth and transport are so significant that it would be irrational to establish a governance arrangement that addressed one area but not the other as it would prevent a fully integrated approach to the two areas. The need for separate governance arrangements to address transport issues would be cumbersome and would create a wasteful duplication of effort.

It also worth noting that no Economic Prosperity Boards have been created to date, which means that there is no opportunity to learn for experience in other areas.

Option 4: Establishing a Combined Authority

Background

Combined Authorities were introduced under the Local Democracy, Economic Development and Construction Act 2009 to enable councils to integrate economic development and transport functions and decision-making across a functional economic area. A Combined Authority operates as a public body with its own legal personality, can impose a levy on constituent authorities and can borrow money for transport purposes.

It is important to note that Combined Authorities are not a merger of existing Local Authorities; they can only take on certain functions with a very specific remit. In addition, the legislation allows for flexibility in establishing Combined Authorities.

Analysis

The advantages of an Economic Prosperity Board previously outlined all apply to a Combined Authority as both options are formally constituted legal entities and would provide a stable mechanism for long term strategic decision making and a single body that can represent the needs of Leicester and Leicestershire to investors and partners.

Both options enable a streamlining of arrangements, reduce duplication, would be able to take on developed powers from national Government and can have additional powers delegated to them from constituent councils if they choose to do so.

The significant difference between a Combined Authority and an Economic Prosperity Board, which makes the Combined Authority option much more attractive for Leicester and Leicestershire, is that a Combined Authority would have powers relating to both economic development and strategic transport. The Combined Authority model would provide a simple means of fully aligning and coordinating transport planning and wider economic development and regeneration, including strategic planning, across a sub-region. This would mean that economic development and regeneration and transport initiatives could be aligned, co-ordinated and delivered swiftly and efficiently by a single body.

The creation of a Combined Authority will allow Leicester and Leicestershire to realise its ambitions by bringing together, in a single legally recognised body, the key decision making powers for strategic transport and economic development and planning. It is impossible to separate these two functions, given their high level of interdependency and being able to present a coherent, long term vision across the two areas would facilitate long term planning designed to improve the economic conditions and performance of the area including an improvement in the effectiveness and efficiency of transport. This vision will be based on a single evidence base for the whole area, ensuring data and analysis relating to economic, planning and transportation matters are consistently defined, collected and applied.

A Combined Authority will enable a unified approach to insight, evidence and intelligence which will ensure that the understanding of the complex interdependencies between individuals businesses, jobs, skills, housing, health and financial dependence is of a higher quality thereby ensuring better use of resources on a local level.

A Combined Authority will enable a shared understanding about Leicester and Leicestershire as a single economic area across the nine local authorities and would create a strategic framework for economic

development and transport which would ensure consistency in local decision making. It would also increase the control and influence of the constituent councils across the key drivers of economic growth.

A further advantage to the Combined Authority model is that it would provide a framework for a single, coherent response from Leicester and Leicestershire to be made to national initiatives relating to planning or infrastructure. As a single entity, it would also enhance Leicester and Leicestershire’s ability to liaise with neighbouring areas on issues of mutual interest, particularly as a number of neighbouring areas are in the process of becoming Combined Authorities.

Indeed, a number of areas in the country have already established Combined Authorities, or are in the process of doing so. If Leicester and Leicestershire choose not to establish a Combined Authority they risk getting left behind other areas and missing out on crucial government funding, such as devolution deals, due to not having sufficiently robust governance arrangements in place.

9. Summary of Preliminary Findings

The following table sets out an assessment of the options that have been considered by this review:-

Option	Evaluation	Rationale
Maintain the Status Quo	No	Maintaining the status quo would mean difficulties in accessing new funding and powers in line with the ambitions of the area. It would leave Leicester and Leicestershire behind other areas and would therefore be likely to have a detrimental impact on the economy of the area in the future. It would not strengthen the governance processes which largely rely on informal arrangements.
Joint Committee	No	The establishment of a Joint Committee would strengthen the current partnership arrangements and place them on a more formal basis. However, there is a lack of stability and certainty which is unlikely to secure long term funding commitments. In addition, the lack of legal status and financial accountability means that the same difficulties in accessing new funding and powers presented by status quo are likely to be encountered.
Economic Prosperity Board	No	An Economic Prosperity Board would provide strategic direction and accountability for economic development and regeneration and would ensure that a single formal decision-making body was in place for this. However, strategic transport would not be included in these arrangements, thus greatly limiting the scope for increased effectiveness and efficiency.
Combined Authority	Yes	A Combined Authority with devolved funding would create a clear and effective platform for accelerating economic prosperity in Leicester and Leicestershire through the creation of integrated, strategic frameworks to enable the delivery of investment plans for planning, transport and skills.

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ਜੇ ਆਪ ਆ ਮਾਹਿਤੀ ਆਪਨੀ ਆਖਾਮਾਂ ਸਮਝਵਾਮਾਂ ਥੋੜੀ ਮਦਦ ਈਝਤਾਂ ਭੀ ਤੋ 0116 305 7243 ਨੰਬਰ ਪਰ ਫ਼ੋਨ ਕਰਥੋ ਅਨੇ ਅਮੇ ਆਪਨੇ ਮਦਦ ਕਰਵਾ ਆਵਥਾ ਕਰੀਥੁੰ।

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Leicester Leicestershire

Delivering Growth Together



Draft Scheme for the Establishment of a Leicester and Leicestershire Combined Authority

Part 1 - Intention to establish a Leicester and Leicestershire Combined Authority

1. Establishment of Authority

- 1.1 A Combined Authority shall be established pursuant to Section 103 of the Local Democracy, Economic Development and Construction Act 2009 (“LDEDCA”). It shall come into existence on the 1st October 2016.
- 1.2 The Scheme is intended as a summary of the matters with which the Combined Authority will be concerned. Following the establishment of the Combined Authority, the members of the Combined Authority will agree and adopt a full constitution which will expand upon matters referred to within this Scheme.

2. Name of Authority

- 2.1 The name of the Combined Authority shall be the ***Leicester and Leicestershire Combined Authority (“the Combined Authority”)***.

3. Area of Authority

- 3.1 The Combined Authority area shall be the whole of the following local government areas:-
- (a) Blaby District Council
 - (b) Charnwood Borough Council
 - (c) Harborough District Council
 - (d) Hinckley and Bosworth Borough Council
 - (e) Leicester City Council
 - (f) Leicestershire County Council
 - (g) Melton Borough Council
 - (h) North West Leicestershire District Council
 - (i) Oadby and Wigston Borough Council
- 3.2 The nine councils listed above shall be referred to as the “*constituent councils*”.

4. Membership of Authority

- 4.1 Membership of the Combined Authority will be drawn from the constituent councils listed in section three and from the Leicester and Leicestershire Enterprise Partnership (LLEP).

- 4.2 The constituent councils will appoint a total of nine elected members to the Combined Authority. Each constituent council will appoint one member. The LLEP will appoint the Chair of the LLEP to the Combined Authority as a non-voting member (in the event the Chair of the LLEP is an elected member of one of the constituent councils then the LLEP will appoint another member of its board who is not such an elected member).
- 4.3 In respect of elected members, membership of the Combined Authority will be a decision for each constituent council.
- 4.4 The constituent councils shall each appoint another of its elected members to act as a member of the Combined Authority in the absence of the elected member appointed under paragraph 4.2 above including where that absence is as a result of the circumstances in paragraph 4.6. The LLEP shall appoint another member of its board (who is not an elected member of a constituent council) to act as a member of the Combined Authority in the absence of the Chair of the LLEP. Individuals appointed to the Combined Authority under this paragraph 4.4 are referred to as a “substitute member”.
- 4.5 Subject to 4.6 below, each constituent council and the LLEP may at any time terminate the appointment of a member or substitute member appointed by it to the Combined Authority and the constituent council and the LLEP (as appropriate) may appoint a replacement member. Written notice must be given to the Combined Authority within one week of the change for the changeover to take effect. Changes to the member or substitute member appointed by a constituent council/the LLEP to the Combined Authority are a matter for the relevant constituent council/the LLEP and do not need to be voted on by the Combined Authority.
- 4.6 Where a member or substitute member of the Combined Authority ceases (for whatever reason) to be an elected member of the constituent council that appointed them or, in the case of the LLEP member or substitute member, ceases to be a member of the LLEP board, the member shall cease to be a member of the Combined Authority, and the relevant constituent council/LLEP shall appoint a replacement member as soon as practicable and in any event within one month from the member or substitute member ceasing to be a member of the relevant constituent council/LLEP board.
- 4.7 The Combined Authority shall, in each year, appoint a Chairman and Vice-Chairman from among its members. The appointments shall be the first business transacted at the first meeting of the Combined Authority following establishment.
- 4.8 A majority of the constituent councils will normally appoint a member to the Combined Authority at their annual general meeting in May/June of each year. The constitution of the Combined Authority will make provision for an election of a Chairman and Vice-Chairman to take place in the June following the establishment of the Combined Authority and each June thereafter (an annual election). Incumbents will be eligible for re-election.
- 4.9 A person ceases to be Chair or Vice Chair if they cease to be a member of the Combined Authority. Any vacancy must be filled at the next ordinary meeting of the Combined Authority unless such meeting is within 14 days of the vacancy arising, when it will be

the meeting following the next ordinary meeting. Where, at any meeting of the Combined Authority, the Chairman is absent, the Vice Chairman shall assume the Chairman's role for that meeting. Where the Chairman and Vice Chairman are not present or are unable to act, the Combined Authority members will elect one of the members present to preside for the meeting or part of the meeting.

- 4.10 No remuneration shall be payable by the Combined Authority to its members other than allowances for travel and subsistence. A constituent council may, on the recommendation of its independent remuneration panel, pay a special responsibility allowance to any elected member appointed by it to the Combined Authority in respect of duties and responsibilities undertaken as a member of the Combined Authority.
- 4.11 The Combined Authority may co-opt additional, non-voting representatives and further detail in respect of such co-opted representatives shall be agreed by the constituent councils and detailed within the constitution of the Combined Authority.

5A. Voting

- 5A.1 In the full spirit of partnership working the constituent councils will endeavour to reach decisions by consensus.
- 5A.2 The following will apply to any vote of the Combined Authority:-
- (a) The constituent council members of the Combined Authority shall have one vote each.
 - (b) Subject to paragraphs 5A.3 to 5A.5 below and the provisions of any enactment, all questions coming or arising before the Combined Authority shall be decided by a simple majority of the members of the Combined Authority present **and** voting.
 - (c) In the case of a tied vote on any motion or amendment, the motion or amendment shall be deemed to have been lost. The Chair of the Combined Authority (which includes any other member presiding at a meeting) shall **not** have a second or casting vote.
 - (d) On the requisition of any one member, made before the vote is taken, the voting on any matter shall be recorded so as to show how each member voted and there shall also be recorded any member abstaining from voting.
 - (e) Where any member abstains from voting then they shall be deemed to have consented to the decision of the majority such that:
 - a. in any decision with reserved status (for which see paragraph 5A.3) and where the abstaining member represents a council directly affected by the decision the matter may pass notwithstanding that the abstaining member

does not form part of the majority provided that all other directly affected councils (through their appointed member) vote in favour or abstain; and

- b. in any decision requiring unanimous support (for which see paragraph 5A.4) the abstention of a member will not prevent the matter passing provided all other members vote in support or abstain (if all members abstain the matter shall not pass).

5A.3 In recognition of the significant impact that some decisions made by the Combined Authority could have on the Combined Authority's constituent councils, and to ensure that the existing democratic mandate of each constituent council is respected and preserved, decisions concerning a number of matters will qualify for 'reserved status'. Decisions made by the Combined Authority regarding matters with 'reserved status' will require a 'special majority' in order to carry. The special majority will operate on the principle that the constituent councils who are directly affected by a decision must be a part of the deciding vote's majority for that decision to carry (unless they abstain). In practice, this will require that:

- (a) for a vote on a transport related matter, both Leicester City Council and Leicestershire County Council – as the two existing transport authorities – must form a part of the deciding vote's majority for that decision to carry. Where a transport related matter affects only the City of Leicester or only the County of Leicestershire then the relevant transport authority must form part of the deciding vote's majority.
- (b) for a vote on a planning matter (including planning for future housing and employment land provision), then the planning authority for the area or areas directly affected must form part of the deciding vote's majority for that decision to carry.
 - i. In the case of a planning matter affecting the City of Leicester then Leicester City Council must form part of the majority.
 - ii. In the case of a planning matter affecting an area of the County of Leicestershire then the relevant district council or, where the matter would be dealt with by Leicestershire County Council as a planning authority, Leicestershire County Council must form part of the majority or where the matter could be dealt with by either the relevant district council or the Leicestershire County Council then both must form part of the majority.

Where the Combined Authority establishes a committee or subcommittee then that committee can make decisions that have reserved status provided that the membership of the committee includes those constituent councils directly affected by the decision. For example a transport committee comprising Leicestershire County Council and Leicester City Council.

5A.4 Where a matter for decision (other than a transport matter) affects the entirety of the Combined Authority area then it will require unanimous support from the constituent

councils. Matters requiring unanimous support include (without limitation) the following:

- (a) Decisions relating to the creation, adoption and review of the documents listed at paragraph 8.8(a) (except 8.8(a)(iv));
- (b) Approval of the Combined Authority's annual budget including decisions on any levies (except transport levies), precepts or other demands for financial contribution from the constituent councils;
- (c) Approval of borrowing limits, Treasury Management Strategy including reserves, Investment Strategy and Capital Budget of the Combined Authority;
- (d) Approval of the Combined Authority's constitution and any changes thereto;
- (e) Adoption of any freedoms or flexibilities offered by central Government;
- (f) Future expansion of the Combined Authority's functions (including by delegation);
- (g) Approval of growth schemes set out in any adopted strategic growth plan;

5A.5 Further detail on the decisions attracting reserved status and those requiring unanimity together with relevant procedures will be included in the Combined Authority's constitution. The Combined Authority will be able to designate a decision as having reserved status and to remove reserved status in accordance with more detailed provisions in the constitution.

5A.6 The LLEP member will be a non-voting member of the Combined Authority acting as an advisor to the Combined Authority.

5B. Quorum

5B.1 The quorum of any Combined Authority meeting will only be calculated by reference to voting members of the Combined Authority.

5B.2 Subject to paragraph 5B.3, the quorum for the meeting of the Combined Authority will be six members.

5B.3 The following additional rules for quorum will apply:

- (a) Where any decision is to be taken with reserved status then the meeting will only be quorate for the purposes of that decision where the relevant constituent council(s) is present; and

(b) Where any decision is to be taken that requires unanimous approval then the meeting will only be quorate for the purposes of that decision where all constituent councils are present.

5B.4 The quorum of any committee of the Combined Authority will be determined by the Combined Authority.

6. Administrative Arrangements

6.1 Executive arrangements (within the meaning of the Local Government Act 2000) shall not apply to the Combined Authority. However, the discharge of the functions of the Combined Authority will be subject to the scrutiny arrangements set out in section 7 below.

6.2 Decisions of the Combined Authority will be taken by the full meeting of the Combined Authority save where any committee of the Combined Authority has been established or power to take a decision has been delegated in accordance with the Combined Authority's constitution.

6.3 The Combined Authority may establish (or join/participate in as the case may be) committees, sub-structures, sub-committees and other arrangements (including a joint committee under the Local Government Act 1972) for delegating any powers and/or functions as it considers appropriate.

7. Scrutiny Arrangements

7.1 The nine constituent councils of the Combined Authority will establish a joint Overview and Scrutiny Committee to exercise scrutiny functions over the Combined Authority. Each constituent council will appoint such elected members to the joint Overview and Scrutiny Committee as are required to achieve political balance across the area of the Combined Authority. Overview and Scrutiny membership must not include a Combined Authority member or a member of the Executive of a constituent council.

7.2 The Overview and Scrutiny Committee will have the power to-

- (a) Invite Combined Authority members and officers to attend meetings and answer questions
- (b) Invite others to attend the meetings
- (c) Review or scrutinise decisions or other actions taken by the Combined Authority
- (d) Make reports or recommendations to the Combined Authority
- (e) Require that a decision that has not been implemented be reconsidered by the members of the Combined Authority

7.3 Where the Overview and Scrutiny Committee makes a report it may also publish it and require a response from the Combined Authority.

- 7.4 The notice published must give the Combined Authority two months to consider the report.

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Part 2 – Functions of the Combined Authority

8A. Introduction

- 8A.1 The prime purpose of the Combined Authority is to improve the exercise of statutory functions in relation to economic development, regeneration and transport in the Leicester/Leicestershire area leading to an improvement in the economic conditions and performance of the area including an improvement in the effectiveness and efficiency of transport.
- 8A.2 In pursuit of this prime purpose, the Combined Authority will have the functions set out in this paragraph 8 in relation to strategic economic development and transport. These include functions in relation to strategic planning policy (including the planning for future housing and employment land provision). For the avoidance of doubt, it is not intended that the Combined Authority would determine any specific planning application.
- 8A.3 The Combined Authority will exercise its powers and duties concurrently with the constituent councils (where constituent councils have the same functions). No constituent council is ceding existing functions to the Combined Authority.
- 8A.4 The constituent councils and the Combined Authority will agree operating protocols for the exercise of concurrent powers and duties by the Combined Authority. These protocols will recognise the strategic role of the Combined Authority and safeguard the role of constituent councils in local decision making and delivery.
- 8A.5 Notwithstanding the above, a constituent council and the Combined Authority may enter into arrangements under Section 101 of the Local Government Act 1972 and/or Section 9EA of the Local Government Act 2000 and the Local Authorities (Arrangements for Discharge of Functions) (England) Regulations 2012 to allow the delegation of functions from a constituent council to the Combined Authority. In all such cases, acceptance of a delegation will require a decision of the Combined Authority.

8B. Powers and Duties

The powers and duties of the Combined Authority will be as follows

8B.1 Economic Development and Regeneration

(a) *Localism Act 2011*

Such functions of the constituent councils as are exercisable for the purpose of economic development and regeneration in reliance on the general power of competence under Section 1, Localism Act 2011.

(b) *Section 99 and Section 102A, Local Transport Act 2008*

The power to promote well-being in the area of the Combined Authority.

- (c) *Section 113A, Local Democracy, Economic Development and Construction Act 2009*
The power to do anything the Combined Authority considers appropriate: for the purposes of carrying out any of its functions; purposes incidental to and/or indirectly incidental to carrying out its functions; connected to any of its functions; for a commercial purpose.
- (d) *Section 69, Local Democracy, Economic Development and Construction Act 2009*
The duty of a local authority to prepare an assessment of economic conditions in its area.
- (e) *Section 142(2), Local Government Act 1972*
The power of a local authority to arrange for the publication within their area of information relating to the functions of the authority, etc.
- (f) *Section 144, Local Government Act 1972*
The power of a local authority to encourage persons to visit their area, etc.
- (g) *Sections 15ZA, 15ZB, 15ZC, 17A, 18A, 514A and 560A, Education Act 1996 (as inserted by Part 2 of the Apprenticeships, Skills Children and Learning Act 2009)*
The duty to secure that enough suitable education and training is provided to meet the reasonable needs of 16-19 year olds, 19-25 year olds who are subject to learning difficulty assessment and persons who are subject to youth detention. The duty to co-operate with local authorities exercising these duties.
- (h) *Section 88(1)(a) and (b), Local Government Act 1985*
Power to exercise the functions under the above provisions relating to the research and collection of information whether or not a scheme is made under Section 88.

8B.2 Transport

- (a) *Leicester and Leicestershire Transport Board*
The Leicester and Leicestershire Transport Board will no longer exist and its role will be performed by the Combined Authority.
- (b) *Functions of Central Government*
The Combined Authority shall exercise any function of Central Government delegated to the Combined Authority pursuant to any order made by the Secretary of State under Section 86, Local Transport Act 2008 and/or Section 104(1)(b), Local Democracy, Economic Development and Construction Act 2009 and/or Sections 15 to 19, Localism Act 2011.
- (c) *Section 108, Section 109 and Section 112, Local Transport Act 2000*
The duty to develop and keep under review policies relating to transport in its area and to carry out its functions to implement those policies.
- (d) *Section 2, Road Traffic Reduction Act 1997*

The duty to prepare a report on the levels of local road transport and a forecast of the growth in those levels.

8C. The Combined Authority's Focus and Activities

8.8 In exercise of the above, it is proposed that the Combined Authority will focus upon strategic economic development matters (including strategic planning policy) and strategic transport matters. These matters could include (without limitation):

(a) The development and implementation of:

- i. a joint economic vision for the area of the Combined Authority which will help shape: (aa) the decision making of the Combined Authority and the constituent councils; and (bb) the continuing work of the Leicester and Leicestershire Enterprise Partnership;
- ii. a strategic growth plan looking to 2050 for the area of the Combined Authority which will provide a robust, single strategic framework for the preparation of aligned investment plans and the planning for future housing and employment land provision by the constituent councils and the Leicester and Leicestershire Enterprise Partnership;
- iii. a strategic asset management plan to identify land and assets in public sector ownership and to outline how such assets/land could be managed to unlock land for growth, reduce costs and/or create long term revenue to support economic development and inward investment;
- iv. a single strategic transport master plan for the area of the Combined Authority and associated transport infrastructure investment strategy. These documents will guide long term investment in strategic highway and public transport infrastructure up to 2050; and
- v. a long term investment strategy for the Combined Authority area to influence the future development and monitoring by the constituent councils and/or the LLEP of investment plans;
- vi. a growth deal framework to guide the future work of the LLEP in developing growth deals for the Combined Authority area;

(b) The ongoing monitoring and review of the documents referred to in (a).

(c) The Combined Authority may also exercise its functions to secure funding from regional, national and EU funders in furtherance of the aims identified in the documents at (a) and potentially become the accountable body for such funding.

Part 3 – Funding

9. Funding

- 9.1 The costs of the Combined Authority that are reasonably attributable to the exercise of its functions relating to economic development and regeneration (and any start-up costs) shall be met by the constituent councils.
- 9.2 The Combined Authority will agree an annual budget for the purpose of this expenditure.
- 9.3 The LLEP will not be required to provide funding to support the operation of the Combined Authority.

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Part 4 – Other arrangements

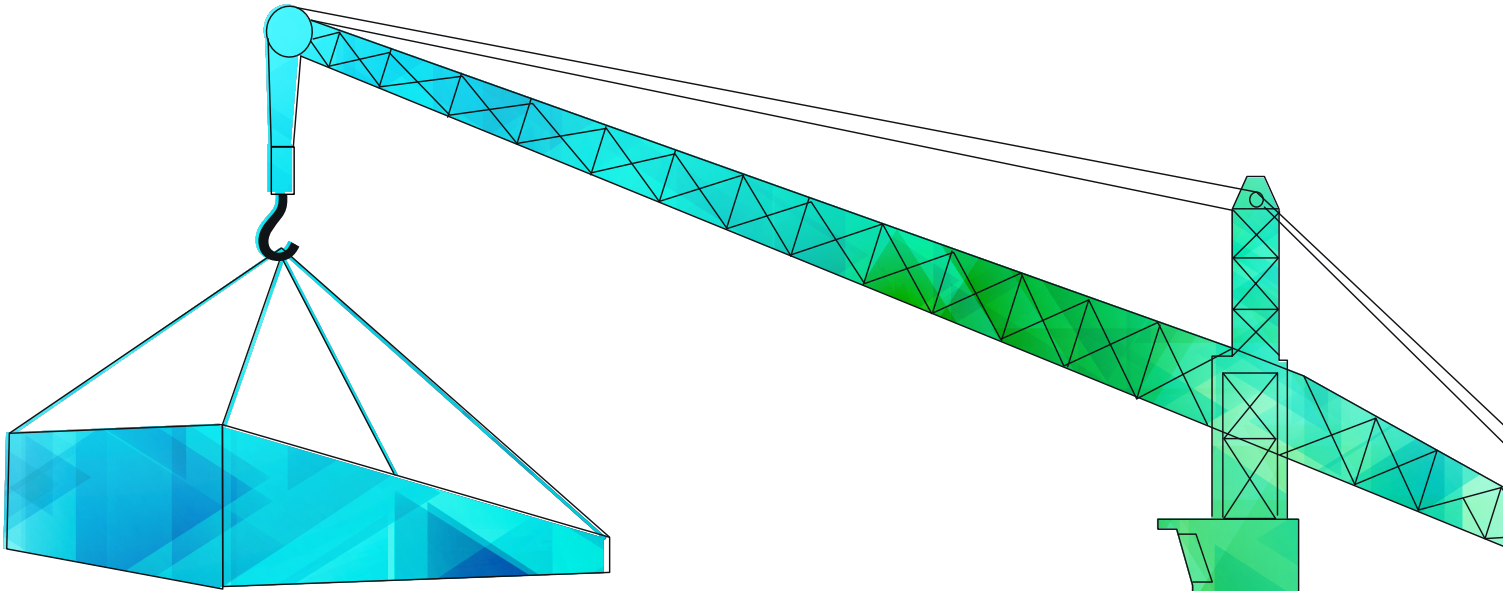
10. Relationship with Leicester and Leicestershire Local Enterprise Partnership and other Combined Authorities

- 10.1 A partnership between the public and private sector, the LLEP's vision is to "Create a vibrant, attractive and distinctive place with highly skilled people making Leicester and Leicestershire the destination of choice for successful businesses."
- 10.2 In addition to its non-voting membership of the Combined Authority, it is intended that the LLEP would be a lead advisory body to the Combined Authority and potentially provide leadership of particular Combined Authority projects and work streams.
- 10.3 It is recognised that the Combined Authority will need to coordinate its work closely with the equivalent Combined Authorities in neighbouring areas (including Nottinghamshire, Derbyshire, Warwickshire and the West Midlands). In particular, the Combined Authority would seek to establish arrangements with any established Combined Authorities (and Local Enterprise Partnerships) in Derbyshire and Nottinghamshire in order to ensure that effective governance can operate across the whole of this wider area.

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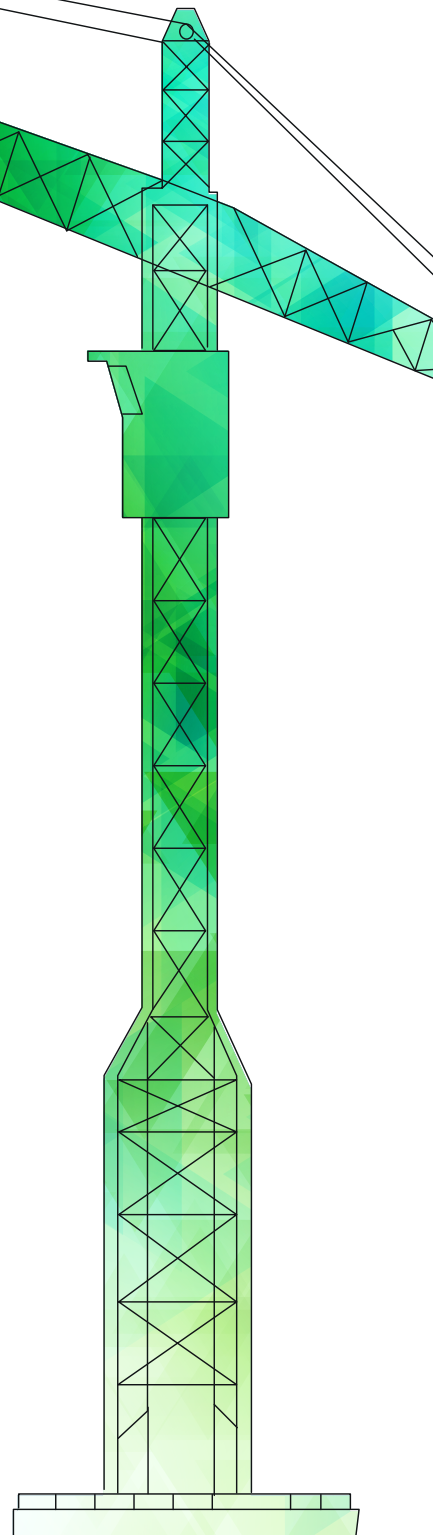
Leicester Leicestershire

Delivering Growth Together



Combined Authority Consultation Report

for the Leicester and Leicestershire
Combined Authority



Introduction and Methodology

The City, County and District Councils have consulted with the public and stakeholders on proposals to create a combined authority. The consultation involved a survey of residents, staff and stakeholders, but also included the invitation to submit views by letter or email.

The survey was made available on Councils' websites from 21 September 2015. This was accompanied by supporting information which set out the proposals in more detail.

The survey asked for views on the proposed model, the proposed functions to be included, and the how the existing governance arrangements had been documented (see Appendix 1 for the full questionnaire).

The consultation closed on the 20 October 2015 (a four week fieldwork window).

Communications and media activity

The Combined Authority consultation was communicated in a number of ways, including:

- press releases sent to local, regional and local government media at the beginning of the consultation and again before the end
- in the County Council's newspaper to all county households, Leicestershire Matters
- social media messages on Twitter and Facebook from partners at key points throughout the consultation
- on all partner website front pages and consultation webpages
- to staff at partner councils, via intranet sites and staff emails
- email briefings and letters sent to MPs, business stakeholders, voluntary groups, councils in neighbouring areas and other interested parties

Survey response rate

During the four week consultation window, 260 people responded to the survey. The majority (98.8%) took part by completing the online survey, with a small number (3) returning a paper copy of the survey.

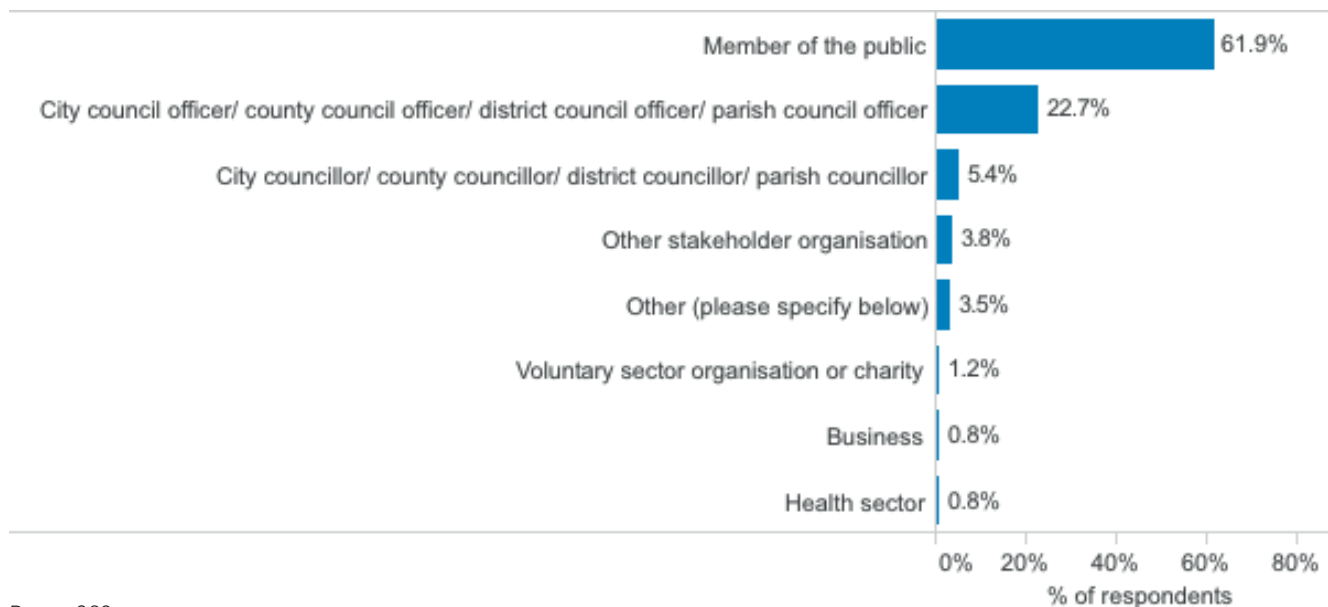
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Survey respondent profile

Chart 1 shows that most respondents who completed the survey were members of the public (61.9%). Other responses have been listed in Table 1.

Chart 1 – In what capacity are you responding to this consultation?



Base = 260

Table 1 – Other, please specify (as written by the respondent)

City Council employee	2
CC employee	1
District Council	1
Homes and Communities Agency	1
Kibworth Harcourt Parish Council	1
Service manager for a community transport service	1
Youth services	1

Base = 8

Table 2 shows the stakeholder organisations which respondents represented – not all respondents chose to state their organisation.

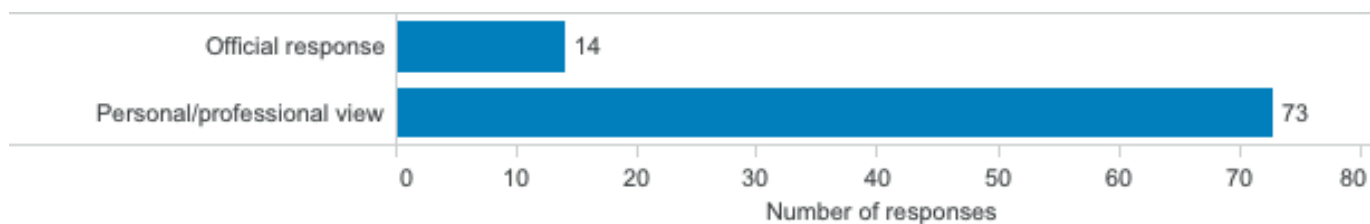
Table 2 – Stakeholder organisations represented

Leicester City Council	8
Leicestershire County Council	5
Claybrooke Magna Parish Council	3
Harborough District Council	3
Blaby District Council	2
Barwell Parish Council	1
Broughton Astley Parish Council	1
Campaign for Better Transport (Leicestershire)	1
Community Action Partnership	1
DMU	1
East Leicestershire and Rutland Clinical Commissioning Group	1
Enderby Parish Council	1
Federation of Small Businesses	1
Harborough District Councillor, Village Meeting Chairman	1
Homes and Communities Agency	1
Leicester Cathedral	1
Leicester City Clinical Commissioning Group	1
Leicester College	1
Market Bosworth Parish Council	1
Orbit	1
Road Haulage Association	1
Signing Network CIC	1
The National Forest Company	1
The University of Leicester	1
Woodhouse Parish Council	1

Base =41

Fourteen respondents from stakeholder organisations provided their organisation’s official response (Chart 2). These organisations are listed in Table 3 (two respondents did not provide their organisation’s name).

Chart 2 – Are you providing your organisation’s official response to the consultation or a personal/professional view?



Base =87

Table 3 – Official responses received from

Broughton Astley Parish Council
DMU
East Leicestershire and Rutland Clinical Commissioning Group
Enderby Parish Council
Federation of Small Businesses
Homes and Communities Agency
Leicester College
Market Bosworth Parish Council
Road Haulage Association
Signing Network CIC
The National Forest Company
Woodhouse Parish Council

Base =12

A demographic profile of those responding to the survey is reported in Appendix 2.

Survey analysis - methodology

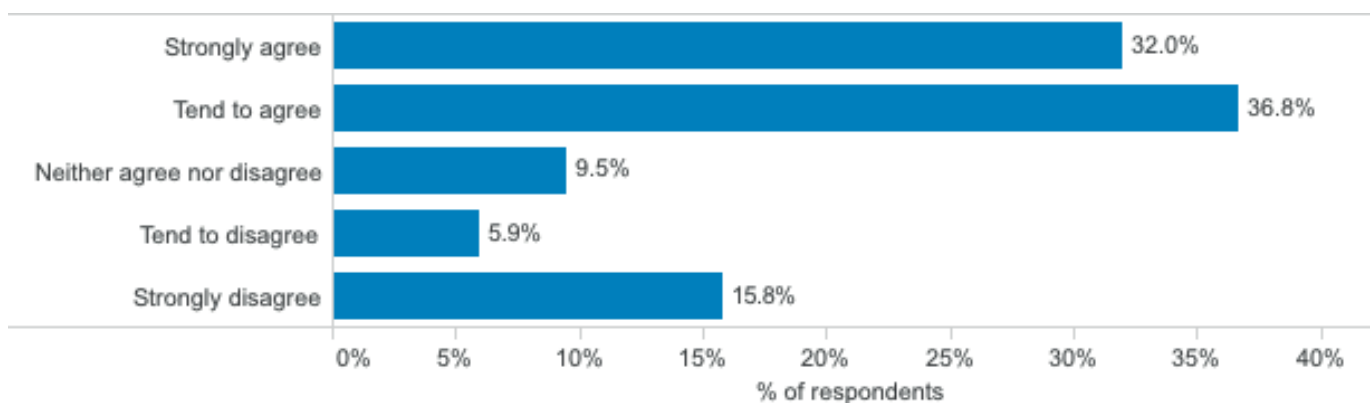
Graphs and tables have been used to assist explanation and analysis. Although occasional anomalies appear due to rounding differences, these are never more than +/- 1%. Question results have been reported based on those who provided a valid response, i.e. taking out the ‘don’t know’ responses and no replies from the calculation of the percentages.

Survey Results Analysis

Combined Authority governance model

Chart 3 shows that the majority of respondents (68.8%) agreed that, to enable economic and transport improvements, of the four options presented a Combined Authority is the best governance model for Leicester and Leicestershire. Just over a fifth of respondents disagreed (21.7%).

Chart 3 – To what extent do you agree or disagree that, to enable economic and transport improvements, a combined authority is the best governance model for Leicester and Leicestershire?



Base =253

Analysis of the open comments showed that respondents who ‘strongly agreed’ or ‘tended to agree’ with the statement commented that it would avoid duplication and provide value for money. They also commented that it would improve co-ordination between authorities, particularly as the functions of the Combined Authority related to issues which were wider than the current political boundaries.

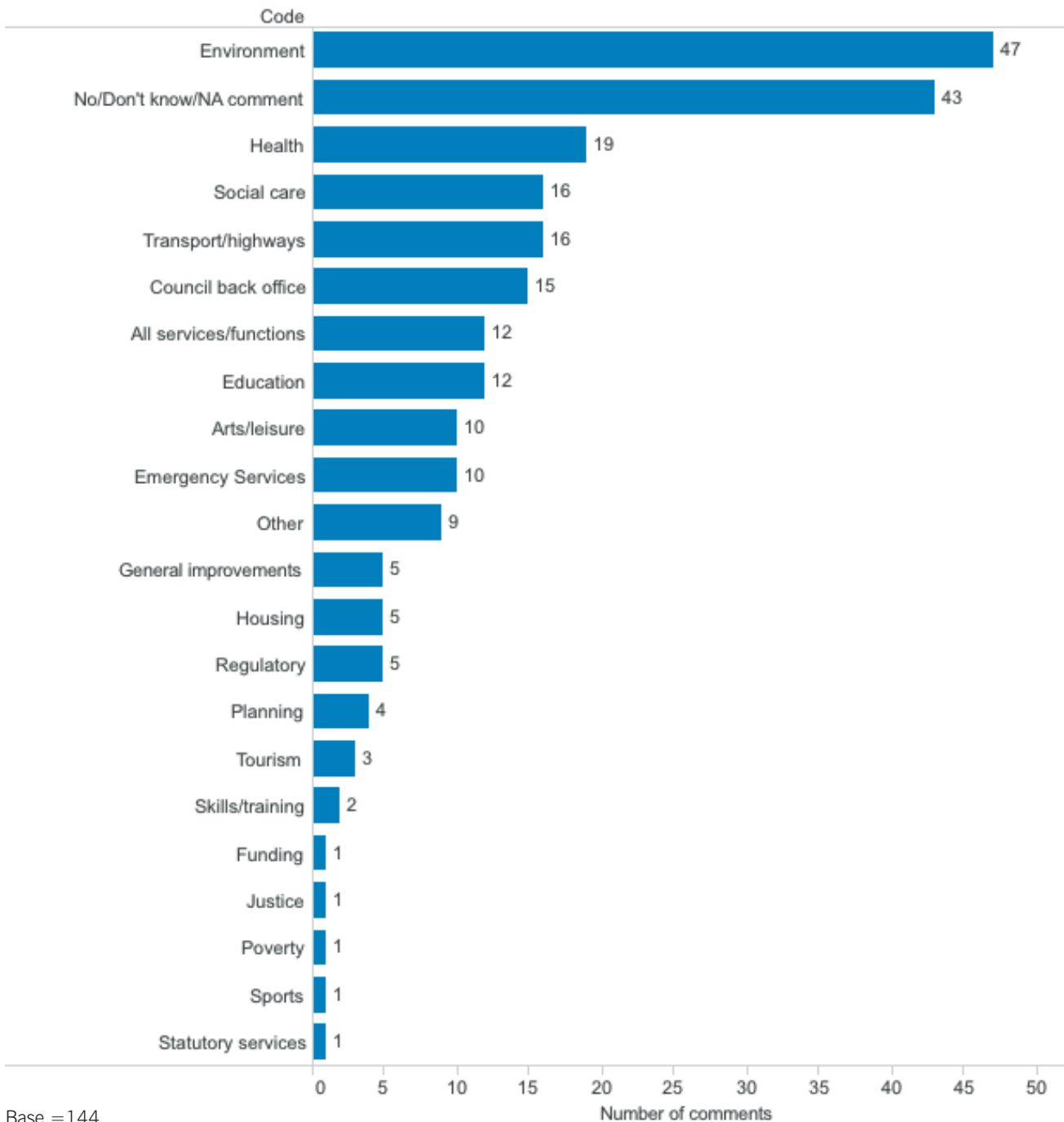
“Leicester and Leicestershire are strongly interlinked with people moving between city and county for work, shopping and leisure. A combined authority would allow for planning and transport decisions which took account of the needs of the city and the county residents.”

Respondents who either ‘strongly disagreed’ or ‘tended to disagree’ with the statement expressed concerns that local accountability would be lost and highlighted the difference between Leicester City and Leicestershire County, both in terms of political approach and the differing needs of the populations. Respondents also commented that the proposals would result in a decrease in democratic accountability.

“I think a combined authority of the type being proposed would dilute and compromise an individual authority’s ability to act in the best interests of its residents and respond to their needs and views.”

Respondents were also asked whether there were any other functions that they thought should be included in the scheme. Chart 4 shows a summary of the results.

Chart 4 – Are there any other functions that you think should be included in the scheme?



Base = 144

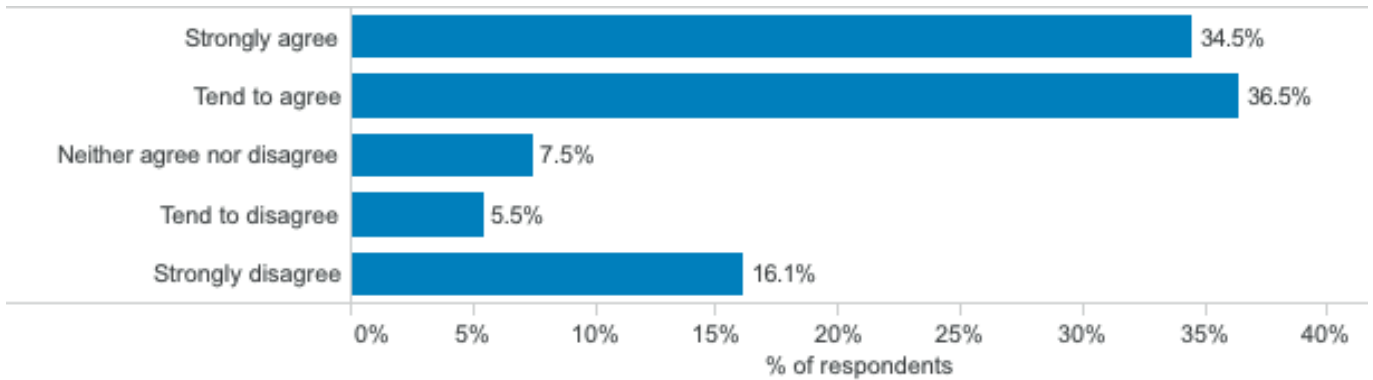
Note each response could contain more than one comment/point of view

Chart 4 shows that the most common functions mentioned by respondents were around the theme of the environment, followed by health, transport/highways, social care, and council back office functions. Appendix 3 provides a more detailed breakdown of these codes.

Combined authority functions

Chart 5 shows that the majority of respondents (71.0%) agreed that the proposed functions are appropriate. Just over a fifth of respondents disagreed (21.6%).

Chart 5 – To what extent do you agree or disagree that these proposed functions are appropriate?



Base =255

Respondents who ‘strongly agreed’ or ‘tended to agree’ with the statement commented that the functions set out in the Scheme were key issues affecting the whole of the combined authority area. Respondents commented that a joined up approach with these functions was in the best interests of the public and made economic sense.

“These appear to be key areas affecting the whole of the city and county and so appropriate for a combined authority”

There was a lack of consensus amongst respondents who ‘tended to agree’ with the statement with regard to skills. Some felt that co-ordination in this area would not be possible whereas others welcomed the focus on it.

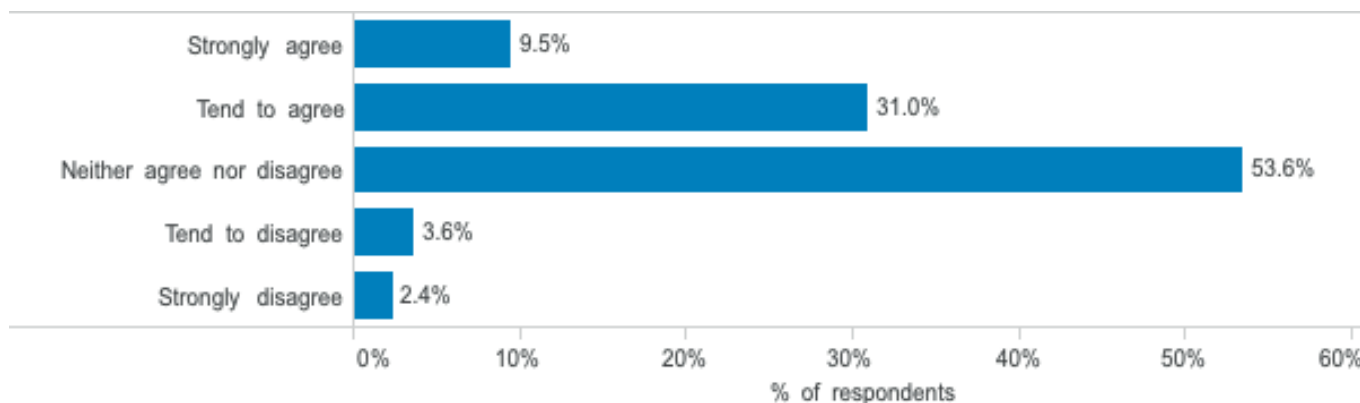
Respondents who ‘strongly disagreed’ or ‘tended to disagree’ with the statement expressed concerns that local accountability for functions would be lost, particularly with regard to planning and that some areas would benefit more than others.

“With any group coming together there are compromises. This could lead to trade-offs between different areas which do not best meet residents requirements”

Existing governance arrangements

Chart 5 shows that the majority of respondents (53.6%) neither agreed nor disagreed that the governance review correctly outlines the existing governance arrangements. Just over 40% of respondents agreed and 6.0% disagreed.

Chart 5 – To what extent do you agree that the governance review correctly outlines the existing governance arrangements?



Base =84

The majority of comments were from respondents who ‘neither agreed nor disagreed’ with the statement. Respondents felt that they did not have sufficient experience to comment in this area.

“I’m not an expert on this subject so don’t feel my opinion is particularly useful”.

Any other comments on the proposals as a whole

Comments made by respondents included a wide range of issues, the most of common were:

- In support of the proposal to establish a combined authority;
- Concerns regarding the cost of establishing and administering a combined authority, including concerns that this would add an extra tier of government for the area;
- Concerns that the proposals will have an impact on local accountability;
- That the current arrangements are satisfactory;
- That the proposals are not sufficiently ambitious or that the establishment of a unitary authority should be considered instead of creating a combined authority;
- Concerns that political differences may limit progress.

Other consultation responses

Letters providing an official response to the consultation were received from the East Midlands Airport, the Federation of Small Businesses and the East Midlands Chamber. These letters set out clear and positive positions in relation to the consultation proposals and are attached as Appendix 4 to this report. Appendix 4 also includes an email response from Andrew Bridgen MP which expresses concerns regarding the level of ambition in the proposal.

Leicester Leicestershire

Delivering Growth Together



Have your say on the Leicester and Leicestershire combined authority proposal

Introduction

The city, county and district councils are working on proposals to create a combined authority. A combined authority would not replace individual councils and their current services but would enable them to work more closely together on transport, planning, skills and other key issues affecting the whole area. The combined authority can only be formed if all councils agree and if the Government approves any proposals.

The councils concerned are: Leicester City Council; Leicestershire County Council; Blaby District Council; Charnwood Borough Council; Harborough District Council; Hinckley and Bosworth Borough Council; Melton Borough Council; North West Leicestershire District Council; and Oadby and Wigston Borough Council.

We'd like your views on our outline proposal.

All comments we receive during the consultation will be analysed and we will amend the proposals in the light of them. The amended proposals will then be considered by all the above councils. If all councils approve the proposals, we will submit them to the Government. We hope to be able to submit proposals early next year and would then expect a decision from ministers within a year.

Please note: Your responses to the main part of the survey (Q1 to Q7, including your comments) may be released to the general public in full under the Freedom of Information Act 2000. Any responses to the questions in the 'About you' section of the questionnaire will be held securely and will not be subject to release under Freedom of Information legislation, nor passed on to any third party.

Q1 In what role are you responding to this consultation? Please tick one option only

- Member of the public
- City councillor/ county councillor/ district councillor/ parish councillor*
- City council officer/ county council officer/ district council officer/ parish council officer*
- Business*
- Health sector*
- Emergency services*
- Voluntary sector organisation or charity*
- Other stakeholder organisation*
- Other (please specify below)

Other (please specify)

Q2 *If you represent a stakeholder, please provide your details:

Name:

Organisation:

Are you providing your organisation's official response to the consultation or a personal/professional view?

Please tick one option only

- Official response
- Personal/professional view

Combined authority governance model

Recently we looked at possible governance models to enable economic and transport improvements in the local area. The preliminary findings of the governance review suggest the combined authority is the best governance model for Leicester and Leicestershire.

A combined authority is a legal arrangement which enables councils to work together more closely on issues around transport, planning and economic growth. They can help reduce duplication and bureaucracy. They are created to enable clearer co-ordination and decision-making, to drive forward decisions on transport, economic development and skills, giving local councils a stronger voice in discussions with the Government, neighbouring areas and developers.

There are alternatives to having a combined authority. For example, councils could continue to work together as they are, or set up a joint committee, or an economic prosperity board. However, none of these options give the full benefits of a combined authority and that is why a number of areas are applying to set up combined authorities. These are set out in our governance review.

Q3 To what extent do you agree or disagree that, to enable economic and transport improvements, a combined authority is the best governance model for Leicester and Leicestershire? Please tick one option only

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

Don't know

Why do you say this?

Combined authority functions

Part 2 of the draft scheme sets out the proposed functions of the combined authority. In summary, these are:

Planning: councils could work together to agree a clearer, long-term framework to meet future housing and employment needs for the whole area and identify future growth locations.

Transport: focussing on long-term investment in road, rail and other public transport infrastructure.

Skills: driving improvements in skills and training, to give local people the chance to get better qualifications and employment.

Q4 To what extent do you agree or disagree that these proposed functions are appropriate? Please tick one option only

Strongly agree

Tend to agree

Neither agree nor disagree

Tend to disagree

Strongly disagree

Don't know

Why do you say this?

About you

Leicestershire County Council is committed to ensuring that its services, policies and practices are free from discrimination and prejudice and that they meet the needs of all sections of the community.

We would therefore be grateful if you would answer the questions below. You are under no obligation to provide the information requested, but it would help us greatly if you did.

Q8 Are you male or female? Please tick one option only

Male

Female

Q9 What was your age on your last birthday? (Please enter your age in numbers not words)

Q10 What is your full postcode?

Q11 Do you have a long-standing illness, disability or infirmity? Please tick one option only

Yes

No

Q12 What is your ethnic group? Please tick one option only

White

Black or Black British

Mixed

Other ethnic group

Asian or Asian British

Thank you.

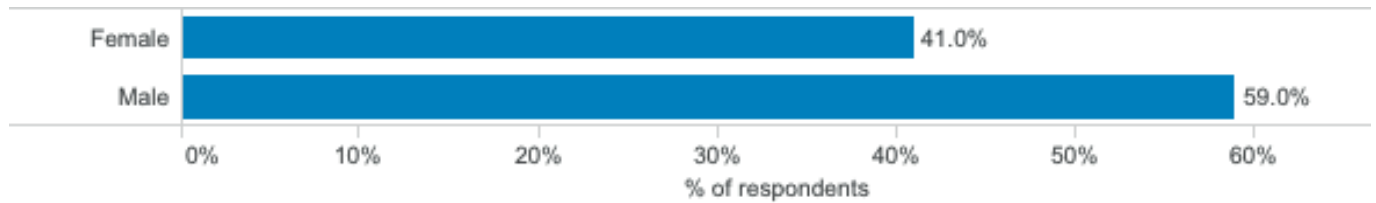
Please return by 20th October 2015 to: Combine Authority Consultation, Room 300B, Leicestershire County Council, Have Your Say, FREEPOST NAT18685, Leicester, LE3 8XR. No stamp is required.

Data Protection: Personal data supplied on this form will be held on computer and will be used in accordance with the Data Protection Act 1998. The information you provide will be used for statistical analysis, management, planning and the provision of services by the county council and its partners. Leicestershire County Council will not share any information collected from the 'About you' section of this survey with its partners. The information will be held in accordance with the council's records management and retention policy. Information which is not in the 'About you' section of the questionnaire may be subject to disclosure under the Freedom of Information Act 2000.

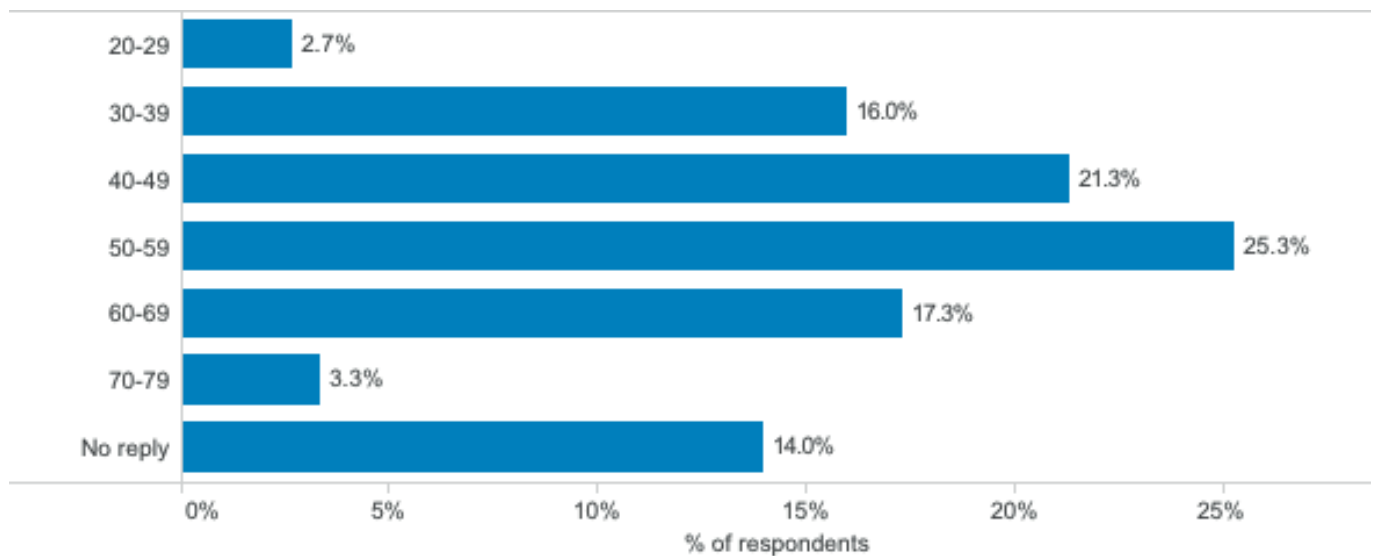
Appendix 2 – Respondent profile

The charts below show the demographic profile of the members of the public who responded to the survey (stakeholders were not asked these questions).

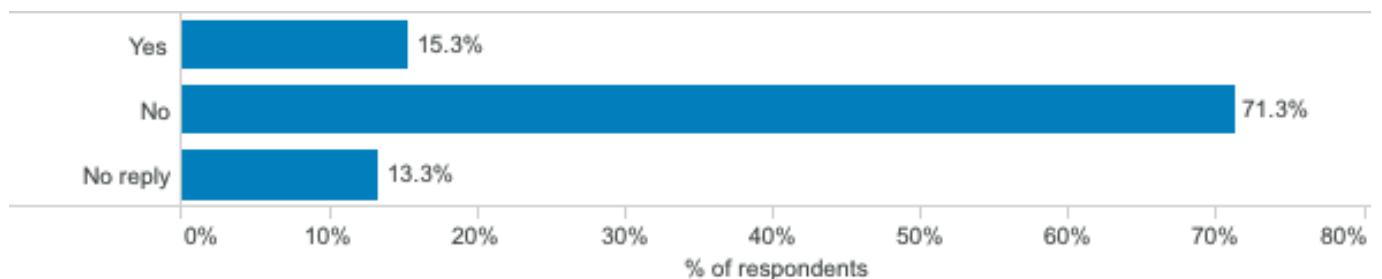
Are you male or female?



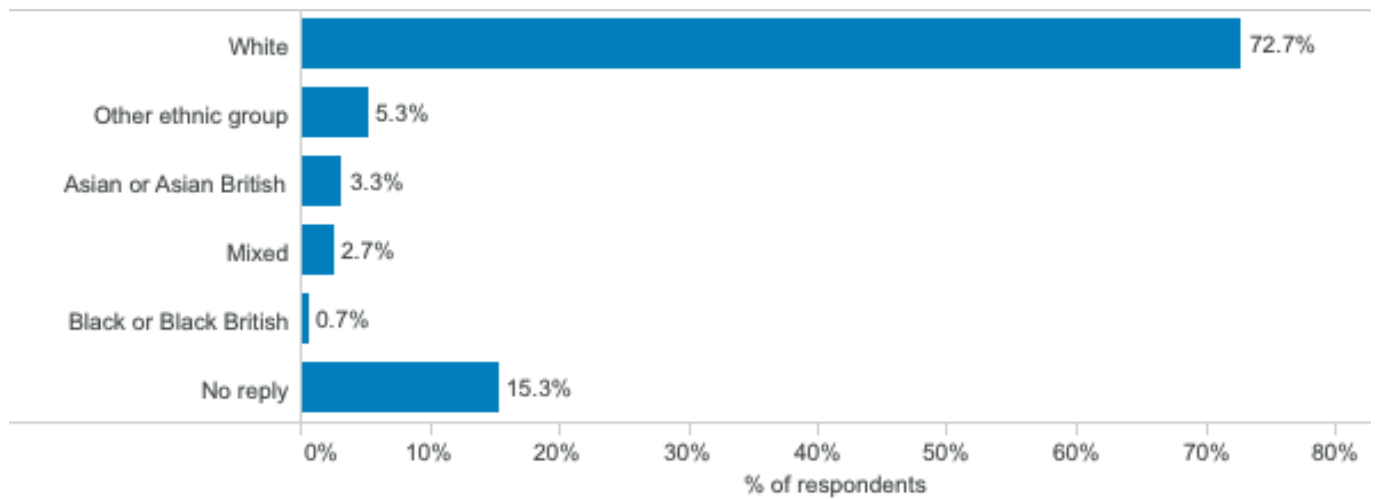
What was your age on your last birthday?



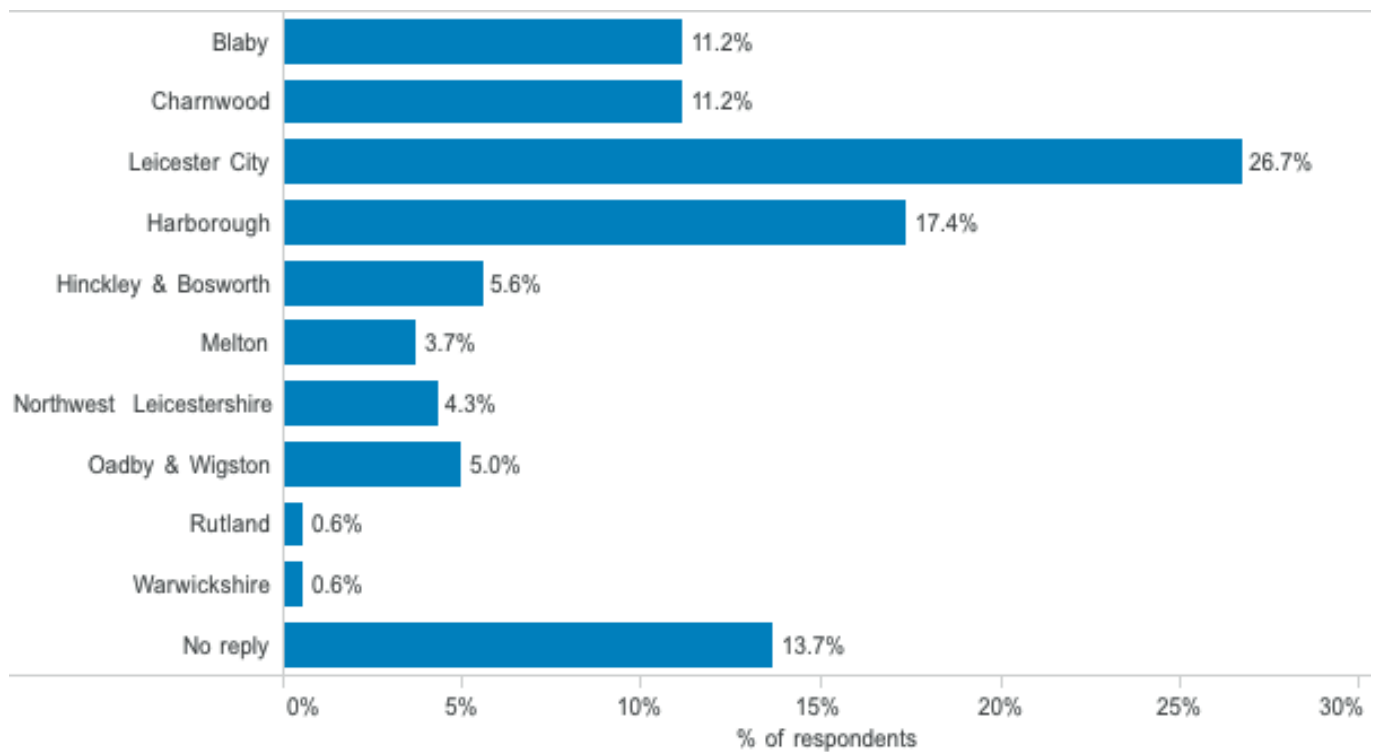
Do you have a long-standing illness, disability or infirmity?



What is your ethnic group?



District (What is your postcode?)



Appendix 3 – Are there any other functions that you think should be included in the scheme?

Code	Sub code	Count				
Environment	Waste Management	22	Arts/leisure	Leisure facilities	4	
	Recycling	9		Arts/culture	4	
	Environmental concerns	9		Museums	1	
	Green/Renewable/Sustainable - Energy	2		Libraries	1	
	Energy	2		Emergency Services	Police	6
	Maintenance of parks/verges	1			Fire services	3
	Green/Renewable/Sustainable - Transport	1			Emergency services	1
	Green/Renewable/Sustainable - Other	1		Other	Other	9
No/Don't know/NA comment	No/Don't know/NA comment	43	General improvements	Improve operations - General comment	5	
Health	Health	19	Housing	Housing	5	
Transport/Highways	Transport	3	Regulatory	Licensing	2	
	Parking	3		Trading Standards	1	
	Traffic management	2		Registrars	1	
	Street lighting	1		Coroners	1	
	Road gritting	1	Planning	Planning	4	
	Road cleaning	1	Tourism	Tourism	2	
	Lorry parking	1		Festivals	1	
	Lift freight delivery restrictions	1	Skills/training	Training	1	
	Highways/roads	1		Apprenticeships	1	
	Freight priority lanes	1	Funding	Funding schemes	1	
	Depots	1	Justice	Courts	1	
	Cycling infrastructure	1	Poverty	Poverty	1	
	Consolidation centres/freight parks	1	Sports	Sports development	1	
	Social care	Social care/social services	14	Statutory services	Statutory services	1
Meals on wheels		1				
Care for elderly		1				
Council back office	Procurement/commissioning	5				
	Admin	3				
	IT infrastructure	2				
	Consultation	2				
	Human Resources	1				
	Finance	1				
	Equality and diversity	1				
All services/functions	All services/functions	12				
Education	Education	11				
	School meals	1				

Base = 144

Note each response could contain more than one comment/point of view

Appendix 4 – Additional consultation responses



East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire)

Response to consultation on the formation of a Combined Authority for Leicester and Leicestershire

East Midlands Chamber (Derbyshire, Nottinghamshire, Leicestershire) welcomes the opportunity to provide its views on the proposed development of a Combined Authority in Leicester and Leicestershire, an area in which it has over 900 members.

The Chamber's comments relate in the main to the proposed functions, focus and activities, as opposed to the proposed governance arrangements. We would, however, note that the proposed role for the Chair of the LLEP is welcome. Leicester and Leicestershire Enterprise Partnership has been a success for the area to date in helping promote the needs of business and its continued involvement would be an important element in any Combined Authority model.

It is also important to clearly state that it is vital for the success of a combined authority that it not be seen as another layer of governance, and therefore ensuring a strong, coherent plan of activity and communication of that is of the utmost importance.

Economic development, regeneration and transport are all areas that the Chamber believes would be more effectively addressed at the proposed combined authority level. Businesses and employees cross boundaries as a matter of course and so it is appropriate that an approach to economic development also looks cross-border. The Chamber would highlight three areas where better joined up activity would support enhanced business growth:

- **Skills provision:** in particular, ensuring that colleges and training providers are understanding and responsive to the needs of local employers and that provision can be designed around these needs, both for today and into the future.
- **Planning/land availability:** considering both commercial and residential developments, the lack of consistent local plans creates barriers in planning and creates a system that is disjointed and often weighted towards local pressures/drivers as opposed to the strategic needs of an area. Chamber members frequently highlight frustrations with planning as it stands, both from the viewpoint of developers and also businesses looking to move premises and struggling to find something suitable.
- **Transport:** ensuring a cross-boundary approach to investment in road networks – many journeys on these networks are transitory across boundaries and by understanding and responding to key travel flows a 'whole journey' approach can be developed, reducing congestion and boosting productivity.

While the Chamber is wholly supportive the intention to develop a joint economic vision and strategic growth plan to 2050, it is vital that any such vision and growth plan also be cognisant of – and engage with – activity taking place in localities surrounding the proposed Combined Authority area, where there are many joint economic interests and opportunities. Indeed, the importance of getting this right is only

heightened by similar moves in neighbouring areas, where developments are at a more advanced stage. A Combined Authority for Leicester and Leicestershire will support this by putting the area on a closer to equal footing.

Finally, while it is appreciated that this consultation marks one stage within a process, the Chamber recognises that the development of Combined Authorities and the wider devolution agenda is politically a fast moving one. Therefore, we would urge decision makers in Leicester and Leicestershire to continue to be seek opportunities for enhanced partnership working, both within the city and county boundaries but also with others where the interests are similar and deeper partnership would further support the positive development of the Leicester and Leicestershire economy and those who live and work in it.

To discuss this submission further please contact:

Scott Knowles, Chief Executive, scott.knowles@emc-dnlc.co.uk

Chris Hobson, Director of Policy and External Affairs, chris.hobson@emc-dnl.co.uk



FSB Response to the Combined Authority Consultation

Q3 - We strongly agree.

Businesses do not recognise authority boundaries as helpful to an effective transport system. They want seamless movement of labour across the whole LLEP area. There are opportunities for improved productivity and convenience through smart ticketing across such a seamless area.

Businesses do not consider authority boundaries as helpful in the execution of economic development strategies from the LLEP. They introduce significant handicaps into the process for providing development space for housing and economic activity. The differences in approach to inward investment activity between the City and County have been depressing to observe. Businesses expect consistent deployment of business support, such as local sign-posting to LLEP and other sources, to be consistent across post codes.

However, the successful delivery of these expectations will rest on effective governance arrangements and truly integrated working with an absence of frontiers. We look forward to an opportunity to comment on proposals to achieve this. Issues of accountability, transparency and accessibility for business input will be of particular interest.

Q4 - We strongly agree.

Part of the transport rationale for a combined approach is outlined in Q3. In parallel with the delivery of transport services, there is the underlying issue of transport infrastructure, both the development and maintenance thereof, where authority boundaries make no apparent sense when it comes to rational allocation of scarce resources.

Planning authority partitions are demonstrably disabling the mechanisms required to meet the needs of the local economy. For instance the City boundary appears to be a real obstacle to providing adequate workplace development space for LLEP key industries such as food. There is a wide-spread and continuing need for affordable work space for small businesses – the life blood of the local economy.

With the area still growing well, and approaching nominal full employment, then we urgently need more housing to attract more labour. The location of that housing and how it links to the employment centres, together with the necessary social infrastructure of schools, healthcare, retail outlets etc, is a pressing task that has to be addressed under one authority without frontiers.

Businesses expect that a combined planning authority will deliver planning decisions and regulation more consistently than the situation they currently have to deal with.

The vital, parallel approach to nominal full-employment has to be a drive for increasing productivity in the LLEP area. The statistics show that this area is below national averages in educational attainment, in skill levels and consequently in productivity. Standard of living rests fundamentally on productivity. The “living

wage” issue will only be solved, as opposed to mitigated with unintended consequences, by increasing productivity. Productivity rests on investment and on training. We look to the combined authority to take a seamless approach to delivering a workforce through the FE colleges and other routes that meets the needs of businesses. That may need a change to what the colleges understand by “meeting demand”. Too often this appears to mean meeting demand expressed by students seeking to enrol. This approach delivers surpluses who cannot apply their training and chronic shortages illustrated by vacancies which cannot be filled.

However, the same comments on governance made in Q3 still apply.

Q5 –

As a consequence of combining planning functions, we believe that Section 106 funds should also be pooled and applied to development infrastructure where rationally required, rather than within the local authority boundary within which it is “earned”.

Inward investment should be specifically identified as within the ambit of the combined authority. Business people cannot understand the apparent lack of clarity, over a protracted period, of the role, scope and remit of the inward investment effort in the County vs the City. Potential investors also need to see a single entity and single point of contact for the whole LLEP area.

It would be helpful if the Combined Authority was specifically tasked with the development and maintenance of a “foreign office” for developing plans and joint ventures with authorities in neighbouring LLEP areas.

Q6. – Tend to agree

We tend to agree that the review correctly outlines the existing governance arrangements. However, the language used needs to be sharpened up to differentiate the roles of the Combined Authority from that of the LLEP.

There is such widespread use of “strategic”, “economic development”, “growth” etc that the lines get blurred. For instance, under heading 6, “There is no single formally constituted body with responsibility for taking decisions related to economic growth....” “...no single entity with responsibility for taking decisions on economic development....”. Any suggestion of dilution of the role of the LLEP would be retrograde and very damaging. Sharper distinction between delivery and strategy might help.

It would be helpful if the language used separated the topic of spatial planning from that of economic development for governance purposes.

There is no discussion about how a newly constituted Combined Authority would be represented on the LLEP Board.

Dave Nicholls

Regional Chairman



(f) 0161 489 3751
(m) 07958 876663
jon.bottomley@eastmidlandsairport.com

20 October 2015

Simon Lawrence
Programme Manager
Leicestershire Combined Authority

By E-Mail

Dear Simon

Consultation on the Proposed Combined Authority for Leicestershire

We are responding to the public consultation on the proposal to create a combined authority for Leicester and Leicestershire. As one of the County's major businesses, East Midlands Airport welcomes the opportunity to make comments and provide some observations on the proposed arrangements for closer collaboration and joint-working between the local authorities in Leicestershire.

East Midlands Airport is located in North West Leicestershire and is the largest single employment site in the County. It is a significant regional airport handling 4.5 million passengers a year serving the Midlands and part of East Anglia. The Airport also plays a national role as the UK's largest express freight hub. Some 7,000 people work on the Airport site and it is estimated that the Airport generates £263m of annual GVA for the East Midlands region.

The local authorities and the Leicester and Leicestershire Enterprise Partnership have a range of priorities and policies to boost the County's economy, to create jobs and to improve transport and planning. A more unified approach through a combined authority would provide a greater level of clarity, reduce duplication and importantly provide a strategic approach and direction for developers and investors. This would ensure that across the County, the focus is on strategies, policies and measures that seek to deliver the greatest overall benefit for Leicestershire. A collective approach through a combined authority will also give the local authorities and partners across the County a single and stronger voice in discussions with Government, regional partners, businesses and investors.



CommunityMark
Developed by Business & the Community



INVESTOR IN PEOPLE

Registered Office: East Midlands International Airport Ltd., Castle Donington, Derby, East Midlands, DE74 2SA, England, UK. Registered in England No. 2073271

East Midlands Airport supports the approach to closer and more collective working between local authorities. This will enable clearer and more strategic decision-making, delivering an ambitious approach to transport, planning and the development of jobs and skills. Combined Authorities have been established in neighbouring areas and it is important that Leicester and Leicestershire are able to capitalise on the benefits that such a partnership will bring.

We hope that these comments are helpful as part of the consultation process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jon Bottomley', followed by a long horizontal line that ends in a stylized flourish.

Jon Bottomley
PRINCIPAL PLANNER

From: **BRIDGEN, Andrew**
Sent: **20 October 2015 15:21**
To: **Leader**
Subject: **RE: Combined Authority**

Dear Nick,

With reference to the Combined Authority, I have real concerns that our bid will not be seen as substantial enough. Around us we have Northamptonshire combining with Oxfordshire and Buckinghamshire, Lincolnshire looking at East Yorkshire and Derbyshire and Nottinghamshire are combining with the prospect of a Mayor and the powers that would bring. I also understand that a lot of their bid centres on the employment opportunities around East Midlands Airport based of course in our County and in my constituency.

I do feel that it is inevitable that we will have to form some alliance with these two counties given our historic links being part of the so called Golden Triangle. I understand yesterday that the leader of Nottinghamshire County Council extended an invitation for Leicester and Leicestershire to join their bid and whilst I understand you have said recently it is 'too late', I would urge you to look at this again and see what options there are to join that bid. I will be happy to raise the matter with the Secretary of State to see what assistance he and his Department can offer to facilitate this, indeed I am in receipt of a handwritten note from him following my speech in the House last week agreeing with my promotion of the idea. I fear if we do not act soon, the County and the City will be left behind as our bid simply will not have the critical mass required.

Kind Regards,

Andrew Bridgen

You can view the latest information in a number of ways

Visit us online www.llca.org.uk - this web page will be kept up-to-date with the latest information and developments. You'll also be able to access the survey here.

Alternatively, you can telephone **0116 305 7243** to ask for information in printed or alternative formats.

ਜੇ ਆਪ ਆ ਮਾਹਿਤੀ ਆਪਨੀ ਆਖਾਮਾਂ ਸਮਝਵਾਮਾਂ ਥੋੜੀ ਮਦਦ ਈਝੜਾਂ ਭੀ ਤੋ 0116 305 7243 ਨੰਬਰ ਪਰ ਫ਼ੋਨ ਕਰਥੋ ਅਨੇ ਅਮੇ ਆਪਨੇ ਮਦਦ ਕਰਵਾ ਆਵਥਾ ਕਰੀਥੁੰ।

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 17 NOVEMBER 2015

Title of report	UPDATE TO THE COUNCIL'S CONSTITUTION
Contacts	<p>Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To seek Council's approval of the proposed amendments to the Constitution.
Council Priorities	The Constitution covers all the priorities.
Implications:	
Financial/Staff	None.
Link to relevant CAT	Not applicable.
Risk Management	A clear and up to date Constitution will minimise the risk of the Authority failing to comply with statutory requirements and assist in delivering its priorities and objectives.
Equalities Impact Screening	Not applicable.
Human Rights	Not applicable.
Transformational Government	Clear and robust governance arrangements and procedures assist with the effective and efficient delivery of services and proper decision making.
Comments of Head of Paid Service	The report is satisfactory.

Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Deputy Monitoring Officer	The report is satisfactory.
Consultees	Chief Executive Head of Legal and Support Services Policy Development Group
Background papers	Report to Policy Development Group – 30 September 2015 Minutes of Policy Development Group – 30 September 2015, as Appendix 5 to this report.
Recommendations	<p>1. THAT MEMBERS NOTE THE COMMENTS OF MEMBERS OF PDG AND THE SUBSEQUENT ADVICE FROM OFFICERS AS SET OUT IN SECTION 4 OF THE REPORT:</p> <p>AND</p> <p>2. APPROVE THE AMENDMENTS TO THE CONSTITUTION SET OUT IN SECTIONS 3 AND 5 OF THIS REPORT AND APPENDICES 1 – 4</p> <p>AND</p> <p>3. THAT COUNCIL AUTHORISES THE HEAD OF LEGAL AND SUPPORT SERVICES TO MAKE THE AGREED AMENDMENTS TO THE CONSTITUTION AND RE-ISSUE THE DOCUMENT.</p>

1.0 INTRODUCTION

- 1.1 The Local Government Act 2000 requires each Local Authority to prepare, keep up to date and publicise the document known as the Constitution.
- 1.2 The Constitution should be logical, integrated and accessible to members, officers, local people and anyone else interested in the way a local authority makes its decisions. There is also a statutory requirement on the Council's Monitoring Officer to keep the Constitution up to date, and accordingly the update of the Constitution is an on-going process.

2.0 BACKGROUND

- 2.1 Full Council regularly considers items relating to updates to the Constitution. The updates are generally required due to legislative and organisational changes or to clarify and improve processes within the Authority to reflect best practice. Members may recall that,

in response to comments and suggestions made by members at Council, it was agreed that:

- (i) the Constitution underwent one main annual review - around the time of Annual Council;
- (ii) any remaining changes or matters arising after this date would be dealt with by way of one mid year review;
- (iii) further reviews or changes would only be suggested outside this process if legislation or national guidance required it;
- (iv) there was some “scrutiny” of the main annual review report whilst in draft and prior to its publication;
- (v) there would be informal consultation / engagement with members on the mid year and other reviews.

2.2 Policy Development Group previously considered reports on amendments to the constitution on July 1 July and 30 September 2015 the first of which was considered by Council on 15 September. In those reports the Monitoring officer referred to a suite of software which had been developed to assist in the review of constitution which is further detailed at 3.12 below . As a result of the availability of the software package a decision has been taken to undertake a wholesale refresh of the constitution and the progress of that refresh is detailed in the table at paragraph 6.1.

3.0 CHANGES TO THE CONSTITUTION PRESENTED TO POLICY DEVELOPMENT GROUP ON 30 SEPTEMBER 2015

Planning Code of Conduct

3.1 The current Planning Code of Conduct is based on the Probity in Planning document first issued by the Local Government Association in 1997 with a national code issued in 2007. That code was subsequently amended in 2013 to reflect the changes introduced by the Localism Act 2011.

3.2 Whilst the District Council’s Planning Code of Conduct has been amended over the years to reflect changes in guidance and legislation that has occurred on a piecemeal basis, the attached revised code has been subject to a comprehensive review which reflects current best practice and previously agreed local standards.

3.3 A copy of the proposed Planning Code of Conduct is attached as Appendix 1

Changes to Planning Delegations

3.4 The Director of Services has requested that members give consideration to amending a number of existing delegations to improve the efficiency and effectiveness of determining planning applications.

- 3.5 Currently applications for and on behalf of the Council (as a corporate body) for its own development are not referred to Planning Committee unless there is likely to be a major impact or objections have been received.
- 3.6 This is in contrast to applications received from serving Member's and officers and applications from former members, officers and respective co-habiting partners who served the Council in the preceding 5 years. .
- 3.7 The Director of Services proposes that it would be appropriate for the applications defined in paragraph 3.6 above to only be referred to Planning Committee where there is likely to be a major impact and or there have been objections to the application.
- 3.8 A suggested form of wording is attached as Appendix 2

Call-in of Planning Applications

- 3.9 The Director of Services has requested that in order to ensure that planning applications are determined within the government time scales; consideration is given to limiting the extent of the call in provisions contained within the constitution. There have recently been a number of occasions where call in has been requested in the public interest and yet there has been little if any engagement from the public in the subject matter of the application.
- 3.10 The Director considers that it would be beneficial if call-in's under the weekly list procedure are limited to the Ward member whose ward is affected and that any such call in would need to be supported by both planning grounds and the public interest as opposed to the current position where either ground is sufficient.
- 3.11 A suggested form of wording is attached at Appendix 2.

Financial Procedure Rules

- 3.12 The software package referred to in Paragraph 2.2 above also includes an updated set of Financial Procedure Rules which have been reviewed by the Section 151 Officer (Head of Finance).
- 3.13 A copy of the updated rules are attached as Appendix 3 and the Section 151 officer asks members to consider adopting them.

Delegations Arising from Management Changes

- 3.14 The Chief Executive in her role as Head of Paid Service has identified the need for additional support at Director level and Members will be aware of the decision to appoint an interim Director of Resources for a period of 18 months. Members will be aware an Interim Director has been appointed and he commenced his employment with the Council on 2 November 2015.
- 3.15 In anticipation of that future appointment PDG were asked to considered amendments to the Scheme of Delegation to reflect the new senior management structure.

3.16 Subject to the amended scheme of delegation being approved the Monitoring Officer is of the view that a consequential re-ordering and renumbering of the Scheme of Delegation would be beneficial.

3.17 Proposed amendments to the scheme of delegation are attached as Appendix 4.

4.0 COMMENTS FROM POLICY DEVELOPMENT GROUP

4.1 The draft Council Report was considered by Policy Development Group on 30 September 2015. The report is attached as a background paper.

4.2 A number of comments were received from Members of PDG on the proposed amendments.

4.3 As regards the propose amendments to the Planning Code of Conduct a number of comments were made:

i) Concerns were expressed regarding the amendment that required a call in to be supported by one or more planning grounds and also be a matter of local concern whereas previously these grounds for call-in were in the alternative.

ii) It was agreed that the Deputy Monitoring Officer would in conjunction with planning colleagues give consideration to amending the wording to reflect Members concerns. Having considered the matter the Director of Services and the Head of Regeneration and Planning remain satisfied that the proposed wording reflects best practice and do not support or recommend a change, as the amendment is intended to ensure that planning applications are not called in without there being a valid planning ground as applications can only be determined on the basis of planning grounds and not on the basis of local concerns only.

iii) Members also raised concerns regarding the amendment which would restrict call-in to Ward members only as following the move to single member wards there would be occasions when ward members were not available and applications, where there were genuine planning concerns, would fall outside the call-in process. Members requested that consideration is given to extending the call-in to adjacent ward members.

iv) Director of Services and the Head of Regeneration and Planning remain satisfied that limiting call-in to ward Members reflects best practice and do not support or propose any changes to the proposed recommendation.

4.4 A copy of the draft minutes are attached at Appendix 5.

5.0 ADDITIONAL CHANGES TO THE CONSTITUTION

Head of Finance/Section 151 Officer

5.1 At the meeting of PDG a further amendment was suggested to members at the request of the Head of Finance. It was requested that the proposed delegations to the interim Director of Resources were further amended to reflect the statutory role of the Section 151 Office which would bring the wording into line with that relating to the Monitoring Officer.

5.2 It is therefore proposed that the wording in Appendix 4 to the Report to PDG at Paragraph 5.2.15 is amended to read as follows:

Finance, financial planning and procurement (without prejudice to the statutory role and function of the Section 151 Officer)

5.3 Members of PDG made no comment in respect of the proposed amendment.

Planning Delegations

5.4 Following the meeting of PDG the Director of Services has requested that Council consider a further amendment to the planning delegations to ensure that following delegation is only exercised following a site visit. The amended wording is shown below:

(e) The details of an intended delegated decision on any application where material planning representations have been received in conflict with that recommendation have been circulated to the ward councillors concerned and to the Chairman of the Planning Committee,
and

(i) the ward councillor(s) has advised the Director of Services that he/she wishes the matter to be referred to the Planning Committee stating the reason for the request, and has confirmed that request and the reasons for it in writing within 5 working days of the list being sent out,
and

(ii) the Director of Services, in consultation with the Chairman of the Planning Committee having conducted a site visit, decides that the application should be referred to the Planning Committee.

6.0 Further Review of the Constitution

6.1 Members are advised that the review of the Constitution is continuing and further reports will be brought to full Council later in the year. The table below indicates the current progress of the review and the anticipated work streams.

Section of Constitution	Completion Date
Scheme of Delegation to Staff	Council - 17 November 2015
Rules of Procedure: to include a review of the format and style and specifically: Financial Procedure Rules Contract Procedure Rules	Council - 17 November 2015 PDG – 2 March 2016 Council – 22 March 2016
Codes and Protocols: to include a review of the format and style and specifically: Planning Code of Conduct Employee Code of Conduct	Council - 17 November 2015 PDG – 2 March 2016 Council – 22 March 2016

5.9 - CODE OF PRACTICE FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

This Code of Practice supplements the Council's Code of Conduct for Members and where appropriate Members should refer to the Code of Conduct which is set out in the Council's Constitution. The Council's Monitoring Officer's advice may be sought on the interpretation of the Code of Conduct or this Code.

1. INTRODUCTION

- 1.1 Planning affects land and property interests, including the financial value of land and the quality of their settings. It is not an exact science. It is often highly contentious because decisions affect the daily lives of everyone and the private interests of members of the public, landowners and developers. Opposing views are often strongly held by those involved. A key role of the planning process is balancing the needs and interests of individuals and the community.
- 1.2 The planning system can only function effectively if there is trust among those involved. There must be trust between Members and Officers and between the public and the Council. The Third report of the Committee on Standards in Public Life (the Nolan Committee) (1997) recommended that each local authority's practices and procedures were set out in a local code of planning conduct to avoid allegations of malpractice in the operation of the planning system.
- 1.3 The general principles that underlie the Council's Code of Conduct for Members and apply to this Code of Practice are:
 - 1.3.1 Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.
 - 1.3.2 Members should not place themselves in situations where their honesty or integrity may be questioned.
 - 1.3.3 Members should make decisions on merit.
 - 1.3.4 Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.
 - 1.3.5 Members may take account of the views of others but should reach their own conclusions on the issues before them and act in accordance with those conclusions.
 - 1.3.6 Members should respect the impartiality and integrity of Officers.
- 1.4 The Council is committed to open, fair and transparent decision-making. Planning decisions should be made impartially, with sound judgement and for justifiable reasons.
- 1.5 This Code of Practice sets out practices and procedures that Members and Officers of the Council shall follow when involved in planning matters. Planning matters include the consideration of planning applications, the preparation of development plans and other planning policy and the enforcement of planning control.
- 1.6 Failure to follow this Code without good reason, could be taken into account in investigations into possible maladministration against the Council, or have implications

for the position of individual elected members and officers. Breaches of this Code may also amount to breaches of the Council's Code of Conduct for Members. If in doubt about what course of action to take, a member or officer should seek the advice of the Council's Monitoring Officer.

- 1.7 This Code of Practice sets out principles to guide members and officers in determining planning applications and making other decisions within the terms of reference of Planning Committee. Although of particular relevance to members of Planning Committee it applies to all members of the Council who may become involved in planning and development matters.
- 1.8 Members of Planning Committee are required to be impartial at all times and should refrain from wearing any item that indicates a political affiliation, stance, lobby or similar influence (such as clothing in party colours party, party emblems etc) in the course of site visits conducted by the planning committee. Similarly, members shall not make political statements whilst on any business concerned with the functions of Planning Committee.

2. **THE ROLE AND CONDUCT OF MEMBERS AND OFFICERS**

- 2.1 Members and Officers have different, but complementary roles. Both serve the public but Members are responsible to the electorate, while Officers are responsible to the Council as a whole.
- 2.2 The role of a member of the Planning Committee is to make planning decisions openly, impartially, with sound judgement and for justifiable reasons.
- 2.3 Whilst Members have a special duty to their ward constituents, including those who did not vote for them, their overriding duty is to the whole community. This is particularly pertinent to Members involved in making a planning decision. A key role of the planning system is the consideration of development proposals in the wider public interest.
- 2.4 Members' decisions shall not discriminate in favour of any individuals or groups and they alone have the responsibility to decide what view to take. Members must, therefore, consider all of the material issues in the light of Development Plan policies, Government advice and their own individual judgement and make a decision in the interests of the area as a whole.
- 2.5 Whilst Members should take account of all views expressed, they shall not favour any person, company, group or locality, nor put themselves in a position where they appear to do so.
- 2.6 Officers who are Chartered Town Planners are guided by the Royal Town Planning Institute's (RTPI) Code of Professional Conduct. Breaches of that code may be subject to disciplinary action by the Institute.
- 2.7 Officers in their role of advising Members shall provide:
 - 2.7.1 Impartial and professional advice;
 - 2.7.2 Consistency of interpretation of planning policy; and
 - 2.7.3 Complete written reports covering all necessary information for a decision to be made.

- 2.8 The Council endorses the statement in the RTPI code that, 'RTPI members shall not make or subscribe to any statements or reports which are contrary to their own professional opinions', and extends it to apply to all officers in the authority advising on planning matters.
- 2.9 That the Council may not always follow the advice of their professional planning officers is perfectly proper. The professional officer too, may have a change of opinion, but this must be on the basis of professional judgement, and not because an authority, it's Members or other Officers, have prevailed upon the Officer to put forward his or her professional view as something other than it really is. If the Planning Committee is minded to refuse or grant an application contrary to Officer recommendation, it should consider whether to defer the application to the next available committee, before making the final decision. This will allow Members to obtain further legal advice on the proposed reasons for acting contrary to the recommendation based on material planning considerations. If such a decision is made it must be clearly minuted, expressed clearly and be based upon sound planning reasons supported by evidence.
- 2.10 The Council shall have a designated head of the planning service, who is qualified for election to membership of the RTPI and who has direct access to elected members as their professional adviser on planning matters. Officers shall follow the guidance on their standards of conduct as set out in the Code of Conduct for Employees in the Council's Constitution and any National Code of Conduct for Local Government Officers issued by the Secretary of State under Section 82 of the Local Government Act 2000.
- 2.11 Members shall follow the advice in the Member's Code of Conduct about accepting gifts and hospitality. Members should treat with extreme caution any offer which is made to them personally; the normal presumption should be that such offers must be courteously declined. Similarly, officers shall politely decline offers of hospitality from people with an interest in a planning proposal. If receipt of hospitality is unavoidable, Officers shall ensure it is of a minimal level and declare it in the hospitality book as soon as possible.

3. **INTERESTS OF MEMBERS**

- 3.1 Where members have interests which may be thought likely to influence their decision, the fact should be declared at the meeting.
- 3.2 Where the interest is such that members of the public may feel that the member will not be able to approach matters with an open mind and consider the application on its planning merits, members should consider withdrawing from the Committee for that item.
- 3.3 These principles apply equally to members who are not members of Planning Committee. Members who have such interests should consider whether it is appropriate for them to participate in the planning process, and in any event, should declare such interest at any meeting which they may attend or in any letter which they may write.
- 3.4 Members should seek guidance from officers.
- 3.5 Members of Planning Committee and Officers who attend Planning Committee regularly must complete the Annual Return required for this purpose.
- 3.6 The Code of Conduct for Members provides guidance as to personal and prejudicial interests which may affect a member's ability to take part in the decision-making process. However, members may have other interests which may influence their decision which will not amount to personal or prejudicial interests for the purposes of the Code. In order to maintain the integrity of the planning system, members should be

careful to ensure that such interests do not unduly influence their decisions. Examples of such interests are:-

- 3.6.1 from ward concerns;
- 3.6.2 from membership of other Committees of the Council;
- 3.6.3 from membership of other public or community bodies;
- 3.6.4 from membership of voluntary associations and trusts (including where appointed by the Council);
- 3.6.5 from a connection with a particular policy initiative of the Council;
- 3.6.6 from membership of clubs, societies and groups; and
- 3.6.7 from hobbies and other leisure interests.

Such interests may mean that a Member is involved with a planning application before the matter comes before the Planning Committee. Such involvement need not on its own debar a member from participating in making the planning decision when the matter is considered by Planning Committee providing that the member has not already decided how they will vote on the matter before the Committee. Members should, however, always consider carefully whether in any particular case they could reasonably be seen to approach the planning merits of the application with an open mind. If the member considers that this is not possible, the member should withdraw from consideration of that item.

- 3.7 As a minimum, the integrity of the planning system requires openness on the part of members; it must operate fairly and be seen to operate fairly.

4. **DUAL-HATTED MEMBERS AND MEMBERS ON OTHER BODIES**

- 4.1 Planning Committee members who are members of parish or town councils may find they are expected to express a view at a parish or town council meeting, or vote on whether or not the parish or town council should object or comment on a proposal from that parish or town council's point of view.
- 4.2 They may then have to consider the same matter as a District Council member if it is determined by the Planning Committee.
- 4.3 Members are also appointed to outside public bodies or internal boards or groups, who may then act as consultees or interested parties and are of course permitted to join interest groups which reflect areas of interest such as a local civic society, CPRE, etc.
- 4.4 Where members have dual parish/town and District Council membership, or are members of other consultee bodies or interested parties, they may find themselves having to vote differently on a matter when they consider it at District level, having heard the technical and legal background from officers.
- 4.5 This is not inconsistency, but the consequence of having to fulfil totally separate and different roles.
- 4.6 Where members have dual parish/town council/District Council membership or sit on consultee bodies and issues come up for discussion at different levels, members can

take part at the lower/consultee level provided that they have not already made up their mind on the matter and are not biased, and they:

- a) make it clear at the lower level that their views are expressed on the limited information before them;
 - b) they will reserve their judgement and independence to make up their own mind on separate proposal, based on their overriding duty to the whole community and not just to the people in that area ward or parish, as and when it comes before the District and when they have heard all of the relevant information; and
 - c) they will not in any way commit themselves as to how they or others may vote when the proposal comes before the Planning Committee at District level.
- 4.7 Membership of a parish or town council, consultee body or pressure group (and participation in its debates and votes) will not constitute a Disclosable Interest in a matter within its area or upon which it may or may not have commented on when it is considered at District level unless:
- a) The business of being considered substantially affects the wellbeing or financial standing or purpose of the relevant body.
 - b) The member or the body has taken a leading role in supporting or opposing the matter, within the area or elsewhere.
- 4.8 In (a) or (b) above a member is likely to have a Disclosable Pecuniary Interest where the business relates to the financial position of the body or a planning application or matter made by or relating to it.
- 4.9 However, members must give the above careful consideration, and remain bound by the other parts of the Members' Code of Conduct and this Code in relation to the matter.
- 4.10 Members who are a trustee or company director of a body whose matter is under consideration and where appointed by the Council should always disclose this as a Disclosable Pecuniary Interest where any financial benefit may accrue.

Note: The above advice represents a pragmatic approach to the participation of dual-hatted members in planning matters. As members are aware, the risk under the Code of Conduct and declaration of interests rests with the individual member. For that reason, members are further advised to consider the facts of each case before making a decision on their level of participation. This is particularly important in controversial/high profile matters and/or where the member may play a prominent role in the determination at District level. If a member is in doubt they are reminded to seek advice from the Monitoring Officer at an early stage.

5. **COUNCILLORS WHO ARE NOT MEMBERS OF THE COMMITTEE**

- 5.1 Councillors who are not on the Planning Committee may make written representations to the Director of Services about a planning application in the same way that any other interested person may do so and may address the Planning Committee provided it would not constitute a Disclosable Pecuniary Interest or amount to a breach of any other obligations of the Code i.e., seeking to unduly influence the outcome of a planning application. For the avoidance of doubt where that interest is a Disclosable Pecuniary Interest, they are not permitted to participate in the planning process in their official capacity as a Councillor.

- 5.2 When a councillor who is not a member of the Planning Committee speaks at a meeting they shall disclose at the earliest opportunity any Disclosable Interest, the fact that they have been in contact with the applicant, agent, advisor or an interested party if this is the case, and make it clear whether they are speaking on behalf of such persons or any other particular interest. A councillor who has a Disclosable Non-Pecuniary Interest in a matter may attend a meeting of the Planning Committee at which that application is considered in order to speak, make representations, answer questions or give evidence in accordance with the Code of Conduct.
- 5.3 Any councillor who is not on the Planning Committee but who is at one of its meetings should sit separately from the Committee, so as to demonstrate clearly that they are not taking part in the discussion, consideration or vote.
- 5.4 They should not communicate in any way with members of the Planning Committee or pass papers or documents to them before or during the meeting.

6. DEVELOPMENT PROPOSED BY THE COUNCIL OR A COUNCIL OWNED COMPANY

- 6.1 Planning legislation allows the Council to submit and determine proposals for development that it proposes to carry out itself. Council owned companies also submit proposals that are decided by the Council.
- 6.2 Proposals submitted by the Council or a Council owned company shall be considered in the same way as those by private developers.
- 6.3 Members of the Planning Committee who sit on the board of a Council owned company which has submitted a planning proposal shall declare a personal and prejudicial interest and take no part in the discussion and determination of that proposal, except where they are the local Member when they may speak on matters of local concern but shall not vote.
- 6.4 Officers who are involved in the preparation of development proposals shall not advise on, or take any part in the consideration of, planning applications in respect of such proposals.

7. DEVELOPMENT PROPOSALS SUBMITTED BY OR INVOLVING COUNCILLORS AND OFFICIALS IN THEIR PRIVATE CAPACITY

- 7.1 Planning proposals submitted to their own Authority by councillors and officials in their private capacity or in which they are involved can give rise to suspicions of impropriety. Such proposals can take a variety of forms including planning applications and development plan proposals. It is, of course, perfectly legitimate for such proposals to be submitted. However, it is vital that they are handled in a way, which gives no grounds for accusations of favouritism, bias, or maladministration.
- 7.2 Officers whether or not they are members of the Royal Town Planning Institute (RTPI) should also have regard to and be guided by the RTPI's Code of Professional Conduct.
- 7.3 Should a member or officer submit their own proposal to the Authority in their private capacity they serve they must take no part in its processing. While they may properly seek pre-application advice from officers in exactly the same way as any other application, they must avoid all contact, whether direct or indirect, with members of the Planning Committee concerning the application. They can still represent their views to the Council, and seek to influence the decision in ways that are not improper. This could include:

- a) making written representations in the member or officer's private capacity;
 - b) using a professional representative on their behalf;
 - c) arranging for another member of the Authority to present the views of a member's constituent subject to that member's Code of Conduct obligations
- 7.4 For the sake of transparency in decision making, all planning applications submitted by a serving member or officer of the Council shall be determined by the Planning Committee. The Director of Services will notify the Monitoring Officer as soon as the application is received.
- 7.5 In addition, reasonable steps will be taken to ensure that applications submitted by:
- a) a person who has served as a member or officer of the Council in the five year period before the application was submitted; or
 - b) their respective co-habiting partners shall be determined by the Planning Committee.
- 7.6 Members of the Planning Committee must consider whether the nature of any relationship with the member (and/or officer) submitting the planning application requires that they make a declaration of interest and if necessary also withdraw from taking part in the determination of the application where the interest is a Disclosable Pecuniary Interest or is likely to breach some other obligation under the Code of Conduct.
- 7.7 No planning officer of the Council shall engage, other than on behalf of the Council, in any work on any town planning or related matter for which the Council is the local planning authority.
- 7.8 Members of Planning Committee should not act as agents or submit planning applications for other parties or voluntary bodies. To do so would give rise to the suspicion that the member was not impartial or may influence other members in the decision making process.
- 7.9 Any member who is a planning or similar agent will not be appointed to the Planning Committee.
- 7.10 Non Planning Committee members who act as agents (or advisors) for people pursuing a planning matter within the Authority must play no part in the decision making process for that proposal and must not seek to otherwise improperly influence the decision making process.
- 7.11 There may be occasions where the Council is the applicant for planning permission. Any councillor who was a party to the decision to apply for planning permission or who has previously expressed a view on the application shall not participate in the determination of the application by the Planning Committee.

8. **STATUTORY DUTIES**

The Council is also subject to a number of statutory duties which it must comply with when carrying out its statutory functions. These will apply to the planning function except when such matters are clearly immaterial because they are not capable of relating to the use of development land. Examples of these duties include:

8.1 **Equality Act 2010**

Section 149 provides that:

- 8.1.1 A council must, in the exercise of its functions, have due regard to the need to:-
- (a) eliminate discrimination, harassment, victimisation and any other conduct which is prohibited by or under the Equality Act 2010;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a protected characteristic and persons who do not share it.
- 8.1.2 The above powers relate to the following protected characteristics:-
- (a) Ages;
 - (b) Disability;
 - (c) Gender reassignment;
 - (d) Marriage and civil partnership;
 - (e) Pregnancy and maternity;
 - (f) Race (including colour, nationality and ethnic or national origins);
 - (g) Religion or belief;
 - (h) Sex; or
 - (i) Sexual orientation.

8.2 **Human Rights**

Section 6(1) of the Human Rights Act 1998 provides that:

“It is unlawful for a public authority to act [or fail to act] in a way which is incompatible with a Convention right.”

8.3 **Best Value**

Section 3(1) of the Local Government Act 1999 provides that:

“A best value authority must make arrangements to secure continuous improvement in the way in which its functions are exercised, having regard to a combination of economy, efficiency and effectiveness.”

8.4 **Crime and Order**

Section 17(1) of the Crime and Disorder Act 1998 provides that:

“Without prejudice to any other obligation imposed on it, it shall be the duty of a [local authority] to exercise its various functions with due regard to the likely effect of the

exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

9. **LOBBYING OF AND BY MEMBERS**

- 9.1 Lobbying is a normal and proper part of the political process. The applicant, supporters or those who may be affected by a proposal will often seek to influence the decision by an approach to their local member or members of a Planning Committee. However, reacting to lobbying can lead to the impartiality of a Member being called into question and require that Member to declare an interest.
- 9.2 The information provided by lobbyists is likely to represent an incomplete picture of the relevant considerations in respect of a planning matter. The views of consultees, neighbours and the assessment of the case by the planning officer all need to be considered before a Member is in a position to make a balanced judgement on the merits of the case. Members should provide officers with copies of any lobbying material they may have received, whether in favour or against a proposal.
- 9.3 The time for individual Members of the Planning Committee to make a decision on a proposal is at the committee meeting when all available information is to hand and has been duly considered.
- 9.4 A Planning Committee member shall be free to listen to a point of view about a planning proposal and to provide procedural advice (in particular referring the person to officers). Planning Committee members should take care about expressing an opinion indicating they have made up their mind before the decision-making meeting. To do so, without all the relevant information and views, would be unfair and prejudicial. A decision is at risk of being challenged if members do not retain open minds and are not genuinely susceptible to persuasion at the decision-making meeting. Members who are lobbied should:
- 9.4.1 make clear that they reserve their final decision on a proposal until the committee meeting;
 - 9.4.2 only give procedural advice;
 - 9.4.3 consider referring those lobbying to the relevant Officer who can provide further advice; and
 - 9.4.4 not seek to meet an applicant or potential applicant alone.
- 9.5 Members of the Planning Committee shall not, in general, organise support or opposition for a proposal, or lobby other Members (other than when addressing the Planning Committee). Members shall not put pressure on officers for a particular recommendation.
- 9.6 The local Member who is not a member of the Planning Committee will be allowed to attend and speak at the decision-making meeting (either presenting their own views if they are an affected party or representing the views of their ward members) but not vote. The member of an adjacent ward substantially affected by the proposal shall, at the discretion of the chair of the Planning Committee, be allowed to attend and speak but not vote. A local Member who has a personal or prejudicial interest in an application, within the meaning of the Code of Conduct should seek prior advice from the Monitoring Officer about his or her position.

- 9.7 If a member of the Planning Committee identifies himself or herself with group or individual campaigning for or against an application, he or she shall declare a personal and prejudicial interest and not vote or decide on the matter. However, subject to the rules of committee that Member shall be given the opportunity to address the Committee and must leave the meeting as soon as they have spoken and not return until a decision has been made by Committee.
- 9.8 Members of a Planning Committee must be free to vote as they consider appropriate on planning matters. A Member cannot be instructed how to exercise their vote on a planning matter.
- 9.9 Members should inform the Monitoring Officer where they feel they have been exposed to undue or excessive lobbying or approaches (including inappropriate offers of gifts or hospitality), who will in turn advise the appropriate Officers.

10. PRE- AND POST- APPLICATION DISCUSSIONS AND NEGOTIATIONS

- 10.1 Discussions between an applicant and a planning authority, prior to the submission of an application can be of considerable benefit to both parties and is encouraged. Continued discussions and negotiations between these parties, after the submission of proposals, is a common and important facet of the planning process. However, they should take place within clear guidelines, as follows.
- 10.2 It should always be made clear at the outset that the discussions will not bind the Council to making a particular decision and that any views expressed are those of the Officer only, and are provisional.
- 10.3 Advice should be consistent and based upon the Development Plan and material considerations. There should be no significant difference of interpretation of planning policies by individual planning officers.
- 10.4 A written note should be made of all potentially contentious meetings. Two or more officers should attend potentially contentious meetings. A note should also be taken of potentially contentious telephone discussions.
- 10.5 Members need to preserve their role as impartial decision makers and should not take part in pre- or post- submission discussions and negotiations with applicants regarding development proposals. Should there be occasions when Members are involved, it should be part of a structured arrangement with Officers, including a senior planning officer. Members must avoid indicating the likely decision on an application or otherwise committing the authority during contact with applicants.
- 10.6 Members may receive information from applicants and give information to applicants and Members of the public but, to safeguard their impartiality, they should maintain a clear distinction between receiving information and negotiating. Any information received by Members should be provided to the officers dealing with the application. Members who are approached for planning, procedural or technical advice should refer the applicant to the relevant officer.

11. OFFICER REPORTS TO COMMITTEE

- 11.1 The Head of Planning and Regeneration will submit written reports to the appropriate Planning Committee on planning applications to be determined by the Council. The reports will give the background to the application including any relevant planning history of the site, a description of the proposals and their likely effects, and the relevant

Development Plan and Government policy considerations, together with any other material considerations. Where a planning application requires an environmental impact assessment the Head of Planning and Regeneration shall include in his/her report a summary of the environmental statement, comments by bodies consulted and representations from members of the public together with his/her own comments. The reports will include a summary of representations made about the application. The Head of Planning and Regeneration in his/her report will give a reasoned assessment of the proposals and a justified recommendation.

- 11.2 Oral reports (except to present and update a report) should be extremely rare and fully minuted when they do occur.
- 11.3 The Head of Planning and Regeneration will have available for inspection by members the full planning application, environmental statement (where required) and representations from bodies consulted and members of the public.

12. **PLANNING CONSIDERATIONS**

- 12.1 Planning decisions should be made on planning considerations and should not be based on immaterial considerations.
- 12.2 Members of Planning Committee should attend training sessions which may be organised from time to time. All other members are encouraged to attend.
- 12.3 Planning legislation, as expanded by Government Guidance and decided cases, defines which matters are material considerations for the determination of planning decisions. There is much case law on what are material planning considerations. The consideration must relate to the use and development of land.
- 12.4 Briefly, at the date of the preparation of this Protocol, material planning considerations include:-
 - 12.4.1 Government Guidance (contained in such documents as Circulars, National Planning Policy Framework , National Planning Policy Guidance , Mineral Policy Guidance Notes, Planning Policy Statements and Ministerial announcements);
 - 12.4.2 Supplementary Planning Documents adopted by any related Committee;
 - 12.4.3 non-statutory planning policies adopted by the Council;
 - 12.4.4 the statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas;
 - 12.4.5 the statutory duty to pay special attention to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses;
 - 12.4.6 representations made by statutory consultees and other persons making representations in response to the publicity given to applications, to the extent that they relate to planning matters;
 - 12.4.7 planning obligations (given unilaterally or by way of agreement) under section 106 of the Town and Country Planning Act 1990.
 - 12.4.8 If deliberate unauthorised development has taken place

- 12.5 it should, however, be noted that the risk of costs being awarded against the Council on appeal is not itself a material planning consideration.
- 12.6 It is the responsibility of officers in preparing reports and recommendations to members to identify the material planning considerations and warn members about those matters which are immaterial planning decisions.
- 12.7 Personal considerations and purely financial considerations are not on their own material; they can only be material in exceptional situations and only in so far as they relate to the use and development of land – such as, the need to raise income to preserve a listed building which cannot otherwise be achieved.
- 12.8 The planning system does not exist to protect private interests of one person against the activities of another or the commercial interests of one business against the activities of another. The basic question is not whether owners and occupiers of neighbouring properties or trade competitors would experience financial or other loss from a particular development, but whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.
- 12.9 Local opposition or support for a proposal is not in itself a ground for refusing or granting planning permission, unless that opposition or support is founded upon valid planning reasons which can be substantiated.
- 12.10 It will be inevitable that all the considerations will not point whether to grant or refusal. Having identified all the material planning considerations and put to one side all the immaterial considerations, members must come to a carefully balanced decision which can be substantiated, if challenged on appeal.

13. THE DECISION MAKING PROCESS

- 13.1 Members shall recognise that the law requires that where the Development Plan is relevant, decisions should be taken in accordance with it, unless material considerations indicate otherwise.
- 13.2 Where an environmental impact assessment is required, the Planning Committee shall take the information provided in the report into consideration when determining the application.
- 13.3 If the report's recommendation is contrary to the provisions of the Development Plan, the material considerations which justify this must be clearly stated.
- 13.4 Where the Planning Committee decide to adopt the recommendation of the Head of Planning and Regeneration, the reasons contained in his/her report will be minuted, together with any additional reasons determined by the Committee.
- 13.5 Where the Planning Committee is minded to approve or to refuse a planning application, contrary to the recommendation of the Head of Planning and Regeneration, (having first considered whether to defer the application), agreement shall be reached at the meeting on the planning reasons for that decision. They shall be fully minuted by the Head of Legal and Support Services.
- 13.6 The reasons for Committee's decision to defer any proposal should also be recorded.

14. **SITE VISITS BY THE COMMITTEE**

- 14.1 A site visit may be held if the Head of Planning and Regeneration in consultation with Chair of the relevant committee considers it will assist members in reaching their decision. This would be, for example, where the impact of the proposed development is difficult to visualise from plans and supporting material. Members should try to attend site visits organised by the Council where possible.
- 14.2 Site visits will be organised in accordance with the following procedures:
- 14.2.1 The Head of Legal and Support Services will invite the local Member to site visits. Where a proposal would have significant direct impact upon an adjacent electoral division, at the discretion of the Chair of the relevant Planning Committee the local Member for the adjacent division will also be invited.
- 14.2.2 The role of the applicant during a site visit shall only be to secure access to the site in accordance with health and safety provisions. The applicant shall not participate in any discussions on site but may be asked to provide factual information.
- 14.2.3 Objectors will not normally be invited to attend a site visit or participate in any discussions on site.
- 14.2.4 On assembling at the site, at the time specified, the Chair will explain the purpose and procedures of the site visit so that all are aware that it is a fact finding exercise only and that no decision will be taken until the committee meeting. The Head of Planning and Regeneration, or his/her representative, will explain the application as it relates to the site and relevant viewpoints. Following any questions to the Head of Planning and Regeneration, or clarification sought on matters which are relevant to the site inspection, the Chair will bring the site visit to a close.
- 14.2.5 When a site visit is held prior to the meeting of the Planning Committee it is desirable that all members attending the Planning Committee should also attend the site visit. Members voting on a planning application without having attended the visit to the particular site may give the impression that they have not taken the opportunity to be fully informed about the application. Information gained from the site visit should be reported back to committee so that all members have the same information.
- 14.3 Members should not enter a site which is subject to a proposal other than as part of an official site visit, even in response to an invitation, as this may give the impression of bias unless you feel it is essential for you to visit the site other than through attending the official site visit and you have first spoken to the Head of Planning and Regeneration about your intention to do so and why (which will be recorded on file) and you can ensure you will comply with these good practice rules on site visits.

15. **REPRESENTATIONS ON PLANNING APPLICATIONS**

- 15.1 Wherever possible, objections or representations to planning applications should be made in writing. Written representations received will be made available for public inspection and objections summarised and reported to the Planning Committee Members will be given the opportunity to inspect all letters received before the decision on the application is made.

15.2 There will be occasions when applicants or objectors, or both, may wish to make representations in person to the Planning Committee. In such circumstances the following procedure will apply:

15.2.1 The applicant will be informed that the application and all supporting documents will be taken into account. The objectors will be informed that their written representations will be taken into account. Both the applicant and the objectors will also be informed that they have the right to attend the Committee and make representations in person. They will be asked to indicate whether they wish to do this and, if so, they will be invited to the meeting at which the decision is to be made. They must register to speak at the meeting by 12.00 noon on the last working day prior to the meeting and if they fail to do so they will not be allowed to speak unless the Chair exercises his discretion to permit them to do so. People wishing to speak at Planning Committee cannot hand out documentation to members of the Committee. Photographs may be handed out provided that a minimum of 20 copies have been delivered to the Council by 12.00 noon on the last working day prior to the meeting. Speakers can also use the Council's IT system to make electronic submissions to the Committee provided that the submission is delivered to the Council by 12.00 noon at the latest on the last working day prior to the meeting.

15.2.2 Each group of speakers (objectors and supporters) will be allowed a maximum of three minutes to address the committee. In the event that more than one person wishes to speak for or against a proposal the time will be divided. Groups of speakers will be encouraged to appoint a spokesperson.

15.2.3 At the meeting the Head of Planning and Regeneration will present his/her report first.

15.2.4 The objectors will make their representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), and may be asked questions by the Committee.

15.2.5 The applicant will then make his or her representations, subject to a time limit of 3 minutes (except at the discretion of the Chair), and may be asked questions by the Committee.

15.2.6 Where the Chair exercises their discretion to extend the time limit for either the objectors or the applicant, then similar provision shall be made for the other parties (should they so wish) to ensure that all parties receive a fair hearing.

15.2.7 Officers may comment on the representations and the merits of the application

15.2.8 The Committee will proceed to debate the application and make a decision. The minute will include the reasons for the decision.

16. **REVIEW OF DECISIONS**

16.1 The Audit Commission's Report, 'Building in Quality', recommended that elected members should visit a sample of implemented planning permissions to assess the quality of decisions. This can improve the quality and consistency of decision-making and help with reviews of planning policy.

17. **VISITS TO APPLICATION SITES PREVIOUSLY CONSIDERED BY THE COUNCIL SHALL BE ORGANISED BY THE HEAD OF PLANNING AND REGENERATION AND SHALL BE OPEN TO ALL MEMBERS TO ATTEND. TRAINING**

17.1 Members should not participate in decision-making at meetings dealing with planning matters if they have not attended the mandatory planning training prescribed by the Council.

17.2 Members should endeavour to attend any other specialised training sessions provided since these will be designed to extend Members' knowledge of planning law, regulations, procedures, Codes of Practice and the Development Plans beyond the minimum referred to above and thus assist you in carrying out your role properly and effectively.

4. PLANNING COMMITTEE

Membership: Seventeen councillors

Quorum: Five councillors

Functions	Matters Reserved for a Decision
<p>The determination of all non-executive decisions under the Planning Acts including all planning applications and applications for advertisement consent, listed building consent and conservation area consent is delegated to the Director of Services except where:</p>	<p>(a) The application is contrary to the provisions of an approved or draft development plan policy and is recommended for permission, and in the opinion of the Director of Services the application is likely to:</p> <ul style="list-style-type: none"> (i) be potentially controversial, or (ii) be of significant public interest, or (iii) have a significant impact on the environment, or (iv) raise matters which should be referred to the Planning Committee.
	<p>(b) The application is submitted by or on behalf of the Council for its own development, except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.</p>
	<p>(c) A legal agreement (S106 or similar) is required except in the case of minor non-contentious agreements or minor amendments to existing legal agreements.</p>
	<p>(d) A ward member has notified the Director of Services in writing or by e-mail within 3 weeks of the publication of the weekly list that</p>

Functions	Matters Reserved for a Decision
	<p>the application should be determined by the Planning Committee, and</p> <p>(i) the notification is supported by one or more planning grounds, <u>and</u></p> <p>(ii) where the item relates to a matter of local concern.</p> <p>Provided that this “call-in” shall not be exercised by any member with a Disclosable Pecuniary interest.</p>
	<p>(e) The details of an intended delegated decision on any application where material planning representations have been received in conflict with that recommendation have been circulated to the ward councillors concerned and to the Chairman of the Planning Committee, and</p> <p>(i) the ward councillor(s) has advised the Director of Services that he/she wishes the matter to be referred to the Planning Committee stating the reason for the request, and has confirmed that request and the reasons for it in writing within 5 working days of the list being sent out, and</p> <p>(ii) the Director of Services, in consultation with the Chairman of the Planning Committee decides that the application should be referred to the Planning Committee.</p>
	<p>(f) The application is submitted by:</p> <ul style="list-style-type: none"> • a serving member or officer of the Council; <p><u>except for the approval of</u></p>

Functions	Matters Reserved for a Decision
	<p><u>development which is unlikely to have any major impacts and to which no objections have been received.</u></p> <p>Reasonable steps will also be taken to ensure Planning Committee considers applications submitted by:</p> <ul style="list-style-type: none"> • a person who has served as a member or officer of the Council in the five year period before the application was submitted, or their respective co-habiting partners. <p><u>except for the approval of development which is unlikely to have any major impacts and to which no objections have been received.</u></p>
	<p>(g) The Director of Services refers any matter (under paragraph 2(iii) of the Scheme of Delegations set out in Section 7 below) including any consultation on an executive function, subject to the response being agreed with the relevant portfolio holder or agreed by Cabinet.</p>
<p>Making orders to revoke or modify planning permissions, to impose conditions to remove buildings or repair listed buildings.</p>	<p>All matters reserved.</p>
<p>Making tree preservation orders.</p>	<p>To consider objections or other representations.</p>
<p>Serving Building Preservation Notices or Listed Building Repair Notices.</p>	<p>All matters reserved except where necessary to serve a notice in an emergency.</p>

Functions	Matters Reserved for a Decision
Public Footpath Orders under the Town and Country Act 1990.	To determine matters referred to it following the receipt of objections or other representations.
Footpath Diversion Orders under the Highways Act 1980.	To determine matters referred to it following the receipt of objections or other representations.

1. **INTRODUCTION**

1.1 **What are Financial Procedure Rules?**

- 1.1.1 Section 151 of the Local Government Act 1972 states that “every authority shall make arrangements for the proper administration of their financial affairs and shall secure that one of their officers has responsibility for the administration of those affairs.
- 1.1.2 Financial Procedures provide the framework for managing the Council’s financial affairs. Financial Procedures are supported by more detailed Financial Management Standards which set out how the procedures will be implemented. These are listed in Appendix A.
- 1.1.3 The procedures identify the financial responsibilities of the full Council, the Cabinet and officers.
- 1.1.4 To avoid the need for regular amendment due to changes in post
 - (a) titles generic terms are included for officers as follows:
 - (b) The term, “Chief Finance Officer,” refers to the Section 151 Officer who is currently the Head of Finance.
 - (c) The term, “Chief Officers”, refers to the Council’s Chief Executive, and Directors.
 - (d) The term, “Monitoring Officer”, refers to the Head of Legal and Support Services.
 - (e) The term, “Chief Internal Auditor”, refers to the Senior Auditor.

1.2 **Why are they important?**

- 1.2.1 To conduct its business effectively, the Council needs to ensure that sound financial management arrangements are in place and that they are strictly adhered to in practice. Part of this process is the establishment of Financial Procedures which set out the financial responsibilities of the Council. These procedures have been devised as a control to help the Council manage its financial matters properly in compliance with all necessary requirements.
- 1.2.2 Good, sound financial management is a key element of Corporate Governance which helps to ensure that the Council is doing the right things, in the right way, for the right people, in a timely, inclusive, open, honest and accountable manner.
- 1.2.3 Good financial management secures value for money, controls spending, ensures due probity of transactions and allows decisions to be informed by accurate accounting information.
- 1.2.4 Good financial management requires secure and reliable records and systems to process transactions and information and substantiate the effective use of public money.

- 1.2.5 Financial Procedures should not be seen in isolation, but rather as part of the overall regulatory framework of the Council as set out in this Constitution.

1.3 **Who do Financial Procedures apply to?**

- 1.3.1 Financial Procedures apply to every member and officer of the Council and anyone acting on its behalf. Members and officers have a general responsibility for taking reasonable action to provide for the security and use of the resources and assets under their control, and for ensuring that the use of such resources and assets is legal, is consistent with Council policies and priorities, is properly authorised, provides value for money and achieves best value.
- 1.3.2 These Financial Procedures shall apply in relation to any partnership for which the Council is the accountable body, unless the Council expressly agrees otherwise.
- 1.3.3 Failure to observe Financial Procedures may result in action under the Council's disciplinary procedures.

1.4 **Who is responsible for ensuring that they are applied?**

- 1.4.1 Chief Officers and Heads of Service are ultimately responsible to the Council for ensuring that Financial Procedures are applied and observed by his/her staff and contractors providing services on the Council's behalf and for reporting to the Chief Finance Officer any known or suspected breaches of the procedures.
- 1.4.2 The Chief Finance Officer is responsible for maintaining a continuous review of the Financial Procedures and submitting any additions or changes necessary to the Council for approval. The Chief Finance Officer is also responsible for reporting, where appropriate, breaches of the Financial Procedures to the Council and/or to the Executive Members.
- 1.4.3 The Chief Finance Officer is responsible for issuing advice and guidance to underpin the Financial Procedures which Members, Chief Officers and others acting on behalf of the Council are required to follow.
- 1.4.4 Any person charged with the use or care of the Council's resources and assets should inform him or herself of the Council's requirements under these Financial Procedure Rules. If anyone is in any doubt as to their obligations, then they should seek advice.
- 1.4.5 Where any Chief Officer considers that complying with Financial Procedures in a particular situation might conflict with the achievement of value for money or the principles of Best Value or the best interests of the Council, he/she shall raise the issue with the Chief Finance Officer who will, if he/she considers necessary and appropriate, seek formal approval from the Council for a specific waiver of the procedures, or an amendment to the procedures themselves.

1.5 FINANCIAL REGULATION A: FINANCIAL MANAGEMENT

INTRODUCTION

- A.1** Financial management covers all financial accountabilities in relation to the running of the Authority, including the policy framework and budget.

THE FULL COUNCIL

- A.2** The full Council is responsible for adopting the Authority's Constitution and Members' Code of Conduct and for approving the policy framework and budget within which the Cabinet operates. It is also responsible for approving and monitoring compliance with the Authority's overall framework of accountability and control. The framework is set out in its constitution. The full Council is also responsible for monitoring compliance with the agreed policy and related Cabinet decisions.
- A.3** The full Council is responsible for approving procedures for recording and reporting decisions taken. This includes those key decisions delegated by and decisions taken by the Council and its Boards. These delegations and details of who has responsibility for which decisions are set out in the constitution.

THE CABINET

- A.4** The Cabinet is responsible for proposing the policy framework and budget to the full Council, and for discharging executive functions in accordance with the policy framework and budget.
- A.5** Cabinet decisions can be delegated to a sub-committee of the Cabinet, an individual Cabinet member or members or an officer
- A.6** Where A.5 occurs, the Cabinet is responsible for establishing protocols to ensure that individual Cabinet members consult with relevant officers before taking a decision within his, her or their delegated authority. In doing so, the individual member must take account of legal and financial liabilities and risk management issues that may arise from the decision.

SCRUTINY COMMITTEES

Policy Development Group

- A.7** The Policy Development Group is responsible for scrutinising executive decisions before or after they have been implemented and for holding the

Cabinet to account. The Policy Development Group is also responsible for making recommendations on future policy options and for reviewing the general policy and service delivery of the Authority.

Audit and Governance Committee

- A.8** The Audit and Governance Committee is established by the full Council and is responsible for promoting and maintaining high standards of conduct amongst councillors. In particular, it is responsible for advising the council on the adoption and revision of the Members' Code of Conduct, and for monitoring the operation of the code. It may also make recommendations to the full Council on the council's constitution.

Other Regulatory Committees

- A.9** Planning and licensing are not executive functions but are exercised through the multiparty Planning and Licensing Committees under powers delegated by the full Council. The Planning and Licensing Committees report to the full Council.

THE STATUTORY OFFICERS

Head of the Paid Service (Chief Executive)

- A.10** The Head of the Paid Service is responsible for the corporate and overall strategic management of the Authority as a whole. He or she must report to and provide information for the Cabinet, the full Council, the Policy Development Group and other Committees. He or she is responsible for establishing a framework for management direction, style and standards and for monitoring the performance of the organisation. The Head of the Paid Service is also responsible, together with the Monitoring Officer, for the system of record keeping in relation to all the full Council's decisions (see below).

Monitoring Officer

- A.11** The Monitoring Officer is responsible for promoting and maintaining high standards of financial conduct and therefore provides support to the Audit and Governance Committee. The Monitoring Officer is also responsible for reporting any actual or potential breaches of the law or maladministration to the full Council and/or to the Cabinet, and for ensuring that procedures for recording and reporting key decisions are operating effectively.
- A.12** The Monitoring Officer must ensure that executive decisions and the reasons for them are made public. He or she must also ensure that council members are aware of decisions made by the Cabinet and of those made by officers who have delegated executive responsibility.

- A.13** The Monitoring Officer is responsible for advising all councillors and officers about who has authority to take a particular decision.
- A.14** The Monitoring Officer is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the policy framework.
- A.15** The Monitoring Officer, together with the Chief Executive, is responsible for advising the Cabinet or full Council about whether a decision is likely to be considered contrary or not wholly in accordance with the budget. Actions that may be 'contrary to the budget' include:
- initiating a new policy
 - committing expenditure in future years to above the budget level
 - incurring transfers contrary to virement rules and limits
 - causing the total expenditure financed from council tax, grants and corporately held reserves to increase, or to increase by more than a specified amount.
- A.16** The Monitoring Officer is responsible for maintaining an up-to-date constitution.

Head of Finance (See A Statement on the Role of the Finance Director in Local Government (CIPFA, 1999))

- A.17** The Head of Finance has statutory duties in relation to the financial administration and stewardship of the Authority. This statutory responsibility cannot be overridden. The statutory duties arise from:
- Section 151 of the Local Government Act 1972
 - The Local Government Finance Act 1988
 - The Local Government and Housing Act 1989
 - The Accounts and Audit Regulations 2011.
- A.18** The Head of Finance is responsible for:
- the proper administration of the Authority's financial affairs;
 - setting and monitoring compliance with financial management standards;
 - advising on the corporate financial position and on the key financial controls necessary to secure sound financial management;
 - providing financial information;

preparing the revenue budget and capital programme
treasury management.

A.19 The Head of Finance shall:

(i) report to the Cabinet with respect to the level of financial resources estimated to be available in each financial year;

(ii) report to the Cabinet quarterly with an annual outturn on the Council's financial position and performance;

(iii) report to the Cabinet in respect of the Medium Term Financial Strategy.

A.20 Section 114 of the Local Government Finance Act 1988 requires the Chief Finance Officer to report to the full Council, Cabinet and External Auditor if the Authority or one of its officers:

has made, or is about to make, a decision which involves incurring unlawful expenditure;

has taken, or is about to take, an unlawful action which has resulted or would result in a loss or deficiency to the Authority;

is about to make an unlawful entry in the Authority's accounts.

Section 114 of the 1988 Act also requires:

the Chief Finance Officer to nominate a properly qualified member of staff to deputise should he or she be unable to perform the duties under Section 114 personally

the Authority to provide the Chief Finance Officer with sufficient staff, accommodation and other resources - including legal advice where this is necessary - to carry out the duties under Section 114.

OTHER OFFICERS

Team Managers

A.21 The Chief Executive, Directors, Heads of Service and Team Managers are responsible for ensuring that Cabinet members are advised of the financial implications of all proposals and that the financial implications have been agreed by the Head of Finance.

A.22 It is the responsibility of Team Managers to consult with the Head of Finance and seek approval on any matter liable to affect the Authority's finances materially, before any commitments are incurred

- A.23** Team Managers are responsible for the control and accountability of resources consumed and generated by their service areas.

OTHER FINANCIAL ACCOUNTABILITIES

Virement

- A.24** The full Council is responsible for agreeing procedures for virement of expenditure between budget headings.
- A.25** When a proposal arises to spend money or forego income from a budget area where an underspending would otherwise occur and the overall net expenditure of a Service Area is not altered by such changes this may be approved by the relevant Director/Head of Service/Team Manager in consultation with the Head of Finance.
- A.26** Where in exceptional or unexpected circumstances a Directorate is faced with a material increase in its net expenditure, which cannot reasonably be contained within its resource allocation figure for the year, the Chief Executive or Directors must (wherever possible, prior to incurring the expenditure) submit a request to Cabinet for a supplementary estimate to cover the additional expenditure. The Cabinet will also decide how the expenditure will be funded, e.g. from revenue, loan or otherwise.
- A.27** The Chief Executive, Directors and Heads of Service shall monitor revenue expenditure and the Asset Management Group (Capital Working Party) shall monitor Capital expenditure on a regular basis. Significant matters will be reported to the Cabinet as necessary.

Treatment of Year-end Balances

- A.28** The full Council is responsible for agreeing procedures for carrying forward under and overspendings on budget headings.

Accounting Policies

- A.29** The Head of Finance is responsible for selecting accounting policies and ensuring that they are applied consistently.

Accounting Records and Returns

- A.30** The Head of Finance is responsible for determining the accounting procedures and records for the Authority.

The Annual Statement of Accounts

- A.31** The Head of Finance is responsible for ensuring that the annual statement of accounts is prepared in accordance with the Code of Practice on Local

Authority Accounting in the United Kingdom: A Statement of Recommended Practice (CIPFA/LASAAC). The full Council is responsible for approving the annual statement of accounts.

FINANCIAL REGULATION B: FINANCIAL PLANNING

INTRODUCTION

B.1 The full Council is responsible for agreeing the Authority's policy framework and budget, which will be proposed by the Cabinet. In terms of financial planning, the key elements are:

the corporate plan;

the budget;

the capital programme.

POLICY FRAMEWORK

B.2 The full Council is responsible for approving the budget and policy framework (which is detailed at Part 2, Article 4 and Part 4, Item 4.3 in the constitution).

B.3 The full Council is also responsible for approving procedures for agreeing variations to approved budgets, plans and strategies forming the policy framework and for determining the circumstances in which a decision will be deemed to be contrary to the budget or policy framework. Decisions should be referred to the full Council by the Monitoring Officer.

B.4 The full Council is responsible for setting the level at which the Cabinet may reallocate budget funds from one service to another. The Cabinet is responsible for taking in-year decisions on resources and priorities in order to deliver the budget policy framework within the financial limits set by the Council.

Preparation of the Council's Delivery Plan

- B.5** The Head of the Paid Service is responsible for proposing the Delivery Plan to the Cabinet for consideration before its submission to the full Council for approval.

BUDGETING

- B.6** The Head of Finance shall report annually to the Cabinet the details of capital and revenue estimates for all the council's functions. He or she shall prepare and update annually a three-year rolling revenue budget forecast. Each year the Cabinet shall consider and recommend, based on corporate priorities, the strategic allocation of resources to services and submit a report to Council.

- B.7** The format and timescale of the estimates shall be determined by the Head of Finance. It is the responsibility of the Directors, Heads of Service and Team Managers to ensure that budget estimates reflecting agreed service plans are submitted to the Head of Finance and that these are prepared and submitted as directed by the Head of Finance.

Budget Monitoring and Control

B.8

- (a) The Chief Executive, Head of Finance, Directors, Heads of Service and Team Managers shall:
- (i) only incur revenue expenditure where there is an approved budget provision in that financial year;
 - (ii) only incur capital expenditure where that project is in the Council's capital programme as applied to that financial year;
- (b) The Head of Finance is responsible for providing appropriate financial information to enable budgets to be monitored effectively. He or she must monitor and control expenditure against budget allocations and report to the Cabinet on the overall position on a regular basis.

- (c) It is the responsibility of Team Managers to control income and expenditure within their area and to monitor performance, taking account of financial information provided by the Head of Finance. They should report on variances within their own areas. They should also take any action necessary to avoid exceeding their budget allocation and alert the Head of Finance to any problems.

Budgetary Control - Capital

B.9 In addition to B8 above, the following Financial Regulations shall apply:

- (a) whenever a new capital project is considered desirable, the Chief Executive or Directors shall (after submitting the project (with a Project Benefit Analysis) to the Asset Management Group and Corporate Leadership Team) submit the project to the Cabinet which shall, after considering advice from the Head of Finance (to include the implications of the Prudential Code if applicable and any current and future revenue implications) and other appropriate officers, make recommendations to the Council as to its acceptance or otherwise, indicating where appropriate its inclusion on the Long Term Capital Projects List and the level of priority for its implementation;
- (b) subject to (c) below, approval by Council of the Capital Programme shall be a prerequisite for the commencement of a project and to enter into a contract;
- (c) notwithstanding approval in the Capital Programme, if the proposed or actual expenditure (excluding supervision costs) exceed the approved estimate, the Team Manager shall, before proceeding, refer the proposal, with the comments of the Head of Finance, to the Cabinet;
- (d) any re-phasing of capital expenditure between years shall be subject to approval by the Head of Finance;
- (e) the Head of Finance is empowered to authorise spending in an emergency on any unforeseen health and safety work relating to a project.

EMERGENCIES OR DISASTERS

- B.10** In the event of an emergency or disaster, these Financial Regulations shall be suspended and the Chief Executive, Director of Services and/or the Head of Finance be given delegated powers to take any action deemed necessary in respect of the financial matters of the Council, subject to such action being reported to the Cabinet.

MAINTENANCE OF RESERVES

- B.11** It is the responsibility of the Head of Finance to advise the Cabinet and/or the full Council on prudent levels of reserves for the Authority.

FINANCIAL REGULATION C: RISK MANAGEMENT AND CONTROL OF RESOURCES

INTRODUCTION

- C.1** It is essential that robust, integrated systems are developed and maintained for identifying and evaluating all significant operational risks to the Authority. This should include the proactive participation of all those associated with planning and delivering services.

RISK MANAGEMENT

- C.2** The Cabinet is responsible for approving the Authority's risk management policy statement and strategy and for reviewing the effectiveness of risk management. The Cabinet is responsible for ensuring that proper insurance exists where appropriate.
- C.3** The Head of Finance is responsible for preparing the Authority's risk management policy statement, for promoting it throughout the Authority and for advising the Cabinet on proper insurance cover where appropriate.

INTERNAL CONTROL

- C.4** Internal control refers to the systems of control devised by management to help ensure the Authority's objectives are achieved in a manner that promotes economical, efficient and effective use of resources and that the Authority's assets and interests are safeguarded.
- C.5** The Head of Finance is responsible for advising on effective systems of internal control. These arrangements need to ensure compliance with all applicable statutes and regulations, and other relevant statements of best practice. They should ensure that public funds are properly safeguarded and used economically, efficiently, and in accordance with the statutory and other authorities that govern their use.
- C.6** It is the responsibility of the Chief Executive, Directors, Heads of Service and Team Managers to establish sound arrangements for planning, appraising, authorising and controlling their operations in order to achieve continuous improvement, economy, efficiency and effectiveness and for achieving their financial performance targets.
- C.7** The duties of providing information regarding any sums of money due to or from the Council and of calculating, checking and recording such amounts, shall be separated as completely as possible from the duty of collecting or disbursing them.

AUDIT REQUIREMENTS

- C.8** The Accounts and Audit Regulations 2011 (s6) requires every local authority to undertake an adequate and effective internal audit of its accounting records and of its system of internal control. This legal requirement shall be delegated to the Head of Finance. Internal Audit shall, as far as possible, comply with the Public Sector Internal Audit Standards.
- C.9** Internal Audit will have the responsibility to review, appraise and report as necessary on:-
- (a) the adequacy and effectiveness and application of internal controls and processes and systems;
 - (b) the extent of compliance with Financial Regulations and Standing Orders and approved policies and procedures of the Council plus the extent of compliance with external laws and regulation;

- (c) the extent to which the Council's assets and interests are accounted for and safeguarded from losses of all kinds arising from waste, inefficient administration, poor value for money, fraud or other cause.

C.10 The Auditor shall have the Authority to:

- (a) enter any Council owned or occupied premises or land at all times (subject to any legal restrictions outside the Council's control);
- (b) have access at all times to all the Council's records, documents and correspondence;
- (c) require and receive such explanations from any employee or member of the Council as he or she may deem necessary concerning any matter under examination; and
- (d) require any employee or member of the Council to produce cash, stores or any other Council owned property under their control.
- (e) The Senior Internal Auditor shall have access to, and the freedom to report in his/her own name to all boards, members or officers, as he/she deems necessary.

C.11 Any officer suspecting any irregularity in connection with financial or accountancy transactions shall inform his/her Team Manager, who shall immediately refer the matter to the Senior Internal Auditor who shall consult with the Head of Finance and the appropriate Team Manager and, if necessary, the police. A joint report shall be submitted to the Cabinet, if deemed necessary by the Head of Finance, Team Manager concerned and the Chief Executive.

C.12 Financial Regulations C.8 to C.11 above are inclusive and complementary to and not a substitution for the statutory audit undertaken by the External Auditors and shall not diminish each Team Manager's responsibility to take adequate measures to safeguard the Council's cash, stores and other assets.

STORES AND INVENTORIES

C.13 Each Team Manager shall be responsible for the custody and physical control of the stocks and stores in his/her service area and the records kept by the storekeepers shall be prescribed by the Head of Finance. Wherever possible, stocks and stores should be marked as the property of the Council.

- C.14** Each Team Manager, in conjunction with the Head of Finance, shall make arrangements for continual stock-taking covering all items at least once per year. Stock-taking procedures shall be conducted by officers independent of the day to day activities within the system. Any surpluses or deficiencies revealed shall be reported to the Head of Finance who shall, in conjunction with the appropriate Team Manager, agree any action required/recommend to the Cabinet any action considered necessary.
- C.15** Stocks shall be maintained within the minimum and maximum levels determined by the appropriate Team Manager, and the maximum level shall not be exceeded, except in special circumstances with the approval of the Head of Finance.
- C.16** Each Team Manager shall prepare and maintain an inventory in a form approved by the Head of Finance. The inventory shall include movable plant and machinery, rolling stock, furniture, fittings and equipment. The only exception is office stationery equipment (for example; calculators, hole punches, staplers, waste bins).
- In addition to the divisional inventory, equipment purchased by the Information Technology Section, including that purchased on behalf of other Services, shall be recorded on the Information Technology inventory.
- C.17** All inventories shall be checked annually by Team Managers. Individual surpluses or deficiencies over £50 shall be dealt with in the manner prescribed for stores in paragraph C.14 (above). Where individual inventory items with an estimated value below £50 become surplus to requirements, the Council has a procedure for dealing with such items, which shall be adhered to.
- C.18** The Council's property shall not be removed otherwise than in accordance with the ordinary course of the Council's business or used otherwise than for the Council's purposes except in accordance with specific directions issued by the relevant Team Manager.
- C.19** All items appearing on the Inventory shall be indelibly marked as property of the Council.

SECURITY

- C.20** Each Team Manager shall be responsible for maintaining proper security at all times for all buildings, stocks, stores, furniture, equipment, cash, etc. under his/her control. He/she shall consult the Head of Finance in any case where security is thought to be defective or where it is considered that special security arrangements may be needed.
- C.21** The maximum limit for cash holdings shall be agreed with the Head of Finance and shall not be exceeded without his/her express permission.

C.22 Keys to safes and similar receptacles are to be carried on the person of those responsible at all times. The loss of such keys must be reported to the Head of Finance immediately the loss is discovered.

C.23 The Head of Finance shall be responsible for maintaining proper security and privacy as respects information held on computer for its use, in accordance with the Data Protection Acts 1984 and 1998, the Computer Misuse Act 1990 and the Freedom of Information Act 2000.

BANKING ARRANGEMENTS

C.24 All arrangements with the Council's Bankers shall be made by or under arrangements approved by the Head of Finance, who shall be authorised to operate such banking accounts as he/she may consider necessary. Such arrangements shall be reported to the Cabinet from time-to-time.

C.25 Transfers from accounts (but not between accounts) shall not be made unless authorised by one of the Financial Signatories to the Council.

C.26 The Head of Finance shall be responsible for the ordering and custody of cheques to meet payments by him/her on behalf of the Council. Cheques shall be prepared, verified and accounted for under the direction of the Head of Finance and signed by him/her or one of the Financial Signatories to the Council provided that, for the purpose of this regulation only, 'signature' shall include the printed/facsimile signature of the Head of Finance.

PETTY CASH AND FLOAT ACCOUNTS

C.27 The Head of Finance shall issue guidance as to the operation and management of these accounts.

C.28 Team Managers shall ensure that:

- (a) disbursements (other than renewal of imprest) shall be limited to expenses which are unavoidable and urgent. No single item exceeding £50 in amount (unless specifically authorised by the Head of Finance) shall be paid out of the petty cash account. All payments shall be supported by a receipted voucher to the extent that the Head of Finance may require and in particular to enable the recovery of Value Added Tax.
- (b) each account is accurately maintained on an imprest system;
- (c) such accounts are not used for depositing income nor for employees personal expenditure;
- (d) an officer responsible for an account shall make adequate arrangements for the security of cash and accounting records;

- (e) On leaving the employment of the Council or otherwise ceasing to hold an imprest advance, an officer shall account to the Head of Finance for the amounts advanced to him/her and payments made.

TREASURY MANAGEMENT

- C.29** The Authority has adopted CIPFA's Code of Practice for Treasury Management in the Public Services.
- C.30** The full Council is responsible for approving the treasury management policy statement setting out the matters detailed in paragraph 15 of CIPFA's Code of Practice for Treasury Management in the Public Services. The policy statement is proposed to the full Council by the Cabinet. The Head of Finance has delegated responsibility for implementing and monitoring the statement.
- C.31** All money in the hands of the Council shall be aggregated for the purpose of treasury management and shall be under the control of the Head of Finance.
- C.32** The Head of Finance is responsible for reporting to the Cabinet a proposed treasury management strategy for the coming financial year at or before the start of each financial year.
- C.33** All Cabinet decisions on borrowing, investment or financing shall be delegated to the Head of Finance, who is required to act in accordance with CIPFA's Code of Practice for Treasury Management in the Public Services.
- C.34** The Head of Finance is responsible for reporting annually to the Cabinet on the activities of the treasury management operation and on the exercise of his or her delegated treasury management powers.

STAFFING

- C.35** The full Council is responsible for determining how officer support for Cabinet and non-executive roles within the Authority will be organised.
- C.36** The Chief Executive, Directors, Heads of Service and Team Managers are responsible for providing overall management to staff. The Human Resources Team Manager is responsible for ensuring that there is proper use of the evaluation or other agreed systems for determining the remuneration of a job.
- C.37** The Chief Executive, Directors, Heads of Service and Team Managers are responsible for controlling total staff numbers by:
 - (a) advising the Cabinet on the budget necessary in any given year to cover estimated staffing levels;
 - (b) adjusting the staffing to a level that can be funded within approved budget provision;

- (c) varying the provision as necessary within that constraint in order to meet changing operational needs; and
- (d) the proper use of appointment procedures.

INSURANCES

- C.38** The Head of Finance shall effect all insurance cover and register all claims in consultation with other officers where necessary.
- C.39** Team Managers shall give prompt notification to the Head of Finance in writing of all new risks, properties, vehicles or other assets which require to be insured and of any alterations affecting existing insurances.
- C.40** Team Managers shall immediately notify the Head of Finance in writing of any loss, liability or damage or any event likely to lead to a claim and inform the police where necessary unless otherwise decided by the Chief Executive.
- C.41** All appropriate employees of the Council shall be included in a suitable fidelity guarantee insurance.
- C.42** The Head of Finance shall annually, or at such other period as he/she may consider necessary, review all insurances in consultation with other Team Managers as appropriate.
- C.43** Team Managers shall consult the Head of Finance respecting the terms of any indemnity which the Council is requested to give.
- C.44** Team Managers shall ensure that their employees are aware of any limitation of cover, e.g. motor insurance covering official duty only.
- C.45** Where a claim arises which is less than or equal to the value of the excess on any policy, the Team Manager shall submit a written request to the Head of Finance to make a specific financial offer. The request must be supported by reasons in favour of settlement and can only be signed by the Chief Executive, Head of Finance or Team Manager.

CONTRACTS

- C.46** The Head of Finance shall advise upon the financial aspects of all contracts before acceptance and shall keep a contracts register showing particulars of all contracts entered into by the Council for the execution of work and of payment made under such contracts. The Head of Finance shall retain copies of all contract documents and keep an appropriate register.

- C.47** The appointed Supervising Officer in control of the works shall give written orders in respect of all variations from the specification of the works included in the contracts and copies of these orders shall be forwarded to the Head of Finance with the estimated variations in cost noted thereon. Any such extra variation, where the estimated additional cost of which exceeds 5%, shall be reported to the appropriate Board as soon as practicable with details of the reason for the additional cost and the proposed method of funding the extra cost.
- C.48** Payments to contractors on account of contracts shall be made only on a certificate issued by the Supervising Officer in control of the works which shall show the total amount of the contract, the value of work executed to date, retention money, amount paid to date and amount certified as due. Details, variations and fluctuations included in the value of work to date shall accompany the certificate.
- C.49** On completion of a contract and before the issue of the certificate for final payment thereunder, the appointed Supervising Officer shall produce to the Senior Internal Auditor a detailed statement of the work under the contract, with all vouchers and documents relating to prime cost and provisional sums and any other particulars required showing full measurements, additions, deductions and omissions. The Final Certificate shall not be issued nor shall the contractor be informed that the final account is agreed and the balance under the contract paid until:
- (a) the Senior Internal Auditor has examined the accounts, vouchers and documents, and approved the final account.
 - (b) If any question of propriety of payment arises, the Cabinet shall have directed payment.
- C.50** Claims from contractors in respect of matters not clearly within the terms of an existing contract shall be referred to the Chief Executive/Head of Legal and Support Services for consideration of the Council's legal liability and where necessary, to the Head of Finance for financial consideration before a settlement is reached.
- C.51** Where completion of a contract is delayed beyond the completion date or any properly authorised extension thereof, it shall be the duty of the Supervising Officer to take appropriate action in respect of any claim for liquidated damages.
- C.52** In any case where the total cost of any work carried out under a contract exceeds by more than 10%, or £10,000, whichever is the lesser amount, the approved contract sum, a report of such cost shall, after agreement of the final account, be submitted to the appropriate Board by the appropriate Head of Service detailing any additional cost and proposed method of funding not previously reported under Regulation C.47.
- C.53** Subject to the expenditure on such matters being included in approved estimates, all orders or contracts for the supply of goods or materials or for the execution of work shall comply with the Contract Procedure Rules.
- C.54** When, in exceptional circumstances authority is sought to waive Financial Procedure Rules, the report to the appropriate Board must give adequate reasons and specify precisely the procedures to be waived.

SALARIES

- C.55** The payment of all salaries, wages and other emoluments to all employees of the Council shall be made by the Head of Finance and under arrangements approved and controlled by him/her.
- C.56** The Head of Finance shall be responsible for all records relating to National Insurance, Income Tax, Superannuation and Statutory Sick Pay. The Human Resources Team Manager shall be responsible for the issue of statements under the Contracts of Employment Acts.
- C.57** Each Head of Service shall be responsible for the completion of timesheets by employees, other than officers, under his/her control and for their evaluation and certification. Timesheets shall be forwarded to the Head of Finance in accordance with his/her directions, who shall be responsible for the preparation of salaries or wages. The Head of Service concerned, under the directions of the Head of Finance shall be responsible for the provision of transport and staff for the payment of salaries or wages.
- C.58** Each Head of Service shall notify the Head of Finance, as soon as possible, and in a form prescribed by him/her, of all matters affecting payment of salaries and wages and in particular:
- (a) appointments, resignations, dismissals, suspensions, secondment and transfers.
 - (b) Absences from duty for sickness or other reason, apart from approved leave with pay.
 - (c) Changes in remuneration, other than normal increments, pay awards and agreements of general application.
 - (d) Information necessary to maintain records of service for superannuation, income tax, national insurance, etc.
- C.59** Each Head of Service, in conjunction with the Human Resources Team Manager, shall make arrangements to annually confirm the authenticity of those employees appearing on the payroll for his/her Service. Such arrangements shall include the verification of individual rates of pay.

LEASING

- C.60** All items proposed to be leased shall be approved by the Council prior to arrangements being made.
- C.61** All leasing agreements will be arranged and agreed by the Head of Finance. An agreement can only be signed on behalf of the Council, by the Chief Executive or the Head of Finance, providing that the revenue estimate is not exceeded.

- C.62** The Head of Service responsible for the goods to be leased shall provide the Head of Finance with such information as is required by him/her in order to obtain the best and most appropriate type of lease possible.

FINANCIAL REGULATION D: SYSTEMS AND PROCEDURES

INTRODUCTION

- D.1** Sound systems and procedures are essential to an effective framework of accountability and control.

GENERAL

- D.2** The Head of Finance is responsible for the operation of the Authority's accounting systems, the form of accounts and the supporting financial records. Any changes proposed by the Chief Executive, Directors, Heads of Service and Team Managers to the existing financial systems or the establishment of new systems must be approved by the Head of Finance. However, the Chief Executive, Directors, Heads of Service and Team Managers are responsible for the proper operation of financial processes in their own Services.
- D.3** The Chief Executive, Directors, Heads of Service and Team Managers should ensure that their staff receive relevant financial training that has been approved by the Head of Finance.
- D.4** The Chief Executive, Directors, Heads of Service and Team Managers must ensure that, where appropriate, computer and other systems are registered in accordance with data protection legislation. Team Managers must ensure that staff are aware of their responsibilities under freedom of information legislation.

AUTHORISED SIGNATORIES

- D.5** It is the responsibility of the Chief Executive, Directors and Heads of Service to ensure that a proper scheme of delegation has been established within their area and is operating effectively. The scheme of delegation should identify staff authorised to act on their behalf in respect of payments, income collection and placing orders, together with the financial limits of their authority. The financial limits will be determined by the Council's Corporate Leadership Team. Team Managers shall ensure that specimen signatures and initials of such authorised staff are sent to the Head of Finance and such records shall be amended by the Team Manager on the occasion of any change therein.

CONTROL OF EXPENDITURE

- D.6** Orders for goods and services shall not be issued unless the expenditure is included in an approved estimate or other specified financial provision.
- D.7** All orders shall be in writing, signed by the appropriate Team Manager or such other officer as nominated by him/her and notified to the Head of Finance.
- D.8** Official orders shall be issued for all work, goods or services to be supplied to the Council except for supplies of public utility service; and for periodical payments such as rent or rates/local tax, for petty cash purchases or such other exceptions as the Head of Finance may approve.
- D.9** Each order shall conform to the directions of the Council with respect to central purchasing, use of contracts and the standardisation of supplies and materials and be in a form approved by the Head of Finance in accordance with Regulation D.2 above.
- D.10** Monied invoices and/or delivery notes should, where appropriate, accompany the delivery of goods and the receiving officer must certify thereon, at the time of delivery, receipt of the goods. Where ordered and delivered by weight or volume the receiving officer shall make such periodical tests as are necessary to ensure that the quantities charged have actually been delivered.
- D.11** All invoices, accounts and claims relating to amounts due from the Council shall be checked in the Service concerned and such checking being indicated by the initials of the examining officer and certified by the appropriate Team Managers or such other officer as nominated by him/her. The number of the official order and the head of expenditure to which it relates must be indicated thereon. Expenditure/income should be coded in accordance with instructions issued by the Head of Finance, with VAT appropriately identified in order that the Head of Finance may recover output tax (VAT). A VAT invoice/receipt must be obtained in all appropriate cases.
- D.12** The Team Managers concerned shall be responsible for the accuracy of accounts submitted for payment which shall be signed by the Team Managers or authorised officer in accordance with regulation D.5. The passing of an account for payment by or on behalf of the Team Managers shall mean:
- (a) that the materials have been supplied, the work performed or the services rendered and that they are satisfactory as to quality and correct as to quantity;
 - (b) that the price is in accordance with quotations, contract agreement or current market rate whichever is applicable;
 - (c) that the account is allocated to the correct expenditure heading;
 - (d) that all trade and cash discounts and other proper allowances have been deducted;

- (e) that the account has not been previously paid and that the copy of the official order has been marked off to prevent duplicate payment;
- (f) that the account is arithmetically correct unless a variation has been agreed by the Head of Finance;
- (g) that the expenditure is within the Authority's legal powers.

NOTE: The passing of an account for payment by a Team Manager or authorised officer confirms that he/she is satisfied that all necessary steps in the certification procedure have been satisfactorily carried out.

Accordingly, it is for the Team Manager or authorised officer to recognise the initials of officers carrying out this preliminary certification procedure as those of officers who are in a position to satisfactorily perform the work responsibly. It is essential that a minimum of two officers at least should be involved in the preliminary certifications in order that the officer certifying that the goods have been supplied or the work done is different from the officer certifying the remaining items. It is also desirable that the making out of official orders and the entering of goods received records are undertaken by different officers and that this should be divorced from the certification of invoices although it is appreciated that this is not always possible in smaller Services. A Team Manager who delegates the certification of accounts should satisfy him/herself that the procedure is operating satisfactorily by signing all accounts personally from time-to-time).

- D.13** Before authorising payments to a sub-contractor, as defined by the Inland Revenue, for construction work carried out, the certifying officer of the Service concerned shall satisfy himself/herself that the sub-contractor to whom payment is due is the holder of a valid Sub-Contractors Tax Certificate issued by the Inland Revenue, otherwise tax at the appropriate rate must be deducted as required by any statutory provisions in being at that time.
- D.14** Invoices made out by an officer of the ordering Service and statements unaccompanied by the relative invoices and delivery notes, copy invoices or reminders shall not be accepted as a basis for payment.
- D.15** In all cases of purchase of property, the Head of Finance shall be the authorising officer. When requesting payment he/she shall provide full particulars of the property, the name of the vendor/purchaser, the amount of purchase money, expenses and Minute authorisation. Full particulars of the property purchased shall be entered in the official Register of Properties kept by the Head of Finance.
- D.16** Duly certified accounts shall be passed without delay to the Head of Finance who shall examine them to the extent that he/she considers necessary, for which purpose he/she shall be entitled to make such enquiries and to receive such information and explanation as he/she may require.
- D.17** The Head of Finance shall be authorised to pay all accounts duly certified in accordance with these regulations. The normal method of payment shall be by cheque, BACS or other instrument drawn on the Council's banking account.
- D.18** Each Head of Service/Team Manager shall, as soon as possible after 31 March and no later than detailed in the final accounts timetable each year, notify the Head of Finance of outstanding expenditure relating to the previous financial year.

CONTROL OF INCOME

- D.19** All arrangements for the collection of monies due to the Council shall be subject to approval by the Head of Finance in conjunction with the appropriate Team Manager and the Head of Finance shall set up debits for all items of income due. No such items over £10,000 shall be written off as irrecoverable unless approved by the Cabinet. Any request to forego income shall be subject to written approval of the Head of Finance.
- D.20** The Team Managers shall promptly furnish the Head of Finance with such particulars in such form as he/she may require in connection with work done, goods supplied or service rendered and all other amounts due to the Council as may be required by him/her to record correctly all sums due to the Council and to ensure the prompt rendering of accounts for the recovery of income due.
- D.21** The Head of Finance shall be notified promptly of all money due to the Council and of contracts, leases and other agreements and arrangements entered into which involve the receipt of money by the Council and the Head of Finance shall have the right to inspect any documents or other evidence in this connection as he/she may decide.
- D.22** All receipt forms, books, tickets and other such items shall be ordered and supplied to Team Managers by the Head of Finance, who shall satisfy himself/herself as to the arrangements for their control.
- D.23** Each employee who receives monies on behalf of the Council or in the normal course of their duty shall give such acknowledgment and enter up punctually such records as may be approved by the Head of Finance. Such income shall be paid to the Head of Finance or direct to the Council's account, either daily or when there is a sum of £100 in hand. Any variation from this procedure shall be subject to the written approval of the Head of Finance. On no account should such monies be paid into the personal account of an employee. No deduction may be made from such money save to the extent that the Head of Finance may specifically authorise. Each officer who so banks money shall enter on the paying-in slip a reference to the related debt or otherwise indicate the origin of the cheque on the reverse of each cheque, the officer shall enter the name of his/her Service, office or establishment.
- D.24** Personal cheques shall not be cashed out of money held on behalf of the Council.
- D.25** Every transfer of official money from one member of staff to another will be evidenced in the records of the Services concerned by the signature of the receiving officer.
- D.26** Post-dated cheques will not normally be accepted. The only formal exception to this rule will be acceptance of a cheque, by the Assistant Senior Exchequer Services Officer, which shall not be dated more than 7 working days in advance*. This will only be allowed where the debtor has no previous history of dishonoured cheques. The Assistant Senior Exchequer Services Officer will only accept one cheque per debtor on each occasion. Such cheques will be recorded and retained by the Assistant Senior Exchequer Services Officer.

In exceptional circumstances, any other requests to accept a post-dated cheque must have the approval of the Head of Finance.

*(This is to allow provision where a debtor is expecting funds to be credited to a bank account during the period it is likely to take to return a cheque and receive replacement.)

- D.27** The Chief Executive, Directors, Heads of Service or Team Managers may in conjunction with the Head of Finance write-off as irrecoverable sundry and other debts not exceeding £10,000. The Chief Executive or Heads of Service may write-off as irrecoverable sundry and other debts not exceeding £25 where these are deemed uneconomical to pursue and cannot be added to a future account. No debts over £10,000 shall be written off as irrecoverable without the approval of Cabinet.

NOTE: Outstanding debts will still be pursued after write-off should information be received which indicates that there is a possibility that the debt can be recovered.

- D.28** The Chief Executive, Directors or Heads of Service may, in conjunction with the Head of Finance, write-off as non-refundable credits on accounts not exceeding £10,000. The Chief Executive or Heads of Service may write-off as non-refundable credits on accounts not exceeding £25 where these are deemed uneconomical to pursue and cannot be deducted from a future account. No such items over £10,000 shall be written off as non-refundable without the approval of the Cabinet.

FINANCIAL REGULATION E: EXTERNAL ARRANGEMENTS

INTRODUCTION

- E.1** The local authority provides a distinctive leadership role for the community and brings together the contributions of the various stakeholders. It must also act to achieve the promotion or improvement of the economic, social or environmental well-being of its area.

PARTNERSHIPS, JOINT VENTURES AND COMPANIES IN WHICH

THE COUNCIL IS A GUARANTOR OR HAS A SHARE HOLDING INTEREST

- E.2** The Cabinet is responsible for approving delegations, including frameworks for partnerships. The Cabinet is the focus for forming partnerships with other local public, private, voluntary and community sector organisations to address local needs.
- E.3** The Cabinet can delegate functions - including those relating to partnerships - to officers. These are set out in the scheme of delegation that forms part of the Authority's constitution. Where functions are delegated, the Cabinet remains accountable for them to the full Council.

- E.4** The Monitoring Officer is responsible for promoting and maintaining the same high standards of conduct with regard to financial administration in partnerships that apply throughout the Authority.
- E.5** The Head of Finance must ensure that the accounting arrangements to be adopted relating to partnerships, joint ventures and companies are satisfactory. He or she must also consider the overall corporate governance arrangements and legal issues when arranging contracts with external bodies. He or she must ensure that the risks have been fully appraised before agreements are entered into with external bodies.
- E.6** Team Managers are responsible for ensuring that appropriate approvals are obtained before any negotiations are concluded in relation to work with external bodies. Where it is proposed that the Council be involved in an arrangement of this nature the appropriate officer will first consult with the Head of Finance and the Head of Legal and Support Services on the proposals.
- E.7** The Head of Finance is responsible for ensuring that all funding notified by external bodies is received and properly recorded in the Authority's accounts.
- E.8** Further to Regulation E.7 unless secure arrangements are put in place to the contrary, any such arrangements will comply with the Council's Financial Regulations and this shall be stated in any such contracts.

4 DELEGATIONS TO THE CHIEF EXECUTIVE

4.1 Head of Paid Service

- 4.1.1 To act as Head of the Paid Service under Section 4 of the Local Government and Housing Act 1989 and in this role:
- a) to exercise overall responsibility for corporate management and operational issues (including overall management responsibility for all staff);
 - b) to give professional advice to all parties in the decision making process (the Cabinet, Scrutiny Bodies, the Council, Boards and Committees);
 - c) to ensure that the Authority has a system of record keeping for all key and executive decisions (a key decision is defined at page 26);
 - d) to ensure that the Authority achieves and delivers its objectives; and
 - e) to represent the Authority on partnerships and external bodies (as required by statute or by the Authority).
- 4.1.2 To co-ordinate, direct and monitor the Authority's initiatives to achieve Best Value in the delivery of its functions.
- 4.1.3 To be responsible for performance review issues.
- 4.1.4 After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.1.5 To suspend the Director of Services, Interim Director of Housing, Interim Director of Resources and Heads of Service where their continued presence at work may prejudice an investigation or where there is a prima facie case of gross misconduct; the members of the Cabinet to be notified as soon as possible after the action is taken in accordance with the Employment Procedure Rules contained in the Constitution.
- 4.1.6 To make interim appointments to fill vacancies, and to make interim designations as Chief Finance Officer and Monitoring Officer where a vacancy arises in such position, the term of each such appointment or designation not to extend beyond 18 months without the confirmation of the Appointments Panel.
- 4.1.7 All activities in connection with the Council's Human Resources function including:
- (a) To determine all staffing matters in accordance with the Officer Employment Procedure Rules. This includes determining matters relating to structure (additions, reductions and other changes to the establishment) as she considers appropriate following consultation with the Leader and Deputy Leader.

- (b) The appointment, dismissal or discipline of staff, except in relation to those posts listed in paragraph 1.2 of the said Rules.
 - (c) Where the decision of the Head of Paid Service taken under (a) above requires consideration of the financial/budgetary implications and a decision in that respect only, then the matter will be referred to the Cabinet, provided that the remit of the Cabinet shall be limited to decisions on financial matters only.
 - (d) The Head of Paid Service may delegate the discharge of this function to another officer.
- 4.1.8 To make agreements with other local authorities and external agencies in compliance with the Council's CPRs for the placing of staff and joint working arrangements (including committing expenditure within authorised budgets).
- 4.1.9 To authorise the use of juveniles and vulnerable adults as covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

4.2 Elections

- 4.2.1 To act as Returning Officer, Local, Acting or Deputy Returning Officer in:
- a) Local Elections
 - b) Parliamentary Elections
 - c) European Elections
 - d) Police and Crime Commissioners' Elections
 - e) Referenda
- 4.2.2 To undertake the duties of Electoral Registration Officer.

4.3 Corporate Leadership

- 4.3.1 To lead the Corporate Leadership Team.
- 4.3.2 After consultation with the Leader of the Council, to authorise action and incur expenditure, where urgent action is needed to enable the Authority to fulfil its functions.
- 4.3.3 To consider and co-ordinate any investigation by the Local Government Ombudsman.
- 4.3.4 To consider and report on any report of the Local Government Ombudsman and to decide on and implement the action to be taken.
- 4.3.5 To take urgent action necessary to protect the interests of the Authority, some or all of the Authority's area or some or all of the inhabitants of the Authority's area.

4.4 Civic Functions

- 4.4.1 All activities in connection with the Council's civic/ceremonial function.

4.5 Service Functions

- 4.5.1 Key strategic partnerships including LLEP

5. DELEGATIONS TO THE INTERIM DIRECTOR OF RESOURCES

- 5.1 The officer is authorised by the Council to discharge the following functions and determine directly or in consultation with the Chief Executive all matters except those reserved by or referred to Council, the Cabinet or Committees.

5.2 Service Functions

- 5.2.1 Performance management.
- 5.2.2 Project management.
- 5.2.3 Local strategic partnerships/LEPs.
- 5.2.4 Health and safety (internal).
- 5.2.5 Risk management.
- 5.2.6 Communications and consultations.
- 5.2.7 Media management, public relations and marketing.
- 5.2.8 Corporate overview on diversity issues.
- 5.2.9 Accountancy services.
- 5.2.10 Information management including Data Protection and Freedom Of Information.
- 5.2.11 Elections and electoral registration.
- 5.2.12 National Land and Property Gazetteer.
- 5.2.13 Legal services (without prejudice to the statutory role and function of the Monitoring Officer)
- 5.2.14 Members' services and members' development (xv) Strategic asset management including land sales.
- 5.2.15 Finance, financial planning and procurement.
- 5.2.16 Revenues and benefits.
- 5.2.17 Administration of meetings of the Council, Boards, Committees an Sub-committees and typing and clerical services.
- 5.2.18 Internal Audit.

5.3 Property Development.

- 5.3.1 Property/facilities management and maintenance (non-housing).
- 5.3.2 ICT.
- 5.3.3 Street naming and numbering and replacement of street nameplates.
- 5.3.4 All activities relating to the discharge of the function as a Licensing Authority under all relevant legislation.
- 5.3.5 All activities in relation to the discharge of the environmental health function of the Council, including environmental protection/enforcement, occupational health and safety, food safety, animal welfare, environmental strategy, pest control and the appointment of Port Medical Officer(s) and/or Consultants for Communicable Disease Control.
- 5.3.6 Corporate complaints procedure.

SPECIFIC FUNCTIONS

5.4 Executive Functions

- 5.4.1 To administer all aspects of housing benefit and Council Tax benefit.
- 5.4.2 To discharge the Authority's responsibilities for billing, collection and enforcement of Council Tax, non-domestic rates and all valuation matters.
- 5.4.3 To deal with demands and notices, liabilities, reliefs and exemptions, and for non-domestic rates to recommend to the Cabinet guidelines for the granting of discretionary rate relief, partially occupied properties and hardship relief and administer the scheme in accordance with the approved guidelines.
- 5.4.4 In addition to the Head of Legal and Support Services to represent the Authority and appear as an advocate on the Authority's behalf in any legal proceedings involving the executive functions referred to clauses (i) and (iii) above.
- 5.4.5 To grant and determine temporary lettings and licences of Council owned land and buildings.
- 5.4.6 To enter into deeds of dedication on such terms as the Director of resources sees fit.
- 5.4.7 To agree perpetual and fixed term easements and wayleaves on such terms as the Director of Resources sees fit.
- 5.4.8 To determine rent reviews and to instigate and participate in arbitrations.
- 5.4.9 To agree terms for the surrender of leases.
- 5.4.10 To authorise action to determine a lease in the event of rent arrears or other breach of covenant.

- 5.4.11 To agree terms for waiving covenants, whether freehold or leasehold.
- 5.4.12 To approve and issue consents for assignments, sub-lettings, alterations, additions and changes of use.
- 5.4.13 To make and settle claims for dilapidation.
- 5.4.14 To appropriate land belonging to the Authority at proper value.
- 5.4.15 To agree the grant and renewal of leases of land and buildings where the annual rental does not exceed £40,000.
- 5.4.16 To dispose of freehold land where the market value does not exceed £30,000.
- 5.4.17 Following consultation with Asset Management Group, to approve the Asset Management Policy.

- 5.4.18 Notwithstanding the above, to undertake acquisitions and disposals of land up to a value of £10,000 per site in accordance with and to give effect to the Council's policies and programmes (subject to provision of a monthly list of such acquisitions and disposals to the appropriate Cabinet member and the Policy Development Group).

- 5.4.19 To determine applications for discretionary non-domestic rural rate relief following consultation with the with the ward member(s) for the settlement concerned and the portfolio holder.

- 5.4.20 Subject to those matters reserved for decision by the Licensing Committee, the Licensing Sub-committee and the Taxi and Private Hire Sub-committee, to exercise all those functions for which the Council is responsible concerning licensing and registration and the grant of consents and refusals set out in Regulation 2 and Schedule 1 of the Regulations including the determination of applications for licences, permits and registrations.

- 5.4.21 To issue a closing order on a takeaway food shop.

APPENDIX 5

EXTRACT of the MINUTES of a meeting of the POLICY DEVELOPMENT GROUP held in the Council Chamber, Council Offices, Coalville on WEDNESDAY, 30 SEPTEMBER 2015

Present: Councillor M Specht (Chairman)

Councillors J Cotterill, J G Coxon, T Eynon, J Geary, D Harrison, S McKendrick (Substitute for Councillor N Clarke), V Richichi, A C Saffell and N Smith

In Attendance: Councillors R D Bayliss and J Legrys

Officers: Mr R Bowmer, Ms L Cotton, Mr D Gill, Mr M Harding, Mr G Jones, Mr C Lambert, Mrs C Macrory, Mrs R Wallace and Miss A Wright

12. UPDATE OF THE COUNCIL'S CONSTITUTION

The Deputy Monitoring Officer presented the report to Members. He focused initially on the changes to the Planning Code of Conduct and invited Members to comment.

Councillor A C Saffell asked, referring to the calling in of applications, if 'local concerns' included Parish Council's concerns. The Deputy Monitoring Officer explained that to call in an application it would need to be supported by planning grounds and be a matter of local concern; this did include Parish Council concerns. Councillor A C Saffell asked if a Member had a strong planning ground to call in an application was it essential for it to be a matter of local concern also. The Deputy Monitoring Officer explained that the change was to prevent Members calling in applications without a valid planning ground, so he would reconsider the wording to make it clearer. All Members agreed.

Councillor A C Saffell also raised concerns that as the District was now separated into single Member Wards, the power to call in applications had been restricted, especially as the constitution stated that 'a call in shall not be exercised by any member with a disclosable pecuniary interest' and also that it was only Ward Members who could call in an application. The Deputy Monitoring Officer reassured Members that public objection would still lead to an application being brought to Committee and that these procedure rules had always been in the constitution, it was only small changes to wording that had been proposed. After further pursuance of this concern by Councillor A C Saffell, the Deputy Monitoring Officer suggested that the wording could be reconsidered to restrict the calling in of applications to ward members and adjoining Ward Members. This would help on the occasions that the Ward Members were unable to call in an application.

Councillor N Smith believed that the proposed changes were good ones and he was happy that it was only Ward Members who could call applications in as in the past they were called in for no valid reason.

Councillor J Geary made the following comments:

- There had been an incident in the past where a Ward Member had refused to call in an application, because of this the Member of Parliament got involved and Councillor J Geary himself called in the application. If that had not been done, the decision made by officers would have led to a great injustice. An occurrence such as this was Councillor J Geary's concern with single Member Wards and the calling in of applications by Ward Members only.
- He was concerned that the planning process was now all about streamlining and rushing through applications, this had led to public loss of confidence. He reported that

there had been accusations that the members of Planning Committee were directed how to vote. This had led to the public perception that decisions were made politically, which of course was not true; he believed that needed to be addressed.

- He felt that all Ward Members should have the opportunity to speak at Planning Committee.
- He referred to many decisions within the code of practice for Members which were 'at the discretion of the Chairman', which did not help to ease the public perception that the Committee was not political.
- He believed that the proportionality of the Planning Committee should be fairer with equal numbers of Members from each political party.
- He was concerned that Members only had 5 working days to call in an application, because if the Ward Member was on leave it could be missed. This could lead to bad decisions being made.

Regarding the membership of the Planning Committee, the Deputy Monitoring Officer explained that it was subject to proportionality rules and it had to reflect the political balance of the authority.

Councillor T Eynon commented that it was important for the Council to be seen as approachable and that the change of a Ward Member only to call in applications did seem restrictive. She stressed that the wording needed to be reconsidered.

Councillor V Richichi expressed strong concerns regarding the proposed changes as he felt that democratic decision making was being taken away from Members. He believed that adjoining Ward Members should also be able to call in applications.

The Deputy Monitoring Officer reported that he would take Members comments forward. He then moved on to present the remaining proposed constitutional changes to Members. He put forward an additional change to the delegations to the Interim Director of Resources in appendix 4 as follows:

In the interest of consistency, paragraph 5.2.9 to read 'Accountancy services (without prejudice to the statutory role and function of the Section 151 Officer)' as it did in paragraph 5.2.13 in reference to the Monitoring Officer role.

RESOLVED THAT:

- a) The report be noted.
- b) The Policy Development Group's comments be considered by Council when they meet to discuss the Update of the Council's Constitution.

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 17 NOVEMBER 2015

Title of report	REVIEW OF THE GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY
Contacts	<p>Councillor Alison Smith MBE 01530 835668 alison.smith@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p> <p>Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk</p>
Purpose of report	To present the draft Statement of Licensing Policy for adoption by Members
Council Priorities	Homes and communities
Implications:	
Financial/Staff	All staffing costs associated with the preparation, consultation and adoption of the Statement of Licensing Policy are covered by the existing level of staff.
Link to relevant CAT	Not applicable
Risk Management	Legislation requires the Policy to be reviewed every 3 years.
Equalities Impact Assessment	Equality Impact Assessment has been undertaken, issues identified actioned.
Human Rights	Assessed in the passing of the legislation.
Transformational Government	This relates to the new ways in which Councils are being asked to deliver their services
Comments of Head of Paid Service	The report is satisfactory
Comments of Deputy Section 151 Officer	The report is satisfactory
Comments of Deputy Monitoring Officer	The report is satisfactory

Consultees	Leicestershire Constabulary, Association of British Bookmakers, British Amusement Catering Trade Association, British Casino Association, Bingo Association, British Horse Racing Board, Working Men's Club and Institute Union, British Beer & Pub Association, Gamcare, Salvation Army, Leicestershire Partnership NHS, Andy Peters Racing, Betfred, Coral Racing Limited, Gala Leisure, Flutter Leisure Ltd, Gaming Centres Ltd, Ladbrokes, Moto Donington, Playland, Quicksilver, Responsible Authorities, Town and Parish Councils, Licensing Committee
Background papers	Gambling Commission – Guidance to licensing authorities 5 th edition. www.gamblingcommission.gov.uk NWLDC – Gambling Act 2005 Statement of Licensing Policy Issue 3.
Recommendations	THE GAMBLING ACT 2005 STATEMENT OF LICENSING POLICY BE APPROVED

1.0 BACKGROUND

- 1.1 The Gambling Act 2005 ('the Act') came into force on 1 September 2007 and introduced a new regime to control all gambling.
- 1.2 Under section 349 of the Act, Licensing Authorities are required to prepare and publish a statement of principles which they intend to apply when exercising their functions under the Act. This statement of principles is referred to as the Statement of Licensing Policy ('Policy').
- 1.3 Following consultation with a wide range of bodies and agencies, the last review of this Licensing Authorities' Policy was approved by full Council on 12 October 2012 and came into effect on 31 January 2013.
- 1.4 Section 349 also requires licensing authorities to review their Policy every three years. The reviewed Policy must come into force by 31 January 2016.

2.0 REVIEW OF STATEMENT OF LICENSING POLICY

- 2.1 The current policy has been reviewed in accordance with national guidance issued to licensing authorities by the Gambling Commission. A draft statement of licensing policy is attached as Appendix 1.
- 2.2 Although the guidance broadly remains unchanged, there are two new areas that must be addressed within a licensing policy. These are:
 - Local risk assessments
 - Local area profile – mapping out the District's gambling premises licences and the risk they pose.
- 2.3 A paragraph requiring applicants to carry out and submit a risk assessment relating to their application has been added at Part A, section 9 of the draft policy.

- 2.4 A profile of the licensed premises/activities within North West Leicestershire has been inserted at Part A, section 10 of the draft policy. Applicants will use this profile to inform their risk assessment. At the time of print there were 17 licensed premises comprising 10 betting shops, 1 bingo hall and 6 adult gaming centres. Applicants are advised to contact the licensing team for other relevant information such as location of schools and the current health profile of the District.

3.0 CONSULTATION

- 3.1 The Gambling Act 2005 requires that all local authorities have to widely consult when reviewing their Statement and best practice dictates that the consultation time period should be 12 weeks.
- 3.2 The reviewed Policy was sent out for consultation for 12 weeks commencing on 15 June. The consultation was set up using the software 'citizen space' and was sent to all consultees listed at the front of this report by email. The consultation closed on 6 September.
- 3.3 The following responses were received:
- 3.3.1 Both Castle Donington and Measham Parish Councils confirmed that they had no comments to make.
- 3.3.2 The Bingo Association suggested a small change to the wording relating to the licensed bingo premises within the local profile. This amendment has been made.
- 3.3.3 Coral Racing Limited stated they are supportive of the policy document. Coral stated that they are pleased to see the requirement to supply risk assessments with future applications. They suggested that risk assessments should be (a) to assess specific risks to the licensing objectives in the local area, and (b) to assess whether additional control measures are needed. The draft policy has been amended to reflect these comments.
- 3.3.4 A paragraph providing guidance in relation to the sale of lottery tickets on the highway has been inserted following a comment received internally by the licensing team.
- 3.3.5 No other comments were received.
- 3.3.6 The Licensing Committee agreed to recommend the adoption of the policy to Council on 14 October 2015.
- 3.3.7 Minor amendments to the draft policy have subsequently been made by the legal team. A copy of the policy with these minor changes shown in italics is attached as **Appendix 1**.

4.0 APPROVAL PROCESS

- 4.1 Members' confirmation is sought that the reviewed policy be approved prior to its publication in January 2016. Once the policy has been approved it must be published 4 weeks prior to it coming into effect on 31 January 2016.

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FOREWORD

The Gambling Act 2005 has now been in force for almost 10 years and this is North West Leicestershire District Council's fourth Statement of Licensing Principles.

Under the Act, a Licensing Authority is required to prepare and publish a Statement of Licensing Policy. Since the introduction of the Act, the Policy has assisted in promoting the three licensing objectives detailed under the Act:

- preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime,
- ensuring that gambling is conducted in a fair and open way, and
- protecting children and other vulnerable persons from being harmed or exploited by gambling.

The Licensing Authority has considered and evaluated the effectiveness of the previous policy and with partners has decided which elements of the Policy should be retained. New additions to this policy are a local area profile which provides an analysis of the number and location of gambling facilities within the District and a requirement to carry out a risk assessment.

The policy was adopted by full Council following consultation with key stakeholders. The policy commenced on 31st January 2016 and unless reviewed in the intervening period, the Statement of Licensing Policy will remain in force until 31st January 2019.

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PART A

1. Introduction

North West Leicestershire District Council is the Licensing Authority under the Gambling Act 2005 (the Act). North West Leicestershire is a mixed urban and rural district covering approximately 279 square kilometres with a population of 93,700 (2011 estimate). The main towns are Coalville, a former mining town and Ashby de la Zouch, a traditional market town. The area also encompasses East Midlands Airport and the site of Donington Park a motor circuit and site for music festivals. These areas are shown in the map below at Appendix A.

Licensing Authorities are required by the Act to publish a statement of the principles which they propose to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed from “time to time” and any amended parts re-consulted upon. The statement must then be republished.

This Licensing Authority consulted widely upon this statement before finalising and publishing it. The Act requires that the following parties are consulted by Licensing Authorities:

- The Chief Officer of Police;
- One or more persons who appear to the Licensing Authority to represent the interests of persons carrying on gambling businesses in the Licensing Authority’s area;
- One or more persons who appear to the Licensing Authority to represent the interests of persons who are likely to be affected by the exercise of the Licensing Authority’s functions under the Act.

A list of those persons consulted is provided below at Appendix B.

It should be noted that this policy statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Act.

2. Declaration

In producing the final statement, this Licensing Authority declares that it has had regard to the licensing objectives of the Act, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement.

3. The Licensing Objectives

In exercising most of their functions under the Act, Licensing Authorities must have regard to the licensing objectives as set out in the Act. The licensing objectives are:

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

4. Responsible Authorities

The Licensing Authority is required to state the principles it will apply in exercising its powers to designate a body which is competent to advise the Licensing Authority about the protection of children from harm. The principles are:

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

This Licensing Authority designates the Leicestershire Constabulary for this purpose.

5. Interested Parties

Interested parties can make representations about licence applications, or apply for a review of an existing licence. These parties are defined in section 158 of the Act 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 application 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 to state the principles it will apply in exercising its powers under the Act to determine whether a person is an interested party. The overriding principle is that each case will be decided upon its merits. The factors that this Licensing Authority may take into account when determining what ‘sufficiently close to the premises’ means (in each case) might include:

- The size of the premises;
- The nature of the premises;
- The distance of the premises from the location of the person making the representation;
- The potential impact of the premises; and
- *The circumstances of any complainant.*

In determining whether the relevant business is likely to be affected by the premises, the following factors are relevant :

- The size of the premises;
- The catchment area of the premises; and
- *Whether the person making the representation has business interests in that catchment area.*

This Licensing Authority views trade associations, trade unions, residents’ and tenants’ associations as interested parties.

Interested parties can be persons who are democratically elected such as Councillors and Members of Parliament. No specific evidence of being asked to represent an interested person will be required as long as the Councillor or Members of Parliament represents the ward likely to be affected. Other than these however, this Licensing Authority will generally require written evidence that a person or body ‘represents’ someone who either lives sufficiently close to the premises 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.

6. Exchange of Information

This Licensing Authority adopts the principle of better regulation and will conduct itself in accordance with the provisions of the Act in its exchange of information which includes the provision that the Data Protection Act 1998 and other relevant legislation will not be contravened. The Licensing Authority will also have regard to the Guidance issued by the Gambling Commission to Local Authorities on this matter, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Act.

7. Enforcement

The main enforcement and compliance role for this Licensing Authority in terms of the Act will be to ensure compliance with licences and permits issued by this Licensing Authority and any conditions attached to them, including compliance with relevant codes of practice, dealing with temporary permissions and registration of small lotteries.

This Licensing Authority will act in accordance with the following principles for regulators:

- 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.

This Licensing Authority will endeavour to avoid duplication with other statutory or regulatory regimes so far as possible.

This Licensing Authority will have regard to the Regulators' Code and will adopt a risk-based, proportionate and targeted approach to regulatory inspection and enforcement.

This Licensing Authority shall comply with the codes of practices developed by the Crown Prosecution Service in the management of criminal cases.

8. Licensing Authority Functions

This Licensing Authority will:

- 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 by means of 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 to sell/supply alcohol for consumption on the licensed premises, 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;
- Maintain registers of licences and permits that are issued and small society lottery registrations.

It should be noted that this Licensing Authority will not be involved in licensing remote gambling. This is the responsibility of the Gambling Commission by means of operating licences.

9. Local Risk Assessments

From 6th April 2016 all operators are required to consider local risks in their applications.

As part of the application process licensees are required to submit a local risk assessment when applying for a new premises licence. An updated risk assessment must also be submitted:

- when applying for a variation of a premises licence
- to take account of significant changes in local circumstances, including those identified in a licensing authority's policy statement
- when there are significant changes at a licensee's premises that may affect their mitigation of local risks.

A local risk assessment should (a) assess specific risks to the licensing objectives in the local area, and (b) assess whether control measures going beyond standard control measures are needed.

This Licensing Authority may require a licensee to share their risk assessment with the authority. The risk assessment will set out the measures the licensee has in place to address specific issues where concerns exist over new or existing risks. By adopting this proactive approach Licensing Authorities and licensees should be able to reduce the occasions on which a premises review is required.

10. Local Area Profile

The following area profile has been included to facilitate operators being able to better understand the environment within North West Leicestershire and therefore proactively mitigate risks to the licensing objectives. The information detailed below was correct at the time of printing (October 2015). Applicants are advised to contact the licensing team to seek the current local area profile.

North West Leicestershire District Council area has a total of 17 gambling premises licences.

The breakdown of those licences by type and location is given below:

Premises Type

Betting	10
Adult Gaming Centres (AGCs)	6
Bingo	1

Location

Coalville town centre	6 (3 betting, 1 bingo and 2 AGCs)
Coalville suburbs (Greenhill)	1 betting
Ashby de la Zouch	2 betting
Castle Donington	1 betting
East Midlands Airport	2 AGCs
Motorway service	2 AGCs
Ibstock	1 betting
Measham	1 betting
Whitwick	1 betting

In addition to the 2 main town centres, betting premises can also be found in some of the smaller communities of Ibstock, Measham and Castle Donington.

The 2 Adult Gaming Centres at East Midlands Airport are both situated airside (beyond passport control). Due to the complexities of gaining access to this restricted area of the airport their customer base is taken from transient travellers leaving the country on holiday or business. These premises are considered to be low risk and consequently receive light touch intervention from the licensing authority.

The motorway service area at Donington Park generally serves individuals using the M1 and A42 routes. The premises are situated away from the motorway and can be accessed by anyone using the nearby minor roads. The service area is open 24 hours. Underage gambling is low risk as there are no housing estates within walking distance. Underage persons would more than likely be under the supervision of a parent or guardian whilst visiting the motorway service area.

The only bingo premises in the district are situated in Coalville, housed in a previously used 1930's design cinema.

North West Leicestershire is earmarked for a large house building programme over the next 15 years. However there is no intelligence to suggest that the extra population will alter the demographic of those people that live and spend time in the district.

Recent enquiries with local betting premises in relation to use of B2 or fixed odds betting terminals (FOBT) indicates that there is no excessive use of the machines and that proper control and monitoring of these machines by the licence holders is in place. Inspections by licensing enforcement officers have highlighted a high level of compliance by the industry and this is backed up by the historically low number of complaints received about individual premises. This Authority will continue to monitor to ensure high compliance levels are maintained.

11. Registers

The Licensing Authority keeps registers of the premises licences it has issued. They can be viewed online on the Council's web site or at the Council's offices during normal office hours. Copies of the register can be requested but a charge will be made.

12 Fees

The Council shall aim to ensure that the income it receives in fees matches the costs of providing the service to which the fees relate. The Council sets its own fees within a framework set by central government.

PART B **Premises Licences**

1. General Principles

Premises licences will be subject to the requirements set out in the Act and Regulations, as well as specific mandatory and default conditions detailed in regulations issued by the Secretary of State. This Licensing Authority may 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 this Licensing Authority's Statement of Licensing Policy.

In determining applications, this Licensing Authority will only take into consideration all relevant matters and not take into consideration any irrelevant matters. Planning permission, building control approval and public nuisance are not considered to be relevant.

This Licensing Authority accepts the principle 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.

This Licensing Authority will give particular consideration to applications:

- for multiple licences for a building and those relating to a discrete part of a building used for other (non-gambling) purposes; and
- applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).

In respect of premises which still have to be constructed or altered, an operator can apply for a premises licence rather than a provisional statement. In these circumstances, this Licensing Authority will first decide whether, as a matter of substance after applying the principles in section 153 of the Act, the premises ought to be permitted to be used for gambling and secondly, in deciding whether or not to grant the application, this Licensing Authority will need to consider if 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.

Any conditions attached to licences will be proportionate and will be:

- relevant to the need to make the proposed building suitable as a gambling facility;
- directly related to the premises and the type of licence applied for;
- fairly and reasonably related to the scale and type of premises; and
- reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis.

Gaming machines are defined in the Act which essentially covers all machines on which people can gamble. Section 172 of the Act prescribes the number and category of gaming machines that are permitted in each type of gambling premises licensed by the Licensing Authority. Regulations define 4 categories of gaming machines: categories A, B, C and D with category B divided into further sub-categories. The categories and subcategories have been defined according to the maximum amount that can be paid for playing the machines and the maximum prize it can deliver. A breakdown of gaming machine categories and entitlements is available on the Gambling Commission website www.gamblingcommission.gov.uk

2. Licensing Objectives

Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime

Where an area has known high levels of organised crime this Licensing Authority will consider carefully whether gambling premises are suitable to be located there and whether conditions may be appropriate such as the provision of door supervisors.

Appropriate matters for consideration may include:

- disorder;
- the sale and distribution of controlled drugs;
- the laundering of the proceeds of crime to support gambling.

Ensuring that gambling is conducted in a fair and open way

This Licensing Authority does not expect 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 which are dealt with by the Gambling Commission.

Protecting children and other vulnerable persons from being harmed or exploited by gambling

This Licensing Authority will consider whether specific measures are required at particular premises, with regard to this licensing objective. Appropriate measures may include, amongst others, the following:

- supervision of entrances / machines;
- location of machines including cash terminals;
- segregation of areas;
- signage
- *Provision of helpline numbers for organisations such as GamCare.*

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking 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 gamble 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.

3. Adult Gaming Centres

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

Licensing Authority that there will be sufficient measures to, for example, ensure that under 18 year olds do not have access to the premises.

Factors which this Licensing Authority may consider include:

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

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

4. (Licensed) Family Entertainment Centres

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 Licensing 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.

Factors which this Licensing Authority may consider include:

- CCTV
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entrance
- Notices / signage
- Specific opening hours
- Self-barring 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 factors that may be taken into consideration.

5. Casinos

This Licensing Authority has not passed a 'no casino' resolution under the Act, but is aware that it has the power to do so. Should this Licensing Authority decide in the future to pass such a resolution, it will update this policy statement with details of that resolution. Any such decision will be made by the Full Council.

6. Bingo Premises

Gaming machines may be made available for use in licensed bingo premises only on those days when sufficient facilities for playing bingo are also available for use.

Where category C or above machines are available in premises to which children are admitted this Licensing Authority will wish to ensure that:

- all such machines are located in an area of the premises separate from the remainder of the premises by a physical barrier which is effective to prevent access other than through a designated entrance;
- only adults are admitted to the area where the machines are located;
- access to the area where the machines are located is supervised;
- the area where the machines are located is arranged so that it can be observed by staff of the operator or the licence holder; and
- at the entrance to, and inside any such area there are prominently displayed notices indicating that access to the area is prohibited to persons under 18.

7. Betting Premises

It is not permissible to offer gaming machines on a premises which is licensed for betting but not to offer sufficient facilities for betting.

In deciding whether to restrict the number of betting machines, this Licensing Authority will 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 betting machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable people.

8. Tracks

Tracks are defined in the Act as 'a horse racecourse, greyhound track or other premises on any part of which a race or other sporting event takes place or is intended to take place.' Examples of a track are football, cricket and rugby grounds, a motor racing event and venues hosting darts, bowls, or snooker tournaments. This list is by no means exhaustive as betting could take place at any venue where a sporting or competitive event is occurring.

This Licensing Authority will 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 are allowed to attend premises such as greyhound tracks or racecourses on event days, and children are permitted into areas where betting facilities are provided, such as the betting ring, where betting takes place. However, they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Factors which this Licensing Authority may consider include:

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

This list is not mandatory, nor exhaustive, and is merely indicative of factors that may be taken into consideration.

Applications for track premises licences will need to demonstrate that, where the applicant holds a pool betting operating licence and is going to use his entitlement to four gaming machines, unless they are Category D machines, these machines are located in areas from which children are excluded.

This Licensing Authority will require detailed plans of the racetrack itself and the area that will be used for temporary “on-course” betting facilities (often known as the “betting ring”). In the case of dog tracks and horse racecourses fixed and mobile pool betting facilities operated by the Tote or track operator, as well as any other proposed gambling facilities must be clearly indicated on the plans. The plans should also make clear what is being sought for authorisation under the track betting premises licence and what, if any, other areas are to be subject to a separate application for a different type of premises licence.

9. Travelling Fairs

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 must be met.

This Licensing Authority will consider whether the applicant falls within the statutory definition of a travelling fair.

A site may not be used for fairs on more than 27 days per calendar year. The 27-day maximum 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 monitor the use of land and maintain a record of the dates on which land is used.

10. Provisional Statements

Applicants for premises licences must fulfil certain criteria. They must hold or have applied for an operating licence from the Gambling Commission (except in the case of a track), and they must have a right to occupy the premises in respect of which their premises licence application is made. These restrictions do not apply in relation to an application for a provisional statement.

The application for a provisional statement must be accompanied by plans and the fee. Responsible authorities and interested parties may make representations.

Once the premises are constructed, altered, or acquired the holder of a provisional statement can return to this Licensing Authority and submit an application for the necessary premises licence.

11. Reviews

Requests for a review of a premises licence can be made by interested parties or responsible authorities however, it is for this Licensing Authority to decide whether the review is to be allowed. An application for review may be rejected if the grounds of the review:

- are not relevant to the principles that must be applied by this Licensing Authority in accordance with the Act;
- are frivolous;
- are vexatious;
- ‘will certainly not’ cause this Licensing Authority to revoke or suspend a licence or to remove, amend or attach conditions to the premises licence;
- are substantially the same as grounds stated in a previous application relating to the same premises;

- are substantially the same as representations made at the time the application for a premises licence was considered.

The Act provides that Licensing Authorities may initiate a review in relation to a particular class of premises licence or in relation to particular premises.

In relation to a class of premises, this Licensing Authority may review the use made of premises and, in particular, the arrangements that premises licence holders have made to comply with licence conditions.

In relation to particular premises, this Licensing Authority may review any matter connected with the use made of the premises if it has reason to suspect that premises licence conditions are not being observed, or for any other reason (such as a complaint from a third party) which gives it cause to believe that a review may be appropriate. A formal review will normally be at the end of a process ensuring compliance by the operator. If the operator does not meet requirements then after a formal review this Licensing Authority may impose additional conditions or revoke the premises licence.

PART C **Permits, Temporary Use Notice & Occasional Use Notice**

1. Unlicensed Family Entertainment Centre Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must be accompanied by a plan of the premises indicating the location of the gaming machines and the fee.

This Licensing Authority considers that the applicant should have 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 policies and procedures may include:

- appropriate measures / training for staff as regards suspected truant school children on the premises;
- a proof of age policy;
- 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.

2. (Alcohol) Licensed Premises Gaming Machine Permits

The application will be in the form and manner specified by this Licensing Authority. Applications will be required to state the premises to which it relates and the number and category of gaming machines sought. The application form must be accompanied by a plan of the premises and the fee.

This Licensing Authority will consider each application on a case by case basis but generally there will be 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 Licensing Authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. The permit holder must be capable of demonstrating compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

3. Prize Gaming Permits

The application will be in the form and manner specified by this Licensing Authority. The application form must specify the premises and be accompanied by a plan of the premises and the fee.

This Licensing Authority will require the applicant to set out the types of gaming that he/she is intending to offer and the applicant should be able to demonstrate:

- that they understand the limits on stakes and prizes that are set out in regulations; and
- that the gaming offered is within the law.

In making its decision on an application for this permit the Licensing Authority does not need to have regard to the licensing objectives but must have regard to any Gambling Commission guidance.

4. Club Gaming and Club Machines Permits

Members Clubs and Miners' welfare institutes (but not Commercial Clubs) may apply for a Club Gaming Permit. The Club Gaming Permit will enable the premises to provide gaming machines (3 machines of categories B3A, B4, C or D) with no more than one being within category B3A, equal chance gaming and games of chance.

Members Clubs, Miners' welfare institutes and Commercial Clubs may apply for a Club Machine Permit. A Club Machine permit will enable the premises to provide gaming machines only (3 machines of categories B3A, B4, C or D with no more than one being within category B3A). Commercial clubs are not allowed to provide category B3A gaming machines.

This Licensing Authority may only refuse an application for either type of permit if:

- (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 person's;
- (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.

There is also a 'fast-track' procedure available under the Act for premises which hold a Club Premises Certificate under the Licensing Act 2003. Under the fast-track procedure there is no opportunity for objections to be made by the Commission or the police and the grounds on which an application may be refused are:

- (a) that the club is established primarily for gaming, other than gaming prescribed under schedule 12;
- (b) that in addition to the prescribed gaming, the applicant provides facilities for other gaming; or
- (c) that a club gaming permit or club machine permit issued to the applicant in the last ten years has been cancelled.

The permit holder must demonstrate compliance with the conditions detailed in the Code of Practice issued by the Gambling Commission and this Licensing Authority would expect the permit holder to implement the best practice set out in the Code of Practice.

5. Temporary Use Notices

Temporary Use Notices (TUN) can only be used to permit the provision of facilities for equal chance gaming where the gaming is intended to produce a single overall winner.

The holder of a relevant operating licence must give notice to this Licensing Authority on the prescribed form with the relevant fee.

This Licensing Authority will have regard to the licensing objectives when considering whether to object to any notice received.

6. Occasional Use Notices

A notice must be served by a person who is responsible for the administration of events on the track or by an occupier of the track. The notice must be served on this Licensing Authority and copied to the Chief Officer of Police for the area in which the track is located. The notice must specify the day on which it has effect. Notices may be given in relation to consecutive days, so long as the overall limit of eight days is not exceeded in the calendar year.

PART D **Lotteries**

This Licensing Authority is responsible for the registration of small society lotteries. These are non-commercial societies as defined in the Act as being established and conducted:

- for charitable purposes;
- for the purpose of enabling participation in, or of supporting, sport, athletics or a cultural activity; or
- for any other non-commercial purpose other than that of private gain.

This Licensing Authority will exercise its functions under this Act in relation to lotteries in accordance with the principles contained in the guidance issued by the Gambling Commission. Any small society lottery promoter wishing to sell tickets on the highway shall do so in a way that is compliant with the Gambling Commission guidance.

FURTHER INFORMATION

Anybody wishing to contact the Licensing Authority with regard to this Statement of Licensing Policy, the Gambling Act 2005 or the application process can do so as follows:

In writing to	Licensing Team Legal and Support Services North West Leicestershire District Council Council Offices Whitwick Road Coalville Leicestershire LE67 3FJ
By email to	licensing@nwleicestershire.gov.uk
By fax to	01530 454574
By telephone on	01530 454545

Appendix A

Map of North West Leicestershire District



Appendix B
List of bodies consulted.

Leicestershire Constabulary
Association of British Bookmakers
British Amusement Catering Trades Association
Casino Operator Association
Bingo Association
British Horse Racing Board
Working Men's Club and Institute Union
British Beer & Pub Association
Gamcare
Salvation Army
Leicestershire Partnership NHS
Responsible Authorities named in the Act
Responsible Gambling Trust
Andy Peters Racing
Betfred
Coral Racing Limited
Gala Leisure
Flutter Leisure Limited
Gaming Centres Limited
Ladbrokes
Moto Donington
Playland
Quicksilver
Town and Parish Councils

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NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 17 NOVEMBER 2015

Title of report	APPOINTMENT OF A REPRESENTATIVE TO A COMMUNITY BODY – COALVILLE TOWN FOOTBALL CLUB COMMITTEE
Contacts	Councillor Nick Rushton 01530 412059 nicholas.rushton@nwleicestershire.gov.uk Head of Legal and Support Services 01530 454762 elizabeth.warhurst@nwleicestershire.gov.uk
Purpose of report	To appoint a member to the Coalville Town Football Club Committee.
Council Priorities	Cross cutting across all priorities - ensuring that the Council is involved with all community issues.
Implications:	
Financial/Staff	None.
Link to relevant CAT	Links to all Corporate Action Teams.
Risk Management	None.
Equalities Impact Screening	Not applicable.
Human Rights	None.
Transformational Government	None.
Comments of Head of Paid Service	The report is satisfactory.
Comments of Deputy Section 151 Officer	The report is satisfactory.
Comments of Monitoring Officer	The report is satisfactory.
Consultees	Political Group Leaders.

Background papers	Community body update report - Owen Street Recreation Ground Pavilion Management Committee .
Recommendations	THAT A REPRESENTATIVE BE APPOINTED TO SERVE ON THE COALVILLE TOWN FOOTBALL CLUB COMMITTEE.

1.0 BACKGROUND

- 1.1 A request has been received for a member to attend the Coalville Town Football Club Committee meetings following the dissolution of the Owen Street Recreation Ground Pavilion Management Committee.
- 1.2 The football club has indicated that they wish to continue to retain a relationship with the Council, and therefore a member representative is sought to attend the football club committee meetings which are likely to be held on a quarterly basis.
- 1.3 The appointed member representative will attend meetings in an observational capacity, to facilitate the sharing of information between the Council and the football club.

2.0 NOMINATIONS

- 2.1 Nominations have been sought from all political group leaders.
- 2.2 Councillors John Geary and Alison Smith MBE have been nominated for the vacancy.
- 2.3 As more than one nomination has been received, a vote will be required to fill the vacancy. The nomination with the clear majority of votes will be appointed.

NORTH WEST LEICESTERSHIRE DISTRICT COUNCIL

COUNCIL – 17 NOVEMBER 2015

Title of report	SENIOR MANAGEMENT STRUCTURE
Contacts	<p>Councillor Richard Blunt 01530 454510 richard.blunt@nwleicestershire.gov.uk</p> <p>Councillor Roger Bayliss 01530 411055 roger.bayliss@nwleicestershire.gov.uk</p> <p>Chief Executive 01530 454500 christine.fisher@nwleicestershire.gov.uk</p>
Purpose of report	To propose that the Interim Director of Housing post should be made a permanent role in the Council's management structure.
Council Priorities	Value for Money Business and Jobs Homes and Communities
Implications:	
Financial/Staff	Contained within existing budgets in 2015/16. The costs of a permanent post will need to be included in the 2016/17 Revenue Budgets
Link to relevant CAT	All
Risk Management	Creating this post will reduce the risk to the Council of not having strategic knowledge and leadership within a significant service area
Equalities Impact Screening	No direct implications
Human Rights	No direct implications
Transformational Government	No direct implications
Comments of Head of Paid Service	As author of the report, this report is satisfactory

Comments of Deputy Section 151 Officer	This report is satisfactory
Comments of Monitoring Officer	This report is satisfactory
Consultees	A copy of the report was provided to the Trade Unions, but no comments have been received.
Background papers	External Health check report 2014 (commercially sensitive) Located in room 127 (HR Manager's office)
Recommendations	THAT A PERMANENT POST OF DIRECTOR OF HOUSING BE APPROVED.

1.0 BACKGROUND

- 1.1 The Council commissioned a report in 2014 by an independent external consultant (Richard Sorenson) to review the following areas of the in-house Housing service – Internal Governance and information flows, Value for money, Contract management and the staffing structure and levels.
- 1.2 The report recommended the creation of a director level role to oversee the housing management function and the development of the housing function at a strategic level. Following consideration of the report at the Councils Corporate Leadership Team and consultations with the political leadership and key shadow members, the Chief Executive decided to use her delegated powers to create an 18 month contract role as Interim Director of Housing.
- 1.3 The current incumbent was appointed to the role in late September 2014.

2.0 RATIONALE TO CREATE A PERMANENT POST

The creation of the Interim post was fundamentally to achieve the following:

Tenants

- To strengthen the tenant and resident engagement to examine and challenge the Housing service.

Strategic

- To provide strategic leadership to the service particularly in light of the dynamically changing national policy changes.
- To create strategic policies and plans to lay the foundations for a council new build programme to go ahead, and for the council to acquire new properties and sites.
- To complete an Asset Management Strategy which will guide around £160m of investment in the housing stock over the next 30 years.

Capital investment

- To successfully complete of the Decent Homes Programme by 31 March 2015 to the satisfaction of the Homes and Communities Agency.

Service Improvements

- To challenge the performance of the housing service. This includes the development of a framework through which the Housing Service can deliver best practice by introducing a Value for Money Strategy, Procurement Strategy, Acquisitions Policy, Disposals Policy, Annual Housing Business Plan, Annual Lettings Plan and an Asset Management Strategy.
- To re-model the Older Persons Service to address funding reductions and enable continuation of service to vulnerable client group.
- To create and get a Green and Decent pilot programme for renewable technologies in the housing stock up and running.
- To procure an asset performance tool to examine and track the financial performance of our housing assets.

In assessing whether the role should be made permanent, consideration has been given to the changing national and local perspectives i.e.

- The rapidly evolving and developing National policy changes which require local interpretation and expert advice on the options available to the Council and its housing partners (Registered Social Providers). Examples are the end to lifetime tenancies and the requirement to sell high value empty properties to fund housing association Right to Buys.
- Social Housing is a key policy area for the current Government and is likely to be so for future Governments.
- Strategies have been put into place which will now need to be implemented in order to achieve the Council's set outcomes e.g. the New Build programme
- The need to oversee the implementation of the Asset Management Strategy (recognising the links between housing and wider Council assets) in maintaining decency of the housing stock and the selective disposal of housing assets, including future use for all garage sites.
- Embed the new service model for the Older Persons Service
- Make a significant contribution to the Council's commercial agenda and identify where the Housing Service, and other parts of the Council, can deliver services to external clients to earn additional income.

In summary the Council requires a housing expert who can provide strategic leadership to address the above issues for the long term. Hence it is a recommendation within this report to create this post on a permanent footing.

3.0 FINANCIAL IMPLICATIONS

- 3.1 The Director salary scale is a range between £72,816 and £81,585 per annum. With the usual associated on-costs the annual cost to Council of making the post permanent would be a maximum of £109,894. This would be funded from the Housing Revenue Account with a recharge of approximately 10% to the General Fund to reflect the functions funded by the Council Tax Payer. The costs of a permanent post will need to be included in the 2016/17 Revenue Budgets.

4.0 APPOINTMENT TO THE PERMANENT ROLE

- 4.1 Should members approve this report, an internal recruitment process will be followed.
- 4.2 Permanent appointments to posts of this level (Chief Officer) are reserved for the Appointments Committee. If approved as a permanent post the post would be advertised internally to the Council and a meeting of the Committee would be convened accordingly.