



AGENDA

For a meeting of the

COUNCIL

to be held on

THURSDAY, 28 APRIL 2005

at

2.00 PM

in the

**COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL,
GRANTHAM**

Duncan Kerr, Chief Executive

Members of the Council are invited to attend the above meeting to consider the items of business listed below.

1. Election of Chairman of the District Council

The Chairman will take the Chair, make the declaration of acceptance of office and be invested with the chain of office.

2. Vote of thanks to the retiring Chairman

After the vote of thanks, the Chairman will make a presentation to the retiring Chairman. The retiring Chairman will then respond.

3. Election of Vice-Chairman of the District Council

The Vice-Chairman will make the declaration of acceptance of office and be invested with the Vice-Chairman's medallion.

4. Apologies for Absence

5. Declarations of Interest

Members are asked to declare any interests in matters for consideration at the meeting.

6. Minutes

Minutes of the Meetings held on:

24th February 2005

(Enclosure)

28th February 2005

(Enclosure)

7. **Communications (including outgoing Chairman's Engagements)**
(Enclosure)

8. **Appointment of Leader of the Council.**

9. **Determination as to the number of Cabinet seats and the notification of the Cabinet Members and Portfolios.**

10. **Re-allocation of Seats on Council Committees and Panels**
Report number CEX285 by the Chief Executive. (Enclosure)

11. **Issues for South Kesteven District Council arising out of a review of the Corporate Governance Report on Lincolnshire County Council**
Report number CEX288 by the Chief Executive. (Enclosure)

12. **Appointments to the new Development and Scrutiny Panels and Other Committees of the Council**
Report number CEX286 by the Chief Executive. (Enclosure)

13. **Timetable of Council and Committee Meetings**
(Enclosure)

14. **Representatives on Outside Bodies:**
(1) To consider nominations for yearly appointments on the following Outside Bodies (*previous representatives shown in italics*)

East Midlands Regional Local Government Association (EMRLGA)	-	<i>The Leader (Councillor Mrs Linda Neal)</i>
East Midlands Regional Assembly	-	<i>The Leader (Councillor Mrs Linda Neal)</i>

The EMRLGA are also seeking expressions of interest for:

- The EMRLGA Employment Forum Steering Group
- The EMRLGA Executive Committee

Local Government Association: <i>Leader</i>	-	<i>The Leader or Deputy</i>
General Assembly		<i>in his/her absence</i>
Local Government Association: Rural Commission <i>Portfolio</i>	-	<i>Councillor Terl Bryant*</i> <i>(as Community Affairs</i>
		<i>holder)</i>
		Councillor John Hurst

**Councillor Terl Bryant to hold the voting rights*

(2) Health Scrutiny Committee, Lincolnshire County Council.

The Council to appoint a representative for this authority on the County Council's scrutiny body of the health service.

(3) South Kesteven Race Equality Forum

Report number HR&OD77 by the Corporate Manager, Human Resources & Organisational Development.

(Enclosure)

15. Notices of Motion given under Council Procedure Rule 12:-

(1) By Councillor Stephen O'Hare

"That this Council RESOLVES

1. that there will with immediate effect be no charge to any resident for dealing with an infestation of rats in their house (residence) or garden within the area of SKDC

AND

2. that the cost of this in the current financial year ending 31.3.2006 be a charge on the financial reserves.

(2) By Councillor Stephen O'Hare

That as

1. The Audit Commission report on Housing Services of SKDC will be publicly available only after the 16th May 2005
2. Even those Councillors who have seen a draft of the Audit Commission report are prohibited from referring to it publicly
3. The terms of the draft report as they relate to Affordable Housing are very clear
4. Councillors will only be able to refer to the precise contents of the Audit Commission draft report today the 28th April 2005 if they do so behind closed doors
5. That to refer to the precise contents of the draft report behind closed doors Councillors will have to vote to kick out and exclude the press and public,

This Council RESOLVES that no decisions on Housing issues are taken by this Council until the Audit Commission report is published and available to the public on or about the 16th May 2005.

16. Review of Council Priorities

Report number CAB1 by the Leader on behalf of the Cabinet.

(Enclosure)

17. South Kesteven District Council Anti-Social Behaviour and Enforcement Policy

The Cabinet to recommend the formal adoption of the above policy document. A copy of the Cabinet minute from its meeting held on 4th April 2005 is attached.

(Enclosure)

[The draft Anti-Social Behaviour & Enforcement Policy and appended documents was circulated with the Cabinet agenda for the meeting held on 4th April 2005. A copy can be accessed via the "Local Democracy" link on the Council's website www.southkesteven.gov.uk or by contacting the Member Services Manager.]

18. Amendments to the Constitution: Delegations to Officers

Report number DLS35 by the corporate manager, Democratic & Legal Services.

(Enclosure)

19. Amendments to the Constitution: Recommendations of the Constitution & Accounts Committee

Report number DLS34 by the Corporate Manager, Democratic & Legal Services.

(Enclosure)

20. High Hedges Legislation - Anti-Social Behaviour Act 2003: Operational Issues

Report number DLS24 by the Corporate Manager, Democratic & Legal Services.

(Enclosure)

21. Questions without Discussion.



MINUTES

COUNCIL

THURSDAY, 24 FEBRUARY 2005
2.00 PM

PRESENT

Councillor Graham Wheat Chairman

Councillor Pam Bosworth
Councillor Ray Auger
Councillor Terl Bryant
Councillor Charles Fred Burrows
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Robert Conboy
Councillor Nick Craft
Councillor Brian Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Alan Galbraith
Councillor Yvonne Gibbins
Councillor Stephen Hewardine
Councillor Reginald Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Mrs Maureen Jalili
Councillor Kenneth Joynson
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr

Councillor John Kirkman
Councillor Reg Lovelock M.B.E.
Councillor Peter Martin-Mayhew
Councillor Mano Nadarajah
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Bob Sandall
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Ian Stokes
Councillor Michael Taylor
Councillor Gerald Taylor
Councillor Jeffrey Thompson
Councillor Frank Turner
Councillor George Waterhouse
Councillor Mrs Mary Wheat
Councillor John Wilks
Councillor Mike Williams
Councillor Avril Williams
Councillor Mrs Azar Woods

OFFICERS

Chief Executive
Director of Finance and Strategic Resources
Public Finance Accountant

OFFICERS

Corporate Manager Democratic & Legal Services
Corporate Manager Human Resources & Organisational Development
Member Services Manager
Support Officer

102. PUBLIC OPEN FORUM

(2.00p.m. – 2.07p.m.)

Prior notice in accordance with Council Procedure rule 10.3 had been given of

the following questions put by members of the public:-

Question: Rob Shorrock, Grantham Town Centre Residents Group, 4 Launder Terrace, Grantham

Put in Mr Shorrock's absence by the Chairman, in accordance with Council Procedure Rule 10.7.

The Highways and Planning Policy Working Group of LCC are meeting on the 7th March to discuss a proposal to introduce decriminalised parking arrangements county wide. Given that powers of enforcement was a key barrier to implementing residential street parking in central Grantham (see Report to Cllr R Auger Jan 2005) does the Council welcome this proposal?

Response: Councillor Mrs Linda Neal

This Council has in recent years shown an interest in the subject of decriminalisation and indeed is the first Council in Lincolnshire to have commissioned a report on the subject to determine the impact of decriminalisation of on-street parking in the area. We have asked Lincolnshire County Council as the highways authority for a policy statement on this matter so this latest development is to be welcomed. Decriminalisation can only be progressed in Lincolnshire with the support of the County Council.

Question: Rob Shorrock

Put in Mr Shorrock's absence by the Chairman.

In the spirit of empowering communities, will the portfolio holder set up a working group with the Grantham Town Centre Residents Group to explore the options on developing and implementing a residential parking scheme in Grantham Town Centre?

Response: Councillor Ray Auger

The Council is always willing to work with local residents' groups on issues which are of concern to them. Indeed, the Council has worked with residents' groups in Stamford for a number of years. Therefore, I am happy to work with the residents' group in Grantham to agree a way forward with respect to resident parking schemes.

103. ORDER OF AGENDA

The Chairman advised that the Policy Framework Proposal on the 2005/2006 Budget would be considered prior to Communications, given the importance of this item of business. Members were also reminded of the additional urgent item on Re-allocation of Seats on Council Committees and Panels, which would be considered as agenda item 9a.

104. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Bisnauthsing, Mrs Dexter, Neil Dexter, Genever, Helyar, Morris, Mrs Percival, Mrs Radley, Norman Radley, Selby and Wood.

A member informed the Council that Councillor Dexter had now returned home from hospital. The Chairman added that he had spoken to Councillor Dexter and had wished him well on behalf of the Council.

105. DECLARATIONS OF INTEREST

There were no declarations of interest made.

106. MINUTES OF THE MEETING HELD ON 27TH JANUARY 2005 (ENCLOSURE)

Subject to the amendment of "descent" to "dissent" on page 10 of the Questions Without Discussion appended to the minutes, the minutes of the meeting held on 27th January 2005 were confirmed as a correct record.

107. BUDGET 2005/06 (POLICY FRAMEWORK PROPOSAL)

DECISION:

- (1) That the 2005/2006 Budget of revenue income and expenditure, the capital expenditure programme and Statement by Chief Financial Officer on the Robustness and Adequacy of the Budget and Reserves as presented, be approved;**

- (2) That the following amounts be now calculated by the Council for the year 2005/2006 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (as amended):-**

(a) the aggregate of the amounts which the Council estimates for the items set out in Section 32(2)(a) to (e) of the Act:	£63,224,000
(b) the aggregate of the amounts which the Council estimates for the items set out in Section 32(3)(a) to (c) of the Act:	£49,059,000
(c) the amount as calculated under Section 32(4) of the Act by which the aggregate at (a) above exceeds the aggregate at (b) above.	£14,165,000
(d) the aggregate of the sums which the Council	

estimates will be payable for the year into its general fund in respect of re-distributed non-domestic rates and revenue support grant increased by the amount of the sums which the Council estimates will be transferred in the year from its collection fund to its general fund in accordance with Section 97(3) and 98(4) of the 1988 Act.

£8,421,000

(e) the amount at (c) above less the amount at (d) above, all divided by 43,396.2 (the Council's tax base for 2005/2006) as recorded in Minute 83 of the meeting on 6 December 2004 being the basic council tax for the year £132.36

(f) the aggregate of all special items referred to in Section 34(1) of the Act. £1,369,600

(g) the amount at (e) above less the result given by dividing the amount at (f) above by 43,396.2 (the Council's council tax base) in accordance with Section 34(2) of the Act being the basic amount of its council tax for the year.
For dwellings in those parts of its area to which no special item relates £100.80

(h) the amounts, as recorded in Column B in the schedule below, given by adding to the amount at (g) overleaf the amounts of special items relating to dwellings in those parts of the Council's area specified in Column A of that schedule divided by the council tax base for the relevant part of the Council's area is recorded in Minute 83 of the meeting on 6 December 2004 being the base amounts of its council tax for the year for dwellings in those parts of its area to which special items relate:

Column A

Column B

Part of the Council's area

Grantham	136.89
Stamford	149.76
Bourne	124.56
Deeping St James	129.42
Market Deeping	159.03
Allington	128.25
Ancaster	143.10
Aslackby & Laughton	123.39

Barholm & Stow	109.08
Barkston & Syston	118.89
Barrowby	136.08
Baston	112.32
Belton & Manthorpe	104.40
Billingborough	122.04
Boothby Pagnell	105.66
Braceborough & Wilsthorpe	117.63
Careby, Aunby & Holywell	105.75
Carlby	129.69
Carlton Scroop & Normanton	149.67
Castle Bytham	113.49
Caythorpe	128.70
Claypole	120.60
Colsterworth, Gunby & Stainby	131.40
Corby Glen	121.59
Denton	119.34
Dowsby	131.31
Dunsby	106.83
Edenham	118.44
Fenton	107.55
Folkingham	127.62
Foston	124.02
Fulbeck	120.96
Greatford	115.11
Great Gonerby	122.94
Great Ponton	137.34
Haconby	102.24
Harlaxton	136.08
Heydour	115.20
Hougham	115.65
Hough-on-the-Hill	120.96
Ingoldsby	109.53
Irnham	104.31
Kirkby Underwood	113.04
Langtoft	145.71
Lenton, Keisby & Osgodby	103.32
Little Bytham	118.98
Little Ponton & Stroxtion	110.79
Londonthorpe & Harrowby Without	111.87
Long Bennington	122.13
Marston	120.51
Morton	114.66
North Witham	114.57
Old Somerby	114.39
Pickworth	118.35
Pointon & Sempringham	126.36
Rippingale	137.07
Ropsley, Humby, Braceby & Sapperton	113.76
Sedgebrook	119.07

Skillington	124.74
South Witham	143.46
Stoke Rochford & Easton	112.77
Stubton	114.48
Swayfield	113.94
Swinstead	118.44
Tallington	117.36
Thurlby	124.92
Uffington	113.85
Welby	113.67
Westborough & Dry Doddington	110.07
West Deeping	119.97
Witham-on-the-Hill	113.94
Woolsthorpe	119.52
Wyville-cum-Hungerton	121.59

(i) the amounts given by multiplying the amounts at (g) and (h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act being the amounts to be taken into account for the year in respect of dwellings listed in different valuation bands for the parts of the Council's area is now scheduled:-

(3) That it be noted that for the year 2005/2006 Lincolnshire County Council (LCC) Lincolnshire Police Authority (LPA) have stated the following amounts in precepts is to the Council, in accordance with Section 40 of the Act for each of the categories dwellings shown below:-

<u>Valuation Band</u>	<u>LCC</u> <u>Amount</u> <u>£</u>	<u>LPA</u> <u>Amount</u> <u>£</u>
A	599.88	
B	699.86	*LPA to meet
C	799.84	on 25 th
D	899.82	February 2005
E	1,099.78	to confirm its
F	1,299.74	budget.
G	1,499.70	
H	1,799.64	

*To be resolved on 28 February 2005 at the Extraordinary meeting.

above, the Council in accordance with Section 30(2) of the Act hereby sets the following amounts at the amounts of Council Tax for the year 2005/2006 for each of the categories dwellings in the following table:-

(4) That, having calculated the aggregate in each category the amounts at 2(a-i) as

To be resolved on 28 February 2005 at the Extraordinary meeting.

PARISH	BAND @	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£	£
Grantham	76.05	91.26	106.47	121.68	136.89	167.31	197.73	228.15	
Stamford	83.20	99.84	116.48	133.12	149.76	183.04	216.32	249.60	
Bourne	69.20	83.04	96.88	110.72	124.56	152.24	179.92	207.60	
Deeping St James	71.90	86.28	100.66	115.04	129.42	158.18	186.94	215.70	
Market Deeping	88.35	106.02	123.69	141.36	159.03	194.37	229.71	265.05	
Allington	71.25	85.50	99.75	114.00	128.25	156.75	185.25	213.75	
Ancaster	79.50	95.40	111.30	127.20	143.10	174.90	206.70	238.50	
Aslackby & Laughton	68.55	82.26	95.97	109.68	123.39	150.81	178.23	205.65	
Barholm & Stow	60.60	72.72	84.84	96.96	109.08	133.32	157.56	181.80	
Barkston & Syston	66.05	79.26	92.47	105.68	118.89	145.31	171.73	198.15	
Barrowby	75.60	90.72	105.84	120.96	136.08	166.32	196.56	226.80	
Baston	62.40	74.88	87.36	99.84	112.32	137.28	162.24	187.20	
Belton & Manthorpe	58.00	69.60	81.20	92.80	104.40	127.60	150.80	174.00	
Billingborough	67.80	81.36	94.92	108.48	122.04	149.16	176.28	203.40	
Bitchfield & Bassingthorpe	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00	
Boothby Pagnell	58.70	70.44	82.18	93.92	105.66	129.14	152.62	176.10	
Braceborough & Wilsthorpe	65.35	78.42	91.49	104.56	117.63	143.77	169.91	196.05	
Burton Coggles	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00	
Careby,Aunby & Holywell	58.75	70.50	82.25	94.00	105.75	129.25	152.75	176.25	
Carlby	72.05	86.46	100.87	115.28	129.69	158.51	187.33	216.15	
Carlton Scroop & Normanton	83.15	99.78	116.41	133.04	149.67	182.93	216.19	249.45	
Castle Bytham	63.05	75.66	88.27	100.88	113.49	138.71	163.93	189.15	
Caythorpe	71.50	85.80	100.10	114.40	128.70	157.30	185.90	214.50	
Claypole	67.00	80.40	93.80	107.20	120.60	147.40	174.20	201.00	
Colsterworth, Gunby & Stainby	73.00	87.60	102.20	116.80	131.40	160.60	189.80	219.00	
Corby Glen	67.55	81.06	94.57	108.08	121.59	148.61	175.63	202.65	
Counthorpe & Creeton	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00	
Denton	66.30	79.56	92.82	106.08	119.34	145.86	172.38	198.90	
Dowsby	72.95	87.54	102.13	116.72	131.31	160.49	189.67	218.85	
Dunsby	59.35	71.22	83.09	94.96	106.83	130.57	154.31	178.05	
Edenham	65.80	78.96	92.12	105.28	118.44	144.76	171.08	197.40	
Fenton	59.75	71.70	83.65	95.60	107.55	131.45	155.35	179.25	
Folkingham	70.90	85.08	99.26	113.44	127.62	155.98	184.34	212.70	
Foston	68.90	82.68	96.46	110.24	124.02	151.58	179.14	206.70	
Fulbeck	67.20	80.64	94.08	107.52	120.96	147.84	174.72	201.60	
Greatford	63.95	76.74	89.53	102.32	115.11	140.69	166.27	191.85	
Great Gonerby	68.30	81.96	95.62	109.28	122.94	150.26	177.58	204.90	
Great Ponton	76.30	91.56	106.82	122.08	137.34	167.86	198.38	228.90	
Haconby	56.80	68.16	79.52	90.88	102.24	124.96	147.68	170.40	
Harlaxton	75.60	90.72	105.84	120.96	136.08	166.32	196.56	226.80	
Heydour	64.00	76.80	89.60	102.40	115.20	140.80	166.40	192.00	
Honington	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00	
Horbling	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00	
Hougham	64.25	77.10	89.95	102.80	115.65	141.35	167.05	192.75	
Hough-on-the-Hill	67.20	80.64	94.08	107.52	120.96	147.84	174.72	201.60	

Ingoldsby	60.85	73.02	85.19	97.36	109.53	133.87	158.21	182.55
Irnham	57.95	69.54	81.13	92.72	104.31	127.49	150.67	173.85
Kirkby Underwood	62.80	75.36	87.92	100.48	113.04	138.16	163.28	188.40
Langtoft	80.95	97.14	113.33	129.52	145.71	178.09	210.47	242.85
Lenton,Keisby & Osgodby	57.40	68.88	80.36	91.84	103.32	126.28	149.24	172.20
Little Bytham	66.10	79.32	92.54	105.76	118.98	145.42	171.86	198.30
Little Ponton & Stroton	61.55	73.86	86.17	98.48	110.79	135.41	160.03	184.65
Londonthorpe & Harrowby								
With't	62.15	74.58	87.01	99.44	111.87	136.73	161.59	186.45
Long Bennington	67.85	81.42	94.99	108.56	122.13	149.27	176.41	203.55
Marston	66.95	80.34	93.73	107.12	120.51	147.29	174.07	200.85
Morton	63.70	76.44	89.18	101.92	114.66	140.14	165.62	191.10
North Witham	63.65	76.38	89.11	101.84	114.57	140.03	165.49	190.95
Old Somerby	63.55	76.26	88.97	101.68	114.39	139.81	165.23	190.65
Pickworth	65.75	78.90	92.05	105.20	118.35	144.65	170.95	197.25
Pointon & Sempringham	70.20	84.24	98.28	112.32	126.36	154.44	182.52	210.60
Rippingale	76.15	91.38	106.61	121.84	137.07	167.53	197.99	228.45
Ropsley,Humby,Braceby & Sapperton	63.20	75.84	88.48	101.12	113.76	139.04	164.32	189.60
Sedgebrook	66.15	79.38	92.61	105.84	119.07	145.53	171.99	198.45
Skillington	69.30	83.16	97.02	110.88	124.74	152.46	180.18	207.90
South Witham	79.70	95.64	111.58	127.52	143.46	175.34	207.22	239.10
Stoke Rochford & Easton	62.65	75.18	87.71	100.24	112.77	137.83	162.89	187.95
Stubton	63.60	76.32	89.04	101.76	114.48	139.92	165.36	190.80
Swayfield	63.30	75.96	88.62	101.28	113.94	139.26	164.58	189.90
Swininstead	65.80	78.96	92.12	105.28	118.44	144.76	171.08	197.40
Tallington	65.20	78.24	91.28	104.32	117.36	143.44	169.52	195.60
Thurlby	69.40	83.28	97.16	111.04	124.92	152.68	180.44	208.20
Toft, Lound & Manthorpe	56.00	67.20	78.40	89.60	100.80	123.20	145.60	168.00
Uffington	63.25	75.90	88.55	101.20	113.85	139.15	164.45	189.75
Welby	63.15	75.78	88.41	101.04	113.67	138.93	164.19	189.45
Westborough & Dry Doddington	61.15	73.38	85.61	97.84	110.07	134.53	158.99	183.45
West Deeping	66.65	79.98	93.31	106.64	119.97	146.63	173.29	199.95
Witham-on-the-Hill	63.30	75.96	88.62	101.28	113.94	139.26	164.58	189.90
Woolsthorpe	66.40	79.68	92.96	106.24	119.52	146.08	172.64	199.20
Wyville-cum-Hungerton	67.55	81.06	94.57	108.08	121.59	148.61	175.63	202.65

(5) That for 2005/2006, 2006/2007 and 2007/2008 the Council's limit for external debt be for each year at £30,000,00, the limit of £30,000,000 for 2004/2005 continues and authorise the Director of Finance & Strategic Resources within the total limit to effect movement between the separately agreed limits for borrowing and other long term liabilities, in accordance with option appraisal and best value for money for the authority;

(6) That for 2004/2005 the Operational Boundary for external debt continues at £9,000,000 and for 2005/2006, 2006/2007 and 2007/2008, the Operational Boundary for external debt be set at £7,000,000, £5,000,000 and £4,000,000 respectively and to authorise the Director of Finance & Strategic Resources within the total Operational Boundary for any individual year to effect movement between the separately agreed figures for borrowing and other long term liabilities;

- (7) That an upper limit be set on the Council's fixed interest rate exposures for 2006/07 and 2007/08 of 75% of the net outstanding principal sums;
- (8) That an upper limit be set on the Council's variable interest rate exposures for 2006/07 and 2007/08 of 25% of the net outstanding principal sums;
- (9) Upper and lower limits for the maturity structure of the Council's borrowings be set at:

Under 12 months	11%
12 months and within 24 months	11%
24 months and within 5 years	33%
5 years and within 10 years	16%
10 years and above	28%

The Leader presented the 2005/2006 Budget (as contained within the Director of Finance & Strategic Resources' report number FIN226) on behalf of the Cabinet and the Administration. During her supporting speech, she commented on the transparency of the budget preparation process as a reflection of the community's priorities and, although the government settlement may have been higher than expected, it had not addressed the issues of the "Lincolnshire's Missing Millions" campaign, which would be continued. She proposed acceptance of the budget and the recommendations presented in the Director's report, which was then seconded by the Deputy Leader. Many members expressed their appreciation of the work and professionalism undertaken by the Director of Finance & Strategic Resources and his team, especially given the immense amount of work completed under intense pressure.

The Chairman of the Capacity & Resources Development & Scrutiny Panel (DSP) spoke in support of the proposed budget, which had been prepared with considerable input from the cross-panel working group led by his DSP. He commented on the requirement to keep the council tax increase below 1% and praised the work done to achieve this.

The proposed budget was met with general support but during debate, members voiced various concerns. These included the unsustainable policy of reducing general reserves alongside increasing service costs which decreased income from assets. The Director responded that the proposed budget was in line with the Council's medium-term financial strategy and although reserves could not be reduced infinitum, he acknowledged the potential problem for future years in respect to interest rate risk. However, the Council had consulted with the public and identified priorities which required additional expenditure for relevant projects. The Director continued that he was grateful for the work of the Capacity & Resources DSP led working group which had scrutinised the general fund, housing revenue account and external issues in some detail. He also reported further on this year's anticipated capping, the increase of special expense area (SEA) charges and the incorporation of service charges and the scale of charges in the budget document. As the responsible financial officer, he had identified major areas of risk as being Pest Control, which would require regular review, and the Supplementary People Grant, as explained in his report. Because the Lincolnshire Police Authority would not manage to confirm their budget until 25th February 2005, an additional meeting of the Council had been arranged for 28th February 2005 to confirm their precept.

Other concerns raised included the apparent sense of members' complacency regarding the budget and its possible irrelevance to those in poverty. There was a need for a longer-term financial strategy, in addition to an annual budget, to maximise resources for the needs of the community because the problem was not the "missing millions" but a too strong a focus on the short term financial position.

comment concerning the “missing millions” was not met with agreement by other members and it was suggested that even more pressure be put on the government because as capping continued without accounting for the level of council tax, the difference in income between different authorities would increase to the disadvantage of this Council. With regard to SEAs, members raised various points and it was suggested that Langtoft SEA be considered at the Deepings Local Area Assembly. There was also some concern that the increase in service costs may have been reduced if certain recommendations from the DSP had been adopted by Cabinet. Parish precepts were also discussed with concern expressed on the lack of control over their precept-setting and it was suggested that parishes be allowed to develop longer term capital schemes, which should balance out fluctuations in their precepts. The Welland partnership was also discussed and clarification was sought on the Industrial Provident Society, whilst suggesting that project management be applied from the outset of large schemes. The Director acknowledged the concerns raised and provided clarification where necessary.

In closing the debate, the Leader also responded to a number of the issues raised by other members and expressed her personal thanks to each member of the accountancy team. A vote was taken on the recommendations and was subsequently carried.

108. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS) (ENCLOSURE)

The Chairman reported that he had received a letter from Councillor Genever, which he read. Councillor Genever thanked members for all their kind thoughts and words and he would be sorry to miss out on the “mischief making”. His brother was continuing to improve and was of a cheerful disposition despite his handicap. The Chairman added that he would send a suitable reply on behalf of the Council.

The schedule of Chairman’s engagements was noted.

The Chief Executive had circulated to each member a timetable for delivery of the development programme for members and a scrutiny questionnaire to be completed and returned accordingly.

109. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:-

(1) By Councillor Yvonne Gibbins

DECISION: To not support the motion proposed by Councillor Gibbins.

The following motion had been proposed by Councillor Gibbins:

“Given the facts that;

- (1) Members with “special responsibilities” have higher allowances and have recently been given an increase in their allowances, and
- (2) CPA gave SKDC only a “fair” status,

I therefore propose that; all cabinet members, Chairmen and Vice-Chairmen declare their suitability for these posts and allowances, by informing all members of SKDC orally of their qualifications, experience and training, which make them the most appropriate person for their positions, and that they will regularly attend courses/workshops pertinent to their portfolios/panels remit”

In supporting her motion, Councillor Gibbins referred to professional organisations, where it was usually required to continually update knowledge and provide evidence to gain promotion. She considered that if the Council wished to raise its CPA score, its members should be prepared to undertake these two requirements. In seconding the motion, a member suggested that positions of responsibility were sometimes appointed because of personal ambitions rather than a member's suitability to a position. Some members expressed agreement with this, mainly because of the need of members to be professional and accountable. The majority, however, did not support the motion and it was suggested that members were accountable to the electorate via elections and that experience and ability to interpret evidence were of more importance than qualifications. The motion was subsequently lost following a vote.

(2) By Councillor John Hurst

DECISION: To not support the motion proposed by Councillor John Hurst.

The following motion had been proposed by Councillor John Hurst:

“This Council considers that a Shadow Cabinet, enshrined in the Constitution, would enrich the developing democracy of the District, to the general good. Such Shadow Cabinet, in accordance with statute, must have objectives and processes that do not duplicate those of the DSPs or Cabinet.

The Shadow Cabinet will have the following remit:

1. to recommend to the Scrutiny Coordinating Committee, subjects that could be included in the future work programme of the Development and Scrutiny Panels
2. to advocate to the Cabinet, issues and concerns that it perceives to be relevant to the people of the District
3. to proffer expertise and advice to the Executive
4. to offer an alternative perspective to the Cabinet on consultation documents
5. the Shadow Cabinet does not have the power of call-in.”

Councillor Hurst began his supporting speech by reporting that the remit proposed for the Shadow Cabinet had been formed in consultation with the Chief Executive and the Monitoring Officer. The Chief Executive confirmed that

it complied with the Local Government Act 2000. Councillor Hurst continued that his motion was not intended to be offensive or provocative but to enrich democracy at this authority by enshrining the Shadow Cabinet in the Constitution. He referred to the view of democracy expressed by Lord Hailsham and suggested that it would be courteous to support his motion. He added that whilst the Development and Scrutiny Panels were supported by his group, a number of other Councils embraced a Shadow Cabinet as well which, rather than causing harm, was very beneficial to the authority and democracy of the area.

In seconding the motion, a member acknowledged the important role played by opposition parties at all levels of government, particularly at local level, because these members had a duty to challenge, criticise and hold to account the administration. Opposition could also articulate community interests as well as suggest alternative policies. The member also acknowledged that scrutiny panels formed an essential function but they focussed on detailed examinations of policies whereas a Shadow Cabinet would review the work of the Cabinet as a whole and present a collective opposition view.

Those in support of the motion suggested that democracy was eroding fast and that if the administration's policies were robust, it would withstand a Shadow Cabinet and that it would exist regardless of its inclusion in the Constitution. The Council was reminded that the Shadow Cabinet required no financial support but was a channel in which to feed suggestions.

In opposing the motion, it was suggested that democracy had been removed by the Local Government Act 2000, a Shadow Cabinet would not remedy this and the Act would have included a requirement for a Shadow Cabinet if it was considered necessary. Another member commented that there was no longer any need for a Shadow Cabinet because chairmanships had been offered to opposition parties which had prompted the previous Shadow Cabinet's disbandment. Because it was causing such a split amongst the Council, a Shadow Cabinet should not be allowed to cause further damage. This was disputed by some members because it was believed that the chairmanships had been offered following the Comprehensive Performance Assessment, not as a result of being offered chairmanships, although the motion's proposer explained that he believed there had been an agreement with the administration to wind-up the previous Shadow Cabinet because of an overpowering force. This was also disputed by another member.

On being put to the vote, the motion was lost.

(3) By Councillor Stephen O'Hare

DECISION:

- (1) To not support the motion proposed by Councillor Stephen O'Hare;**
- (2) That this Council confirms its resolve to carry out the training that has already been suggested and discussed at length in the Chief**

Executive's report that has been put to the Cabinet, Chairmen's Group and Group Leaders and encourages all Council members to take part in this far reaching, far sighted and much needed training which not unsurprisingly includes a session on financial training.

The following motion had been proposed by Councillor O'Hare:

"That this Council believes that in relation to the multi million pound annual expenditure of this Council

1. It is financially sensible to ensure that all members of the Cabinet have received appropriate external formal training;
2. Where practicable it is financially sensible to ensure that any Councillor appointed to the Cabinet has received such training before appointment to the Cabinet;
3. Any existing Cabinet member who has not received such training by the end of 2005 should seriously consider resigning from the Cabinet."

In presenting the motion, Councillor O'Hare referred to decisions made by portfolio holders which sometimes concerned significant sums of money. He made specific reference to a portfolio holder's decision made within the last six months which involved £1.95m of expenditure and had been based on information contained on two sides of A4 paper. He considered that appropriate external training would help reduce any risk of mistakes by members and, because it would be external, would lessen the officer-led culture identified by the Comprehensive Performance Assessment. He believed that these benefits would outweigh the financial implications of external training. This motion was seconded.

In proposing an amendment to this motion, a member indicated the costs of external training and the roles of officers to deliver clear, transparent and potent arguments to members on which to base their decisions. This received a seconder and a vote was then taken on the following amendment: "That this Council confirms its resolve to carry out the training that has already been suggested and discussed at length in the Chief Executive's report that has been put to the Cabinet, Chairmen's Group and Group Leaders and encourages all Council members to take part in this far reaching, far sighted and much needed training which not unsurprisingly includes a session on financial training." This was carried and a further vote on the substantive motion was also carried.

(4) By Councillor Stephen O'Hare

DECISION: To not support the motion proposed by Councillor O'Hare.

The following motion had been proposed by Councillor O'Hare:

"That this Council believes that the format of Local Area Assemblies should be changed so as to allow members of the public to ask questions after the end of each item on the agenda and not be forced to wait until the very end of the

meeting to be involved."

In proposing his motion, Councillor O'Hare explained that it was apolitical and he thought that, if carried, his motion would provide a much-needed flexibility which would encourage public involvement at no additional cost. This was seconded. Those in support of the motion agreed that there was a need to harness the public interest in the Local Area Assembly meetings by not requiring members of the public to wait until the end of the meeting to pose their questions.

Members opposing the motion considered it too prescriptive and it was explained that the Scrutiny Co-ordinating Group had already discussed the issues raised in the motion with members of the Cabinet and a report by the Scrutiny Officer would be presented shortly. Councillor O'Hare was therefore asked to withdraw his motion. The motion was not withdrawn and on being put to the vote, was lost.

110. 2005/06 REVIEW OF CORPORATE PLANNING ARRANGEMENTS

DECISION:

- (3) That the articulation of the Council's vision of pride as set out in the five booklets available on the intranet be approved;**
- (4) To approve in principle the new ambitions and consequential adjustments to Development & Scrutiny Panel remits, as per report CEX281, so that appointments to these Panels can be made at the Council's Annual General Meeting in April 2005.**

The Chief Executive presented his report number CEX281 whose recommendations were proposed for acceptance, seconded and then carried on being put to the vote.

111. CHANGE MANAGEMENT ACTION PLAN

DECISION: To approve the 2005/06 South Kesteven Change Management Action Plan.

The Chief Executive presented report number CEX280 which he had prepared with the Leader. Approval of the Action Plan was proposed and this received a seconder. Although the content of the Plan was generally agreeable to members, it was suggested that too much change was embraced too quickly and there was concern that, in order to implement change, the necessary financial and human resources may not be available. It was one member's view that staff morale was considerably low and it was important to acknowledge staff to underpin the implementation of such action plans. A number of members were concerned that an unreasonable number of projects had to be undertaken by the Council otherwise it would receive financial penalties from

the Government. This was acknowledged but these members were reminded by others that the Council could not afford to risk losing out on government finance and it was therefore the responsibility of the Council to embrace the proposed Action Plan. On being put to the vote, the proposed approval of the Action Plan was carried.

112. RE-ALLOCATION OF SEATS ON COUNCIL COMMITTEES AND PANELS

DECISION: To approve the following membership changes and nominations:

- (5) The new Non-Aligned Group be entitled to one representative on the Development Control Committee and the Administration Group lose one seat on this Committee;**
- (6) Councillor Mrs Woods be nominated to remain on the Development Control Committee as a representative of the Non-Aligned Group;**
- (7) The new Non-Aligned group be entitled to one seat on one of the five Development and Scrutiny Panels;**
- (8) Councillor Mrs Woods to surrender her seat on the Environment Development and Scrutiny Panel;**
- (9) Councillor Wilks to surrender his seat on the Capacity & Resources Development and Scrutiny Panel;**
- (10) Councillor Mrs Woods be nominated to serve on the Capacity & Resources Development and Scrutiny Panel;**
- (11) That Councillor Pease be nominated to serve on the Environment Development and Scrutiny Panel.**

The Chief Executive presented his report number CEX282 which, in accordance with the provisions of the Local Government Act to deal with the reallocation of seats as soon as practicable, the Chairman had allowed as a late report. It was proposed and seconded that the report's recommendations be accepted with the additional nomination of Councillor Pease to serve on the Environment DSP. On being put to the vote, this was carried.

113. GENERIC EQUALITIES SCHEME

DECISION: To adopt the revised Generic Equality Scheme.

The Corporate Manager of Human Resources & Organisational Development presented his report number HR&OD76 which included a revised Generic Equality Scheme and Action Plan. The reasons for amending the current scheme were outlined in the report. The Corporate Manager spoke about the difficulties of embedding equalities in services and policy making, especially

within a mainly rural district, and it was intended the revised scheme would address this. The officers were congratulated and thanked for the considerable work undertaken on the scheme and it was proposed for adoption. This received a seconder and was carried following a vote.

114. AMENDMENT TO REGULATION OF INVESTIGATORY POWERS ACT POLICY

DECISION: Subject to minor amendment, to adopt the revised Policy Practice and Compliance Procedures for use for all Council investigations where an authority under the Regulations of Investigatory Powers Act 2000 is required.

The Corporate Manager of Democratic & Legal Services presented his report number DLS17, which had been deferred from the last Council meeting. It now contained copies of authorisation forms and the Code of Practice for the Council's CCTV services. The Corporate Manager gave further explanation of the legislative background which necessitated certain revisions to the Council's existing policy document. A member asked for the reference to "paragraph 6" in paragraph 8 of the CCTV Code of Practice be amended to "paragraph 1.6", paragraph 10.1 to be amended to the past tense and, with regard to the main policy document, "draft" be removed from the appended authorisation form and for the restricted form not to be used until it is completed. Another member asked for clarification on the impact of this document on statutory human rights to which the Corporate Manager replied that he was unable to offer his assurance that it would not impact on human rights.

Adoption of the revised document was proposed. This was seconded and carried on being put to the vote.

115. MEMBERS' ALLOWANCES

DECISION:

(12) To approve report FIN227 clarifying members' allowances from 28th April 2005 and the amount of travelling and subsistence allowances which can be claimed by members, subject to the amendment of paragraphs 9 and 2 of the notes to travelling expenses and subsistence expenses respectively, to reflect the current Development & Scrutiny Panel and Quasi-Judicial Committee system;

(13) To establish a working group to investigate and report to a future meeting of the Council the issue of members attending more than one meeting on one day being entitled to subsistence expenses rather than being required to return home between meetings, at a potentially greater cost to the Council.

The Corporate Director of Finance & Strategic Resources presented his report

number FIN227 which clarified the amount of travelling and subsistence allowances claimable by members. Acceptance of the report was proposed and seconded but some members were concerned that the report required clarification on members' rights to subsistence expenses when attending a number of meetings in one day. It was agreed with the proposer and seconder to include in the proposal the establishment of a working group to investigate this matter. On being put to the vote, this was carried.

116. REPRESENTATIVES ON OUTSIDE BODIES: INTERNAL DRAINAGE BOARDS

DECISION: To approve the following nominations:

- (14) Councillor Kirkman to serve on the Black Sluice Internal Drainage Board;
- (15) Councillors Kerr and Radley to serve on the Upper Witham Internal Drainage Board;
- (16) Councillors Auger, Joynson, Helyar, Howard and Pease to serve on the Welland and Deepings Internal Drainage Board.

The Chief Executive presented report number DLS25 by the Member Services Manager. Nominations were invited for a representative to serve on the Black Sluice Internal Drainage Board. It was proposed and seconded that Councillor Kirkman continue his appointment. This was carried following a vote. For the two seats on the Upper Witham Internal Drainage Board, nominations were received and seconded for Councillors Norman Radley, Kerr and Craft. In accordance with Council Procedure Rule 16.7, a vote for each member was taken individually and a majority of votes were cast for Councillors Norman Radley and Kerr. It was proposed that the current members serving on the Welland and Deepings Internal Drainage Board continue their service. This received a seconder and on being put to the vote, was carried.

In accordance with Council Procedure rule 9, as the meeting was nearing being in progress for three hours, the majority of members present voted for the meeting to continue.

117. QUESTIONS WITHOUT DISCUSSION.

Four questions had been submitted prior to the meeting.

Verbatim details of the questions, together with supplementary questions and their responses are set out in the appendix to the minutes.

118. CLOSE OF MEETING

The meeting closed at 5.28p.m.

APPENDIX TO COUNCIL MINUTES: 24TH FEBRUARY 2005

MINUTE 117: QUESTIONS WITHOUT DISCUSSION

(1) Question 1 (Councillor Teri Bryant)

Could the Leader please advise me how much money has been saved by this Council's decision to support your proposal over councillors remuneration at its last meeting viz :-

- A. To reduce the level of increase in remuneration we receive from the 23%+ recommended by the independent review panel to a figure of just above 3% (in line with RPI)
- B. By voting not to give ourselves access to the Local government pension scheme if all members took the maximum benefit
- C. By voting not to give ourselves access to the Local government pension scheme last year (again if all members took the maximum benefit) I note in passing that, on a recorded vote that I called for last year, Cllr Bisnauthsing voted for entry into the pension scheme and not, as he stated at the last Council meeting, against entry into the scheme.
- D. By not accepting anywhere near in full all the other recommendations that the independent remuneration Panel made following its extensive parity survey.
- E. Am I correct that we have to write to the remuneration board and advise them of why the council was minded not to accept their considered recommendation and has this been done!

Response: Councillor Mrs Linda Neal

I thank Councillor Bryant for this question because it gives me the opportunity to give the figures, the costs that would have been incurred by the Council taxpayer had the Remuneration Panel's recommendations been approved. In response to question A: £45,700; question B: £19,500; question C: £17,201; and question E: legislation requires us to publish the findings to the public but does not provide for informing the Panel of any decisions taken by members.

Supplementary Question: Councillor Teri Bryant

I welcome that. I am a little surprised that, adding all those up together comes to £82,400 that we turned down from our own pay. Can you confirm that that is about 2% on a Band D that we are saving? I am a little bit concerned that what we are saying gets reported accurately in the press and actually gets reported accurately in election leaflets that come out in the very near future; I hope nobody distorts things.

Response: Councillor Mrs Linda Neal

Yes, I can confirm that what Councillor Bryant is saying does equate to just over 2% on the Council tax.

(2) Question 2 (Councillor Stephen O'Hare)

Part of the answer given by Councillor Bryant on 27th January 2005 to my Question Without Discussion on the CAB internal audit report included statements that he had read all the available papers and that the information in that report – being the CAB internal audit report -was clearly available to any Councillor who asked for it.

At the cabinet meeting of 8th November 2004 Councillor Bryant stated in public that, and I quote:

“to be helpful if Cllr O’Hare actually wants a copy of the audit report I can obviously make it available to him like I did to all the Administration and the Cabinet but it is not for publication because it is an internal document because it is to be a background paper”

I was the same day provided with 2 pages part of which had been blanked out.

Was the provision by him to a fellow councillor of just one and half pages out of 21 pages of that internal CAB audit report his idea of ensuring that the information in that report was made available to any Councillor who asked for it?

Response: Councillor Terl Bryant

No, but as by the end of the day Councillor O’Hare did not take up my helpful offer and seemed to have lost all interest in the matter and I thought he had a duty to read the auditor’s recommendations as a minimum, I provided just that: the auditor’s recommendations.

Councillor Stephen O’Hare:

Well, first of all, Mr Chairman, I would actually like an answer to the question asked because of course, a supplementary can be based either upon the question already asked or the answer given. Therefore, it limits my choice in respect of a supplementary if the question is not answered. I ask you to direct Councillor Bryant to answer the question.

Chairman:

The Chairman, or anyone, cannot direct, by advice from the Chief Executive, what the answer will be or directing what an answer may be.

Supplementary Question: Councillor Stephen O’Hare

As Councillor Bryant has admitted to giving copies of a document this Council does not possess (being the CAB internal audit report) to certain Councillors but not, I note, to all members of the Labour, Liberal Democrat and the then Independent groups on this Council, was he distributing to the chosen, the foreword and the twenty one page document or the one and a half page version?

Response: Councillor Terl Bryant

I thought I answered that before by saying: at the Cabinet meeting, I advised Councillor O'Hare the twenty one page document was available from me as a helpful opportunity if he came to see me. He walked past the Cabinet room whilst I was sitting there. As he did not come into see me, as he has not contacted me – he has not contacted me since the election in actual fact – I turned round and made sure, as I said before, that he ought to read the auditor's recommendations, which is a summary. Rather than send him the twenty one pages, I sent him the two pages which were the recommendations.

(3) Question 3 (Councillor Mike Williams)

The front of Grantham Guildhall, Abbey Gardens and St. Peter's Hill Green are attacked almost nightly by litter louts, graffiti artists, skate boarders and vandals. How are we to convince the general public that we are getting to grips with anti social behaviour when we don't seem able to address the problem on our own front doorstep.

Response: Councillor Ray Auger

The Council will respond to litter louts and graffiti artists as part of the commitment to the street scene. That is via CCTV, PSCOs, Police officers, etc. Skate boarders and vandals are antisocial/crime and disorder events and are currently being addressed by Alan McWilliams, our recently appointed Community Safety Officer.

Supplementary Question: Councillor Mike Williams

When?

Response: Councillor Ray Auger

As I just stated, Mr McWilliams has only recently been appointed. I spoke to him yesterday and he is in conversation with the various partnerships on crime and disorder to address this. Litter louts and graffiti is already part of our street scene action plan and is ongoing as you can see in the Grantham Journal.

(4) Question 4 (Councillor Fereshteh Hurst)

In the light of recent strong indications from the Government that much greater help is planned for local authorities for social and affordable housing initiatives, will Councillor Martin-Mayhew urgently review his current hopelessly inadequate policy in this area?

Response: Councillor Peter Martin-Mayhew

Thank you to Councillor Fereshteh Hurst for her interest in our affordable housing policy. I would ask you to take account of recent policy developments relating to sustainable communities and in particular, the need to take a strong view on the

Homes for All document from the Government Office. In light of what I have just said, we are at the moment requesting a review to be undertaken of the Council's affordable housing policy.

Supplementary Question: Councillor Fereshteh Hurst

We better do something about it; as a Cabinet, you have to do something about it otherwise it is out of our hands and we won't get any help from the Government if we don't do something about it. Are you going to do something about it, definitely? Because, we have been saying this for two years and you have not done anything about it.

Response: Councillor Peter Martin-Mayhew

Well, what can I say? Fereshteh Hurst just has to look at the paperwork, the protocols, the strategies and everything else that has been coming out and we have been following them to the 'T' and we are up to about fifty affordable homes each year and as we can see if we read the Grantham Journal, there are properties up the road with the Housing Association. There are many properties in there that will become affordable homes. We have all sorts on the ball; just read the paperwork – it's all there. If she wishes, I will get her some of this paperwork and policies so that she can look at exactly what this authority is doing. It is 100% at the moment and we cannot do anymore because of limits from the Government, unfortunately.



MINUTES

COUNCIL

MONDAY, 28 FEBRUARY 2005
6.00 PM

PRESENT

Councillor Graham Wheat Chairman

Councillor Auger
Councillor Bryant
Councillor Carpenter
Councillor Mrs. Cartwright
Councillor Chivers
Councillor Conboy
Councillor Craft
Councillor Fines
Councillor Gibbins
Councillor Hewerdine
Councillor Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Joynson
Councillor Kerr
Councillor Kirkman

Councillor Lovelock M.B.E.
Councillor Martin-Mayhew
Councillor Nicholson
Councillor O'Hare
Councillor Parkin
Councillor Sandall
Councillor Smith
Councillor Mrs. Judy Smith
Councillor Stokes
Councillor G Taylor
Councillor Thompson
Councillor Turner
Councillor Mrs. Wheat
Councillor Wilks
Councillor Avril Williams
Councillor Mrs. Woods

OFFICERS

Chief Executive
Director of Finance and Strategic Resources
Corporate Manager Democratic & Legal
Services

OFFICERS

Scrutiny Officer

119. APOLOGIES

Apologies for absence were received from Councillors Bisnauthsing, Mrs Bosworth, Dexter, Mrs Dexter, Gaffigan, Galbraith, Mrs Kaberry-Brown, Mrs Neal, Nadarajah, Selby, M Taylor, Waterhouse and Williams.

120. DECLARATIONS OF INTEREST

There were none declared.

121. BUDGET 2005/06 (POLICY FRAMEWORK PROPOSAL)

DECISION

(1) That it be noted that for the year 2005/2006 Lincolnshire County Council (LCC) and Lincolnshire Police Authority (LPA) have stated

that the following amounts in precepts issued to the Council, in accordance with Section 40 of the Act for each of the categories of dwellings shown below:-

<u>Valuation Band</u>	<u>LCC</u>	<u>LPA</u>
	<u>Amount</u> £	<u>Amount</u> £
A	599.88	79.62
B	699.86	92.89
C	799.84	106.16
D	899.82	119.43
E	1,099.78	145.97
F	1,299.74	172.51
G	1,499.70	199.05
H	1,799.64	238.86

(2) That, having calculated the aggregate in each case of the amounts at minute 107 1(i) of the Council meeting held on 24th February 2005 and (1) above, the Council in accordance with Section 30(2) of the Act hereby sets the following amounts at the amounts of Council Tax for the year 2005/2006 for each of the categories of dwellings in the following table:-

PARISH	SEA	PRECEPT	BAND @	BAND A	BAND B	BAND C	BAND D	BAND E	BAND F	BAND G	BAND H
	£	£	£	£	£	£	£	£	£	£	£
Grantham	32.22	3.87	642.30	770.76	899.22	1027.68	1156.14	1413.06	1669.98	1926.90	2312.28
Stamford	17.82	31.14	649.45	779.34	909.23	1039.12	1169.01	1428.79	1688.57	1948.35	2338.02
Bourne	4.32	19.44	635.45	762.54	889.63	1016.72	1143.81	1397.99	1652.17	1906.35	2287.62
Deeping St James	2.52	26.10	638.15	765.78	893.41	1021.04	1148.67	1403.93	1659.19	1914.45	2297.34
Market Deeping	2.52	55.71	654.60	785.52	916.44	1047.36	1178.28	1440.12	1701.96	1963.80	2356.56
Allington		27.45	637.50	765.00	892.50	1020.00	1147.50	1402.50	1657.50	1912.50	2295.00
Ancaster		42.30	645.75	774.90	904.05	1033.20	1162.35	1420.65	1678.95	1937.25	2324.70
Aslackby & Laughton		22.59	634.80	761.76	888.72	1015.68	1142.64	1396.56	1650.48	1904.40	2285.28
Barholm & Stow		8.28	626.85	752.22	877.59	1002.96	1128.33	1379.07	1629.81	1880.55	2256.66
Barkston & Syston		18.09	632.30	758.76	885.22	1011.68	1138.14	1391.06	1643.98	1896.90	2276.28
Barrowby		35.28	641.85	770.22	898.59	1026.96	1155.33	1412.07	1668.81	1925.55	2310.66
Baston		11.52	628.65	754.38	880.11	1005.84	1131.57	1383.03	1634.49	1885.95	2263.14
Belton & Manthorpe		3.60	624.25	749.10	873.95	998.80	1123.65	1373.35	1623.05	1872.75	2247.30
Billingborough		21.24	634.05	760.86	887.67	1014.48	1141.29	1394.91	1648.53	1902.15	2282.58
Bitchfield & Bassingthorpe		-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10
Boothby Pagnell		4.86	624.95	749.94	874.93	999.92	1124.91	1374.89	1624.87	1874.85	2249.82
Braceborough & Wilsthorpe		16.83	631.60	757.92	884.24	1010.56	1136.88	1389.52	1642.16	1894.80	2273.76
Burton Coggles		-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10
Careby, Aunby & Holywell		4.95	625.00	750.00	875.00	1000.00	1125.00	1375.00	1625.00	1875.00	2250.00
Carlby		28.89	638.30	765.96	893.62	1021.28	1148.94	1404.26	1659.58	1914.90	2297.88
Carlton Scroop & Normanton		48.87	649.40	779.28	909.16	1039.04	1168.92	1428.68	1688.44	1948.20	2337.84
Castle Bytham		12.69	629.30	755.16	881.02	1006.88	1132.74	1384.46	1636.18	1887.90	2265.48
Caythorpe		27.90	637.75	765.30	892.85	1020.40	1147.95	1403.05	1658.15	1913.25	2295.90

Claypole	19.80	633.25	759.90	886.55	1013.20	1139.85	1393.15	1646.45	1899.75	2279.70	
Colsterworth, Gunby & Stainby	30.60	639.25	767.10	894.95	1022.80	1150.65	1406.35	1662.05	1917.75	2301.30	
Corby Glen	20.79	633.80	760.56	887.32	1014.08	1140.84	1394.36	1647.88	1901.40	2281.68	
Counthorpe & Creeton	-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10	
Denton	18.54	632.55	759.06	885.57	1012.08	1138.59	1391.61	1644.63	1897.65	2277.18	
Dowsby	30.51	639.20	767.04	894.88	1022.72	1150.56	1406.24	1661.92	1917.60	2301.12	
Dunsby	6.03	625.60	750.72	875.84	1000.96	1126.08	1376.32	1626.56	1876.80	2252.16	
Edenham	17.64	632.05	758.46	884.87	1011.28	1137.69	1390.51	1643.33	1896.15	2275.38	
Fenton	6.75	626.00	751.20	876.40	1001.60	1126.80	1377.20	1627.60	1878.00	2253.60	
Folkingham	26.82	637.15	764.58	892.01	1019.44	1146.87	1401.73	1656.59	1911.45	2293.74	
Foston	23.22	635.15	762.18	889.21	1016.24	1143.27	1397.33	1651.39	1905.45	2286.54	
Fulbeck	20.16	633.45	760.14	886.83	1013.52	1140.21	1393.59	1646.97	1900.35	2280.42	
Greatford	14.31	630.20	756.24	882.28	1008.32	1134.36	1386.44	1638.52	1890.60	2268.72	
Great Gonerby	22.14	634.55	761.46	888.37	1015.28	1142.19	1396.01	1649.83	1903.65	2284.38	
Great Ponton	36.54	642.55	771.06	899.57	1028.08	1156.59	1413.61	1670.63	1927.65	2313.18	
Haconby	1.44	623.05	747.66	872.27	996.88	1121.49	1370.71	1619.93	1869.15	2242.98	
Harlaxton	35.28	641.85	770.22	898.59	1026.96	1155.33	1412.07	1668.81	1925.55	2310.66	
Heydour	14.40	630.25	756.30	882.35	1008.40	1134.45	1386.55	1638.65	1890.75	2268.90	
Honington	-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10	
Horbling	-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10	
Hougham	14.85	630.50	756.60	882.70	1008.80	1134.90	1387.10	1639.30	1891.50	2269.80	
Hough-on-the-Hill	20.16	633.45	760.14	886.83	1013.52	1140.21	1393.59	1646.97	1900.35	2280.42	
Ingoldsby	8.73	627.10	752.52	877.94	1003.36	1128.78	1379.62	1630.46	1881.30	2257.56	
Irnham	3.51	624.20	749.04	873.88	998.72	1123.56	1373.24	1622.92	1872.60	2247.12	
Kirkby Underwood	12.24	629.05	754.86	880.67	1006.48	1132.29	1383.91	1635.53	1887.15	2264.58	
Langtoft	20.79	24.12	647.20	776.64	906.08	1035.52	1164.96	1423.84	1682.72	1941.60	2329.92
Lenton, Keisby & Osgodby	2.52	623.65	748.38	873.11	997.84	1122.57	1372.03	1621.49	1870.95	2245.14	
Little Bytham	18.18	632.35	758.82	885.29	1011.76	1138.23	1391.17	1644.11	1897.05	2276.46	
Little Ponton & Stroxtone	9.99	627.80	753.36	878.92	1004.48	1130.04	1381.16	1632.28	1883.40	2260.08	
Londonthorpe & Harrowby Without	11.07	628.40	754.08	879.76	1005.44	1131.12	1382.48	1633.84	1885.20	2262.24	
Long Bennington	21.33	634.10	760.92	887.74	1014.56	1141.38	1395.02	1648.66	1902.30	2282.76	
Marston	19.71	633.20	759.84	886.48	1013.12	1139.76	1393.04	1646.32	1899.60	2279.52	
Morton	13.86	629.95	755.94	881.93	1007.92	1133.91	1385.89	1637.87	1889.85	2267.82	
North Witham	13.77	629.90	755.88	881.86	1007.84	1133.82	1385.78	1637.74	1889.70	2267.64	
Old Somerby	13.59	629.80	755.76	881.72	1007.68	1133.64	1385.56	1637.48	1889.40	2267.28	
Pickworth	17.55	632.00	758.40	884.80	1011.20	1137.60	1390.40	1643.20	1896.00	2275.20	
Pointon & Sempringham	25.56	636.45	763.74	891.03	1018.32	1145.61	1400.19	1654.77	1909.35	2291.22	
Rippingale	36.27	642.40	770.88	899.36	1027.84	1156.32	1413.28	1670.24	1927.20	2312.64	
Ropsley, Humby, Braceby & Sapperton	12.96	629.45	755.34	881.23	1007.12	1133.01	1384.79	1636.57	1888.35	2266.02	
Sedgebrook	18.27	632.40	758.88	885.36	1011.84	1138.32	1391.28	1644.24	1897.20	2276.64	
Skillington	23.94	635.55	762.66	889.77	1016.88	1143.99	1398.21	1652.43	1906.65	2287.98	
South Witham	42.66	645.95	775.14	904.33	1033.52	1162.71	1421.09	1679.47	1937.85	2325.42	
Stoke Rochford & Easton	11.97	628.90	754.68	880.46	1006.24	1132.02	1383.58	1635.14	1886.70	2264.04	
Stubton	13.68	629.85	755.82	881.79	1007.76	1133.73	1385.67	1637.61	1889.55	2267.46	
Swayfield	13.14	629.55	755.46	881.37	1007.28	1133.19	1385.01	1636.83	1888.65	2266.38	
Swinstead	17.64	632.05	758.46	884.87	1011.28	1137.69	1390.51	1643.33	1896.15	2275.38	
Tallington	16.56	631.45	757.74	884.03	1010.32	1136.61	1389.19	1641.77	1894.35	2273.22	

Thurlby	24.12	635.65	762.78	889.91	1017.04	1144.17	1398.43	1652.69	1906.95	2288.34
Toft, Lound & Manthorpe	-	622.25	746.70	871.15	995.60	1120.05	1368.95	1617.85	1866.75	2240.10
Uffington	13.05	629.50	755.40	881.30	1007.20	1133.10	1384.90	1636.70	1888.50	2266.20
Welby	12.87	629.40	755.28	881.16	1007.04	1132.92	1384.68	1636.44	1888.20	2265.84
Westborough & Dry Doddington	9.27	627.40	752.88	878.36	1003.84	1129.32	1380.28	1631.24	1882.20	2258.64
West Deeping	19.17	632.90	759.48	886.06	1012.64	1139.22	1392.38	1645.54	1898.70	2278.44
Witham-on-the-Hill	13.14	629.55	755.46	881.37	1007.28	1133.19	1385.01	1636.83	1888.65	2266.38
Woolsthorpe	18.72	632.65	759.18	885.71	1012.24	1138.77	1391.83	1644.89	1897.95	2277.54
Wyville-cum-Hungerton	20.79	633.80	760.56	887.32	1014.08	1140.84	1394.36	1647.88	1901.40	2281.68

Further to the Council meeting held on 24th February 2005, it was reported that The Police Authority had now set its precept at 6.4%. If this level of precept resulted in capping, the costs arising out of this such as rebilling would have to be met by the Police Authority.

There being no other discussion, a vote was taken on the recommendations and duly carried.

122. CLOSE OF MEETING

The meeting closed at 6.08p.m.

Agenda Item 7

OUTGOING CHAIRMAN'S ENGAGEMENTS 25.2.05 – 28.4.05

Date/Time	Event	Venue
25th February 7.00 for 7.30	Chairman's Civic Dinner (Chains) <i>Vice Chairman (Medallion)</i>	Old Barn Hotel, Marston
4th March 7.30 for 8.30	Civic Reception (Chains)	Civic Suite, North Kesteven District Council, Sleaford, Lincs.
5th March 7.00 for 7.30p.m.	Market Deeping Town Council Mayor's Charity Ball and Civic Dinner (Chains)	Deepings School, Park Road, Deeping St. James
10th March 6.30 for 7.00	Civic Reception (Chains)	South Holland Centre, Spalding, Lincs
12th March 11.00a.m. 7.30p.m.	Deepings Community Centre Open Day and Launch of the Community Index (Chains) Grantham Choral Society (Chains)	The Deepings Community Centre, Douglas Road, Market Deeping. St. Wulfram's Church
13th March 2.40 for 2.47	Thanksgiving Service (Chains)	All Saints Church, Church Street, Oakham
14th March 11.30	Opening of Mid-Lent Fair, Grantham (Chains)	Market Cross followed by Reception at The Avenue Hotel, Avenue Road, Grantham
16th March 10.00 for 10.30a.m.	Royal Visit – Her Royal Highness, the Princess Royal. (Chains)	The Paddocks Riding Centre, Hough on the Hill
18th March 12 Noon 7.30 for 8.00	(Chairman only + Cllr G. Thompson) Annual Civic Luncheon, Showmen's Guild (Chains) Civic Dinner (Chains)	Village Hotel, Brailsford Way, Chilwell, Nottingham Assembly Rooms, Boston
19th March 11.15 a.m.	Greeting of Bikers for Annual Easter Egg Run (Chains)	The Meres Leisure Centre, Grantham
19th March 7.30p.m.	Grantham Music Festival Concert and Presentation of Trophies (Chains)	Finkin Street Methodist Church

20th March 2.00	Civic Service (Chains)	Main Hall, Louth Town Hall
21st April 1.45p.m.	Salvation Army Adult and Family Ministries Rally (Chains)	Embassy Centre, Skegness
23rd March 7.00-9.15p.m.	“Young Americans” – Guests of Walton Girls’ High School (Chains)	Meres Leisure Centre
1st April 7.00p.m.	Launch of the Bursary for LincFarms by High Sheriff of Lincolnshire (Chains)	Stroxtion House, Grantham Lincs.
8th April 7.15 for 7.45p.m.	Civic Dinner (Chains)	Newark and Sherwood, The Dome, Kelham Hall, Newark
7.00	<i>Mayor’s Civic Dinner (Medallions)</i>	<i>Bourne Town Council, Corn Exchange, Bourne</i>
14th April 6.30 for 8.00	Civic Reception and Dinner (Chains)	Guildhall, Saltergate, Lincoln
15th April 7.30p.m	Civic Dinner (Chains)	Scalford Hall, Melton Mowbray
16th April 7.00 for 7.30	Charter Anniversary Dinner (Chains)	Grantham Lions, Woodland Waters, Ancaster
17th April 7.30p.m.	Mayor of Lincoln’s Charity Variety Concert (Chains)	Theatre Royal, Lincoln
22nd April 7.00p.m.	Charity Race Night North Kesteven District Council (Chains)	Civic Suite, North Kesteven District Council
23rd April 7.00-9.00p.m.	Evening at the Museum of Lincolnshire Life (Chains)	Burton Road, Lincoln.
24th April 3.00p.m.	Civic Service Market Rasen Town Council (Chains)	Festival Hall, Caistor Road, Market Rasen
28th April 12.15p.m.	Lunch for Past Chairmen (Chains)	Angel and Royal Hotel, Grantham

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO. CEX285

DATE: 28th April 2005

TITLE:	Reallocation of Seats on Council Committees and Panels
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	N/A
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is available via the Local Democracy link on the Council's website www.southkesteven.gov.uk
BACKGROUND PAPERS:	None

Background

On Friday the 25th of February I received notification from Councillor Hewerdine informing me that he had left the Independent Group and joined the New Independent group.

On Monday the 28th February, I received notification from Councillor Genever that he had resigned from the Council with immediate effect.

On Tuesday the 1st March I received notification from Councillor Mrs Woods that she had joined the Independent group.

Implications of these changes

The new composition of the Council following these changes is detailed in Appendix A. In summary the implications of these changes are as follows:

- Councillor Hewerdine can retain his seat on the Community DSP
- Councillor Mrs Woods can retain her seat on the Capacity and Resources DSP
- The New Independents need to make an additional nomination to the Development Control Committee.

Recommendation

That nominations are made to, and approved by, the Council in accordance with the above proposals.

Duncan Kerr,
Chief Executive

APPENDIX A

Make-up of the District Council after March 1st 2005

Change in circumstances

Councillor Woods joins the Independents

Stage 1 Allocation to decision-making Committees ensuring balance on each Committee

Party	Seats	%	DC Prop	DC Rounde	Lic Prop	Lic Rounde	C+AC Prop	C+AC Rounded
Administrati	31	54.39%	9.245614	9	5.9824561	6	2.7192982	3
Labour	10	17.54%	2.9824561	3	1.9293246	2	0.877193	1
Independen	7	12.28%	2.0877193	2	1.35083772	1	0.6140351	1
New Indepe	5	8.77%	1.4912281	2	0.9649123	1	0.4385965	
Lib Dem	4	7.02%	1.19299825	1	0.77719298	1	0.3508772	
Total	57			17				

Stage 2 Allocation to Development and Scrutiny Panels ensuring balance in totality.

Party	Seats	%	Seats prop	Seats Roundt	ECD	CD	C+E	E	C+R	Check
Total seats available			45							
Administrati	31	54.39%	24.473684	25	5	5	5	5	5	0
Labour	10	17.54%	7.8947368	8	1	2	2	1	0	
Independen	7	12.28%	5.5263158	5	1	0	2	1	1	
New Indepe	5	8.77%	3.9473684	4	1	1	1	1	1	
Lib Dem	4	7.02%	3.1578947	3	1	1	1	1	0	
Total	57			45	9	9	9	9	9	

Assumes the Administration wish to use the provision in the Act to command a majority on all Committees

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO. CEX 288

DATE: 28th April 2005

TITLE:	Issues for South Kesteven District Council arising out of a review of the Corporate Governance Report on Lincolnshire County Council.
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	No
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Corporate Governance
CORPORATE PRIORITY:	N/A
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	N/A

Introduction

In March the Audit Commission published its Corporate Governance Inspection report on Lincolnshire County Council, a copy of which is available on the Audit Commission web site.

It is stated that one of the major factors that led to the Corporate Governance inspection was the Council's failure to improve and the extent to which this was attributable to problems with leadership, culture, and community focus. As the local environment within which the County Council operates has many similarities to that of the District Council there are several learning lessons that the District can infer from these elements of the published report. This report identifies these lessons and makes recommendations for improvement.

There were other, more widely reported, factors that also contributed to the inspection. Fortunately the District has not suffered from any similar experiences so these elements have not been considered in this report.

Background

The County Council accepted in full the report and in their accompanying press release referred to it as a wake-up call. From South Kesteven's perspective it gives us an opportunity to develop a more informed understanding of the precise standards and expectations of inspection agencies such as the Audit Commission. This understanding, and the initiation of subsequent action in response to it, is vital if the Council is to achieve what the County has failed to do, and progress from "Fair" towards "Excellent".

The report does not make comfortable reading and challenges several long held assumptions and beliefs. Whilst no report can compel anyone to change their view or approach, the report does make it evident that any Council will pay a high price indeed if it cannot demonstrate appropriate standards of corporate governance. The report also makes clear that it is a responsibility of the Chief Executive to provide strong and unambiguous advice to the Council on the actions needed to demonstrate improvement and this report is written with this in mind.

Leadership, Culture and Standards of Conduct

Partnership Working

The report states that LCC are seen externally as weak because of their limited and reactive engagement with Local Strategic Partnership (LSPs) (para 31). Although SKDC has played a more leading role, there is still only a minority of members who have attended LSP meetings or become actively involved. The current review by the LSP of the Community Strategy provides an ideal opportunity for both executive and non-executive members to become more actively involved in this important partnership. The Council has recognised this in making the improvement of the LSP and the Community Strategy one of its "Category B" priorities. Sound understanding and support from all members to the LSP is essential but because of the number of organisations represented on the partnership, it is not possible for all 58 members of the SKDC to play an active role. Therefore the Council will need to assist the LSP in developing a consultation process that will improve knowledge, understanding and involvement between the LSP and Council members

Recommendation 1: That all groups make a clear statement of support and commitment to partnership working through the LSP.

Overview and Scrutiny Committees

The report welcomes the recent sharing of scrutiny chairs by LCC (para 34), which is seen as an example of a more open and transparent approach to business. South Kesteven had also embarked on a similar process this time last year. Since then the number Chairmanships held by non-administration members has reduced from two to one with the number of vice-chairmanships remaining at three. Whatever the reasons for this change, it is likely that an inspection would consider it to be a retrograde step.

Recommendation 2 : That the Chairs and Vice-Chairmanships of DSPs are shared between the major groups in a way that reflects the overall political balance of the Council.

Standards Committee

The report identified the key role of the Standards Committee in inspiring public confidence is the willingness of the Council to change. I have no evidence that these problems have affected the District Council's Standards Committee. However given the importance of this Committee it could be dangerous to rely solely on such an assumption.

Recommendation 3 : That the Chairman of the Standards Committee be invited to report to the Council on the extent to which he feels that the members of the authority understand and support the role of the Standards Committee and any proposals he may have for improving the work of the Standards Committee.

Member Training and Development

One key theme of the report is the importance of member training and development. Paragraph 30 for example draws a sharp contrast between the introduction of a competency framework for senior managers and the lack of any similar approach for members. Similarly paragraph 39 states that the leader has failed to champion the need for councillor training and reports reluctance by members to use external training agencies, and the partial take-up of the limited training that is available.

The recommendation of the report (at the foot of page 5) is to implement a comprehensive training and mentoring programme “ensuring that mandatory elements are identified and all Councillors attend”.

Members of the County Council will know that the County member-training programme that is described as “limited” in the report is a more comprehensive programme that is currently being implemented in South Kesteven. Furthermore although approved by the Cabinet, there was strong opposition from some members of the Scrutiny Co-ordinating Committee to the proposal to make it compulsory.

In the light of this I have asked the Monitoring Officer to clarify whether the Council does have the power to amend its constitution to require all members of the DSPs and Executive to attend specified training courses within twelve

months of being appointed. He has sought the opinion of a barrister on this point to ensure members have authoritative advice on the issue.

The Barrister's advice is to the effect that it is feasible to include in the Council's Constitution and specifically within the Local Members' Code of Conduct a suitable provision.

That provision is to the effect that any member who does not complete the scheme of training would render themselves in breach of the Code and therefore subject to a referral to the Standards Board for England.

It is likely that, for the future, such a referral would eventually be determined by this Council's Standards Committee who will have the power to approve a sanction on such a member of up to 3 months suspension from office.

Before implementing any scheme of compulsory training the Council will need to determine what are the essential requirements for members and what is the best format for providing this training. The resolution of these important issues will take a time and as we are currently in the middle of the Council term, it is recommended that the implementation of mandatory training elements for all members be effective from the 1st May 2007. After this date members would then have twelve months to attend the course appropriate to the Committees they serve on. The delivery of the discretionary, desirable competencies would then follow.

Recommendation 4 : That in view of the increasing importance of members training the Corporate Manager of Human Resources undertakes a review of the resources required to support a more comprehensive member training and development programme at South Kesteven using external expertise where appropriate.

Recommendation 5 : That the Constitution and Accounts Committee design an amendment to the Constitution so that with effect from the 1st May 2007, the desirable and essential competencies required of both Cabinet and DSP members are defined with all members being required to attend designated sessions for the essential competencies within twelve months of their appointment.

Effectiveness and team ethos of the Cabinet and CMT

In a number of places the report refers to ineffectual working of both the County Executive and the CMT both individually and when they meet together. This is little evidence to suggest that this is a problem at South Kesteven, however given the importance of these relationships it would be worth repeating the staff survey conducted by the Audit Commission in South Kesteven to ascertain staff perceptions on these issues. As we have just completed one survey, the best time for another survey would be in the autumn. This would also enable the results to be compared with the outcomes from the 360 degree appraisals currently being undertaken by members of the Executive

Recommendation 6: That in the autumn of this year, staff of South Kesteven are asked to complete the survey used by the Audit Commission to inform the Corporate Governance report so that results can be compared.

Attitude of the Council to Consultation

Paragraph 45 of the report states that the County Council is seen by outside agencies as parochial with old-fashioned ideas about its relationship to communities. The introduction of Local Area Assemblies and the Annual Stakeholder Conference has demonstrated that South Kesteven is willing to contemplate new modern forms of public consultation. If these are to be successful it is vital that all members fully support these assemblies and use them as an opportunity to engage in genuine dialogue with our residents.

Recommendation 7: That the Council re-affirms its commitment to the concept of Local Area Assemblies and pledges to work with local people to make these meeting effective forums for wider community engagement.

Community Focus

Vision

The report found that the County did not have a clear concept of its vision for the area. The District has invested a considerable amount of time in developing its vision of “pride” articulated by the five steps and supported by our ambitions and priorities. One of the member development sessions has been designed to ensure that members appreciate the ramifications of our approach and how it reflects the priorities of local residents.

Unlike the County Council the District has a clear consultation strategy, which includes consultation with hard to reach groups through initiatives such as the “Yells”. However like the County we do not currently have a strategy for social inclusion even though we have a category B priority for vulnerable people.

Recommendation 8: That under our priority for vulnerable people the Director of Community Services prepares a strategy for Social Inclusion by December 2005.

Structures and Processes

Speed of progress

Like SKDC, the County Council originally received a CPA rating of “fair” and this was confirmed at a re-inspection last year. Similarly our CPA re-fresh also confirmed a score of “Fair”. The governance report clearly states that the speed of improvement is not sufficient to match that achieved by other authorities, and from a relative standing the Council may be slipping backwards. Recent reports to the District Council on the strategic housing services demonstrates that we also have a risk of not making rapid enough strides for improvement. Changes is not always easy or comfortable but if the

Council is serious about progression members of the Council will need to be willing to accept a faster pace of change than has been experienced to-date. There will be some issues for staff during these periods of change, but as we can see from the County Council report if we don't make quick progress the consequences for both the Council and its staff are even graver.

Commitment to modern local government

Paragraphs 71 infers that the new scrutiny arrangements at the County have not resulted in members being any clearer about the roles of scrutiny, policy development and the executive. This is another topic that is being covered in our own member development programme. The report goes on to infer that the County scrutiny structure may have been unduly influenced by a preference expressed by some members for the old committee system.

Recently members of this Council endorsed a motion that called for a review of the system introduced by the Local Government Act 2000 and this would probably be seen by an external inspection agency as evidence of a similar preference. If the Council is to succeed in its journey towards improvement it will need to be able to convince these inspections that these views all members of the Council are committed to making a full and active contribution to the Council through the mechanisms set-out in the Council's constitution.

Recommendation 9: That those members who may have concerns about the current system, or indeed a preference for the previous Committee system consider how they will be able to demonstrate to an external assessor that these views have not deterred them from playing a full and active part in the Council's decision making and scrutiny processes as set-out in the constitution.

Internal Control

Staff appraisals

The report identified problems with the consistency of staff appraisal and the setting of objectives for Directors. At SKDC objectives have been set for all Directors and an appraisal system has been in operation for several years. However recent evidence from the staffs survey indicates that there may be problems in its application.

Recommendation 10 : That the Corporate Manager Human Resources investigates the level of compliance with the Council's policies regarding staff appraisals and the effectiveness of the appraisals that have been undertaken.

**Duncan Kerr,
Chief Executive**

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO. CEX 286

DATE: 28th April 2005

TITLE:	Appointments to the new Development and Scrutiny Panels and other Committees of the Council
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	CORPORATE GOVERNANCE: Management of Council Business
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is available via the Local Democracy link on the Council's website www.southkesteven.gov.uk
BACKGROUND PAPERS:	N/A

Background

At the last Council meeting agreement was made in principle to revise the remits and names of the DSPs so that they accorded with both the proposed Cabinet portfolios and the authority's ambitions, which are as follows:

Development and Scrutiny Panel	Cabinet Portfolios
Development	Economic Development
Community	Community
Healthy Environment	Healthy Environment
Engagement	Engagement Strategic Partnerships
Resources	Resources and Assets Organisational Development

In order to ease the transition to these new arrangements, it is proposed that the membership of the current DSPs is retained and that their remits and names be amended in accordance with the following proposals:

Current DSP : **Economic and Cultural Development**
New title : **Development**

New remit:

- Public conveniences
- Street furniture
- Car parks
- Conservation
- Markets
- Tourism
- Industrial estates
- Miscellaneous property
- Economic Development grants and assistance
- All planning services and policies
- Town centre development and partnerships
- Industrial development
- Agriculture and the rural economy
- Liaison with SSPs and TCMPs

Current DSP: **Community Development**
New title: **Community**

New remit:

- Crime and disorder
- CCTV
- Emergency Planning
- Watercourse and dykes
- Flood prevention
- Housing Management
- Private Housing
- Licensing
- Occupational Health and Safety
- Care services
- HRA management
- Enabling the provision of affordable housing
- Homelessness
- Housing repairs
- Property maintenance
- Home safety
- Energy advice
- Building control
- Footway lighting and maintenance
- Sustainable rural communities
- Police Service liaison

Current DSP: **Communications and Engagement**
New title: **Engagement**

New remit:

E-Government
ICT
Customer Service and modernisation
Communications
Consultation
Local Area Assemblies
YELLS
Elections
Democratic Representation
Register of Electors
Freedom of information
Data Protection
Printing
Dial-a-ride
Public transport initiatives and concessions
Bus stations
Vehicle management
Courier service
Access to services for rural communities
Community Strategy
Local Strategic Partnerships
Annual Stakeholder Conference
East Midlands Regional Assembly
Lincolnshire Local Government Association
Welland partnership
Shared service partnerships

Current DSP: **Environment**
New title: **Healthy Environment**

New remit:

Arts centres and development
Community centres
Fairs
Leisure Centres
Parks, Gardens and Recreation Grounds
Playing fields and Play areas
Grass cutting and grounds maintenance
Sports development
Health promotion
Food safety
Noise and pollution control
Contaminated land
Water supplies
Waste management

Street sweeping and litterbins
Recycling
Closed burial grounds
Burial of the destitute
Infectious disease
Graffiti removal
Dog fouling
Animal health and control
Pest control
Rural environment
Health Services liaison
Environment Agency liaison

Current DSP: Capacity and Resources
New title: Resources

New remit:

Council tax collection
Non-Domestic rates
Audit and accountability
Special expense areas
Grants and subscriptions
Risk management
Finance and accountancy
Budget preparation and Council tax
Procurement
Liaison with ODPM on resources
Human resources
Training and development
Community Leadership
Organisational development
Performance management
CPA and Best Value reviews
Scrutiny arrangements
Member's induction and development programme
Liaison with IDEA

Appointments

Appointments now need to be made by the Council to all of these panels and to the following Committees :

Development Control
Licensing
Constitution and Accounts
Standards

The current Committee membership, taking account of the changes notified in my previous report, is detailed in Appendix A.

Recommendations

That the Council confirms the new names and remits of the Development and Scrutiny Panels and appoints members to these panels and all other Committees of the Council.

Duncan Kerr
Chief Executive

Committee Memberships (before Annual Meeting April 05)

DEV. CONTROL	LICENSING	CONSTITUTION & ACCOUNTS	ECONOMIC & CULTURAL	COMMUNITY	COMMUNICATIONS & ENGAGEMENT	ENVIRONMENT	CAPACITY & RESOURCES
<u>Conservative</u> 9	6	Bosworth Radley Wheat G. Wheat M. Turner Parkin	Neal Martin- Mayhew Lovelock VC C VC	Kaberry-Brown Nicholson C Pease Smith Judy Wheat Graham	Smith Judy Bosworth C Wheat Mary Taylor G. Sandall	Conboy Craft Nadarajah Radley N. Taylor M. C	5 5 5 5 5 5 5 5 5
<u>Independent</u> 2	1	Howard Kerr	Wilks	1 Wood	1 Kerr Burrows	1 Channel	1 Woods
<u>New Independent</u> 2	1	Vacancy Waterhouse	Percival	1 Thompson VC	1 Hewerdine	1 Waterhouse C	1 Percival VC
<u>Labour</u> 3	2	Dexter, N Williams, M Williams, A	Gaffigan Williams, M	1 Mike Williams	2 Selby	2 Gaffigan Gibbons	1 Williams Avril Hurst F. Dexter D.
<u>Lib Democrats</u> 1	1	Jalili	O'Hare	1 Joynson	1 Bisnauthsing	1 9	1 O'Hare
Standards Committee – Membership -3	17	11		5	9	9	9

Conservative – Lovelock R; Independent – Wilks, J; Labour – Williams, M.

SOUTH KESTEVEN DISTRICT COUNCIL – PROGRAMME OF MEETINGS 2005/2006 (DRAFT DATES)

Agenda Item 13

SOUTH KESTEVEN DISTRICT COUNCIL - PROGRAMME OF MEETINGS 2005/2006 (DRAFT DATES)

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER, HUMAN RESOURCES AND ORGANISATIONAL DEVELOPMENT

REPORT NO: HR & OD 77

DATE: 28 April 2005

TITLE:	SOUTH KESTEVEN RACE EQUALITY CONSULTATION FORUM
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COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Linda Neal Leader
CORPORATE PRIORITY:	Equality and Diversity
CRIME AND DISORDER IMPLICATIONS:	Reporting of racial incidents
FREEDOM OF INFORMATION ACT IMPLICATIONS:	
BACKGROUND PAPERS:	Generic Equality Scheme

RECOMMENDATION

I ask that the Council make 4 nominations to the newly constituted South Kesteven Race Equality Forum.

BACKGROUND

1. At the council meeting on 24th February 2005 the council adopted Version 2 of the Generic Equality Scheme. Within the scheme the consultation arrangements included the formation of a Race Equality Consultation Forum for the district. The intention is that the forum will consist of representatives from minority ethnic groups within the district who will be consulted on activities undertaken by the Council from an ethnic minority perspective, comment on policies and functions of the Council, and articulate the specific needs of minority ethnic groups including access to services.
2. The first meeting of the forum was held on 12th April 2005, at which discussion was held on the development of the forum and its ways of working.
3. It is intended that the forum, whilst separate from the Council, will include four member representatives from the Council. It is also intended that the forum will comprise of members of the district's minority ethnic groups (either individuals or representatives from community groups) and will seek to be as representative as possible of all the minority ethnic groups in the district. The forum will also have members from other organisations (e.g. Lincolnshire Police, Lincs South West PCT, Lincolnshire Race Equality Council, Voluntary Action Kesteven). Such membership facilitates the Council's community responsibilities.
4. At the first meeting of the forum it was agreed that a good way to develop membership would be to hold an informal event ostensibly aimed at providing information about the Council and its services. A multi-cultural day is currently being planned to take place this summer and this will be used to help engage members of minority ethnic groups with a view to future participation in the forum.
5. At the first meeting of the forum Debbie O'Neill (Lincolnshire Race Equality Council) has agreed to act as chair for the forum in its initial development. It was also agreed to hold meetings at least once a quarter.

C J Sharp
Corporate Manager
Human Resources and Organisational Development
April 2005

CABINET REPORT TO COUNCIL

REPORT OF: **Councillor Linda Neal,
Leader of the Council**

REPORT NO. **CAB1**

DATE: **28th April 2005**

SUBJECT: **Review of Council Priorities**

TITLE:	Review of Council Priorities
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	All
CORPORATE PRIORITY:	All
BACKGROUND PAPERS:	Chief Executive's Report to Cabinet on 7th March 2005. Outcome from the Resident's Survey

The Cabinet carefully considered report CEX283 from the Chief Executive, accompanied by the outcome from the residents' survey, at its meeting on 7th March and resolved that it be reported to all DSPs for their considerations.

The Cabinet then considered the resolutions of all the DSPs when it met at a special meeting on 11th April. Following this, the Cabinet considered carefully the findings of each of the DSPs and, in particular, the findings of the Communications and Engagement DSP and the Community DSP who recommended that the reprioritisation of Housing Services be deferred.

Following consideration of this matter, the Cabinet now propose to Council the following recommendations:

1. that the targets set within the Chief Executive's Report No. CEX283 for both Affordable Housing and Recycling are adopted
2. that the classification for Affordable Housing is reconsidered at a future date.

**Councillor Linda Neal
Leader of the Council**

EXTRACT FROM CABINET RECORD:

CABINET MEETING: 4TH APRIL 2005

MINUTE CO119:

SOUTH KESTEVEN DISTRICT COUNCIL ANTI-SOCIAL BEHAVIOUR AND ENFORCEMENT POLICY

DECISION:

- (1) To recommend to Council the adoption of the South Kesteven District Council Anti-Social Behaviour and Enforcement Policy;
- (2) To note that this document is subject to amendment and review in line with changes in Government legislation and that any amendments will be referred to the Cabinet for approval;
- (3) To note that the document is subject to development, amendment and review following ongoing consultation with the Council's Crime and Disorder Reduction Partnership partners, the community and other statutory and non-statutory agencies; any amendments being subject to a report back to the Cabinet for approval.

Considerations/Reasons for Decision:

- (1) Report number DCS20 by the Corporate Director of Community Services outlining the obligations upon the Council, the Police, other key agencies and the community under the Crime & Disorder Act 1998 and the Anti-Social Behaviour Act 2004 to develop and implement strategies for reducing crime and disorder and to increase community safety;
- (2) Anti-social behaviour is a Category A priority for SKDC;
- (3) The proposed anti-social behaviour and enforcement policy aims to bring the remit of community safety issues directly into each service and encourage lateral corporate thinking of a subject that should overlap and weave throughout the entire work of the Council. The document's purpose is to increase the awareness and acceptance of established strategies. Once adopted, more detailed action plans can be brought forward to address specific issues within the district;
- (4) Responses from officers to questions put by the relevant Portfolio Holder, Councillor Bryant in relation to the summary of the applicable legislation; the District Council's proactive role in relation to the Children's Act and the County Council's Children's Services; definitions of the terms "locality" and "untidy sites" as referred to on pages 8 and 9 of the draft policy document.

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER, DEMOCRATIC AND
LEGAL SERVICES

REPORT NO. DLS 35

DATE: 28th APRIL 2005

TITLE:	AMENDMENTS TO THE CONSTITUTION – DELEGATIONS TO OFFICERS
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	CORPORATE GOVERNANCE MANAGEMENT OF COUNCIL BUSINESS
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publically available via the Council's website www.southkesteven.gov.uk under "Local Democracy – Agenda and Minutes"
BACKGROUND PAPERS:	The Council's Constitution

1. **INTRODUCTION**

1.1 Part 3 of the Constitution deals with a list of powers delegated to officers. Due to operational changes concerning the enforcement of dog fouling, fly tipping and litter legislation it is necessary to include the Head of Waste and Contract Services as an additional responsible officer for the carrying out of these functions.

2. **RECOMMENDATIONS**

2.1 It is recommended that the Head of Waste and Contract Services be included as an authorised officer for the purposes of the enforcement of litter, waste and dog fouling in respect of the following statutes:-

The Environmental Protection Act 1990
The Refuse Disposal (Amenity) Act 1978
Dogs (Fouling of Land) Act 1996

2.2 It is further recommended that the Head of Waste and Contract Services be also authorised to designate in writing any other officers that are to be authorised by the Council to enter premises for these various statutory purposes and also to act in respect of the enforcement of the various statutory provisions relating to waste, dog fouling and fly tipping within these statutes.

Contact Officer:

N W Goddard
Corporate Manager Democratic & Legal Services

REPORT TO COUNCIL

REPORT OF: CORPORATE MANAGER, DEMOCRATIC AND
LEGAL SERVICES

REPORT NO. DLS 34

DATE: APRIL 2005

TITLE:	AMENDMENTS TO THE CONSTITUTION – RECOMMENDATIONS OF THE CONSTITUTION & ACCOUNTS COMMITTEE
FORWARD PLAN ITEM:	N/A
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	N/A
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A
CORPORATE PRIORITY:	CORPORATE GOVERNANCE MANAGEMENT OF COUNCIL BUSINESS
CRIME AND DISORDER IMPLICATIONS:	N/A
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is available via the Local Democracy link on the Council's website www.southkesteven.gov.uk
BACKGROUND PAPERS:	MINUTES AND AGENDA OF THE CONSTITUTION AND ACCOUNTS COMMITTEE HELD ON 28 TH FEBRUARY 2005 AND THE JOINT MEETING OF THE CONSTITUTION AND ACCOUNTS COMMITTEE AND THE SCRUTINY CO-ORDINATING GROUP HELD ON 24 TH MARCH 2005.

CONSTITUTION & ACCOUNTS COMMITTEE RECOMMENDATIONS

1. INTRODUCTION

1.1 Since the previous Council meeting the following decisions of the Constitution and Accounts Committee have been made that require the approval of the Council, being proposed amendments to the Council's Constitution.

2. THE RECOMMENDATIONS TO BE CONSIDERED

2.1 At the meeting of the Constitution and Accounts Committee held on 28th February 2005, minute number 62

ii) States as follows: -

“To recommend to the Council that a written response where information is available to be given to questions without discussion prior to the Council meeting. Supplementary questions to be allowed. Any questions that cannot be answered at the meeting to be forwarded to the relevant DSP for discussion and a full answer supplied for the next Council meeting.”

iv) Further states

“To recommend to the Council that the main debate be removed from the Constitution.”

2.2 At the joint meeting of the Constitution and Accounts Committee and the Scrutiny Co-ordinating Group held on 24th March 2005 the following decision (minute number ??) was made:-

“That the Committee recommends to Council that the Council's Call-in arrangements remain the same with the exception that Rule 16 (c) of the Overview and Scrutiny Procedure Rules of the Council's Constitution be amended as follows: -

‘During that period, the proper officer shall call-in a decision for scrutiny by the panel if so requested by the Chairman or **any five members of the Council from any political group(s)**. No one member shall request more than three call-ins in any one municipal year. The proper officer shall notify the decision-taker of the call-in. He/she shall call a meeting of the panel on such a date as he/she may determine, where possible after consultation with the Chairman of the panel, and in any case as soon as possible after the meeting’ “

The proposed amendment to the Constitution is shown underlined above. (Rule 16 (c) currently requires that call-in is triggered by three members of the relevant DSP from at least two political groups.)

3. **RECOMMENDATION**

3.1 The above decisions require the approval of the Council if any amendment of the Council's Constitution is to be made.

Contact Officer:

N W Goddard
Corporate Manager Democratic & Legal Services

REPORT TO COUNCIL

REPORT OF: NICK GODDARD
CORPORATE MANAGER DEMOCRATIC &
LEGAL SERVICES (MONITORING
OFFICER)

REPORT NO. DLS24

DATE: 28th April 2005

TITLE:	HIGH HEDGES LEGISLATION – ANTI SOCIAL BEHAVIOUR ACT 2003 – OPERATIONAL ISSUES
FORWARD PLAN ITEM:	NOT APPLICABLE
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	NOT APPLICABLE
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	NOT

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR JOHN SMITH DEVELOPMENT CONTROL ENFORCEMENT
CORPORATE PRIORITY:	CORPORATE GOVERNANCE
CRIME AND DISORDER IMPLICATIONS:	HIGH
FREEDOM OF INFORMATION ACT IMPLICATIONS:	HIGH This report is available via the Local Democracy link on the Council's website www.southkesteven.gov.uk
BACKGROUND PAPERS:	ANTI-SOCIAL BEHAVIOUR ACT 2003 AND DRAFT GUIDANCE

1. PURPOSE OF REPORT

To outline the new statutory duty imposed upon the District Council in relation to complaints about high hedges and to put in place the necessary procedures, fees, delegations and authorisations in order to implement the requirements when brought into force. ODPM has indicated that this is likely to be within the next few months.

2. INTRODUCTION – THE NEW ACT

Part 8 of the Anti-social Behaviour Act 2003 (The Act) contains the framework within which the District Council must consider complaints from owners or occupiers of domestic property, alleging that their reasonable enjoyment of that property is being adversely affected by the height of a high hedge situated on land owned or occupied by another person. The Act does not apply to non-residential properties.

3. NEW REGIME

An owner or occupier of a domestic property may make a complaint under Part 8 on the ground that the reasonable enjoyment of his domestic property (or part of it) is being adversely affected by the height of a hedge growing on neighbouring land. It is intended that making such a complaint to the local authority should be a last resort; reasonable attempts should first be made to resolve the problem by negotiating with the neighbour.

4. WHAT THE COMPLAINT MUST INCLUDE

- 4.1 The complaint must relate to a “high hedge” which is defined in the Act as a barrier to light or access as is formed wholly or predominantly by a line of two or more evergreen or semi-evergreen trees or shrubs and rises to a height of more than 2 metres above ground level. A line of evergreens or semi-evergreens is not to be regarded as forming a barrier to light or access if gaps significantly affect its overall effect as such a barrier at heights of more than 2 metres above ground level.
- 4.2 The local authority can reject the complaint if they consider it to be frivolous or vexatious or if reasonable steps have not been taken to resolve the dispute amicably.
- 4.3 A complaint cannot be made about single trees or shrubs, whatever their size or the effect of roots of a high hedge.

5. PROCEDURE

- 5.1 If the Council consider that negotiation will not resolve the dispute then it should provide the complainant with a formal complaints

form and explanatory leaflet. Regulations will prescribe a maximum fee.

- 5.2 The complainant completes the form and sends a copy (together with the relevant fee) to the council and a copy to the owner and occupier of the land where the hedge is situated.
- 5.3 The council decides whether or not to proceed with a complaint. It may not proceed if it considers that the complainant has not taken all reasonable steps to resolve the matter without involving the council or that the complaint is frivolous or vexatious. In either event the complainant must be notified of the council's decision. If the council decide not to issue a remedial notice then consideration should be given to providing practical advice on how the hedge might be maintained so that it does not cause problems in the future.
- 5.4 If the council decide to proceed with a complaint, it must decide whether or not to issue a Remedial Notice with a view to remedying the adverse effect of preventing its reoccurrence. The procedures for issue, service, effective dates, compliance periods and appeals to the Secretary of State are similar to those for Planning Enforcement Notices, except that appeals may also be made against a decision not to issue a Remedial Notice by the complainant. Notices are registerable as Local land Charges.
- 5.5 There is some flexibility in relation to the remedial notice in that there is nothing in the Act that says hedges must be reduced to 2 metres. Remedial action cannot involve reducing the height of the hedge below 2m from ground level nor require the hedge to be removed.

6. POWERS OF ENTRY

The Council may authorise "a person" (i.e. not necessarily an Officer of the Council) to enter land to obtain information relevant to a complaint or Remedial Notice upon 24 hours prior notice (Section 74). Obstruction of an authorised person is a Level 3 offence (currently attracting a maximum fine of £1,000).

7. OFFENCES

Failure to comply with any local authority remedial notice will constitute an offence that is liable, on conviction in the magistrates' court, to a fine of up to £1000. The court may also issue an order requiring the hedge owner to carry out the required work within a prescribed time.

8. WORKS IN DEFAULT

The council will also have default powers to enter onto the land (upon 7 days prior notice) and carry out the works required by a Remedial Notice. Costs of carrying out the works in default may be recovered from the owner. Any unpaid expenses will be registered as a local land charge and be binding on successive owners.

9. PROCEDURAL MATTERS

The Act is to be supplemented by Regulations and detailed guidance including the recommended methodology for calculating the height of a hedge that is likely to cause significant loss of light to a garden or house nearby (see below). The new duty to consider complaints and decide whether or not to issue a Remedial Notice is considered to be Regulatory and it is therefore appropriate that the function falls under Development Control Committee. It is anticipated that complaints will, in the main, proceed by way of written representations, however in some cases a hearing may be appropriate.

10. GUIDANCE

- 10.1 The draft Guidance contains 14 pages of formulae and diagrams for calculating the “action hedge height”. Hedges higher than 1 metre above this line are likely to already be causing a substantial loss of light and should be trimmed to at least 1 metre below it.
- 10.2 The “action hedge height” is calculated having regard to:

- Loss of daylight to main house windows – these calculations take account of the geographical orientation, distance, window positions, type of room inside the property, whether the hedge is directly opposite or to one side or oblique to the window and whether the window is ground floor or not. Sloping ground also has to be taken into the calculation.
- Loss of sunlight to nearby gardens – as well as orientation there is a formula to allow for the relative size of the affected part of the garden to the whole, and whether the hedge is on or set back from the boundary. Again, calculations need to be revised to take account of sloping ground.
- In both cases summer and winter variations will also have to be taken into consideration.

11. OTHER RELEVANT FACTORS

In reaching a decision as to whether to issue a Remedial Notice other relevant factors are to be taken into account such as:-

- Extent to which a high hedge affords privacy to adjoining occupier
- Contribution of hedge to the amenity of the neighbourhood
- Any legal obligation in relation to the hedge
- Hedge on more than one side of a garden
- History e.g. whether hedge has remained as present height for a number of years, previous complaints, was hedge as present height when complainant purchased or his property built.
- Other options such as thinning, crown lifting, etc.
- Proximity of a building behind the hedge blocking as much light as the hedge itself
- Partial obstruction of window only
- Topiary hedges
- Trees in hedges
- Acoustic screen hedges
- Protection of wild life, such as nesting birds

12. **RECOMMENDATIONS**

12.1 **In order to accommodate the new duties imposed by the Act it is recommended to the Council that:**

The following functions be added to the Development Control Committees' remit:-

"Functions relating to high hedges pursuant to Part 8 of the Anti-Social Behaviour Act 2003."

12.2 **The following powers be delegated to the Development Control Services Manager:-**

- (i) **to deal with all complaints in relation to high hedges made pursuant to Part 8 of the Anti-Social Behaviour Act 2003 and any regulations issued thereunder;**
- (ii) **to authorise persons to exercise the power of entry pursuant to Section 74 and 77 of the Anti-Social Behaviour Act 2003.**

12.3 **That a member panel of not less than three members be created to determine complaints requiring a hearing pursuant to Part 8 of the Anti-Social Behaviour Act 2003. The member panel to be drawn from members of the Development Control Committee.**

12.4 **That the Council recommends to the Cabinet that it determines the maximum fee for dealing with High Hedge complaints under Section 68 of the Anti-Social Behaviour Act 2003 to be at the same level as the fee applicable to householder planning applications and to remain in line with any future householder application fee increases.**

13. CONTACT OFFICER

Nick Goddard Corporate Manager Democratic & Legal Services
(Monitoring Officer)