



AGENDA

For a meeting of the

COUNCIL

to be held on

THURSDAY, 26 OCTOBER 2006

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. PUBLIC OPEN FORUM

The public open forum will commence at **2.00 p.m.** and the following formal business of the Council will commence at **2.30 p.m.** or whenever the public open forum ends, if earlier.

2. APOLOGIES FOR ABSENCE

3. DECLARATIONS OF INTEREST

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

**4. MINUTES OF THE ORDINARY MEETING HELD ON 7TH SEPTEMBER 2006
AND THE EXTRAORDINARY MEETING HELD ON 12TH OCTOBER 2006.
(ENCLOSURE)**

**5. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)
(ENCLOSURE)**

**6. APPORTIONMENT OF SEATS ON COMMITTEES FOLLOWING CHANGES
TO THE POLITICAL COMPOSITION OF THE COUNCIL.**

Report number CEX354 by the Chief Executive. (Enclosure)

7. DRAFT CORPORATE PLAN

Report number SD6 by the Strategic Director. (Enclosure)

[The Draft Corporate Plan document is circulated as a separate enclosure.]

8. REVIEW OF CAPITAL PROGRAMME

Report number CHFR21 by the Corporate Head Finance & Resources.
(Enclosure)

9. GAMBLING ACT 2005: DRAFT STATEMENT OF PRINCIPLES

Report number ENV362 by the Environment Protection Manager. (Enclosure)

10. CHANGES TO THE CONSTITUTION: RECOMMENDATIONS FROM THE CONSTITUTION & ACCOUNTS COMMITTEE ON:

- Contract Procedure Rules
- Reporting of non key decisions
- Termination of the Planning Panel
- Amendments to the Scheme of Delegation

The Chairman of the Constitution & Accounts Committee to submit the recommendations of the committee as contained in the minutes of the meetings held on 20th September 2006 and 16th October 2006. (Enclosure)

(16.10.06 minutes – to follow)

[Note: the background reports to these recommendations can be found with the agendas for these meetings on modern.gov via the Local Democracy link on the Council's website:

www.southkesteven.gov.uk

Alternatively, hard copies can be provided on request to staff in the member services team.]

11. CHANGES TO COUNCIL POLICIES ON PENSION AND COMPENSATION PAYMENTS

Report number CEX353 by the Chief Executive. (Enclosure)

12. UPDATE ON PROGRESS REGARDING ISSUES ARISING AS A RESULT OF THE LOCAL PENSION SCHEME

Report number CEX357 by the Chief Executive. (Enclosure)

13. LARGE SCALE VOLUNTARY TRANSFER - COUNCIL MEETING TO CONSIDER THE RESULT OF THE LSVT BALLOT OF TENANTS.

Report number TSE13 by the Director of Tenancy Services. (Enclosure)

14. QUESTIONS WITHOUT DISCUSSION.

15. NOTICES OF MOTION GIVEN UNDER COUNCIL PROCEDURE RULE 12:

(1) From Councillor Fereshteh Hurst

"That Council agrees to make supplementary financial provision to replace the recently necessarily demolished wall in Dysart Park,

Grantham, to the extent of £9,174.50 plus VAT, by levying a one-off additional council tax charge, estimated to be £1.16 at Band D, applicable in the Grantham Special Expense Area only.”

(2) From Councillor Stephen O'Hare

“That this Council strongly recommends [to the cabinet] the adoption of the following practice in respect of private cabinet meetings, to facilitate openness, accountability and transparency. Namely, an informal procedure that within 48 or 72 hours of any private cabinet meeting a list is circulated to all councillors and local media outlets (by e-mail if possible), the list to identify all people not being officers or councillors of this council who attended and the matter in respect of which they attended. (Which may, at the discretion of the cabinet include further details or an outline of the discussion).”

(3) From Councillor Stephen O'Hare

“That this council resolves that until a copy of the current Business Plan of South Lincolnshire Homes is disclosed to all councillors then any ballot of tenants on whether they wish to stay with the council or move to South Lincolnshire Homes cease.”

16. ANY OTHER BUSINESS WHICH THE CHAIRMAN, BY REASON OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT.

**DEADLINE FOR NOTICES OF MOTION TO COUNCIL
ON 25TH JANUARY 2007**

2.00 PM ON FRIDAY 12TH JANUARY 2007



MINUTES

COUNCIL
THURSDAY, 7 SEPTEMBER 2006
2.00 PM

PRESENT

Councillor Gerald Taylor Chairman

Councillor Ray Auger	Councillor Andrew Roy Moore
Councillor Pam Bosworth	Councillor Mano Nadarajah
Councillor David Brailsford	Councillor Mrs. Linda Neal
Councillor Terl Bryant	Councillor John Nicholson
Councillor Paul Carpenter	Councillor Stephen O'Hare
Councillor Mrs Frances Cartwright	Councillor Alan Parkin
Councillor Elizabeth Channell	Councillor Stanley Pease
Councillor George Chivers	Councillor Mrs Angeline Percival
Councillor Nick Craft	Councillor Mrs Margery Radley
Councillor Mike Exton	Councillor Bob Sandall
Councillor Brian Fines	Councillor Ian Selby
Councillor Donald Fisher	Councillor Robert Murray Shorrock
Councillor Mrs Joyce Gaffigan	Councillor John Smith
Councillor Harrish Bisnauthsing	Councillor Mrs Judy Smith
Councillor Bryan Helyar	Councillor Ian Stokes
Councillor Stephen Hewardine	Councillor Michael Taylor (Vice-Chairman)
Councillor Reginald Howard	Councillor Jeffrey Thompson
Councillor John Hurst	Councillor Thomas John Webster
Councillor Mrs Maureen Jalili	Councillor Graham Wheat
Councillor Kenneth Joynson	Councillor Mrs Mary Wheat
Councillor Mrs Rosemary Kaberry-Brown	Councillor Avril Williams
Councillor Albert Victor Kerr	Councillor Mike Williams
Councillor John Kirkman	Councillor Paul Wood
Councillor Reg Lovelock M.B.E.	Councillor Mrs Azar Woods

OFFICERS

Chief Executive□Strategic Director□Director
of Tenancy Services

OFFICERS

Monitoring Officer (Solicitor to the Council)
Director of Tenancy Services
Scrutiny Officer

57. PUBLIC OPEN FORUM

Question from Mrs. Mary Patrick, Essex Road, Stamford to Councillor Cartwright

Mrs. Patrick:

Councillor Mrs Cartwright, please can you tell me why adaptations are taking so long?

Reply (Councillor Mrs Cartwright):

This is a very timely question Mrs Patrick. We have been working to clear the backlog of 140 from last year but have been hampered by lack of staff in key posts.

We have now engaged consultants to speed the whole process.

Mrs. Patrick (Supplementary question):

Thank you Mrs Cartwright but there are 129 jobs still outstanding and there is a two-year delay for amputees getting facilities for cleanliness and everything – I think this is appalling. There has been a £600,000 budget since April; the total cost of those 129 jobs that need doing on average is £500,600. So, why has there been an almost 9 month delay using the £600,000 because my tenants are suffering, really suffering.

Reply (Councillor Mrs Cartwright):

We do apologise to tenants. We appreciate that each one of them deserves the adaption that has been put forward. What we have actually said was, to be fair, we would use a system of going for the ones that have been longest in the system. This doesn't always make things easier, because some of them might be a little bit harder to do. We are doing our best to catch-up on this backlog now.

[End of public open forum: 14:10]

The Chairman notified the Council that he had agreed to take an urgent item, namely the report on the SKDC Pension Policy, the “local scheme” as a result of legal opinion received on this matter and the consequent need to expedite matters. This would be considered as agenda item 10a.

58. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Conboy, Dexter, F Hurst, J Hurst, N Radley, Steptoe and Turner.

59. DECLARATIONS OF INTEREST

Councillors Kirkman, Thompson, Mrs Percival, M Williams and Mrs Woods declared prejudicial and personal interests in Agenda item 9 relating to large scale voluntary transfer.

Councillors Bryant, Carpenter, Mrs Neal and John Smith declared personal interests in Agenda item 6 relating to the Welland Joint Committee.

60. MINUTES OF THE ORDINARY MEETING HELD ON 25TH MAY 2006, THE EXTRAORDINARY MEETINGS HELD ON 22ND JUNE 2006 (TWO MEETINGS), AND 20TH JULY 2006 (TWO MEETINGS). (ENCLOSURE)

The minutes of the meeting held on 25th May, 22nd June, and 20th July 2006 were signed as a correct record by the chairman subject to the following:-

25th May – Questions without discussion: Question 11: The response was by Councillor Mrs Neal not Councillor Mrs Cartwright.

20th July (2.00pm meeting) – Page 4, Minute 51 last paragraph, line 7 – replace “unbiased” with “biased”

20th July (4.00pm meeting) – It should be noted that none of the members who had declared prejudicial interests in this matter had taken part in the discussions or voting. Also this meeting was not headed up as an extraordinary one.

The Chief Executive advised that minutes were a record of what had taken place, events that did not take place could not be recorded in the minutes.

61. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

The Chairman announced that, following a straw poll of members, the committee rooms in the Civic Suite would henceforth be known as

Chairman's Room – Witham Room
Committee Room 1 – Welland Room
New Committee Room – Glen Room

Committee Room 2 would serve as the Chairman's Room for the time being but in future it will revert to being the Chairman's Room and be known as such.

The Chairman advised that one item listed in his list of civic events (Presentation of prizes for the Golding Shield) had not taken place due to the inclement weather.

62. WELLAND JOINT COMMITTEE - SHARED PROCUREMENT SERVICES DECISION:

That this Council delegates to the Welland Joint Committee authority to carry out the functions of procurement.

The Council had before them report DLS 82 of the Legal Services Manager which recommended that the council should delegate to the Welland Joint Committee authority to carry out the functions of procurement on behalf of the District Council, in the interests of economy and efficiency. There was no duplication in respect of the Council's other arrangements with Lincolnshire County Council.

The motion was proposed by Councillor Bryant and duly seconded. Councillor Mrs Woods moved an amendment that the Council ask for further details on what the items for procurement were and what procedures the council was going to follow. This amendment was duly seconded, voted upon and lost.

A member asked whether the ethical side of procurement would be referred back to the Council for agreement. The Chief Executive advised that a delegation would not allow this but that this was a matter that could be subject to scrutiny. Concerns were also expressed about the possible effects on small businesses, but the contrary view was expressed that small businesses might benefit from this approach.

The substantive motion was put the vote and carried.

63. MEDIUM TERM FINANCIAL STRATEGY
DECISION:

That the medium Term Financial Strategy attached as Appendix A to report CHFR15 be approved

The Council had before them report CHFR15 of the Corporate Head of Finance and Resources which set out the Medium Term Financial Strategy 2006/7 to 20011/12 plus a budget preparation strategy for approval.

The strategy identified a number of fundamental principles, which may be summarised as;

Principle 1 – The Community Strategy, Corporate Plan and Annual Performance Plan drive the allocation of resources

Principle 2 – Manage financial resources to achieve efficiency and value for money, whilst maintaining a balance between quality and cost effectiveness

Principle 3 – Maintain flexibility to respond to a changing local government environment

Principle 4 – Maintain a substantial revenue budget

Principle 5 – Maintain a prudent approach when making estimates of external funding from Government

Principle 6 – Identify and seek opportunities for external funding whilst maintaining prudent estimates of realisable funding

Principle 7 – Manage the Council's assets, reserves, balances and receipts to optimise financial returns for future investment in the Council's priorities for the benefit of the community

Principle 8 – Maintain a robust capital strategy to support deliverable medium

term capital programmes

Principle 9 – Improve treasury management performance

Principle 10 – Balance the need to meet local taxation demands with community aspirations and ability of local taxpayers to meet them

Principle 11 – Maintain a robust fees and charges strategy

Principle 12 – Manage the impact of the introduction of local area agreements

Principle 13 – deliver the priorities of the Council without exposing the Council to unnecessary risks by targeting the use of resources linked to corporate risk

Principle 14 – Manage the financial viability of the housing revenue account (HRA) and ballot tenants on the preferred option of LSVT to provide the investment required to deliver tenant aspirations.

The Chairman of the Resources DSP confirmed that the draft Strategy had been scrutinised at the DSPs last meeting and it would be subject to further scrutiny at the next meeting of the Resources DSP on September 28th.

Questions and comments were also made by members in relation to

- The national bus pass scheme due for implementation in April 2008
- The level of reserves in the pension fund
- Tourism

The motion was moved, duly seconded and carried.

64. STAKEHOLDER CONFERENCE: 7TH DECEMBER 2006
DECISION:

That the Council approve the format of the annual Stakeholders Conference from 10.00am to 4.00pm on 7th December in the form of a parish and town council conference, with all councils within the District being invited to send delegates, the exact numbers per council to be agreed with the Lincolnshire Association of Local Councils (LALC), but to be a maximum of two per council.

The Council considered report CEX348 of the Chief Executive which advised that, following discussions with LALC, it was proposed the this year's annual stakeholder conference should take the form of a parish and town councils conference. The timing would provide an opportunity to consider the contents of the green or white paper expected to be issued shortly.

The motion was proposed, seconded and carried.

65. LARGE SCALE VOLUNTARY TRANSFER: EXTRAORDINARY MEETING OF THE COUNCIL - 12TH OCTOBER 2006

DECISION:

- (1) That the responses from tenants be considered initially by a joint meeting of members of the LSVT Working Group and the Offer Review Working Group and that they make recommendations to Council as to the content of the Council's Stage 2 Notice;**
- (2) That the Council considers the responses from tenants and the recommendations from the joint meeting of the above working groups, then decides on the content of the Stage 2 Notice at an extraordinary meeting of the Council to be held on 12th October 2006; and**
- (3) That the provisional arrangements made for conducting the ballot, as detailed in the report, be approved.**

Councillors Kirkman, Mrs Percival, Thompson, M Williams and Mrs Woods declared personal and prejudicial interests in this item, left the room during its consideration and took no part in the discussion or voting thereon.

Further to the extraordinary meeting of the Council held on 20th July 2006, the Council considered report TSE9 of the Director of Tenancy Services which explained the process from the issuing of the formal consultation (offer) document through to ballot, including the consideration of responses from tenants and the arrangements made for conducting the ballot.

Since the start of stock transfer ballots nationally in 1988 all such ballots had been conducted by Electoral Reform Services (ERS) who had developed a national reputation for efficiency and impartiality at modest cost, it was therefore proposed to use ERS to conduct the ballot. The ballot paper and question had been agreed by the LSVT Working Group and ERS would send this to all tenants as notified by the Council, there would also be an advice line for tenants run by ERS. The ballot was secret and would not reveal to the Council until the end of the process which way tenants had been voting. The Chief Executive would ask ERS if information as to the total number of votes cast per ward was available.

In response to a question by a member, it was confirmed that the ballot was likely to take place in November 2006.

The motion was duly moved, seconded and carried.

(The Council adjourned from 3.35-3.50pm)

66. MEMBERSHIP OF THE CHIEF EXECUTIVE'S APPRAISAL AND APPOINTMENT PANEL

DECISION:

That,

(1) In future the Chief Executive's appraisal panel comprise three members, two from the Administration Group (The Leader and Deputy Leader) and one nominated by the largest minority group on the Council; and

(2) No substitutes be allowed.

The Council consider report CEX347 of the Chief Executive on the composition of the Chief Executive's appraisal and Appointments Panel, which also formed the Panel for the appointment of strategic directors. During the course of the introductory remarks the Chief Executive declared a personal and prejudicial interest in this matter and left the Chamber during its consideration.

In introducing this item, the Leader of the Council explained that Membership of this Panel had been determined at the Annual Council meeting on 25th May 2006. The report advised that the Panel was subject to the rules of proportionality although the allocation of seats to the non administration groups could be varied by agreement. Council discussed whether the Panel should be comprised of three, four or five members, the view was expressed that an odd number was better than an even one, to avoid a situation where the casting vote would have to be used. One view expressed was that it should be five in order that more than two political groups (plus the Administration Group) would be able to take part in the Chief Executive's appraisal.

The Leader of the Council commented that this report was not politically motivated and she would not make appointments on political grounds, the recent process for the appointment of DSP chairmen was evidence of this.

The motion was duly proposed, seconded and carried.

**67. SKDC PENSION POLICY: THE LOCAL SCHEME
DECISION:**

That,

(1) the Council endorse the following actions taken by the Chief Executive:

- i. The enquiry into the lawfulness of the local scheme;**
- ii. The suspension of this scheme in the light of the information received;**
- iii. The intention to notify all persons who have benefited from the scheme once the case by case review is concluded;**
- iv. The launch of an investigation into how the current**

scheme came to be established, what professional advice was provided at the time, how the scheme has been operated and whether members have been kept informed;

- (2) That a panel comprising the Leader, Portfolio holder for Resources and Chairman of the Resources DSP be appointed to oversee the investigation referred to at (iv) above;**
- (3) That in view of the legal advice received the Council terminates the local scheme provisions within the approved pension policy forthwith; and**
- (4) That a further report be made to the next ordinary meeting of the Council.**

The Chairman gave notice that he would allow this item to be considered as urgent business because of the need to take action and begin investigations into this matter as soon as possible in view of the legal advice received from Counsel.

Council had before them report CEX352 of the Chief Executive which advised that the impending legislative requirements in respect of age discrimination had triggered a fundamental review of the Council's pensions policies and practices. As part of this review the current pensions policy, and in particular the so called "local scheme" initiated in 1996, had been referred to Counsel whose opinion was that it was unlawful. The Chief Executive had therefore suspended the scheme pending this report to Council and the seeking of a second opinion.

It was confirmed that those Members who were Members of the Council when the scheme was introduced in 1996 did not have an interest to declare at the present time.

The scheme was now being reviewed on a case by case basis. Internal and external audit were being kept informed and the actions of the Chief Executive had been endorsed by the Council's Monitoring Officer and S.151 Officer.

After discussion, the motion was duly moved, seconded and carried.

68. QUESTIONS WITHOUT DISCUSSION.

Six questions had been submitted prior to the meeting. Verbatim details of the questions, together with supplementary questions and responses, are set out in the appendix to these minutes.

69. CLOSE OF MEETING

The meeting closed at 16:53.

COUNCIL 7th SEPTEMBER 2006

QUESTIONS WITHOUT DISCUSSION

QUESTION 1

QUESTION (COUNCILLOR SELBY):

With reference to my question about LSVT at the previous Extraordinary Council meeting on Thursday 20th July 2006; Do you stand by your comment made during that meeting when you stated that there is 'NO DIFFERENCE' between an Assured tenancy agreement and a Secured tenancy agreement and that it is only a legal term?

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

No Councillor Selby, I was wrong to oversimplify it. The attached table extracted from the offer to tenants demonstrates that existing tenants who would become assured tenants as the result of a transfer would have their existing rights, (with the exception of the right to manage) not only maintained but indeed enhanced. In addition, South Lincolnshire Homes has developed a policy of working with Tenant Management Organisations, which is something we have not done previously.

So perhaps you will forgive me, bearing in mind that SLH has agreed to extend tenants rights to match and improve on those of the Council.

<u>Rights</u>	<u>with the Council</u>	<u>with SLH</u>
The right to buy Your home with a Discount	Yes	Yes (called the preserved right to buy)
The right of Succession	Yes	Yes and includes an extra right
The right to live in Your home without The threat of being evicted Without good cause	Yes	Yes
The right to transfer And exchange	Yes	Yes
The right to sub-let or Take in lodgers	Yes	Yes
The right to repair	Yes	Yes
The right to carry out Improvements	Yes	Yes

The right to be Consulted	Yes	Yes
The right to information	Yes	Yes
The right to manage	Yes	No
The right for your T.A. not To be changed (except for Rent and service charges) Without your consent	No	Yes
A legally binding rent increase Guarantee	No	Yes

SUPPLEMENTARY QUESTION (COUNCILLOR SELBY)

For me, the important issue with the stock transfer is not so much how the tenants vote but whether the tenants have been given all the facts in an honest and open manner. The way they vote is their prerogative. As a secure tenancy agreement is guaranteed by statute, therefore when it comes to a court of law, an assured tenancy agreement is possibly not worth the paper it is printed on and I would like to highlight this in relation to potential evictions due to, say, rent arrears. Therefore, in the interests of honesty and openness, would Councillor Mrs Cartwright like to highlight these differences in the media for the benefit of the tenants or would you like me to offer a helping hand and do it for you and can you explain what you mean when you say that South Lincolnshire Homes has developed a policy, when this organisation does not exist yet?

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

I assume that your original question had the interests of our tenants at heart and therefore I was speaking from the heart when I said there was no difference, as tenants clearly gain more than they lose, if you look at the table. All the information you want is in this table that I have given you or in the offer document. If you have difficulty understanding that, the officers would be delighted to explain it to you and it is in the offer document, therefore already in the public domain.

QUESTION 2

QUESTION (COUNCILLOR SELBY):

If you are unaware I would like to highlight to you that the waste recycling site at Alexander Road, Grantham will not accept Asbestos waste from residents and therefore I suggest to you that this is a possible contributing factor for some of this potentially dangerous waste being fly-tipped in our district. Although I accept that the Alexander Road depot is run by the County Council, What if anything are you going to do about this problem?

RESPONSE (COUNCILLOR AUGER):

We will collect asbestos, to offer this service for small amounts of asbestos the cost is disproportionately high, however if there are large amounts then we would refer them to Mid UK who operate an asbestos collection service, yet again the cost is relatively high, the vast amount of asbestos that is being fly tipped is not in small quantities , I suspect that this is trade waste which we do not collect, I have to say that we do not get a great deal of asbestos fly tipped, although unfortunately the one area which seems to be suffering more than most is the Colsterworth area.

SUPPLEMENTARY QUESTION (COUNCILLOR SELBY)

Contrary to what you say in your reply, Alexandra Road will not accept small amounts of asbestos. So if the district or the county council will not safely dispose of this waste, then it is obvious what will happen and fly tipping will occur. It appears that my ward is becoming a dumping ground for this waste. Will you kindly look into this further for us, please?

RESPONSE (COUNCILLOR AUGER):

Alexandra Road will collect small amounts of asbestos in a red bag at a cost of £50 per bag. Providing the asbestos is in that purchased bag, it will be collected, but only in small amounts. Hence, the statement I made here that it is a relatively high cost. Trade waste is a different sort altogether and they will apply to MidUK who run an asbestos collection service.

QUESTION 3

QUESTION (COUNCILLOR MOORE):

It was noted in the minutes of the council of 22 June that that there were a number of vacancies in the Financial services area. Can the portfolio holder please advise on progress in staffing this priority A area.

RESPONSE (COUNCILLOR BRYANT):

There were eight vacancies at various levels across the financial services area. Seven positions were suitably recruited and five accepted the job offer. The intention is to re-advertise in September to fill the remaining vacancies. Please note that it is a phased, staggered start of these replacement staff due to their various periods of notice.

SUPPLEMENTARY QUESTION (COUNCILLOR MOORE)

Councillor Bryant, I am sure you will agree with me that it is important to encourage the maximum possible members participation in the 2007/08 service plans and the zero-based budgets. In order for this to happen, members will need ample time to review those service plans and budgets. Are you therefore able to assure members that there will be sufficient resources within financial services to enable timely preparation of the service plans and the related zero-based budgets?

RESPONSE (COUNCILLOR BRYANT):

The simple answer is: no, I can't do it at the moment because we are still missing three people and there is a phased introduction. But, the information I've had is that we are going to do our damnedest to get there and do it.

QUESTION 4

QUESTION (COUNCILLOR MARTIN-MAYHEW):

Cllr Cartwright has the correction of information been given to all the residents of council property in the Truesdale ward re large Scale Voluntary Transfer. The necessity of this action was we know brought about by the disinformation in the leaflets that were put out by the Liberal democrats in the by election. Can you please advise what the cost of this action was to the council.

RESPONSE (COUNCILLOR MRS CARTWRIGHT):

Yes Councillor. Unfortunately we are obliged by the Housing Corporation, to correct mis-information that is given to our tenants and so every one of our council tenants in the Truesdale ward was sent a letter by the Bridge Group, who are our communication consultants. The cost of this was £76 (£5 printing, £41 postage, and £30 officer time).

Sadly we could not justify the expense of correcting this mis-information to all the other residents in the ward.

QUESTION 5

QUESTION (COUNCILLOR MIKE TAYLOR):

Madam Leader can you give the council a succinct update on the current position reference the Grantham Hospital following the apparently successful meeting that was held in this chamber.

RESPONSE (COUNCILLOR MRS NEAL):

Well, Councillor Taylor, I really wish that I had good news to announce in that Grantham hospital's future was secure with a growing agenda for service delivery and patient care. However this is not the case. Unfortunately owing to circumstances pertaining to the hospital trust the consultation promised has yet again been delayed leading to prolonged uncertainty. I am in two minds as to whether this is a good or a bad thing. The good thing is that all the services currently provided on the Grantham site are continuing presently (not diminishing) but would we, the council, and the community, prefer the certainty of knowing the reality of Grantham hospital's future?

SUPPLEMENTARY QUESTION (COUNCILLOR MIKE TAYLOR):

I thank the Leader for the answer and I am dismayed at the answer. My question is: is she of the same opinion as me that all does not bode well for the

health service within Lincolnshire or in the fact of the Treasury announcement that the Chancellor of the Exchequer intends to cut the National Health Service budget?

RESPONSE (COUNCILLOR MRS NEAL):

I wasn't aware of that announcement but if that proves to be the case, then I would be absolutely dismayed because clearly with the existing budgets we all know that health provision within Lincolnshire is in absolute quandary about where it should go because clearly there is not enough money to go around. And if there isn't enough money to go round, we all know what that means: that the service levels cannot continue to exist in the format with which they are currently running, and that means something has to give. I sincerely hope that we will be able to overcome these difficulties and the information that you have provided about cutting the health service budget does not materialise. At the end of the day, people have paid to have a national health service; they pay through their earnings and contribute to the National Health Service and the National Health Service should deliver the service that the community and contributors through tax and national insurance should deliver what those people have paid for. Particularly with the elderly: they will have had an expectation, through their lives they have paid for a National Health Service and now it is failing them because they can't get the treatment they want when they want it and where they want it. And so I am absolutely dismayed to hear what Councillor Taylor has said about the Treasury cutting the health service budget.

QUESTION 6

QUESTION (COUNCILLOR BRYANT):

Mr Chairman I am offended that comments on my health affecting my judgement were made by the leader of a group despite all the equalities training that is offered to councillors. Despite subtle prodding in this chamber there has been no apology. At the last council meeting, and personally just as hurtful to me, comments were made about the way I personally addressed a fellow councillor. The fact that this comment about me 'sneering' was retracted when challenged is no comfort. The comments should not have been made as per the code of conduct which, incidentally was modified at the request of the Labour party following their motion to the full council. Can I ask you Mr Chairman to ensure fair play and honesty ensues and that offensive personal comments are not tolerated in this chamber or even in literature that councillors put out.

RESPONSE (COUNCILLOR G TAYLOR):

This is indeed an interesting question – not least because it seems to ask that I do something in the future, and not answer for past actions. Nevertheless, it gives me the opportunity to reiterate what I said in this chamber on 27 April 2006 when I had the privilege of being elected as your Chairman, and is recorded in précis form as minutes approved by Council on 25 May 2006.

These say that I expressed the hope that Councillor colleagues would maintain the highest standards of debate, demeanour, deportment and dress, and that business would be conducted in a congenial atmosphere.

These words were no mere hyperbolic semantics, but were meant to be taken with some seriousness. I wish to assure not only Councillor Bryant, but all fellow Councillors, that these are still my aims but this time I leave it to each individual to ask themselves "Am I living up to these high ideals, if not why not, and what should I do about it?"

As regards literature issued outside this chamber, Councillor Bryant will be aware that Chairman of Council have very little control over this aspect, and nor should they. However, I express the hope that all Councillors are aware of the legal framework under which we all operate.

SUPPLEMENTARY QUESTION (COUNCILLOR BRYANT):

I just want to say thank you for your succinct answer and I hope you use the gavel very firmly if you think it appropriate, Mr Chairman.

RESPONSE (COUNCILLOR G TAYLOR):

I certainly hope that members, one of whom has left today, take these things to heart because I think they are very important and if we let standards slip, they will keep slipping and I am determined they won't.



MINUTES

EXTRAORDINARY COUNCIL

THURSDAY, 12 OCTOBER 2006
2.00 PM

PRESENT

Councillor Michael Taylor Chairman

Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor David Brailsford
Councillor Terl Bryant
Councillor Mrs Frances Cartwright
Councillor George Chivers
Councillor Robert Conboy
Councillor Dorrien Dexter
Councillor Mike Exton
Councillor Fines
Councillor Donald Fisher
Councillor Mrs Joyce Gaffigan
Councillor Yvonne Gibbins
Councillor Reginald Howard
Councillor John Hurst
Councillor Fereshteh Hurst
Councillor Kenneth Joynson
Councillor Reg Lovelock M.B.E.
Councillor Andrew Roy Moore

Councillor Mano Nadarajah
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Stephen O'Hare
Councillor Alan Parkin
Councillor Stanley Pease
Councillor Bob Sandall
Councillor Robert Murray Shorrock
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Ian Stokes
Councillor Frank Turner
Councillor Thomas John Webster
Councillor Graham Wheat
Councillor Mrs Mary Wheat
Councillor John E G Wilks
Councillor Avril Williams
Councillor Mrs Azar Woods

OFFICERS

Chief Executive
Strategic Directors (x2)
Corporate Head of Finance & Resources
Director Of Tenancy Services

OFFICERS

Projects Manager, Housing Stock
Legal Services Manager (Monitoring Officer)
Services Manager, Democracy

OTHERS

Mr Scott Dorling, representing Trowers & Hamlins, legal consultants for LSVT

70. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Auger, Carpenter, Miss Channell, Craft, Helyar, Hewerdine, Mrs Jalili, Mrs Kaberry-Brown, Kerr, Kirkman, Martin-Mayhew, Mrs Percival, Mrs Maureen Radley, Norman Radley, Selby, Steptoe, Gerald Taylor (Chairman), Thompson, Mike Williams and Woods.

The Service Manager, Democracy advised that Councillors Kirkman, Mrs Percival, Thompson, and Mike Williams had given their apologies by virtue of the fact that if they were in attendance, being members of the new registered social landlord, South Lincolnshire Homes Shadow Board, they would have had to declare prejudicial interests which would necessitate them leaving the meeting. Their non-attendance was solely for this reason.

71. DECLARATIONS OF INTEREST

Councillor Turner declared a prejudicial interest in the LSVT Stage 1 consultation by virtue of being a member of the South Lincolnshire Homes Shadow Board. He then left the council chamber.

Councillor Avril Williams declared a personal interest in the same issue by virtue of her husband being a member of the same Shadow Board.

72. LARGE SCALE VOLUNTARY TRANSFER: HOUSING ACT 1985, SCHEDULE 3A - STAGE 1 CONSULTATION

DECISION:

- (1) That the responses of tenants and leaseholders (as set out in report TSE12) be noted;**
- (2) A formal Stage 2 letter be issued to the Council's secure tenants confirming:**
 - The terms of the Council's offer as set out in the formal (Stage 1) consultation document with the addition of the text set out in paragraph 4 of report TSE12;
 - Tenants' right to communicate objections to the Council's proposals to the Secretary of State within 28 days from the Stage 2 letter;
 - The ability of the Secretary of State to withhold consent if a majority of affected tenants do not wish the transfer to proceed.
- (3) That Electoral Reform Services Limited be instructed to carry out a formal ballot of tenants in respect of a transfer to South Lincolnshire Homes.**
- (4) In order to comply with Government guidance, council premises will not be used for meetings to disseminate additional information about the transfer during the ballot period.**

Before inviting discussion, the Chairman advised members to confine their debate to the issues contained in the report before them.

Members had previously been circulated with report number TSE12 by the Director of Tenancy Services, the purpose of which was to describe the consultation process undertaken with tenants and advise the Council of responses received; to consider the potential amendments to the offer; and,

following the joint meeting of the LSVT working group and the offer review working group, to recommend future action including moving forward to the formal ballot. The report appended details of tenants, (anonymous) preferences either for, against or 'not sure', together with a copy of a report prepared by Libra Housing Advisory Services (the independent tenants' advisor) on the Stage 1 consultation process.

The Portfolio Holder for Organisational Development & Housing, Councillor Mrs Cartwright, presented the item and reminded the council that it had delegated authority to a joint working group consisting of fifteen members to consider the responses by tenants and the content of the second stage letter. The Housing Transfer Programme Manager for the Government had confirmed that the national transfer programme will be announced shortly and has confirmed in writing that no problems could be foreseen in terms of the application by this council.

Councillor Mrs Cartwright then moved the recommendations contained in the report with the additional clause that in order to comply with Government guidance, council premises will not be used for meetings to disseminate additional information about the transfer during the ballot period. She then urged every tenant to use their vote. The motion was then seconded.

The debate opened with a member referring to a comment he had received from an elderly tenant who had thanked him for presenting the arguments against transfer. He asserted that the offer document was simply a document of "good ideas" but it failed to give the full picture; it did not mention that South Lincolnshire Homes would need to borrow on the open market, that the debts of housing associations generally were set to soar, no reference was included about rents with registered social landlords (RSLs) being higher and set to rise further, and that one in five RSLs faced financial difficulty in the first five years and became vulnerable to take over. He expressed strong concern that the tenants – some of the most vulnerable people in the community – would be taking the risk. He wanted tenants to have a choice and this they could only do by being made aware of the whole story "warts and all".

In support of this expressed opposition, another member stated that whilst he concurred with a democratic ballot, the question was whether the process leading up to this exercise had been democratic i.e. that more emphasis on one position than another had been put to the tenants. He expressed concern that officers of the council had been instructed not to assist those members who wished to put the case against transfer. Whilst the council had set aside £1million for the consultation and ballot process, those members seeking to put an alternative view had been reliant on funding themselves.

Two members also expressed very strong concerns at the whole process both at national and local level which was seen as removing democratic power from local government altogether. It was pointed out that this was the most significant decision that residents were being asked to make; the value of the council's housing stock represented 82% of all the authority's assets. An amendment was moved that the ballot be delayed until all the electorate of

South Kesteven had been informed of the impact of transfer upon this council.

The Chief Executive advised that this amendment had the substantive effect of negating the motion unless it was made clear as to the circumstances under which the deferment was being sought. Following this advice the mover of the amendment qualified it by the addition of a time limit of two months for the deferment to enable the electorate to be given the information. The Chairman indicated he accepted this revised amendment.

A comment was made that the council's tenants were astute enough to decide their own future given the facts. It was suggested that some tenants felt that they had been given the hard sell on this issue.

Having listened to those members speaking against the transfer, the portfolio holder for assets and resources acknowledged that they had spoken with honesty and conviction. However, he expressed very strong concerns at the implication that those who did not share the same views were party to dishonesty. He stated that he believed that the offer document circulated to tenants was both honest and true and challenged untrue assertions that had been included within literature circulated by those opposing the transfer.

A member stated that it was down to the perception of tenants and questioned why, if the council was providing a good service now and also tackling anti-social behaviour problems in conjunction with other agencies, what the tenants would gain that was any better after transfer. He seconded the amendment for deferral. Councillor Mrs Cartwright, whilst acknowledging that no information exercise was without fault, stated the offer document had been independently assessed. She saw no point in delaying the ballot as it was only the council's tenants that had the right to vote, not the electorate as a whole.

Further views were then expressed against transfer, in particular commenting on other means of financing affordable housing through planning gain and the misleading impression that stock transfer would be a magic solution for social housing. A request for a recorded vote was made which, in accordance with council procedure rule 16.4, was supported. The names of those voting for or against the amendment are recorded as follows:

FOR

Councillor Bisnauthsing
Councillor Mrs Dexter
Councillor Mrs Gaffigan
Councillor Gibbins
Councillor Howard
Councillor Fereshteh Hurst
Councillor John Hurst
Councillor Joynson
Councillor O'Hare
Councillor Shorrock
Councillor Wilks

Councillor Avril Williams
Councillor Mrs Woods

13

AGAINST

Councillor Mrs Bosworth
Councillor Brailsford
Councillor Bryant
Councillor Mrs Cartwright
Councillor Chivers
Councillor Conboy
Councillor Exton
Councillor Fines
Councillor Fisher
Councillor Lovelock
Councillor Moore
Councillor Nadarajah
Councillor Mrs Neal
Councillor Nicholson
Councillor Parkin
Councillor Pease
Councillor Sandall
Councillor John Smith
Councillor Mrs Smith
Councillor Stokes
Councillor Mike Taylor
Councillor Webster
Councillor Graham Wheat
Councillor Mrs Wheat

24

The amendment was therefore lost.

A member then moved under council procedure rule 13(l) that the meeting be adjourned to the 26th October 2006 after the ordinary meeting scheduled on that date. He expressed concern that members had not been permitted to see South Lincolnshire Homes business plan and requested that they be provided with this document. In seconding the motion to adjourn, a comment was made that a business plan was a measure of the credibility of an organisation.

Another member supported the request to see the business plan; he had been advised by the Chief Executive that its disclosure would place South Lincolnshire Homes at a commercial disadvantage with other RSLs but stated members needed to have this information in order to provide answers to many questions and concerns. He suggested the case to present this business plan was compelling. Another members shared similar concerns, pointing out that the council could be transferring most of its assets to an organisation without a

track record whose prospects for the future were unknown.

The portfolio holder for assets and resources asked the Head of Finance & Resources as the Section 151 officer if she could advise on the robustness of the business plan and/or had received assurances from a competent independent source. The officer confirmed that the business plan was commercially sensitive to South Lincolnshire Homes and that work on the plan had been carried out by a consultant employed by the district council to carry out the project to pre-ballot stage. The portfolio holder stated that he was satisfied by that assurance as to the veracity of the information given to the Section 151 officer, and accordingly opposed the motion for adjournment.

A request for a recorded vote was made which, in accordance with council procedure rule 16.4, was supported. The names of those voting for, against or abstaining from voting on the motion to adjourn are recorded as follows:

[Councillor Bisnauthsing had left the meeting before the recorded vote took place.]

FOR

Councillor Mrs Dexter
Councillor Mrs Gaffigan
Councillor Gibbins
Councillor Fereshteh Hurst
Councillor John Hurst
Councillor Joynson
Councillor O'Hare
Councillor Shorrock
Councillor Wilks
Councillor Mrs Woods

10

AGAINST

Councillor Mrs Bosworth
Councillor Brailsford
Councillor Bryant
Councillor Mrs Cartwright
Councillor Chivers
Councillor Conboy
Councillor Exton
Councillor Fines
Councillor Fisher
Councillor Lovelock
Councillor Moore
Councillor Nadarajah
Councillor Mrs Neal
Councillor Nicholson

Councillor Parkin
Councillor Pease
Councillor Sandall
Councillor John Smith
Councillor Mrs Smith
Councillor Stokes
Councillor Mike Taylor
Councillor Webster
Councillor Graham Wheat
Councillor Mrs Wheat

Abstentions

Councillor Howard
Councillor Avril Williams

2

The motion to adjourn was lost.

The debate then returned to the original motion before the council as proposed by Councillor Mrs Cartwright and seconded by Councillor Bryant.

The Leader stated she took exception to comments made earlier in the debate from a member who had spoken against transfer in which she had stated that those in favour of transfer were doing it for personal gain. The Leader asked the member to either produce evidence to support this assertion or withdraw the statement as being untrue. The member replied that she had not intended to refer to any particular individuals.

A member who had spoken previously against the transfer referred to conversations he had had with one of the staff making personal visits to tenants. He reiterated earlier comments that the information being given to tenants was misleading and that valid points, such as those about the subsidy mechanism paid to councils with poor quality housing were not mentioned.

The Chairman then indicated that he was drawing the debate to a close and as mover of the original motion, Councillor Mrs Cartwright was given the opportunity to exercise her right of reply. She stated that the principle of telling the truth had been behind all thinking and the consultation. The reference to RSLs earlier in the debate had been in general; this new RSL had the benefit of very experienced individuals on its Board and the rents would be fixed for the first five years. If every Councillor cried that democracy was challenged every time their particular view was rejected, there would be no consensus of opinion and no decisions reached. As to the issue of money, the council would welcome the same level of funding as a RSL but this was not going to happen and this fact had been stated clearly. Spin was usually misinformation and the council's information to tenants had been verified and was absolutely correct. In response to the comment on the present quality of housing stock, Councillor Mrs Cartwright pointed out that some of the sheltered housing stock was not up

to decent homes standard and the council could not afford to improve them. The issue of 250 affordable new homes would be in addition to the ones already negotiated although she acknowledged this would not fully meet the need, it would certainly go towards it.

A member had earlier queried the need to have permission to hold meetings in council properties. In explaining this addition to the recommendation, Councillor Mrs Cartwright made reference to the possible undesirable use by an organisation such as the British National Party if a vetting procedure was not in place. Several members took extreme offence at this remark and the Vice-Chairman stated that no association was intended between that particular organisation and any parties in this authority. Councillor Mrs Cartwright clarified that she had used this merely as a reference to illustrate the fact that a vetting procedure was necessary. Councillor Mrs Cartwright concluded by stating that everything that was on the table was included in the offer document and now it fell to the tenants to make their decision. She emphasised that she took exception to any inference that she had anything but the tenants' best interests at heart.

Another request for a recorded vote was made but not supported in accordance with the council procedural rules.

Upon being put to the vote the motion was carried by 27 votes in favour, 6 votes against and 1 abstention.

73. CLOSE OF MEETING

The Chairman declared the meeting closed at 3.27pm.

Agenda Item 5

Chairman's Civic Events 7 September to 26 October 2006

Ref	Date	Host	Event	Transport
GT58	8 Sep	RAF Cottesmore Battle of Britain Cocktail Party	RAF Cottesmore	Chauffeur
GT33	9 Sep	Royal Logistic Corps TA Cocktail Party and Beating Retreat	Prince William of Gloucester Barracks	Chauffeur
GT45	10 Sep	E. Lindsey D.C. Civic Service	3p.m. St. Margaret's Church, Sibsey.	Chauffeur
GT43	14 Sep	University of Lincoln Graduate Award Ceremonies	Lincoln Cathedral/Cathedral Centre/Castle	Own
GT60	17 Sep	Stamford T.C. Battle of Britain Parade	St. Georges Church, Stamford	Own
GT66	18 Sep	South Lincs. Scouts Association	Toft, Lincs.	Own
MT21	19 Sep	Fire Brigade Long Service Medal Presentation	County Assembly Rooms, Bailgate, Lincoln	Own
MT20	22 Sep	Boston Borough Council Charity Dinner	Boston & County Club, Park Gate, Boston	Own
GT50	24 Sep	Gainsborough T.C. Civic Service	All Saints Parish Church, Gainsborough	Chauffeur
GT65	26 Sep	Civic Tour of Melton	Melton Borough Council Melton Mowbray	Chairman only. Own
GT59	27 Sep	Harborough D.C. Charity Event	Quenby Hall	Chauffeur
GT52	29 Sep	Chairman's Reception Rutland CC	Catmose, Oakham	Chauffeur
GT53	30 Sep	Melton Mayor's Appeal Charity Dinner	Alpine Restaurant, Grange Garden Centre, Asfordby Hill	Chauffeur
GT55	1 Oct	Louth Town Council Civic Service	St. James' Church, Louth - 11.00 a.m.	Chauffeur
MT22	1 Oct	Rushden Town Council Civic Service	Rushden Hall (Vice Chairman and Lady to attend)	Own
GT68	3 Oct	Bishop Grosseteste University celebration of new status	Bishop Grosseteste College	Own
GT44	3 Oct	Peterborough C.C. Sausage Supper	Peterborough Town Hall then Oundle Road	Chauffeur
M24	6 Oct	North Lincolnshire Council Charity Dinner	Wortley House Hotel, Scunthorpe	Own
MT18	8 Oct	Hospital of St. John of Jerusalem County Order Service	All Saints Church, Stamford	Own
GT54	8 Oct	North Hykeham Civic Service	All Saints Church, Moor Lane, North Hykeham (Chairman accompanied by Mrs Lucy Taylor - daughter-in law)	Own
GT47	15 Oct	Harborough Civic Service	Council Offices Adam & Eve Street Market Harborough LE16 7AG	Chauffeur
MT26	15 Oct	West Lindsey D.C. Civic Service	All Saints Church, Gainsborough and Gainsborough Old Hall	Own
GT62	19 Oct	Poppy Appeal Dinner Royal British Legion	Petwood Hotel Woodhall Spa	Chauffeur
GT64	20 Oct	Mayor's Charity Night	The Mayor's Parlour Guildhall Grantham NG31 6PZ	Chairman only Chauffeur
MT19	22 Oct	Grantham Lions Club Annual Variety Concert	Central Technology College, Rushcliffe Road, Grantham	
GT48	22 Oct	Lincoln City Council Civic Service	St. Luke's Church, Birchwood, Lincoln	Chauffeur
GT51	26 Oct	Lincs. County Council Civic Dinner	Judges Lodgings, Castle Hill, Lincoln	Chauffeur

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO.: CEX354

DATE: 26th October 2006

TITLE:	Apportionment of Seats on Committees following changes to the political composition of the Council	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	N/A	
CORPORATE PRIORITY:	Corporate Governance	
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	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? No	Full impact assessment required? No
BACKGROUND PAPERS:	None applicable	

Background

1. I have been informed by Councillor Ken Joynson that Councillor Mrs. Joyce Gaffigan has left the Independent Group and joined the Liberal Democrat Group. This would have an impact on the political balance of the Council and under the Local Government Act I am required to report this change to the next Council meeting so that consequential adjustments can be made to the Committee membership.

Recommendations

2. That the Council approved the allocation of seats as set out in Appendix B and that group leaders provide the relevant notifications to the Chief Executive at the Council meeting.

Implications of these Changes

3. As a result of these changes, the following actions are required by group leaders:
 - 1) that the Independent Group identify one member to stand down from Development Control Committee
 - 2) that the Liberal Democrat Group identify one member to be appointed to the Development Control Committee
 - 3) that the Independent Group identify one member to stand down from the Engagement DSP and identify one member to replace Councillor Mrs. Gaffigan on the Community DSP
 - 4) that the Liberal Democrat group identify one member to serve on the Engagement DSP and decide whether either Councillor Mrs. Gaffigan or Councillor Bisnauthsing should stand down from the Community DSP.

Duncan Kerr
Chief Executive

Appendix A

Make-up of the District Council after 19th May 2006

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

Party	Seats	%	DC Prop	DC Rounded	Lic Prop	Lic Rounded	C+AC Prop	C+AC Rounded
Conservative	34	58.62%	9.965517	10	6.448276	6	2.931034483	3
Independents	9	15.52%	2.637931	3	1.706897	2	0.775862069	1
Labour	7	12.07%	2.051724	2	1.327586	1	0.603448276	1
New Independents	4	6.90%	1.172414	1	0.758621	1	0.344827586	
Lib Dem	4	6.90%	1.172414	1	0.758621	1	0.344827586	
Total	58			17		11		5

The Labour group has been rounded-up on Development Control and the Independent Group on Licensing.

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

Total seats available 45

Party	Seats	%	Seats prop	Seats Rounded	ECD	Com	Eng	Env	C+R	Check
Conservative	34	58.62%	26.3793	26	5	5	5	6	5	0
Independents	9	15.52%	6.9828	7	2	1	2	1	1	0
Labour	7	12.07%	5.4310	6	1	1	2	1	1	0
New Independents	4	6.90%	3.1034	3	0	1		1	1	0
Lib Dem	4	6.90%	3.1034	3	1	1			1	0
Total	58			45	9	9	9	9	9	

Appendix B

Make-up of the District Council after 26th October 2006

Change in circumstances

Clr Gaffigan leaves the Independents and joins the Liberal Democrats

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

Party	Seats	%	DC Prop	DC Rounded	Lic Prop	Lic Rounded	C+AC Prop	C+AC Round	A+A Panel	A Rounded
Conservative	34	58.62%	9.965517	10	6.448276	6	2.931034483	3	1.758621	2
Independents	8	13.79%	2.344828	2	1.517241	2	0.689655172	1	0.413793	1
Labour	7	12.07%	2.051724	2	1.327586	1	0.603448276	1		
Lib Dem	5	8.77%	1.491228	2	0.964912	1	0.438596491			
New Independents	4	6.90%	1.172414	1	0.758621	1	0.344827586			
Total	58			17		11		5		3

The Labour group has been rounded-up on Development Control and the Independent Group on Licensing.

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

Total seats available 45

Party	Seats	%	Seats prop	Seats Rounded	ECD	Com	Eng	Env	C+R	Check
Conservative	34	58.62%	26.3793	26	5	5	5	6	5	0
Independents	8	13.79%	6.2069	6	2	1	1	1	1	0
Labour	7	12.07%	5.4310	6	1	1	2	1	1	0
Lib Dem	5	8.77%	3.9474	4	1	1	1		1	0
New Independents	4	6.90%	3.1034	3	0	1		1	1	0
Total	58			45	9	9	9	9	9	0

REPORT TO COUNCIL

REPORT OF: STRATEGIC DIRECTOR

REPORT NO. SD6

DATE: 26th OCTOBER 2006

TITLE:	DRAFT CORPORATE PLAN
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 th June 2006
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy framework proposal

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Linda Neal , Leader of the Council	
CORPORATE PRIORITY:	All	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is available via the local democracy link on the Council's website www.southkesteven.gov.uk	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? No	Full impact assessment required? No
BACKGROUND PAPERS:	None other than published papers.	

1. INTRODUCTION

- 1.1 The aim of this report is to present the draft Corporate Plan for consideration by members of the Council and to receive feedback and comment before the plan is finalised.
- 1.2 The report details the purpose of the Corporate Plan showing how it dovetails with other plans, such as Service Plans, outlines the approach to corporate planning, and highlights the steps taken to review and refresh the council's vision before inclusion within the Corporate Plan .

2. RECOMMENDATIONS

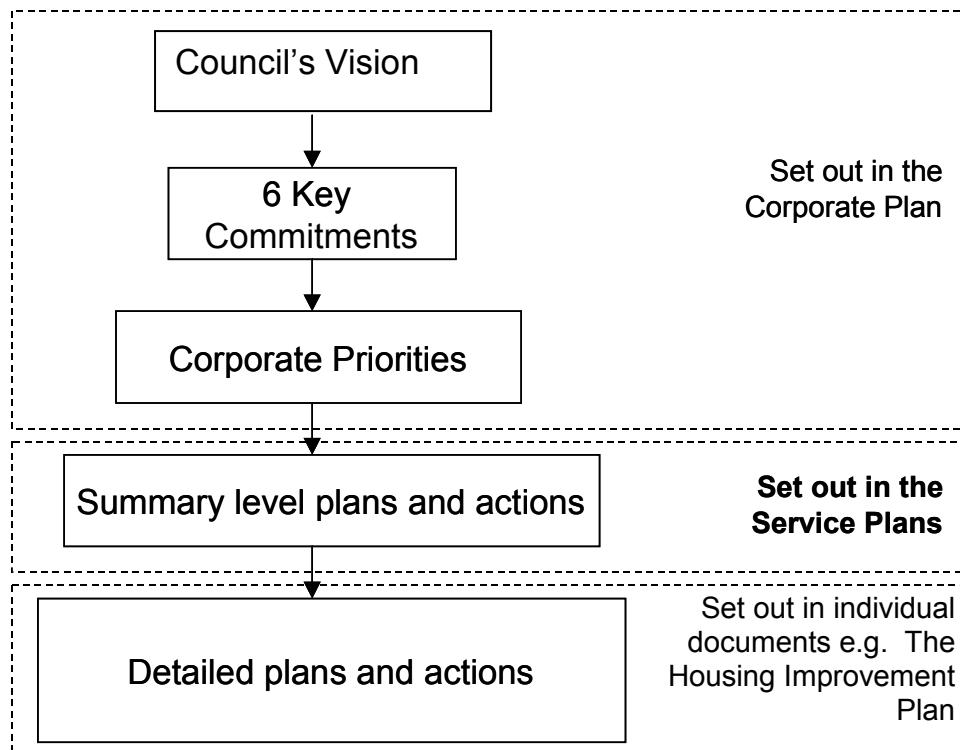
- 2.1 That Council considers and approves the draft Corporate Plan for 2006 to 2009 .In doing so agrees that any further minor contextual amendments to the plan be delegated to the Chief Executive in consultation with the Leader prior to publication.

3. DETAILS OF REPORT

Background

- 3.1 The Corporate Plan sets out the Council's revised vision, ambitions and corporate priorities for the next 3 years. The Corporate Plan is attached in draft form at Appendix 1. All authorities in England and Wales are required to publish certain corporate planning and performance information annually, and make this available to the public. Until now at South Kesteven this has taken the form of a Best Value Performance Plan which in the past had to be produced in line with a prescriptive and detailed set of reporting requirements.
- 3.2 Councils now have more freedom and flexibility to undertake their corporate planning and reporting more in line with their organisational need. Ideally a Corporate plan should be a high level document from which anyone visiting the organisation for the first time could glean the key facts about:-
 - the make up of the district;
 - the organisation and how we work;
 - highlights of what we have achieved as a council to date;
 - how we have set about agreeing our priorities;
 - what we plan to do to deliver our priorities
- 3.3 The finer details of how this plan will be delivered will be cascaded and incorporated into other plans and documents such as service plans, improvement plans and individual objectives set via the appraisal process. This process is known as the "Golden Thread " and will help ensure that we focus our attention and resources on the delivery of our priorities, delivering what the community has said is important to them, thus ultimately making a difference to local people. How the plan relates to other planning documents is illustrated below.

The Corporate Plan's relationship with other documents



- 3.4 When formulating the Corporate Plan it must be ensured that the Council's higher-level ambitions and priorities have been determined in consultation with local people, members and staff, and that they are all properly engaged in this process.
- 3.5 In addition when developing it's longer term objectives the Council needs to ensure that there is liaison with the Local Strategic Partnership (LSP) to produce a Community Plan. The Community Plan differs from the Corporate Plan in that it is owned by all partners
- 3.6 The council is currently working as part of the LSP to shape and deliver the Community Plan, and the Council's Corporate Plan will help deliver the partnership objectives. Our approach to Corporate Planning will therefore need to be flexible in order to ensure that it meets any emerging Community Planning commitments.

The Content of the Plan

- 3.7 Vision
- 3.8 The council has signalled its desire to continue to improve, to respond to residents and to be recognised as an excellent council in relation to the quality of services provided and the way the organisation is managed. To achieve this objective the council took the opportunity to revisit and refresh its overall future vision.
- 3.9 Previously, in 2004, the council agreed that the authority's vision would be "to ensure that the residents of South Kesteven are proud of their district and their Council".

This was supported by five core values which were:

Performing
Respecting
Informing
Developing
Enabling

3.10 Residents' surveys in both 2005 and 2006 indicated a high level of public support for this concept (93%). However, although the public seemed to support the concept, there was a lack of connection between residents feeling proud of where they live and feeling proud of their council. A recent residents' survey report showed that whilst 75% of residents feel proud of their community, only 48% said they are proud of the council.

3.11 In addition, in February 2006, the council commissioned a CPA refresh. This review noted that although the council had consulted and agreed on its vision, values, ambitions and priorities it highlighted that:-

"There is a confusion of messages regarding ambition and core values. In addition both staff and some partners and residents expressed some concern regarding the ambiguity of the term "Pride"."

3.12 In the light of this information from both residents and external inspectors, coupled with feedback from managers and frontline staff, it was agreed that a consultation process would be undertaken to refresh the vision and clearly articulate the organisation's vision for the future considering a variety of issues including:-

- the way the council is currently perceived by residents
- the kind of council we should like to be to deliver services effectively
- the likely developments in policies regarding local government
- the advances in technology for engaging and serving residents

3.13 Staff, managers and members were all involved in this envisioning process and it was considered that the concept of pride and the values that supported it should be replaced and that the council's vision should be redefined, which builds on work initiated and carried out by members during summer 2005.

3.14 The Revised Vision:
Considering the input of members and staff the vision has been redefined as follows :

"Shaping the future together to develop a place where people really matter and being recognised (by residents) as a council that provides brilliant services "

This vision also incorporates the following aspirations:-

A Council that is **open and honest**;
A Council that demonstrates **a passion for service**;
A Council that **gets things done** efficiently and effectively.

This redefined vision and aspirations are reflected within the Corporate Plan.

4. CLEAR DIRECTION

- 4.1 The Corporate Plan sets out what we intend to do between 2006 and 2009 to continue our improvement journey. That is to improve the way we run our business and raise the quality of services. It summarises our key objectives, priorities and actions necessary to deliver the council's corporate priorities over the next three years. The Plan also provides an essential reporting link between the council, government, our partners and the public, both visitors and local communities.
- 4.2 Officers and members require a high degree of clarity in the organisation's aims and objectives and thus the target audience for the Corporate Plan is predominantly internal. However, our partners, peers and local residents also need to understand our ambitions and future plans.
- 4.3 To try to facilitate a better understanding and a shared ownership of what the council is trying to achieve, the Corporate Plan has been written using non local government language wherever possible. The format and style has also been developed to encourage readability and ease of use with extensive use of images keeping the text informative but concise. This is in line with the recent working group which was established by the Resources Development and Scrutiny Panel to consider ways of engaging and involving more members in the service and financial planning arrangements of the organisation.
- 4.4 Importantly the draft plan has been developed in conjunction with a cross section of staff from all levels of the organisation. They have contributed and researched best practice elements to be included and helped to develop a flavour of "South Kesteven" within the plan. This is a demonstration of the Council's one team approach to service improvement and will help to gain ownership across the organisation of the objectives and actions contained within the plan.

5. A FOCUS ON PERFORMANCE

- 5.1 The plan also highlights a range of performance information which can be used to assess the Council's progress in meeting its aims and objectives. Targets are being developed to reflect the Council's agreed and recently refined corporate priorities.
- 5.2 Detailed information regarding priorities and targets is contained in a separate document which forms Part II of this suite of plans. These two documents, together with detailed actions and performance targets in Service Plans will comprise the focus of our business plan for the next three years.

6. CONSULTATION AND CUSTOMER IMPACT

Consultation

- 6.1 The corporate planning framework the council has put in place has already ensured wide consultation in the formulation of priorities which are included within the corporate plan.

Customer Impact

6.2 The vision, ambitions, plans and targets outlined within the Corporate Plan will have a substantial impact on local people. Progress against these plans and targets will therefore be reported to the Management Team, Cabinet Members and the relevant DSP on a regular basis.

7. POLICY IMPLICATIONS

7.1 The ambitions and plans set out within the Corporate Plan have been developed in line with the Budget and Service Planning process that has already taken place. However, the content of the Corporate Plan will be developed over the year to ensure that the council continues to progress and to take on board the feedback of local residents and stakeholders and that it continues to respond to its changing environment.

8. FINANCIAL/RESOURCE IMPLICATIONS

8.1 Resources for the plans and actions proposed within the Corporate Plan have been approved or will be approved via the budget setting process. As the corporate planning process is dynamic, action plans may change during the course of the year and any requirements for additional resources would be considered through the appropriate body/committee.

9. COMMENTS OF SECTION 151 OFFICER

9.1 The Corporate Plan is the council's overarching strategy document, identifying the council's Short and Medium term plans, based on the council's approved vision and priorities. It is a key document to inform resource allocation decisions, as outlined in the council's Medium Term Financial Strategy (MTFS).

9.2 The Corporate Plan once approved will form part of the council's budgetary and policy framework. As a result, the Corporate Plan together with other corporate strategies and plans, such as the MTFS and the Asset Management Plan will drive resource allocation decisions in the future, to ensure the effective use of resources in line with council priorities.

10. COMMENTS OF MONITORING OFFICER

10.1 The requirements relating to the content of the best value performance plan were revoked by statutory instrument in 2003. There is no legal requirement for a document in this form, however, it is essential that such an overarching document is published to inform all of the matters contained in the report.

11. CONTACT OFFICER

11.1 Beverly Agass
Strategic Director
Tel: 01476 406104 email: b.agass@southkesteven.gov.uk

SOUTH KESTEVEN



**Corporate Plan
2006/09**



LISTENING

LEARNING

DELIVERING



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INTRODUCTION

A warm welcome from South Kesteven District Council

WELCOME TO THE SKDC CORPORATE PLAN 2006 – 2009.

This plan sets out what we are aiming to deliver and how we intend to turn our considerable but achievable ambitions into reality.

The plan's importance is threefold:

- To show how the plan's aims and actions have the potential to make a significant difference to the lives of the people who live in South Kesteven – not to mention those whom come to work or relax here.
- To explain how we will effectively use in excess of £100 million of public money over the next three years.
- To provide an ideal platform for discussion and debate of the key issues affecting local people, as well as posting a realistic benchmark for assessing our future progress and performance.





LET'S WORK TOGETHER

Naturally, we expect the main audience of our corporate plan to be our own staff and members. However, we fervently hope that our residents, partners and peer authorities will also take the time to read this document as they play such an essential role in the delivery of the plans we have set out.

Similarly, we will be looking to further develop and refine our future corporate plans – and more importantly our aims, objectives and targets. So your feedback on any aspect of this plan is not only helpful but is warmly requested.*

Yes, on our own we can achieve – but together we can achieve so much more and make a real difference to all aspects life in our district.

OUR DESIRE TO INCLUDE OUR PARTNERS AND LOCAL PEOPLE IN THE FUTURE DEVELOPMENT OF SOUTH KESTEVEN CANNOT BE OVERSTATED.

* See back page for contact details



OUR VISION

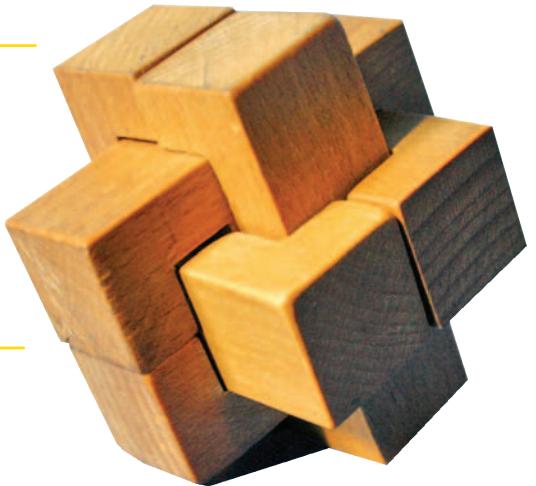
**WE HAVE A CRYSTAL CLEAR VISION
FOR THE FUTURE:**

**“SHAPING THE FUTURE
TOGETHER WITH OUR
PARTNERS AND RESIDENTS
TO DEVELOP A PLACE
WHERE PEOPLE REALLY
MATTER – AND BEING
RECOGNISED AS A
COUNCIL THAT PROVIDES
BRILLIANT SERVICES”**

This vision is deliberately outward looking, reflecting the high standard of our aspirations for the future. Our vision, which aims to clearly focus the attention of everyone at SKDC, will be delivered through our mission, ambitions, corporate priorities, service delivery plans and actions.



OUR MISSION



OUR MISSION APPLIES THE VISION AND INCORPORATES IT INTO OUR WORKING PRACTICES FOCUSING ON WHAT WE WILL BE LIKE AS AN ORGANISATION IN THE FUTURE.

PUT SIMPLY, IT REFLECTS THE CULTURE OF THE ORGANISATION.

PUT EVEN MORE SIMPLY, IT REFLECTS 'THE WAY WE DO THINGS AROUND HERE.'

'The way we do things around here' will determine how we set about delivering our vision - and consequently how we will deliver and enable the services for which we are responsible.

So what do we want to be?

The best way to describe our aspirations is through these three characteristics which will be at the heart of all that we say and do:



WE WILL BE A COUNCIL THAT REMAINS OPEN AND HONEST AT ALL TIMES.



WE WILL BE A COUNCIL THAT SHOWS A PASSION FOR SERVICE.



WE WILL BE A COUNCIL THAT GETS THINGS DONE EFFICIENTLY AND EFFECTIVELY.

REALISING OUR VISION

IN 2005 COUNCIL MEMBERS UNDERTOOK AN EXERCISE TO DETERMINE JUST WHAT KIND OF ORGANISATION WE SHOULD BE. THEIR MESSAGE WAS CLEAR. OUR VISION IS TO BE AN ORGANISATION WHICH INSPIRES CONFIDENCE AMONGST BOTH OUR LOCAL PEOPLE AND OUR STAFF, AND ONE THAT WORKS IN THE MOST EFFECTIVE WAY IN ITS DELIVERY OF HIGH QUALITY SERVICES TO MEET THE NEEDS OF THE LOCAL COMMUNITY. AS A RESULT OF THIS EXERCISE WE HAVE IDENTIFIED FOUR KEY AREAS.

- TO DELIVER VALUE FOR MONEY.....

HOW

- BY ALWAYS LOOKING TO IMPROVE OUR LEVELS OF EFFICIENCY AND ALWAYS SEEKING SMARTER WAYS OF WORKING.



- TO FOCUS ON FRONT LINE SERVICES.....

HOW

- BY CONCENTRATING ON DOING WHAT MAKES THE MOST DIFFERENCE TO OUR LOCAL PEOPLE IN AN EFFECTIVE WAY.



- TO PROVIDE BRILLIANT CUSTOMER SERVICE.....

HOW

- BY SETTING OURSELVES HIGH STANDARDS OF QUALITY, PERFORMANCE AND CUSTOMER SATISFACTION, WHILST ENSURING EASY ACCESS TO SERVICES IS AVAILABLE FOR ALL.



- TO INVOLVE ALL THE PEOPLE OF THE DISTRICT.....

HOW

- BY LISTENING TO THEIR VIEWS AND INCLUDING THEM, THEIR COMMUNITIES AND OUR PARTNER ORGANISATIONS IN OUR DECISION-MAKING.



SKDC – OUR KEY AMBITIONS.

By their very definition, our vision and mission are aspirational. However, for local people the acid test is for us to transform these aspirations into tangible outcomes that they can see and experience. To assist in this important process, SKDC has six long-standing key ambitions.

These ambitions are vital because they provide a solid framework that ensures our future decisions and activity are properly balanced and meet the increasingly diverse needs of our local community.

THESE AMBITIONS ARE:

1 WORKING TO IMPROVE THE QUALITY OF LIFE IN THE DISTRICT.



2 TO PROTECT AND ENHANCE THE ENVIRONMENT, AND IN DOING SO MANAGE SUSTAINABLE DEVELOPMENT.



3 TO ENSURE EFFECTIVE ECONOMIC REGENERATION AND ENCOURAGE A HEALTHY, THRIVING ECONOMY.



4 WORKING TO ENSURE EFFECTIVE LOCAL INVOLVEMENT IN DECISION-MAKING, NEIGHBOURHOOD ENGAGEMENT AND DEMOCRATIC PARTICIPATION.



5 TO MAXIMISE THE EQUALITY OF OPPORTUNITY AND IMPROVE ACCESS TO OUR SERVICES.



6 TO HELP PROVIDE HOUSING WHICH MEETS LOCAL NEEDS.

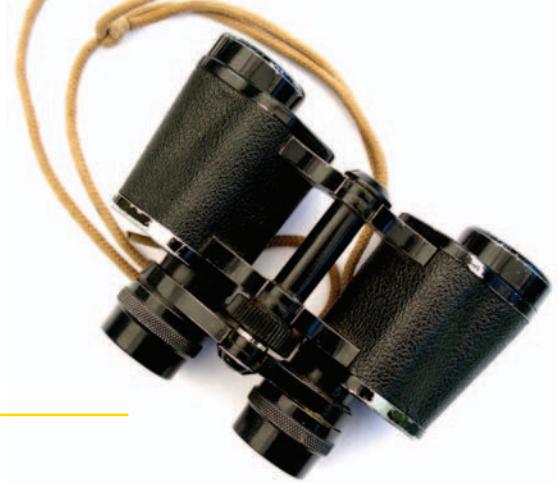


FOCUSING ON PRIORITIES

A perfect example of how SKDC has listened to the people of the district has been in the compilation of our set of priorities. People were more than clear on what they considered the key issues in South Kesteven to be – and it is on these areas that we focus our resources.

Naturally, it follows that these areas are the most important as we seek to deliver our vision, mission and key ambitions. The seven priorities are listed below. Please note that they are in no particular order. They are all of equal importance.

- **To enhance the quality of life by reducing anti-social behaviour.**
- **To promote access to services and deliver good customer service to all.**
- **To further improve recycling and minimise waste.**
- **To further improve the quality of communication with residents.**
- **To provide the catalyst for town centre regeneration.**
- **To make the best use of resources at our disposal.**
- **To enable the provision of quality affordable housing.**



WHERE WE ARE

LOCATED IN THE SOUTH-WEST CORNER OF LINCOLNSHIRE, INCORPORATING THE TOWNS OF GRANTHAM, STAMFORD, BOURNE AND THE DEEPINGS, 100 VILLAGES AND HAMLETS COVERING 365 SQUARE MILES OF COUNTRYSIDE.

THE ADMINISTRATIVE HEADQUARTERS ARE BASED IN GRANTHAM.



LIFE IN OUR DISTRICT

POPULATION - 129,000 AS ESTIMATED BY THE OFFICE FOR NATIONAL STATISTICS IN 2006.

98.4% of the population in 2001 were classified as "white." The remaining 1.6% were from ethnic groups (Asian, African, Caribbean, Chinese). There is a recent trend towards an increase from certain European countries (such as Portugal) and the Baltic States.

THE NUMBERS GAME



UP OR DOWN?

A POPULATION INCREASE OF 4,000 SINCE THE CENSUS 2001.

4000

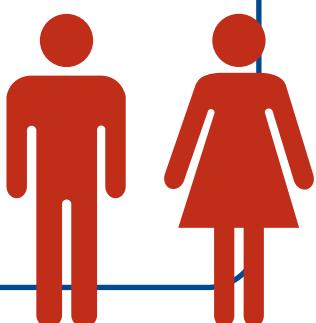
AVERAGE HOUSEHOLD

SIZE - 2.4 PERSONS.

2.4 PERSONS

MEN AND WOMEN

49% MALE
51% FEMALE.



49% 51%

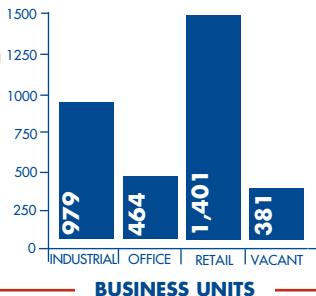
THERE ARE 55,510 HOUSEHOLDS IN THE DISTRICT. GRANTHAM HAS 14,808; STAMFORD HAS 8,769; BOURNE HAS 5,637 AND THE DEEPINGS HAVE 5,446.

THE REMAINING 21,000 HOUSEHOLDS ARE SPREAD THROUGHOUT THE 365 SQUARE MILES OF THE DISTRICT.

(FIGURES AS OF NOVEMBER 2005).

AN ECONOMIC SNAPSHOT

April 2006 figures on the South Kesteven business community:



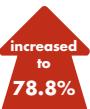
• UNEMPLOYMENT RATE

The latest district unemployment rate (March 2006) stands at 2.1% - the East Midlands has a rate of 3%.



• EMPLOYMENT RATE

Our employment rate is 78.8% (2004) - the rate for the East Midlands is 75.6%.



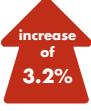
• BUSINESS

At the start of 2005 we had 4,490 VAT registered businesses - an increase of 1.46% on the previous year (figures have risen every year over the past decade).



• PROPERTY PRICES

The average house price is £173,941 (Dec. 2005) - an increase of 3.2% year on year but still representing value for money especially in comparison to certain other parts of the country.



• AVERAGE GROSS WEEKLY EARNINGS

£429.80 (2004) - £469.40 for the East Midlands. These figures are distorted by the high income of workers commuting out of South Kesteven. Generally speaking, the district is regarded as one of low pay with low skill levels.



OUR FOUR MARKET TOWNS CONTINUE TO WITNESS EXPANSION AND DIVERSIFICATION IN MANUFACTURING, ENGINEERING, FOOD PROCESSING, COLD STORAGE, DISTRIBUTION, AGRICULTURE, NHS, LOCAL GOVERNMENT AND THE TOURISM AND SERVICE SECTORS.

A COMMUNITY SNAPSHOT

The mix of urban and close-knit rural communities set in impressive scenery makes South Kesteven an increasingly attractive and popular place in which to live and work – hence the speed of the district's growth.



South Kesteven tends to lose young people, particularly of college age as they move away for educational reasons and usually do not return. Where the district is successful in attracting people, it is the middle age groups (including families with young children).



Education – The district has excellent, high-achieving schools with five secondary schools achieving a 90% and over pass rate for five

GCSE A* - C grades (2004).



Each of the main towns has its own library and leisure centre, whilst a mobile library serves the rural community. Grantham and Stamford have highly popular arts centres (with theatres).



COMMUNITY SAFETY

Statistically, South Kesteven is one of the safest areas in the country, also enjoying a generally low crime rate below the county average. In 2004-05, the crime rate for South Kesteven per 1,000 population was 79. The county figure was 88.

FACTS AND FIGURES

- CRIMINAL DAMAGE ACCOUNTS FOR ONE IN FOUR CRIMES.
- VIOLENT CRIME ACCOUNTS FOR JUST FEWER THAN ONE IN FIVE CRIMES.
- VICTIMS OF CRIME MAINLY LIVE IN THE GRANTHAM AND TOWN CENTRE AREAS – THIS TIES IN STRONGLY WITH WHERE OFFENDERS LIVE TOO.
- OLDER PEOPLE ARE MORE FEARFUL OF CRIME, BUT FIGURES REVEAL THAT IT IS YOUNG PEOPLE WHO ARE MOST LIKELY TO SUFFER FROM CRIME.

**DOMESTIC BURGLARY
CREATES MORE CONCERN
TO PEOPLE THAN ANY
OTHER CRIME, ALTHOUGH
FIGURES SHOW THAT IT
ONLY ACCOUNTS FOR
ONE IN 20 OF ALL
CRIMES.**



OUR TOWNS AND THEIR FUTURE



STAMFORD – The first conservation area to be designated in England and Wales (1967), since when the whole of the old town and St. Martins has been made an area of architectural/historic interest that is of national importance. There are over 600 Grade II buildings, of which 100 are of especial importance. A market town which is a tourist's delight.

GRANTHAM – A market town of strategic importance due to a prime location, it houses various fine buildings and inns dating back centuries. Now a flourishing market and shopping town with a catchment area of 60,000, it is the administrative headquarters of the district.

BOURNE – A market town where the main roads from Stamford, Sleaford, Spalding and the Deepings converge (historically this drew farmers to the town). Modern industries include light engineering, food processing and printing.

THE DEPPINGS – An area in the south of the district, incorporating West Deeping, Market Deeping and Deeping St. James. It is ideally placed to the north of Peterborough, both for the development of its industrial area and as a commuter belt for the city (and therefore London).

DEVELOPMENT PLANS

- **WORKING WITH OUR PARTNERS, THE STAMFORD GATEWAY PROJECT IS A PROPOSED TOWN CENTRE IMPROVEMENT SCHEME THAT WILL INCLUDE THE PEDESTRIANISATION AND REGENERATION OF SHEEP MARKET AND RED LION SQUARE.**

DEVELOPMENT PLANS

- **TURNING GRANTHAM INTO A SUB-REGIONAL CENTRE.**
- **MAJOR REGENERATION OF THE GRANTHAM CANAL BASIN AREA PHASED OVER THE NEXT 10-15 YEARS.**
- **A PEDESTRIAN-FRIENDLY TRAFFIC MANAGEMENT SCHEME FOR THE TOWN CENTRE.**
- **ONGOING EXPANSION OF CURRENT INDUSTRIAL SITES.**
- **WORKING WITH HOUSING ASSOCIATIONS TO PROVIDE AFFORDABLE HOUSING.**

DEVELOPMENT PLANS

- **THE BOURNE CORE RETAIL AREA IS THE PROPOSED EXPANSION AND DEVELOPMENT OF THE TOWN CENTRE AND THE SOUTHFIELDS BUSINESS PARK. THIS IS BEING DEVELOPED IN CONJUNCTION WITH THE BUILDING OF 2,000 PLANNED NEW HOMES ON THE ELSEA PARK ESTATE.**

DEVELOPMENT PLANS

- **THE NORTHFIELDS INDUSTRIAL ESTATE IS BEING FURTHER DEVELOPED AND EXPANDED TO ATTRACT NEW BUSINESSES TO THE AREA AND HELP CURRENT ONES TO PROGRESS AND GROW.**



THE CHALLENGES BEFORE US

PRESSURE FOR NEW HOMES

Much of our district is open countryside and is inappropriate for development. Due to our phenomenal growth not only has the pressure to provide housing (especially affordable housing) increased, but so has the pressure to develop within our urban areas.

MANAGING TRANSPORT EFFECTIVELY

The district is geographically well placed. It is approximately 100 miles from London, which is just an hour away by train from Grantham and within easy reach of Nottingham, Lincoln and Peterborough by road and rail. The district is skirted to the west by the main A1 traffic artery with main road connections to the other parts of Lincolnshire and the East Midlands. Whilst there are some bus services between the major towns and rural villages, their frequency leaves people heavily reliant on cars for transport. In addition, Nottingham East Midlands airport and Doncaster, Sheffield (Robin Hood) airport are just over an hour's drive away.



BEATING THE ECONOMIC COMPETITION

Despite thriving economies, Grantham, Stamford and Bourne town centres face ever-increasing competition from other shopping centres. Our challenge is to introduce appropriate and impressive facilities to counter this competition, which will also meet the needs of local residents and businesses. We need to maintain places that are attractive to live, work and socialise in.

IMPROVING THE QUALITY OF LIFE

Certain communities are at a notable disadvantage in important aspects of their lives. These communities have higher levels of unemployment and crime and suffer more illness. Therefore, we need to play a key role in improving opportunities for them.

By working with selected partners we are:

- **PROMOTING HEALTHIER LIVING.**
- **MAKING IT EASIER FOR PEOPLE TO ACCESS A RANGE OF ENJOYABLE LEISURE ACTIVITIES.**
- **IMPROVING EDUCATION.**
- **IMPROVING WORK OPPORTUNITIES.**

COUNTERING ENVIRONMENTAL CHANGE

We have an important role to play in managing and reducing the effects of climate change. Ensuring effective management of water resources remains an important consideration, whilst waste management is also a critical challenge as we seek to:

- **CONTINUE TO REDUCE THE WASTE WE PRODUCE.**
- **DEVELOP MORE EFFECTIVE, ENVIRONMENTALLY-FRIENDLY WAYS OF GETTING RID OF WASTE.**
- **PROMOTE THE MORE EFFICIENT USE OF ENERGY IN OUR HOMES, BUSINESSES AND TRANSPORTATION.**





**SKDC HAS AN
IMPRESSIVE TRACK
RECORD OF IMPROVING
THE SERVICES PROVIDED
TO LOCAL PEOPLE OVER
THE LAST THREE YEARS.
HOWEVER, RESTING ON
OUR LAURELS IS NOT AN
OPTION AND
IMPROVING THOSE
SERVICES FURTHER
REMAINS A PRIMARY
AND OVERRIDING
OBJECTIVE.**



A COMMITMENT TO BETTER LOCAL SERVICES

WE INTEND TO TAKE PERFORMANCE IMPROVEMENT TO THE NEXT LEVEL. THERE ARE FIVE KEY ELEMENTS TO HOW WE WILL ACHIEVE THESE NECESSARY IMPROVEMENTS:

1 DO WHATEVER IS REQUIRED TO SUSTAIN OUR IMPROVEMENT IN OUR SERVICES AND BE SEEN AS A 'BRILLIANT' COUNCIL BY RESIDENTS.



2 STRIVE FOR EXCELLENCE IN THE WAY WE DELIVER OUR SERVICES AND SET A BENCHMARK FOR OTHER AUTHORITIES TO AIM AT.



3 MAKE OUR RESOURCES AS EFFICIENT AND EFFECTIVE AS POSSIBLE, THUS ENABLING US TO PROVIDE THE BEST POSSIBLE SERVICES.



4 CONTINUE TO SEEK WAYS OF PROVIDING EVEN BETTER VALUE FOR MONEY.



5 INCREASE OUR RATE OF IMPROVEMENT, ESPECIALLY IN PRIORITY AREAS. ALSO CONTINUE TO IMPROVE IN ALL AREAS TO TAKE OUR PERFORMANCE INTO THE TOP 25% OF ALL UK AUTHORITIES WITHIN THE NEXT THREE YEARS.





AGREEING OUR PRIORITIES

WHEN SETTING OUT OUR PRIORITIES FOR THE FUTURE IT IS NECESSARY FOR US TO TAKE SHORT, MEDIUM AND LONG-TERM VIEWS. HENCE WHY OUR PRIORITIES ARE REVIEWED AND REFRESHED ANNUALLY IN THREE KEY STAGES.

STAGE ONE - WE LISTEN AND WE LEARN

In many ways this is the most important stage as it is crucial that we know what people think about our priorities and our performance. The annual stakeholder conference allows members, partners and the public to debate the key issues for South Kesteven.

We learn how people feel we have tackled current priorities. We ask are we getting it right for our residents and local businesses?

We also undertake face-to-face market research where we learn what people think about their council; what their priorities are; and ultimately how happy are they with the services we provide. This helps us to shape and develop services and implement improvements – all designed to meet our people's priorities.



RESEARCH AND CONSULTATION METHODS TO ENSURE WE ARE VIEWING THE BROADEST CANVAS POSSIBLE:

- **SIX LOCAL FORUMS ARE HELD REGULARLY ACROSS THE DISTRICT, OFFERING PEOPLE OF OUR TOWNS AND VILLAGES THE CHANCE TO DISCUSS THE ISSUES THAT CONCERN THEM.**
- **THE NEW-LOOK ONLINE CITIZENS JURY HAS ADDED AN INTERESTING NEW STRING TO OUR RESEARCH BOW.**
- **THE RESIDENTS' POSTAL SURVEY (1,000 LOCAL PEOPLE) GAUGES PUBLIC PERCEPTION OF COUNCIL PERFORMANCE, BOTH IN HOW SKDC PROVIDES SERVICES AND CONFIRMING THE ISSUES OF HIGHEST IMPORTANCE TO RESIDENTS.**

STAGE TWO - WE PLAN AND WE PRIORITISE

TAKING INTO ACCOUNT WHERE WE ARE AND WHERE WE WANT TO BE, THE NEXT STAGE SEES THE PLANNING OF HOW SERVICES WILL BE DELIVERED. WE DEBATE THESE PLANS IN PUBLIC AT DEVELOPMENT AND SCRUTINY MEETINGS. WE CONSULT WITH LOCAL PEOPLE. WE CONSULT WITH OUR PARTNERS. WE CONSULT WITH OUR STAKEHOLDERS.

Only then do we start to develop the council budget and service plans. It is these service plans that detail what we aim to achieve, how we will achieve it, who will achieve it and when it will be achieved by.



STAGE THREE - WE DELIVER

HAVING AGREED OUR BUDGET AND SERVICE PLANS, THE FOCUS TURNS TO TRANSFORMING OUR PLANS INTO REALITY AS EFFECTIVELY AS POSSIBLE. IN ESSENCE, THIS STAGE RUNS THROUGHOUT THE WHOLE YEAR, AS IT IS GOVERNED BOTH BY THE LISTENING AND LEARNING PROCESSES AND OUR PLANNING AND PRIORITISING ACTIVITIES.

We also check the quality of our service provision by regularly monitoring our performance. This sees us track and measure progress against a series of national performance indicators to check we are on course to achieve our aims and meet our targets

SKDC has developed a reputation over the years for being an authority that is responsive to change. The continuous review and, where required, amendment of our service plans is at the heart of this approach.





LISTENING TO OUR PEOPLE

During the spring of 2004 SKDC asked residents what they believed the priorities of the council should be. That feedback, together with targets set by central government and the council's own assessment of the future, combined to identify our key areas of concentration.

WHAT DID THEY TELL US?

**THREE CLEAR ISSUES
EMERGED FROM THE
FEEDBACK.**

THEY WANTED US:

- **TO TACKLE ANTI-SOCIAL BEHAVIOUR.**
- **TO KEEP OUR STREETS CLEAN.**
- **TO HELP PROVIDE AFFORDABLE HOUSING.**

THE ACTION WE TOOK

WE LOOKED AT ALL OUR SERVICES AND GRADED THEM AS:

PRIORITY A&B

THESE BECAME THE AREAS OF OUR PRIME FOCUS.

- **PRIORITY A** services are those where we seek to implement a real 'step change' in delivery.
- **PRIORITY B** services are those where we are developing and improving incrementally.

PRIORITY M

THESE SERVICES CONTINUE TO BE MAINTAINED AT CURRENT PERFORMANCE LEVELS.

PRIORITY Z

THESE SERVICES WERE SCALED DOWN OR DISCONTINUED.

The decision to class the following areas as our Priority A's was confirmed by successive residents' surveys, which showed that eight out of ten residents supported our current priority list.

PRIORITY A SERVICES

IN ADDITION TO THE PRIORITIES OUR RESIDENTS TOLD US THEY WANTED, WE HAVE ADDED OTHER SERVICES WHICH ARE DIRECTLY RELATED TO THOSE PRIORITIES. SO OUR SEVEN PRIORITIES ARE:

- TACKLING ANTI-SOCIAL BEHAVIOUR.
- RECYCLING – WE HAVE BEEN SET TOUGH GOVERNMENT TARGETS.
- HELPING TO PROVIDE AFFORDABLE HOUSING.
- COMMUNICATIONS – WHICH MEANS COMMUNICATING EFFECTIVELY WITH OUR PARTNERS AND RESIDENTS AND LISTENING TO ALL THEY HAVE TO SAY – A TWO-WAY PROCESS.
- TOWN CENTRE REGENERATION – WE ARE COMMITTED TO MAKING OUR TOWNS EVEN BETTER PLACES TO LIVE, WORK AND PLAY IN.
- ACCESS TO COUNCIL SERVICES – WE WANT TO MAKE ALL OUR SERVICES AS ACCESSIBLE AS POSSIBLE TO RESIDENTS.
- EFFECTIVE USE OF RESOURCES – MAKING THE MOST OF OUR TIME, MONEY AND PEOPLE TO DELIVER THE BEST POSSIBLE SERVICE TO RESIDENTS.

Note: Keeping our streets clean has now been placed in the PRIORITY B category purely because of the work done and achievements made over the last two years. Consequently any further changes will be incremental, not requiring a 'step change' approach.

SO WHAT HAVE WE DONE TO...

TACKLE ANTI-SOCIAL BEHAVIOUR?

- Ensured our designated community safety team works in partnership with the local police, CCTV and local businesses.
- Successfully resolved 77% of the 459 anti-social behaviour reports received by the community safety team.

Our latest residents' survey showed a small fall in the percentage of people who felt that anti-social behaviour was a significant problem in their neighbourhood – confirmation of the good work done by the team.



ENCOURAGE RECYCLING?



- Provided comprehensive recycling facilities across the district.
- Collected recyclable and green waste from kerbsides in most areas.
- Kerbside collections have generated increased satisfaction levels in the residents' survey.
- The introduction of the green waste scheme has received widespread support with only 10% of residents believing that SKDC has not acted in their best interests by introducing this scheme.

These initiatives have seen an excellent increase - from 18% to 27% - in the amount of waste recycled in South Kesteven.

HELP PROVIDE AFFORDABLE HOUSING?

- Secured 112 new units of affordable rented accommodation in 2005/06.
- Negotiated and secured over 350 further units of affordable housing to be delivered in future years (as part of the planning applications made).



However, it is clear that it will take time for these improvements to be reflected in the perceptions of our residents as there has been a slight increase in the number of people who consider the lack of affordable housing to be a problem.

KEEP OUR STREETS CLEAN?

We have implemented a comprehensive improvement programme featuring:

- The employment of three urban rangers to patrol South Kesteven and issue fines to people seen dropping litter or allowing their dogs to foul in public places.
- The purchase of specialist equipment to remove grease and chewing gum from town centre paths.
- The issue of 300 fixed penalty notices in 2005/06.



These measures have produced an improvement in satisfaction levels in the latest residents' survey, especially the introduction of the urban rangers, which received widespread support.

HOW DID WE DO LAST YEAR?

THERE'S ALWAYS PLENTY HAPPENING AT SKDC. LOOKING BACK OVER THE LAST YEAR WE'RE PARTICULARLY PLEASED WITH SOME OF THE THINGS WE'VE ACHIEVED FOR OUR RESIDENTS – ESPECIALLY AS WE HAVE ONE OF THE LOWEST COUNCIL TAXES IN THE COUNTRY.

HIGHLIGHTS BY THE DOZEN

We believe that we have made remarkable progress since 2003. Here are a dozen highlights from 2005/06 that are a testament to that progress:



1 TACKLING THE HOUSING PROBLEM BY INCREASING THE PROVISION OF NEW AFFORDABLE HOMES TO 112. PREVIOUS YEARS' RESULTS WERE 50, 35 AND 4 RESPECTIVELY.



2 SECURING EXTRA INVESTMENT FOR THE DISTRICT IN 2004/5 BY LEVERING-IN AN EXTRA 50P FOR EVERY £1 WE RAISE IN COUNCIL TAX AND WINNING £624,000 FOR IMPROVED PLANNING SERVICES.



3 PROVIDING VALUE FOR MONEY AND SETTING ONE OF THE LOWEST COUNCIL TAX RATES IN THE COUNTRY.



4 PRODUCING AN ACTION PLAN FOR STRATEGIC HOUSING, REFLECTING LESSONS LEARNT FROM A PREVIOUS INSPECTION REPORT. A RECENT RE-INSPECTION HAS CONFIRMED THE SERVICE AS ONE STAR WITH PROMISING PROSPECTS FOR FURTHER IMPROVEMENT.



5 REDUCING THE NEED FOR LANDFILL SITES BY RECYCLING OR COMPOSTING OVER 27% OF WASTE COMPARED TO 18% IN THE PREVIOUS YEAR.



6 LEADING THE ECONOMIC DEVELOPMENT OF OUR TOWN CENTRES BY DEVELOPING STRONG MANAGEMENT PARTNERSHIPS FOR ALL FOUR TOWNS, LEADING TO AN INCREASE IN RESIDENT SATISFACTION.



7 BRINGING TOGETHER ALL TIERS OF LOCAL GOVERNMENT THROUGH OUR LOCAL FORUMS, ATTENDED BY LOCAL PEOPLE.



8 IMPROVING ACCESS TO COUNCIL SERVICES BY INTRODUCING ALLPAY AND OPENING A NEW CUSTOMER SERVICE CENTRE.



9 OPERATING A CRACKDOWN ON LITTERING BY NAMING AND SHAMING OVER 300 OFFENDERS AND DELIVERING MAJOR IMPROVEMENTS IN CLEANLINESS STANDARDS.



10 REDUCING THE FEAR OF CRIME BY WORKING IN PARTNERSHIP WITH VARIOUS GROUPS. THANKS TO THESE PARTNERSHIPS, RESIDENTS REPORT A REDUCTION IN THEIR PERCEPTION OF CRIME.



11 ENGAGING RESIDENTS WITH DCA (DEPARTMENT FOR CONSTITUTIONAL AFFAIRS) FUNDING AND IN PARTNERSHIP WITH RUTLAND ON LINE WE HAVE DEVELOPED A COMPREHENSIVE PROGRAMME OF VIRTUAL AND REAL CITIZENS JURIES.



12 IMPROVING COMMUNICATIONS BY DOUBLING THE PROPORTION OF RESIDENTS WHO RECEIVE AND ARE SATISFIED WITH THE COUNCIL'S MAGAZINE - SK TODAY.





HOW ARE WE DOING?

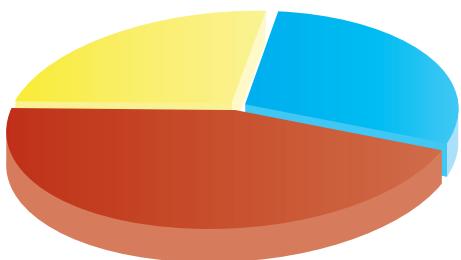
LIKE ALL COUNCILS WE
ARE REQUIRED BY
CENTRAL GOVERNMENT
TO COLLECT DATA ON
VARIOUS AREAS, SUCH
AS WASTE, PLANNING,
BENEFITS AND HOUSING
AND REPORT ON THEM
EACH YEAR.

THIS YEAR – LAST YEAR

MONITORING OUR PERFORMANCE IS A KEY ASPECT OF THE SKDC APPROACH, BOTH YEAR-ON-YEAR AND IN COMPARISON TO OTHER LOCAL AUTHORITIES.

The obvious benefit for us is that we are able to analyse our performance and compare it against other authorities. In 2004/05 we were able to directly compare 37 separate indicators within our various services against other district councils.

WHERE WE WERE

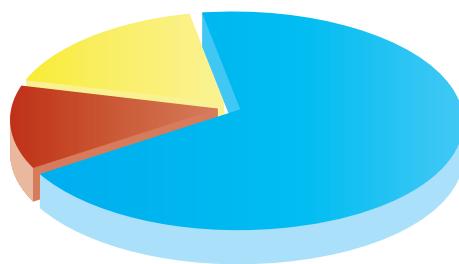


11 INDICATORS IN TOP 25% OF AUTHORITIES

16 INDICATORS RANKED AS AVERAGE

10 INDICATORS RANKED AS BEING BELOW AVERAGE OR IN THE BOTTOM 25% OF AUTHORITIES

HOW WE HAVE IMPROVED



32 INDICATORS IMPROVED IN PERFORMANCE

8 INDICATORS STAYED THE SAME IN PERFORMANCE

12 INDICATORS DROPPED IN PERFORMANCE

The above chart shows how SKDC compares against those district councils on the 2004/05 performance indicators.

The above chart compares our performance for 2005/06 against the previous year – in the areas where actual direct comparisons can be made.

PERFORMANCE INDICATORS

E-GOVERNMENT

PERCENTAGE OF ELECTRONIC INTERACTIONS
E-ENABLED

04/05: 71.0%

05/06: 99.5%



INVOICES

PERCENTAGE OF INVOICES PAID ON TIME

04/05: 98.64%

05/06: 98.31%



SICKNESS

NUMBER OF DAYS LOST DUE TO SICKNESS ABSENCE

04/05: 8.82 DAYS

05/06: 8.1 DAYS



COLLECTION

PERCENTAGE OF COUNCIL TAX COLLECTED

04/05: 97.97%

05/06: 98.3%



PERCENTAGE OF BUSINESS RATES COLLECTED

04/05: 98.44%

05/06: 99.02%

PERCENTAGE OF RENT COLLECTED

04/05: 98.3%

05/06: 96.8%

ANTI-SOCIAL BEHAVIOUR

NUMBER OF REPORTS TO THE COUNCIL OF ANTI-SOCIAL BEHAVIOUR.

05/06: 459

PERCENTAGE OF THOSE REPORTS
SUCCESSFULLY RESOLVED

05/06: 70%



VACANT DWELLINGS

NUMBER OF VACANT DWELLINGS RETURNED TO
OCCUPATION

04/05: 5

05/06: 11





RECYCLING

PERCENTAGE OF HOUSEHOLD WASTE RECYCLED

04/05: 14.7%

05/06: 26.8%

TONNAGE OF HOUSEHOLD WASTE RECYCLED

05/06: 7548 TONNES



ACCESS

PERCENTAGE OF AUTHORITY BUILDINGS ACCESSIBLE TO DISABLED PEOPLE

04/05: 81.8%

05/06: 100%



BENEFITS

AVERAGE PROCESSING TIME FOR NEW CLAIMS

04/05: 42.21 DAYS

05/06: 33.3 DAYS

AVERAGE PROCESSING TIME FOR CHANGES IN CLAIMS

04/05: 5.62 DAYS

05/06: 16 DAYS



WASTE

NUMBER OF KGS OF HOUSEHOLD WASTE COLLECTED PER HEAD OF POPULATION

04/05: 384.4

05/06: 413.6

PERCENTAGE CHANGE IN HOUSEHOLD WASTE COLLECTED PER HEAD FROM PREVIOUS YEAR

05/06 +7%



PLANNING



PERCENTAGE OF MAJOR APPLICATIONS DETERMINED IN 13 WEEKS

04/05: 63.16% 05/06: 69.23%,

PERCENTAGE OF OTHER APPLICATIONS DETERMINED IN 8 WEEKS

04/05: 74.88% 05/06: 77.99%

PERCENTAGE OF MINOR APPLICATIONS DETERMINED IN 8 WEEKS

04/05: 84.14% 05/06: 86.78%

STANDARD SEARCHES CARRIED OUT IN 10 WORKING DAYS

04/05: 99% 05/06: 99.42%

HOMELESSNESS

LENGTH OF STAY IN BED AND BREAKFAST ACCOMMODATION FOR PRIORITY HOMELESS

04/05: 2.33 WEEKS

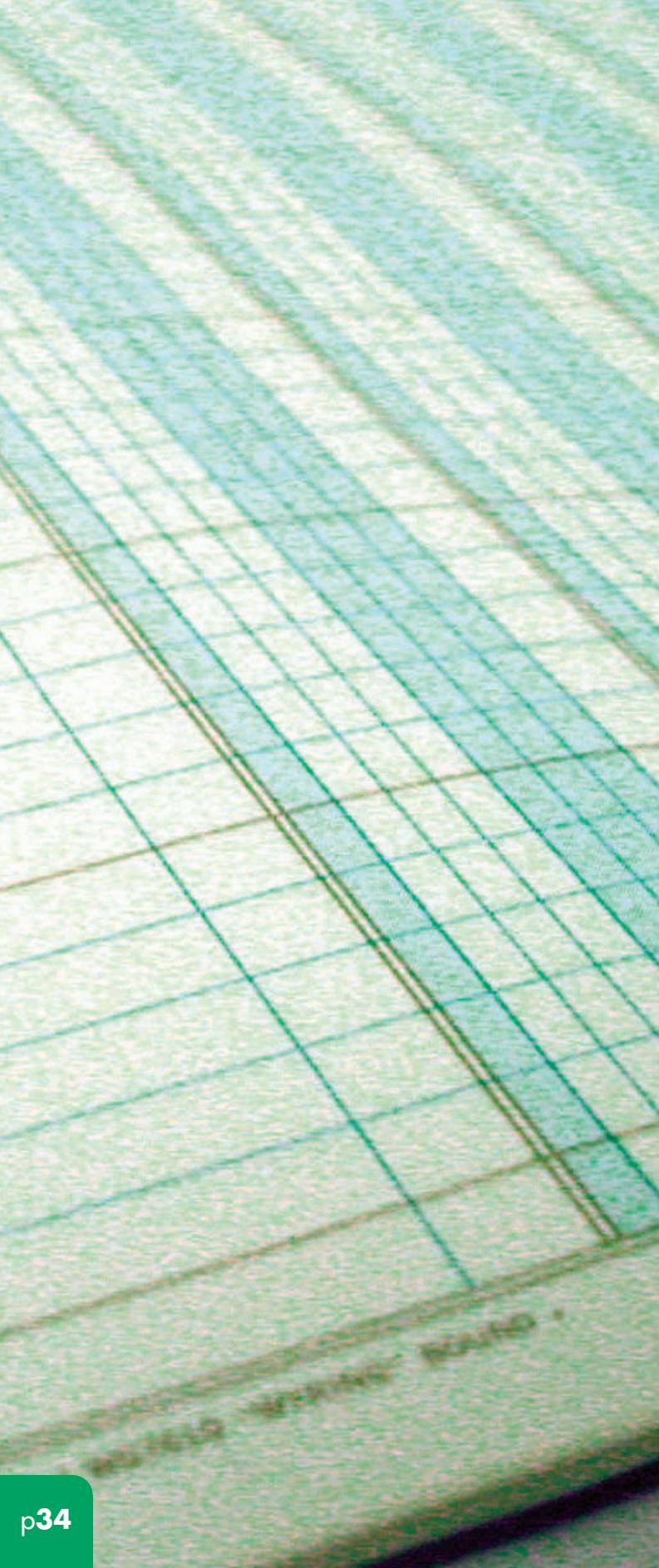
05/06: 2.88 WEEKS

LENGTH OF STAY IN HOSTEL ACCOMMODATION FOR PRIORITY HOMELESS

04/05: 0 WEEKS

05/06: 0 WEEKS





FINANCES

EACH YEAR THE COUNCIL SETS AN AFFORDABLE BUDGET TO ENABLE ITS KEY PRIORITIES TO BE DELIVERED TO ITS RESIDENTS.



THE SKDC BUDGET BRINGS TOGETHER ALL THE KEY SPENDING PLANS FOR SERVICES AND IS FINANCED FROM A NUMBER OF SOURCES:



For 2006/07 the total budget amount to be met by grants and taxpayers for the council is £15,398,000. After taking into consideration all of the external funding support, the amount to be met by our SKDC taxpayers is £6,087,000. This equates to an amount per Band D property (excluding parish or town council expenses) of £105.66 which is the second lowest in Lincolnshire and in the lowest 30 in the country.

COUNCIL TAX

Less than 10% of the total Council Tax collected goes to SKDC, with the remainder going to County Council, the police and a small amount to the parishes or towns. In 2005/06 a typical Band D council tax bill was £1120.05 (before parish or town council expenses). This increased to £1175.76 for 2006/07. The council tax bills are made up of amounts for each of the following authorities:

	2005/06	2006/07	Percentage of council tax bill
Lincolnshire Country Council	£899.82	£944.73	80%
Lincolnshire Police	£119.43	£125.37	11%
SKDC	£100.80	£105.66	9%
TOTAL	£1120.05	£1175.76	100%

OUR INCOME

We receive income from various sources. Once the total amount is known, our spending plans are calculated to deliver our priorities whilst ensuring any increase in Council Tax is kept at an acceptable level. A summary of the key sources of income is shown to the right:

£5.7m 05/06 COUNCIL TAX	£6.1m 06/07	£8.3m 05/06 GOVERNMENT GRANT	£9.3m 06/07	£1.03m 05/06 INTEREST AND INVESTMENT INCOME	£1.3m 06/07
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TAKING THE VITAL "NEXT STEPS"

**SUCCESSFUL BUSINESSES
NEVER STOP LEARNING.
THEY NEVER REST ON
THEIR LAURELS.**

Successful businesses are those that constantly strive to improve their performance at all levels, always seeking to move on to the next level of achievement and performance.

NEXT STEPS



THE “**NEXT STEPS**” IMPROVEMENT PROGRAMME IS PART OF THAT APPROACH AT SKDC. THIS PROGRAMME WILL BRING TOGETHER ALL OUR PROJECTS AND ACTIVITIES AND WILL HELP DELIVER OUR VISION FOR THE FUTURE.

OUR CONCENTRATION ON FOUR KEY AREAS WILL SEE US:

- FURTHER SHARPEN OUR CUSTOMER FOCUS
- GET THE BEST FROM OUR PEOPLE
- CHANNEL OUR RESOURCES AND DELIVER WHAT IS IMPORTANT TO LOCAL PEOPLE
- CELEBRATE SUCCESS AND SHARE BEST PRACTICE

THESE AREAS OF FOCUS ARE BASED ON OUR COMMITMENT TO;

- STRENGTHENING OUR ORGANISATION IN HOW OUR PEOPLE PERFORM, OUR FINANCES ARE HANDLED AND OUR SERVICES ARE DELIVERED.



- CONSTANTLY SEEKING WAYS OF PROVIDING OUR SERVICES TO PEOPLE IN AN EVEN MORE EFFICIENT, EFFECTIVE, VALUE-FOR-MONEY MANNER.



- CONTINUING TO ASSESS AND IMPLEMENT, WHERE APPROPRIATE, NEW WORKING METHODS FOR OUR STAFF, MEMBERS AND PARTNERS.



THE NEXT STEPS PROGRAMME



THE PROGRAMME WILL ALSO FOCUS ON DEVELOPING OPPORTUNITIES ACROSS THE ORGANISATION:

STAFF AND ORGANISATIONAL OPPORTUNITIES.

Example - Increase the skills of customer services staff to help deal with more complex queries over a wider range of issues.

PROCESS OPPORTUNITIES.

Example – Improve the consistency of handling telephone enquiries across the organisation.

COMMUNICATION OPPORTUNITIES.

Example – Increase the number of services that can be requested and paid for online.

WORKING IN PARTNERSHIP.

As we explained at the start of this plan, so much more will be achieved for the people of South Kesteven if we work closely with our various partners. A key partner for SKDC is the Local Strategic Partnership (LSP).

WHO IS IN THE LSP?

All the major public sector organisations within the district.

- Representatives from the business community.
- Elected representatives.
- The voluntary sector.
- Representatives from groups such as young people community forums and faith groups.

LOCAL AREA AGREEMENTS (LAAS)

These are special agreements made between a council and central government. LAAs help us to reduce bureaucracy in dealing with central government so we can really focus on the key national and local priorities in the district.

We share four priorities with central government, around which our agreement is based:

- Children and young people.
- Safer and stronger communities.
- Healthier communities and older people.
- Economic development and enterprise.

If all targets in these areas are achieved by 2010, we could receive a performance reward grant for investment in future improvements.

PRODUCTIVE PARTNERSHIPS



A recurring theme of this document is the importance of the partnerships we have with other organisations. However, arguably the most important of all is our relationship with our residents who have told us about the issues that are most important to them – affordable housing, town centre regeneration, improving anti-social behaviour, better access to our services and the environment. We know that we cannot effectively deliver these and other services single-handedly, hence why partnership working is at the heart of our approach.

We also belong to the South Kesteven Local Strategic Partnership, working alongside the police, health, Lincolnshire County Council and the voluntary, business and learning sectors. Here we join together to work towards one definitive aim – a better future for South Kesteven and its people.

Other productive partnerships include our work with the County Council where we continue to seek new and improved methods of delivering shared services, whilst our work with the Welland Partnership has been instrumental in developing a regional approach to service improvement.

HISTORICALLY, WE HAVE WORKED WITH VARIOUS PARTNERS TO HELP DELIVER OUR SERVICES. FOR EXAMPLE, OUR WORK WITH REGISTERED SOCIAL LANDLORDS (RSLS) HAS ASSISTED OUR HOUSING STRATEGY, WHILST CLOSE CO-OPERATION WITH THE POLICE HAS RESULTED IN IMPROVED LEVELS OF COMMUNITY SAFETY AND CRIME PREVENTION.



THE PRIORITIES IN FOCUS

SEVEN PRIORITIES SIT AT THE HEART OF SDKC'S AGENDA AND THAT NATURALLY MEANS THAT THERE IS MUCH WORK TO BE DONE, NOT ONLY AT THE PRESENT TIME BUT ALSO IN THE SHORT, MEDIUM AND LONG-TERM.

Here is just a sample of what we are doing – and what we plan to do over the lifetime of this Corporate Plan.

As mentioned earlier in this document, all seven priorities share equal importance and therefore what follows is in no particular order.

USE OF RESOURCES

- In 2006 we successfully completed the annual accounts of the Authority within the Government's timetable and produced, for the first time, a summary of accounts document which provides financial information in a user-friendly way.
- By 2008 we will further improve and maximise value for money in service provision and work with partners to deliver the best for the local community. We will ensure we continue to improve by operational review and performance management and meet our corporate efficiency target of one million pounds.
- By 2009 we aim to have in place a fully embedded process for demonstrating value for money and efficiency in all aspects of service delivery.

RECYCLING

- In 2006 we began the roll-out of the twin bin scheme with alternate week collections.
- By 2008 we aim to have 20,000 homes participating in our composting scheme.
- By 2009 we aim to increase our total recycling rate to 50% and apply for beacon status.

2

ACCESS TO SERVICES

- In 2006 we opened a new Customer Service Centre aimed at providing a 'one stop shop' for residents.
- By 2008 we aim to increase the range of services available by working with the County Council to identify and provide shared services.
- By 2009, as well as our existing area offices, we intend to develop further access points across the district.

3

TOWN CENTRE REGENERATION

- In 2006 we developed an updated Grantham masterplan working with Grantham Futures.
- By 2008 we aim to have selected a preferred developer for and started construction on the Bourne Retail Area and completed the Stamford Gateway Project with key partners.
- By 2009 we aim to have an improved public realm in Grantham, Stamford and Bourne, generating more visitors, improved employment opportunities and a stronger retail offer to shoppers.

4

ANTI-SOCIAL BEHAVIOUR

- In 2006 a new, full-time position of Business Crime Project Co-ordinator was created, aimed at significantly reducing business crime.
- By 2008 in conjunction with our partners as part of our Safer South Kesteven campaign we aim to introduce a free phone line where residents will be able to report their concerns regarding any anti social behaviour activities in their area and speak directly with a member of the council's antisocial behaviour team
- By 2009 we aim to have 100% membership of pubs and clubs across the district in the Pubwatch scheme.

5

HELPING TO PROVIDE AFFORDABLE HOUSING

- In 2006 we plan to provide 130 new affordable housing units, 180 next year and 200 the year after - a total of 510 over the next 3 years.
- Between now and 2008 we will target our grants to improve energy efficiency in homes - especially those of vulnerable people. We anticipate awarding grants to approximately 100 households over this period.
- In 2006 we will be spending some £320,000 on disabled facilities grants rising to £450,000 in 2007 & 2008 (subject to Government funding).
- Working with private landlords we plan to bring some 18 empty homes back into use between 2006 and 2008.
- In conjunction with our partners help prevent 60 cases of homelessness in 2006 and 80 in 2007.

6

COMMUNICATIONS

- In 2006 we have strengthened the Communications team, produced five issues of the internal magazine and relaunched the external magazine.
- By 2008 we aim to hold annual networking events with the local media to discuss their ever-changing requirements and improve further our media service levels.
- By 2009 we aim to make all information material accessible and understandable, and available in a range of formats and languages as requested – and (if applicable) carry the Crystal mark logo as a standard.
- In 2006-7 we will also review our strategy to check that we are providing the right information about what are doing and how well we are doing it. In this way, people will be able to judge our effectiveness and also form opinions about the value-for-money their council tax delivers and the quality of services they receive.

7

APPENDIX

OUR COUNCILLORS

Our councillors represent the views of their wards. They are active in the community, always seeking to ensure that the decisions the council takes reflect local priorities.

SKDC has 58 councillors representing 34 wards.

Our constitution sets out how we operate, how our decisions are made and the procedures we follow to ensure that those decisions are transparent and accountable to local people.

WHO MAKES THE DECISIONS?

THE FULL COUNCIL

A body with the responsibility for strategic policy and decision-making. This includes setting the council tax and budgets. The full council is made up of all 58 members.

THE CABINET

Undertakes most of the day-to-day decisions of the council. Made up of the leader of the council and five other councillors with individual portfolio responsibilities:

- Strategic partnerships & community safety.
- Organisational development & housing.
- Economic development.
- Healthy environment.
- Access & engagement.
- Resources & assets.

DEVELOPMENT AND SCRUTINY PANELS

Review the work and decisions of the cabinet and all areas of the council's work. Carry out specific projects and investigations and also consider any matter or service provided by an outside organisation which affects residents.

THE DEVELOPMENT CONTROL COMMITTEE

Makes decisions on planning applications and enforcement items and advises on planning policy. Comprises 21 councillors.

THE STANDARDS COMMITTEE

Promotes and maintains high standards of conduct by members of the district council and parish councils. Comprises five councillors, two independent members of the public and one parish council representative.

THE LICENSING COMMITTEE

Deals with licensing and regulation of taxis, riding establishments, where alcohol is served, public entertainment venues, street trading and so on.

ALTERNATIVE FORMATS AND LANGUAGES

SOUTH KESTEVEN HAS A RICH AND DIVERSE CULTURE - A COMMUNITY MADE UP OF PEOPLE FROM DIFFERENT CULTURES, WITH DIFFERING BACKGROUNDS, BELIEFS OR EXPERIENCES. THIS DIVERSITY IS ONE OF THE THINGS THAT MAKE SOUTH KESTEVEN SUCH A GREAT PLACE IN WHICH TO LIVE AND WORK.

TO ENSURE ALL RESIDENTS OF SOUTH KESTEVEN HAVE ACCESS TO OUR INFORMATION MATERIAL.

OUR INFORMATION IS AVAILABLE IN THE VARIOUS LANGUAGES AND FORMATS INCLUDING LARGE PRINT, BRAILLE, ONLINE AND ON COMPUTER DISK.

To request a document in a specific language or format, you can ring us or email us:

t: 01476 40 61 27

e: communications@southkesteven.gov.uk

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SOUTH KESTEVEN DISTRICT COUNCIL

Council Offices | St Peters Hill | Grantham | Lincolnshire | NG31 6PZ

T: 01476 406080 | F: 01476 406000

REPORT TO COUNCIL

REPORT OF: CORPORATE HEAD FINANCE AND RESOURCES

REPORT NO.: CHFR21

DATE: 26 OCTOBER 2006

TITLE:	REVIEW OF CAPITAL PROGRAMME
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	14 July 2006
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Budget Policy Framework

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr T Bryant, Resources and Assets Portfolio Holder	
CORPORATE PRIORITY:	Effective Use of Resources	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:		
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Not Applicable	Full impact assessment required? No
BACKGROUND PAPERS:		

1. INTRODUCTION

The Council approved its capital programme for 2006/7 to 2008/9 at the budget setting meeting in March 2006. It is important that the Capital programme is reviewed on a regular basis to ensure it remains fit for purpose and is able to reflect any revisions to the programme required as a result of progress towards delivery of the approved programme.

This report represents the first review of the Capital programme during 2006/2007. The preparation of service plans and budget preparation for the financial year 2007/8 onwards will necessitate a further review at the time of setting the budget in February 2007.

Report CHFR20 was presented to Cabinet at its meeting on 9 October 2006 and the following recommendation was approved:

- 1.1. recommend to Council the approval of the revised capital programme as attached at appendix A.
- 1.2. Note the comments of the s151 officer regarding the proposed temporary use of Useable Housing Capital Receipts to finance the 2006/7 capital programme.
- 1.3. Note that the s151 officer will determine the actual financing of the capital programme when closing the accounts for 2006/7 when full details of the delivery of the programme and available financing options are known.
- 1.4. Note that the s151 officer will consider the longer term impact of capital financing in conjunction with the Capital and Treasury Management advisors as part of the preparation of budgets for 2007/8 and provide further advice to the Council in the Budget Report for 2007/8.

2. RECOMMENDATION

It is recommended by Cabinet that Council approve the revised capital programme attached at Appendix A.

3. DETAILS OF REPORT

The revised Capital programme is attached at appendix A. The projected outturn for 2006/2007 is £14.094m, of this £7.108m relates to the Housing Revenue Account, £0.430m relates to Disabled Facilities Grants and £6.556m relates to other services i.e. the General Fund.

Whilst the revised programme shows details for 2007/8 and 2008/9 the focus of this report is to draw members attention to the delivery of the programme within the current financial year (2006/7).

HRA Capital Programme

Report no. CHFR10 to the Constitution and Accounts Committee on 29th June, reported that the spend on the HRA capital programme for 2005/6 was £4.356m

compared to an original estimate of £7.676m. The programme for 2006/7 has been reviewed to take account of the outturn position together with current officer and contractor capacity available to deliver the 2006/7 capital programme. As a result the projected outturn for the Housing Revenue Account is now revised to £7.108m which is £2.091m more than originally approved. The attached programme makes provision for improvement to non-traditional dwellings, re-roofing and re-wiring of Council stock in line with the HRA Business plan. It is proposed that all housing capital expenditure will be financed from the Major Repairs Reserve.

General Fund Capital Programme

With regard to the General Fund Capital Programme an additional £80,000 has been provided for in 2006/2007 for Disabled Facilities Grants this reflects the continued demand for DFGs and the fact that Government Office East Midlands have recently contacted officers to identify the opportunity to submit an application for additional Specified Capital Grant within the current financial year. An application has been submitted and the outcome is awaited and the programme has been amended to reflect this. The specified capital grant received will fund equivalent to 60% of the additional expenditure. Members will be updated on the outcome of the application in due course.

In addition, the outturn for the remainder of the General Fund programme has been revised to reflect the outturn position for 2005/6 as reported to Constitution and Accounts Committee in report CHFR10, together with up to date information relating to the delivery of the current years Capital Programme. As a result the revised programme for 2006/7 is now £6.556m a total of £1.684m lower than originally approved. The main changes are summarised below:

- Grant - Aire Road Flats- this scheme did not receive Approved Development Funding from the Regional Housing Board and therefore a revised scheme is now being worked up as reported to Cabinet on the 12th June (report TSE4). As a result, there will be no spend within the current financial year and once the new scheme has been fully worked up a further report will be provided to Cabinet for consideration.
- Demolition at East Street, Grantham - this provision relates to slippage from 2005/2006
- Car Parking Wharf Road Stamford - the remediation scheme will be unable to proceed in 2006/2007 as the work has to be undertaken when the temperate conditions are appropriate, therefore it is anticipated that the work will need to be delayed until the spring. A provision of £50k has been included in 2006/2007 to finance further investigative work required. An indicative budget provision of £500k has been included in 2007/2008, this will be reviewed as part of the service planning and budget preparation work for 2007/8.
- Car Parking - Multi-storey Welham Street Grantham - the commencement of this scheme was later than originally anticipated. The budget has been re-profiled to reflect the revised contract period.

- Access to Services - the modernisation programme will now extend into 2007/2008.
- Wheelie Bin procurement - the phased rollout of wheelie bins will result in expenditure being spread over 2006/7 and 2007/8.
- Provision for existing assets - the original budget of £500k has now been allocated over specific schemes. This leaves an unallocated sum of £292k in 2006/2007.
- Health and Social Care Community Innovation Centre - Minute 148 of Cabinet 3rd April 2006 awarded a grant of £50k and a provision for a loan of £200k for the proposed Innovation Centre to be based at Grantham Hospital, to be vired from the provision of existing assets contained within the Council's 2006/7 capital programme . However, the Chief Executive has received communication from the project sponsor identifying that the remaining funding has not yet been put in place. Therefore the scheme will not progress in the current financially year and as a result it is recommended that the scheme is not included in the current capital programme.
- Financial Ledger modules - The programme has been amended to include phase 2 of the implementation of the financial ledger system to install additional modules for the CEDAR system to provide robust planning and monitoring functionality and the procurement of the IDEA marketplace connector. This has been vired from the Modernisation programme within the Capital Programme.

S151 Comments regarding the financing of the revised capital programme

The Council has a number of financing options available to finance capital investment, these being:

- Borrowing
- Sale of fixed assets (capital receipts)
- Direct Revenue financing
- Capital grants and contributions
- Major Repairs Reserve (for HRA investment)

The original budget report anticipated the financing of the 2006/7 capital programme to includes a capital receipt of £2.7m. However this receipt will no longer be received in 2006/07 and so it is proposed to utilise an element of the accumulated housing capital receipts that are held in the Useable Capital Receipts Reserve. In addition, following the closure of accounts for 2005/6 the level of resources available as at 31 March 2006 has been confirmed as follows:

• Capital Reserve	£5.057m
• Useable Capital Receipts Reserve	£3.353m

The capital receipts reserve comprises the usable element from the sale of housing receipts. The Council's current financing policy is that housing receipts fund housing investment only.

In financing the General Fund programme for 2006/2007, Direct Revenue Financing of £5.057m is required and budgeted for. This will fully utilise the General Fund Capital Reserve.

Financing of the General Fund Capital Programme in 2006/2007 and beyond will present a challenge for the Council. With the Capital Reserve fully utilised and with no significant receipts, other than those identified in 2007/2008, there will be an increase in the Council's underlying need to borrow. Increasing the underlying need to borrow will impact on the General fund resulting in an increase in the statutory minimum revenue provision and the interest charged on the debt which would also need to be serviced.

Taking account of the reduced level of anticipated capital receipts in the current financial year, there will be a short to medium term financial capacity issue, however the Capital Receipt from the sale of surplus land of £2.7m is anticipated in 2007/2008.

It is proposed that in the current financial year this shortfall of financial capacity is financed from housing capital receipts (held in the Useable Capital Receipts reserve, referred to above) to provide an internal financing option rather than borrowing from external sources. The impact of this would be that whilst additional external loan costs will not be incurred there will be a some loss of interest earnings on cash balances. It is proposed that this approach would be a short-term measure taken whilst the Council in conjunction with its Capital and Treasury Management advisors considers the longer term financing issues.

Once the General Fund capital receipts are realised in 2007/08 then housing receipts within the Useable Capital Receipts Reserve would then be available for Housing purposes. Housing investment can comprise of either investment in the Council's Housing stock within the HRA or support for the provision of Affordable Housing through Registered Social Landlord partners or support for Disabled Facilities Grants, the last two being Housing General Fund expenditure.

The purpose of the foregoing funding option is to help members create the financial capacity to deliver the capital programme and also note the responsibility of the s151 officer to identify the best funding option for the Council whilst avoiding the cost of external borrowing.

4 COMMENTS OF MONITORING OFFICER

As part of the budget framework policy, the capital programme must be settled by Full Council.

5 SUMMARY

This report has provided members with an update on the progress of the delivery of the Capital Programme for 2006/7 and has also identified for approval some

amendments to the programme to take account of the outturn position for 2005/6 and the current officer and contractor capacity to deliver the programme by the end of the financial year.

6. CONTACT OFFICER

Sally Marshall
Corporate Head Finance and Resources

CAPITAL PROGRAMME

APPENDIX A

SUMMARY AND FINANCING STATEMENT

	Description	2006/2007 Estimate Base £'000	2006/2007 Projected Outturn £'000	2007/2008 Estimate Base £'000	2008/2009 Estimate Base £'000
<u>HOUSING INVESTMENT PROGRAMME</u>					
<u>HOUSING REVENUE ACCOUNT</u>					
1	Stock Improvements	4,987	7,093	5,990	5,853
2	Demolitions	30	15	30	-
3	TOTAL - HOUSING REVENUE ACCOUNT	5,017	7,108	6,020	5,853
<u>HOUSING GENERAL FUND</u>					
4	Renovation Grants	350	430	350	350
5	TOTAL - HOUSING GENERAL FUND	350	430	350	350
<u>OTHER SERVICES</u>					
6	Community DSP	360	110	110	-
7	Economic DSP	3,900	2,726	2,750	1,000
8	Engagement DSP	720	610	110	-
9	Healthy Environment	2,700	2,500	200	-
10	Resources DSP	560	610	560	-
11	TOTAL - OTHER SERVICES	8,240	6,556	3,730	1,000
12	TOTAL - CAPITAL PROGRAMME	13,607	14,094	10,100	7,203
<u>FINANCED BY:</u>					
13	Supported Borrowing	800	-	-	-
14	Unsupported Borrowing	2,167	-	1,030	1,000
15	Capital Receipts	2,700	1,731	2,700	-
16	Capital Grants and Contributions	150	198	150	150
17	Major Repairs Reserve	4,217	7,108	6,020	5,853
18	Direct Revenue Financing	3,573	5,057	200	200
19	TOTAL - CAPITAL PROGRAMME	13,607	14,094	10,100	7,203

CAPITAL PROGRAMME

HOUSING INVESTMENT PROGRAMME

	Description	Corporate Responsibility	2006/2007 Estimate Base	2006/2007 Projected Outturn	2007/2008 Estimate Base	2008/2009 Estimate Base
			£'000	£'000	£'000	£'000
	<u>HOUSING REVENUE ACCOUNT</u>	Tenancy Services				
	<u>Stock Improvements</u>					
1	Non Traditional Construction Dwellings: Cornish/Easiforms		870	1,300	-	-
2	Upgrading Sheltered Housing Scheme		310	10	355	100
3	Structural Repairs		230	230	150	160
	Energy Efficiency Initiatives:					
4	PVC-u Doors		250	310	-	-
5	Windows		226	178	237	245
6	Central Heating		290	284	297	306
7	Heating and Ventilation		230	230	238	245
	Refurbishment and Improvement:					
8	Miscellaneous Residual Properties		133	100	136	140
9	Re-roofing		520	1,520	534	550
10	Re-wiring		197	1,200	202	208
11	Kitchen and Bathroom Refurbishments		1,346	1,346	3,451	3,549
12	Communal Doors		185	185	190	150
13	Disabled Adaptations		200	200	200	200
			4,987	7,093	5,990	5,853
14	<u>Demolition Works</u> Garages		30	15	30	-
	<u>HOUSING - GENERAL FUND</u>					
15	Disabled Facilities Grant		350	430	350	350
16	TOTAL - HOUSING INVESTMENT PROGRAMME		5,367	7,538	6,370	6,203

CAPITAL PROGRAMME

OTHER SERVICES

	Description	Corporate Head Responsibility	2006/2007 Estimate Base £'000	2006/2007 Projected Outturn £'000	2007/2008 Estimate Base £'000	2008/2009 Estimate Base £'000
1	COMMUNITY DSP Grant-Aire Road, Grantham Purchase of Vehicles	Tenancy Services	250	-	-	-
2	Care Services	Healthy Environment	30	30	30	-
3	Housing Maintenance	Healthy Environment	80	80	80	-
				360	110	110
4	ECONOMIC DSP Town Centre Development Town Centre Projects-Provision	Sustainable Communities	-	-	1,000	1,000
5	Demolition of East Street	Finance and Resources	-	26	-	-
6	Public Conveniences Abbey Gardens, Grantham	Finance and Resources	200	200	-	-
7	Car Parking Wharf Road, Stamford	Finance and Resources	500	50	500	-
8	Welham Street Multi Storey, Grantham	Finance and Resources	2,690	1,940	750	-
9	Town Centre Parking-Provision	Sustainable Communities	-	-	500	-
10	Capital Grant Stamford Gateway	Sustainable Communities	350	350	-	-
11	Economic Grant - Northfields Mkt Deeping	Sustainable Communities	160	160	-	-
				3,900	2,726	2,750
						1,000
12	ENGAGEMENT DSP Access to Services	P'ship and Organis. Improvement	720	610	110	-
				720	610	110
13	HEALTHY ENVIRONMENT DSP Waste Management Wheelie Bin Procurement and Enhancements	Healthy Environment	2,700	2,500	200	-
				2,700	2,500	200
14	RESOURCES DSP Provision for Existing Assets Committed	Finance and Resources	-	65	-	-
15	Committee Room 3	Finance and Resources	-	55	-	-
16	Resurfacing of East Street Car Park	Finance and Resources	-	38	-	-
17	Improvements to Stamford Cattle Market	Finance and Resources	-	50	-	-
18	Refurbishment of Reception Area	Finance and Resources	500	292	500	-
19	Provision	Finance and Resources	-	50	-	-
20	Purchase of Financial Ledger modules	Finance and Resources	60	60	60	-
				560	610	560
21	TOTAL - OTHER SERVICES		8,240	6,556	3,730	1,000

REPORT TO COUNCIL

REPORT OF: **ENVIRONMENTAL PROTECTION MANAGER**

REPORT NO.: **ENV362**

DATE: **11 OCTOBER 2006**

TITLE:	GAMBLING ACT 2005 DRAFT STATEMENT OF PRINCIPLES
FORWARD PLAN ITEM:	YES
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	1 JUNE 2006
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	POLICY PROPOSAL

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	COUNCILLOR MRS L NEAL (COMMUNITY SAFETY)	
CORPORATE PRIORITY:	Y – STATUTORY FUNCTION	
CRIME AND DISORDER IMPLICATIONS:	MINOR	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	NO	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Applicable	Full impact assessment required? Yes – CURRENTLY BEING UNDERTAKEN
BACKGROUND PAPERS:	ENV354 AND ENV359 REPORT TO LICENSING COMMITTEE AND ENV361 REPORT TO CABINET	

1. INTRODUCTION

This matter originally came before the Licensing Committee on the 2 June 2006 when approval was sought to publish and consult on the draft Statement of Principles in respect of the Council's legislative responsibilities under the Gambling Act 2006. This followed the public consultation that commenced on 5 June 2006 and ended on 4 September 2006.

The draft Statement of Principles is attached at Appendix 1 and a summary of the results of consultation is shown at Appendix 2.

The results of the consultation procedure were considered at the Licensing Committee meeting on 1 September 2006 and moved to Cabinet.

The Cabinet approved the draft Statement of Principles following it's meeting on the 4 of September 2006. The report is now referred to the full council for adoption.

2. RECOMMENDATIONS

That, following the consultation exercise, the Council adopts as policy, the draft Statement of Principles as, the Council's "Statement of Principles under the Gambling Act 2005".

3. DETAILS OF REPORT

The Act is due to take effect on 1 February 2007.

Section 2 of the Act defines the Council as the licensing authority.

Section 349 of the Act requires the licensing authority to consult on, publish and adopt a three year Statement of Principles for the area, which may be subject to periodic revision. Guidance to the Act requires a period of three months public consultation before adopting a Statement of Principles, which must be in place before 1 January 2007. The guidance only requires the licensing authority to "consult widely".

The period for consultation began on the 5 June 2006 ended on 4 September 2006. The basis for the consultation was very similar to that carried out under the Licensing Act 2003. Over 600 letters have been sent to a wide range of interested parties, both local and national, such as businesses, community and residents groups. Groups likely to show concerns with the social effects of the Act were also contacted. Those letters were intended to inform all involved of the consultation exercise and that a copy of the Statement was available on the Council's website. Individual copies of the document were sent out on request. There have been 7 such requests. The relevant responsible authorities were sent their own personalised letters and copies of the draft Statement.

Other means of promoting the consultation exercise included a press release, copies of the document were sent to the council's area offices and public libraries in the district. The Statement was also promoted at the two district Licensing Forums held in July. Despite the degree of effort to raise awareness, all of these methods received very limited response.

The draft Statement has also been peer assessed by colleagues from the County Licensing Group and LACORS.

The Statement has now passed through the scrutiny stage and was discussed by the Economic Scrutiny Group.

To date there have been a total of 13 responses, of which only eight were formal replies. These are shown at Appendix 2, together with an appraisal and any necessary amendment to the Statement.

Following the completion of the consultation process and following the Cabinet's approval, the Statement of Principles now goes before the full Council for adoption on 26 October 2006.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

The Act requires the Council, following consultation, to produce a Statement of Principles under the Gambling Act and is subject to legislative time limits. The consultation has been completed following the relevant guidance. There are no other options.

5. COMMENTS OF SECTION 151 OFFICER

As this report relates to policy, I have no specific financial observations to make.

6. COMMENTS OF MONITORING OFFICER

No comments have been received. Will update at the meeting if necessary.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

Subject to the approval of the Council, the draft Statement will be the "Statement of Principles" and, subject to their recommendation, when it goes before the full Council on 26 October 2006 for adoption.

8. CONCLUSION/SUMMARY

Every effort has been made to comply with the legislation and consult with as many affected parties as possible. A list of those with whom consulted and their responses will be retained and will be available as required. The draft Statement of Principles is passed to the Council for adoption.

9. CONTACT OFFICER

M Start, Environmental Health Practitioner (Licensing)
Tel: 01476 406321 E-mail: m.start@southkesteven.gov.uk



Environmental Heath & Licensing

STATEMENT OF PRINCIPLES

GAMBLING ACT 2005

September 2006

"Promoting pride in our communities"

South Kesteven District Council
STAMFORD • GRANTHAM • BOURNE • THE DEEPINGS

SOUTH KESTEVEN DISTRICT COUNCIL

STATEMENT OF PRINCIPLES – GAMBLING ACT 2005

1. Introduction

The Licensing Objectives

1.1 In exercising most of their functions under the Gambling Act 2005, licensing authorities must have regard to the licensing objectives as set out in section 1 of the Act. The licensing objectives are:

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

It should be noted that the Gambling Commission has stated: “The requirement in relation to children is explicitly to protect them from being harmed or exploited by gambling”.

1.2 South Kesteven District Council, referred to in this statement of principles as “the council”, is situated in the southwest corner of the county of Lincolnshire, which contains 7 district councils in total. The council area has a population of 130,000 making it the second largest district in the County in terms of population. In terms of area it is the fourth largest, covering 365 square miles. The council area is mainly rural with 4 urban areas comprising of Grantham, in the north of the district with the towns of Stamford, Bourne and the Deepings in the south of the district. Additionally there are 100 villages and hamlets in the district.

The council has worked in partnership with the other councils in the county in preparing this statement of principles, which is based on the draft statement of principles guidance issued by the Department of Culture, Media and Sport (DCMS), the Gambling Commission (the commission) and The Local Authorities Coordinators of Regulatory Services (LACORS).

The council recognises its duties to consider the impact of all its' functions and decisions on crime and disorder under the requirements of Section 17 of the Crime and Disorder Act 1998 in adopting this statement of principles. The council acknowledges the benefits to the community of properly regulating gambling in the district.

1.3 The council are the licensing authority for the purpose of the Gambling Act 2005 and any subsequent regulations and guidance. Any such regulations will be consulted on in due course.

The Gambling Act 2005 provides the delegated and procedural arrangements for the establishment of licensing authorities.

Licensing committees are established with Section 6 of the Licensing Act 2003 are also the relevant committees for the purpose of gambling functions. Therefore, the same committee that deals with applications and other issues in relation to alcohol premises will also be responsible for premise licence applications and other issues (i.e. permits) in relation to gambling.

The proceedings of the licensing committee are regulated by Section 9 of the 2003 Act (and regulations made under that section). Particular provision can be made for proceedings in relation to just the 2003 Act functions or just the 2005 Act functions. Any such regulations will be consulted upon in due course.

1.4 The functions of the licensing authority under the Act may be carried out by the licensing committee, by a sub-committee or by one or more officers acting under delegated authority. Delegated powers shall be in accordance with the table at Appendix 1.

1.5 Licensing authorities are required by the Gambling Act 2005 to publish a statement of the principles, which they proposed to apply when exercising their functions. This statement must be published at least every three years. The statement must also be reviewed as required and any amended parts re-consulted upon, the statement must be then re-published.

The council consulted widely upon this statement of principles before finalising and publishing. A list of the persons we consulted is provided, in Appendix 2. It should be noted that unsolicited comments were received from other persons but we have not listed all of these.

1.6 The Gambling Act requires that the following parties be consulted by licensing authorities:

- The chief officer of police
- One or more persons who appear to the authority represent the interests of persons carrying on gambling businesses in the authority's area
- One or more persons who appear to the authority to represent the interests of persons who are likely to be affected by the exercise of the authority's functions under the Gambling Act 2005

The consultation took place between 5 June 2006 and 1 September 2006. The authority followed the Revised Code of Practice (which came into effect in April 2004) and Guidance issued by the cabinet office on consultations by the public sector. These documents are available via:

<http://www.cabinetoffice.gov.uk/regulation/consultation/code/index.asp>
<http://www.cabinetoffice.gov.uk/regulation/consultation/documents/pdf/code.pdf>

- 1.7 The statement of principles will be submitted for approval at a meeting of the full council on 26 October 2006 and will be published via the council's website, shortly after that meeting. Copies will be placed in the public libraries of the area as well as being available in the councils' offices throughout the district.

Should you have any comments as regards this statement of principles statement please send them via e-mail or letter to the following contact:

The Licensing Team, Environmental Health and Licensing, Council Offices, Saint Peters Hill Grantham NG31 PZ
E-mail ehs@southkesteven.gov.uk or telephone 01476 406300.

- 1.8 It should be noted that this statement of principles statement will not override the right of any person to make an application, make representations about an application, or apply for a review of a licence, as each will be considered on its own merits and according to the statutory requirements of the Gambling Act 2005.

Further information is available on the council's website www.southkesteven.gov.uk.

Declaration

- 1.9 In producing the draft licensing statement of principles statement, the licensing authority declares that it has had regard to the licensing objectives of the Gambling Act 2005, the guidance issued by the Gambling Commission, and any responses from those consulted on the statement of principles statement.

Responsible Authorities

- 1.10 The licensing authority is required by regulations to state the principles it will apply in exercising its powers under section 157(h) of the Act to designate, in writing, a body which is competent to advise the authority about the protection of children from harm. The principles are:

- The need for the body to be responsible for an area covering the whole of the licensing authority's area.

- The need for the body to be answerable to democratically elected persons, rather than any particular vested interest group etc.

In accordance with the Gambling Commission's guidance for local authorities this authority designates the democratically elected Lincolnshire Safeguarding Children's Board for this purpose.

Interested parties

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

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

- a) Lives sufficiently close to the premises to be likely to be affected by the authorised activities,
- b) Has business interests that might be affected by the authorised activities, or
- c) Represents persons who satisfy paragraph (a) or (b) e.g. members of parliament and ward councillors.

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

Each case will be decided upon its merits. The Authority will not apply a rigid rule to its decision-making. It will consider the examples of considerations provided in the Gambling Commission's guidance to local authorities. Decisions though, on premises licences, must be “in accordance” with the Gambling Commission guidance (section 153).

1.12 The Gambling Commission has recommended that the licensing authority state that interested parties include trade associations and trade unions, and residents' and tenants' associations (Gambling Commission guidance for local authorities 8.17). This authority will not however generally view these bodies as interested parties unless they have a member who can be classed as an interested person under the terms of the Gambling Act 2005 i.e. lives sufficiently close to the premises to be likely to be affected by the activities being applied for.

Interested parties can be persons who are democratically elected such as councillors and members of parliament. No specific evidence of being asked to represent an interested person will be required as long as the councillor or Member of Parliament represents the ward likely to

be affected. Likewise, parish councils likely to be affected will be considered to be interested parties. Other than these however, this authority will require written evidence that a person/body (e.g. an advocate / relative) 'represents' someone who either lives sufficiently close to the premises to be likely to be affected by the authorised activities and/or business interests that might be affected by the authorised activities. A letter from one of these persons, requesting the representation is sufficient.

If individuals wish to approach councillors to ask them to represent their views then care should be taken that the councillors are not part of the licensing committee dealing with the licence application. If there are any doubts then please contact the licensing department on 01476 406300 or email: ehs@southkesteven.gov.uk.

Exchange of Information

1.13 Licensing authorities are required to include in their statement of principles statement the principles to be applied by the authority in exercising the functions under sections 29 and 30 of the Act with respect to the exchange of information between it and the Gambling Commission, and the functions under section 350 of the Act with the respect to the exchange of information between it and the other persons listed in Schedule 6 to the Act.

The principle that the licensing authority applies is that it will act in accordance with the provisions of the Gambling Act 2005 in its exchange of information which includes the provision that the Data Protection Act 1998 will not be contravened. The licensing authority will also have regard to any guidance issued by the Gambling Commission to local authorities on this matter when it is published, as well as any relevant regulations issued by the Secretary of State under the powers provided in the Gambling Act 2005.

Should any protocols be established as regards information exchange with other bodies then they will be made available. Discussions with the Gambling Commission and LACORS as regards information exchange between the commission and local authorities are, at the time of writing, at an early stage.

The council is a signatory to the joint protocol on information exchange under the provisions of Section 115 of the Crime and Disorder Act 1998 with the Lincolnshire Police and the Lincolnshire County Council. The council will seek to use that provision as appropriate.

Enforcement

1.14 Licensing authorities are required by regulation under the Gambling Act 2005 to state the principles to be applied by the authority in exercising

the functions under Part 15 of the Act with respect to the inspection of premises; and the powers under section 346 of the Act to institute criminal proceedings in respect of the offences specified.

The licensing authority's principles are that:

It will be guided by the Gambling Commission's guidance for local authorities and as per the Gambling Commission's guidance for local authorities; it will endeavour to be,

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

As per the Gambling Commission's guidance for local authorities The licensing authority will endeavour to avoid duplication with other regulatory regimes so far as possible.

The licensing authority will also, as recommended by the Gambling Commission's guidance for local authorities, adopt a risk-based inspection programme.

1.15 The main enforcement and compliance role for the licensing authority in terms of the Gambling Act 2005 will be to ensure compliance with the premises licences and other permissions, which it authorises. The Gambling Commission will be the enforcement body for the operator and personal licences. It is also worth noting that concerns about manufacture, supply or repair of gaming machines will not be dealt with by the licensing authority but will be notified to the Gambling Commission. This authority also understands from LACORS that the Gambling Commission will be responsible for compliance as regards unlicensed premises.

The licensing authority will also keep itself informed of developments as regards the work of the better regulation executive in its consideration of the regulatory functions of local authorities.

Bearing in mind the principle of transparency, the licensing authority's enforcement/compliance protocols/written agreements will be available upon request to the licensing team.

Licensing Authority functions

1.16 The licensing authority is required under the Act to:

- Be responsible for the licensing of premises where gambling activities are to take place by issuing Premises Licences
- Issue provisional statements
- Regulate members' clubs and miners' welfare institutes who wish to undertake certain gaming activities via issuing club gaming permits and/or club machine permits
- Issue club machine permits to commercial clubs
- Grant permits for the use of certain lower stake gaming machines at unlicensed Family Entertainment Centres
- Receive notifications from alcohol licensed premises (under the Licensing Act 2003) of the use of two or fewer gaming machines
- Grant licensed premises gaming machine permits for premises licensed to sell/supply alcohol for consumption on the licensed premises, under the Licensing Act 2003, where more than two machines are required
- Register small society lotteries below prescribed thresholds
- Issue prize gaming permits
- Receive and endorse temporary use notices
- Receive occasional use notices
- Provide information to the Gambling Commission regarding details of licences issued (see section above on 'information exchange')
- Maintain registers of the permits and licences that are issued under these functions

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

2. PREMISES LICENSES SECTION

General Principles

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

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

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority's statement of licensing statement of principles

2.2 Definition of “premises” - Premises is defined in the Act as “any place”. It is for the licensing authority to decide whether different parts of a building can be properly regarded as being separate premises and as the Gambling Commission states in its guidance for local authorities, it “will always be a question of fact in the circumstances.” The Gambling Commission does not however consider that areas of a building that are artificially or temporarily separate can be properly regarded as different premises. The Licensing Authority will not normally depart from adopting this guidance.

The licensing authority takes particular note of the Gambling Commission’s guidance for local authorities which states that in considering applications for multiple licences for a building or those for a specific part of the building to be licensed, “entrances and exits from parts of a building covered by one or more licences should be separate and identifiable so that the separation of different premises is not compromised and that people do not ‘drift’ into a gambling area.”

The licensing authority will also take note of the Gambling Commission’s guidance to local authorities that: “licensing authorities should pay particular attention to applications where access to the licensed premises is through other premises (which themselves may be licensed or unlicensed).”

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

2.4 **Duplication with other regulatory regimes** - The authority will seek to avoid any duplication with other statutory / regulatory systems where possible, including planning. The authority will not consider whether a licence application is likely to be awarded planning or building consent, in its consideration of it. The authority will though listen to, and consider carefully, any concerns about conditions, which cannot be met by licensees due to planning restrictions, should such a situation arise.

2.5 **Licensing objectives** - Premises licences granted must be reasonably consistent with the licensing objectives. With regard to these objectives, the licensing authority has considered the Gambling Commission's guidance to local authorities and some comments are made below.

2.6 **Preventing gambling from being a source of crime or disorder, being associated with crime or disorder or being used to support crime** – The Licensing Authority is aware of the distinction between disorder and nuisance and will consider factors such as whether police assistance was required and how threatening the behaviour was to those who could see it.

Unlike the Licensing Act 2003 there is no provision under the Gambling Act to address matters of nuisance arising from premises operating gambling. The authority therefore considers that in the event of such incidents of nuisance arising other regulatory bodies should address them.

2.7 **Ensuring that gambling is conducted in a fair and open way** - The licensing authority has noted that the Gambling Commission in its guidance for local authorities has stated that “Generally the commission would not expect licensing authorities to become concerned with ensuring that gambling is conducted in a fair and open way as this will be a matter for either the management of the gambling business, and therefore subject to the operating licence, or will be in relation to the suitability and actions of an individual and therefore subject to the personal licence.” The licensing authority notes, however, that the Gambling Commission states “in relating to the licensing of tracks the licensing authorities’ role will be different from other premises in that track operators will not necessarily have an operating licence. In those circumstances the premises licence may need to contain conditions to ensure that the environment in which betting takes place is suitable.” The licensing authority understands that there may be further guidance from the Gambling Commission on this issue which it will have regard to, when available.

2.8 **Protecting children and other vulnerable persons from being harmed or exploited by gambling** - The licensing authority has noted the Gambling Commission guidance to local authorities states that

“The objective talks of protecting children from being “harmed or exploited by gambling”, but in practice that often means preventing them from taking part in or being in close proximity to gambling...”

The licensing authority will pay particular attention to any Codes of Practice, which the Gambling Commission issues as regards this licensing objective in relation to specific premises, such as casinos. It is understood that such a Code will consider any relevant code of practice for casinos must:

- Specify steps that the premises licence-holder must take to ensure that children and young persons (that is those under the age of 18) do not enter casino premises, or in the case of the regional casino do not enter the gambling area;
- Amongst those specified steps, ensure that each entrance to the casino or gambling area is supervised by at least one person (“the supervisor”) who is responsible for compliance with the code of practice; and
- Require that, unless the supervisor is certain that a person seeking admittance is an adult, evidence of age must be required of all those seeking to enter the casino or gambling area.
- To prevent the use of in-appropriate use of gambling products

As regards the term “vulnerable persons” it is noted that the Gambling Commission is not seeking to offer a definition but states that “it will for regulatory purposes assume that this group includes people who gamble more than they want to; people who are gambling beyond their means; and people who may not be able to make informed or balanced decisions about gambling due to a mental impairment, alcohol or drugs.” The licensing authority will consider this licensing objective on a case-by-case basis. Should a practical definition prove possible in future then this statement of principles statement will be updated with it, by way of a revision.

2.9 **Conditions** - Any conditions attached to licences will be proportionate and will be:

- Relevant to the need to make the proposed building suitable as a gambling facility
- Directly related to the premises and the type of licence applied for;
- Fairly and reasonably related to the scale and type of premises: and
- Reasonable in all other respects.

Decisions upon individual conditions will be made on a case by case basis, although there will be a number of control measures the licensing authority will consider utilising should there be a perceived need, such as the use of door supervisors, supervision of adult gaming machines, appropriate signage for adult only areas etc. There are specific comments made in this regard under each of the licence types

below. The licensing authority will also expect the licence applicant to offer his/her own suggestions as to way in which the licensing objectives can be met effectively.

It is noted that there are conditions, which the licensing authority cannot attach to premises licences, which are:

- Any condition on the premises licence which makes it impossible to comply with an operating licence condition
- Conditions relating to gaming machine categories, numbers, or method of operation;
- Conditions which provide that membership of a club or body be required (the Gambling Act 2005 specifically removes the membership requirement for casino and bingo clubs and this provision prevents it being reinstated and
- Conditions in relation to stakes, fees, winning or prizes

2.10 **Door Supervisors** - The Gambling Commission advises in its guidance for local authorities that licensing authorities may consider whether there is a need for door supervisors in terms of the licensing objectives of protection of children and vulnerable persons from being harmed or exploited by gambling, and also in terms of preventing premises becoming a source of crime. It is noted though the Gambling Act 2005 has amended the Security Industry Act and the Licensing Authority cannot insist that the Security Industry Authority register door supervisors at casinos or bingo premises. The licensing authority may have specific requirements for door supervisors working at casinos or bingo premises, which are shown to be appropriate to individual premises and subject to any codes of practice. This is in recognition of the nature of their work in terms such as checking ages, searching individuals and dealing with potentially aggressive persons.

2.11 **Adult Gaming Centres** - The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the premises. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours

This list is not exhaustive.

As regards the protection of vulnerable persons, the licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / helpline numbers for organisations such as GAMCARE

2.12 **Licensed Family Entertainment Centres** - The licensing authority will specifically have regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machine areas. Appropriate licence conditions may cover issues such as:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- No persons under 18 to be admitted unless supervised by an adult

This list is not exhaustive.

As regards the protection of vulnerable persons, this licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets / help line numbers for organisations such as GamCare.

The licensing authority will, as per the Gambling Commission's draft guidance, refer to the commission's website to see any conditions that apply to operator licences covering the way in which the area containing the category C machines should be delineated. The licensing authority will also make itself aware of any mandatory or default conditions on these premises licences, when they have been published.

Casinos

2.13 **No Casinos resolution** – Full council has not passed a 'no casino' resolution under Section 166 of the Gambling Act 2005, but is aware that it has the power to do so. Should the full council decide in the future to pass such a resolution, it will update this statement of principles statement with details of that resolution.

2.14 **Casinos and competitive bidding** - The licensing authority is aware that where a licensing authority area is enabled to grant a premises licence for a new style casino (i.e. the Secretary of State has made such regulations under Section 175 of the Gambling Act 2005) there are likely to be a number of operators which will want to run the casino. In such situations the local authority will run a 'competition' under Schedule 9 of the Gambling Act 2005. The licensing authority will run such a competition in line with any regulations issued under the Gambling Act 2005 by the Secretary of State.

2.15 **Betting machines** - The licensing authority is aware that, as explained in the Gambling Commission's guidance for local authorities: "section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

Bingo premises

The licensing authority notes that the Gambling Commission's guidance states:

- "Licensing authorities will be able to find information about the restrictions that apply in the codes of practice that will be published on the commission's website"
- "Further guidance will be issued in due course about the particular issues that licensing authorities should take into account in relation to the suitability and layout of bingo premises"

Once this information is available, the licensing authority will consider its application to premises licences for bingo premises.

Betting premises

2.17 **Betting machines** - It is noted that the Gambling Commission's guidance for local authorities states: "section 181 contains an express power for licensing authorities to restrict the number of betting machines, their nature and the circumstances in which they are made available by attaching a licence condition to a betting premises licence or to a casino premises licence (where betting is permitted in the casino). When considering whether to impose a condition to restrict the number of betting machines in particular premises, the licensing authority, amongst other things, will take into account the size of the premises, the number of counter positions available for person-to-

person transactions, and the ability of staff to monitor the use of the machines by children and young persons (it is an offence for those under 18 to bet) or by vulnerable persons."

2.18 **Tracks** - Note there are currently no tracks operating in the district, however this statement of principles contains provision for the event of such a premise.

The licensing authority is aware that the Gambling Commission may provide further specific guidance as regards tracks. We have taken note of the existing guidance from the Gambling Commission which highlights that tracks are different from other premises in that there may be more than one premises licence in effect and that the track operator may not be required to hold an operator licence as there may be several premises licence holders at the track which will need to hold their own operator licences.

There may be some specific considerations with regard to the protection of children and vulnerable persons from being harmed or exploited by gambling and the authority would expect the premises licence applicants to demonstrate suitable measures to ensure that children do not have access to adult only gaming facilities. It is noted that children and young persons will be permitted to enter track areas where facilities for betting are provided on days when dog-racing and/or horse racing takes place, although they are still prevented from entering areas where gaming machines (other than category D machines) are provided.

Appropriate licence conditions may be:

- Proof of age schemes
- CCTV
- Door supervisors
- Supervision of entrances / machine areas
- Physical separation of areas
- Location of entry
- Notices / signage
- Specific opening hours
- The location of gaming machines

This list is not exhaustive.

As regards the protection of vulnerable persons, the licensing authority will consider measures such as the use of self-barring schemes, provision of information leaflets and helpline numbers for organisations such as GamCare.

2.19 In respect of betting machines on tracks licensing authorities have a power under the Gambling Act 2005, to restrict the number of betting machines, their nature and the circumstances in which they are made available, by attaching a licence condition to a betting premises

licence. The Gambling Commission's guidance will be noted in that it states: "In relation to betting premises away from tracks, the commission is proposing that licensing authorities should take into account the size of the premises and the ability of staff to monitor the use of the machines by vulnerable people when determining the number of machines permitted. Similar considerations apply in relation to tracks, where the potential space for such machines may be considerable, bringing with it significant problems in relation to the proliferation of such machines, the ability of track staff to supervise them if they are scattered around the track and the ability of the track operator to comply with the law and prevent children betting on the machine. Licensing authorities will want to consider restricting the number and location of betting machines, in the light of the circumstances of each application for a track betting premises licence."

The licensing authority also notes that, "In the commission's view, it would be preferable for all self-contained premises operated by off-course betting operators on track to be the subject of separate premises licences. This would ensure that there was clarity between the respective responsibilities of the track operator and the off-course betting operator running a self-contained unit on the premises"

- 2.20 **Condition on rules being displayed** - The Gambling Commission has advised in its guidance for local authorities that "...licensing authorities should attach a condition to track premises licences requiring the track operator to ensure that the rules are prominently displayed in or near the betting areas, or that other measures are taken to ensure that they are made available to the public. For example, the rules could be printed in the race-card or made available in leaflet form from the track office."
- 2.21 **Travelling Fairs** - It will fall to the licensing authority to decide whether, where category D machines and or equal chance prize gaming without a permit is to be made available for use at travelling fairs, the statutory requirement, that the facilities for gambling amount to no more than an ancillary amusement, at the fair is met.

The licensing authority will also consider whether the applicant falls within the statutory definition of a travelling fair as defined by the Gambling Commissions guidance to licensing authorities. The authority will determine on each occasion whether gambling without a permit can be made available, but subject to the legal requirements in the way gaming machines operate.

It has been noted that the 27-day statutory maximum for the land being used as a fair, is per calendar year, and that it applies to the piece of land on which the fairs are held, regardless of whether it is the same or different travelling fairs occupying the land. The licensing authority will work with its neighbouring authorities to ensure that land, which

crosses our boundaries, is monitored so that the statutory limits are not exceeded.

2.22 **Provisional Statements**

The licensing authority notes the guidance for the Gambling Commission which states that “It is a question of fact and degree whether premises are finished to a degree that they can be considered for a premises licence” and that “Requiring the building to be complete ensures that the authority can inspect it fully”.

In terms of representations about premises licence applications, following the grant of a provisional statement, no further representations from responsible authorities or interested parties can be taken into account unless they concern matters which could not have been addressed at the provisional statement stage, or they reflect a change in the applicant’s circumstances. In addition, the authority may refuse the premises licence (or grant it on terms different to those attached to the provisional statement) only by reference to matters:

- a) Which could not have been raised by objectors at the provisional licence stage; or
- b) Which is in the authority’s opinion reflect a change in the operator’s circumstances.

This authority has noted the Gambling Commission’s guidance that “A licensing authority must not have regard to whether or not a proposal by the applicant is likely to be permitted in accordance with planning or building law.”

2.23 **Reviews** - Interested parties or responsible authorities can make requests for a review of a premises licence; however, it is for the licensing authority to decide whether the review is to be carried out. This will be on the basis of whether the request for the review is relevant to the matters listed below, as well as consideration as to whether the request is frivolous, vexatious. The grounds will certainly not cause the authority to revoke or suspend a licence or to remove, amend or attach conditions on the premises licence, or whether it is substantially the same as previous representations or requests for review.

- In accordance with any relevant code of practice issued by the Gambling Commission
- In accordance with any relevant guidance issued by the Gambling Commission
- Reasonably consistent with the licensing objectives and
- In accordance with the authority’s statement of licensing statement of principles

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

3. Permits / Temporary & Occasional Use Notice

- 3.1 **Unlicensed Family Entertainment Centre gaming machine permits (statement of principles on permits – schedule 10 para 7)** - Where a premise does not hold a premises licence but wishes to provide gaming machines, it may apply to the licensing authority for this permit. It should be noted that the applicant must show that the premises will be wholly or mainly used for making gaming machines available for use (Section 238).
- 3.2 The Gambling Act 2005 states that a licensing authority may prepare a statement of principles that they propose to consider in determining the suitability of an applicant for a permit and in preparing this statement, and/or considering applications, it need not (but may) have regard to the licensing objectives and shall have regard to any relevant guidance issued by the commission under section 25. The Gambling Commission's guidance for local authorities also states: "In their three year licensing statement of principles statement, licensing authorities may include a statement of principles that they propose to apply when exercising their functions in considering applications for permits licensing authorities will want to give weight to child protection issues. Further guidance on the information that should be obtained from the applicant and others will be provided in the next version of this guidance."

The guidance also states: "An application for a permit may be granted only if the licensing authority is satisfied that the premises will be used as an unlicensed FEC, and if the chief officer of police has been consulted on the application. Relevant considerations to take into account would be the applicant's suitability... such as any convictions that they may have that would make them unsuitably to operate a family entertainment centre. And the suitability of the premises in relation to their location and issues about disorder."

It should be noted that a licensing authority cannot attach conditions to this type of permit and that the "statement of principles" only applies to initial applications and not to renewals (paragraph 18(4)).

Statement of Principles - The licensing authority will expect the applicant to show that there are policies and procedures in place to protect children from harm. Harm in this context is not limited to harm from gambling but includes wider child protection considerations. The efficiency of such policies and procedures will each be considered on their merits, however, they may include criminal record checks for staff, training covering how staff would deal with unsupervised very young children being on the premises, or children causing perceived problems on / around the premises.

With regard to renewals of these permits, a licensing authority may refuse an application for renewal of a permit only on the grounds that an authorised local authority officer has been refused access to the premises without reasonable excuse, or that renewal would not be reasonably consistent with pursuit of the licensing objectives.

3.3 **Alcohol licensed premises gaming machine permits – (schedule 13 para 4(1))** - There is provision in the Act for premises licensed to sell alcohol for consumption on the premises, to automatically have 2 gaming machines, of categories C and/or D. The premises merely need to notify the licensing authority. The licensing authority can remove the automatic authorisation in respect of any particular premises if:

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

3.4 If a premises wishes to have more than 2 machines, then it needs to apply for a permit and the licensing authority must consider that application based upon the licensing objectives, any guidance issued by the Gambling Commission issued under section 25 of the Gambling Act 2005, and “such matters as they think relevant.” The licensing authority considers that “such matters” will be decided on a case by case basis but generally there will be regard to the need to protect children and vulnerable persons from harm or being exploited by gambling and will expect the applicant to satisfy the authority that there will be sufficient measures to ensure that under 18 year olds do not have access to the adult only gaming machines. Measures which will satisfy the authority that there will be no access may include the adult machines being in site of the bar, or in the sight of staff who will monitor that the machines are not being used by those under 18. Notices and signage may also help. As regards the protection of vulnerable persons applicants may wish to consider the provision of information leaflets and helpline numbers for organisations such as GamCare.

3.5 It is recognised that some alcohol-licensed premises may apply for a premises licence for their non-alcohol licensed areas. Any such application would need to be applied for, and dealt with as an adult entertainment centre premises licence.

- 3.6 It should be noted that the licensing authority can decide to grant the application with a smaller number of machines and/or a different category of machines than that applied for. Conditions (other than these) cannot be attached.
- 3.7 It should also be noted that the holder of a permit must comply with any code of practice issued by the Gambling Commission about the location and operation of the machine.
- 3.8 **Prize Gaming Permits – (statement of principles on permits)** - The Gambling Act 2005 states that a licensing authority may “prepare a statement of principles that they propose to apply in exercising their functions under this schedule” which “may, in particular, specify matters that the licensing authority propose to consider in determining the suitability of the applicant for a permit”.

The licensing authority has not prepared a statement of principles. Should it decide to do so it will include details in a revised version of the statement of principles statement?

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

It should be noted that there are conditions in the Gambling Act 2005 by which the permit holder must comply, but that the licensing authority cannot attach conditions. The conditions in the Act are:

- The limits on participation fees, as set out in regulations, must be complied with;
- All chances to participate in the gaming must be allocated on the premises on which the gaming is taking place and on one day; the game must be played and completed on the day the chances are allocated; and the result of the game must be made public in the premises on the day that it is played;
- The prize for which the game is played must not exceed the amount set out in regulations (if a money prize), or the prescribed value (if non-monetary prize); and
- Participation in the gaming must not entitle the player to take part in any other gambling.

- 3.9 **Club Gaming and Club Machines Permits** - members clubs and miners' welfare institutes (but not commercial clubs) may apply for a club gaming permit or a clubs gaming machines permit. The club gaming permit will enable the premises to provide gaming machines (3 machines of categories B, C or D), equal chance gaming and games of chance as set out in forthcoming regulations. A club gaming machine permit will enable the premises to provide gaming machines (3 machines of categories B, C or D).

Gambling Commission guidance for local authorities states: "Members clubs must have at least 25 members and be established and conducted "wholly or mainly" for purposes other than gaming, unless the gaming is permitted by separate regulations. It is anticipated that this will cover bridge and whist clubs, which will replicate the position under the Gaming Act 1968. A members' club must be permanent in nature, not established to make commercial profit, and controlled by its members equally. Examples include working men's clubs, branches of Royal British Legion and clubs with political affiliations."

The guidance also makes it clear that "Before granting the permit the authority will need to satisfy itself that the premises meet the requirements of a members' club and may grant the permit if the majority of members are over 18."

The Commission Guidance also notes that: "Licensing authorities may only refuse an application on the grounds that:

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

It should be noted that there is a 'fast-track' procedure available for premises, which hold a club premises certificate under the Licensing Act 2003. As the Gambling Commission's guidance for local authorities states: "Under the fast-track procedure there is no opportunity for objections to be made by the commission or the police, and the ground upon which an authority can refuse a permit are reduced" and "the grounds on which an application under the process may be refused are:

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

3.10 Temporary Use Notices - There are a number of statutory limits as regards temporary use notices. It is noted that it falls to the licensing authority to decide what constitutes a 'set of premises' where temporary use notices are received relating to the same building / site (see Gambling Commission's guidance for local authorities).

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

4. Lotteries

4.1 The licensing authority recognises and seeks to promote the existing valuable work done by lottery organisers and fundraisers on behalf of local charities and similar good causes. The licensing authority will work with such organisations to promote compliance with the relevant legislation, and the three licensing objectives, by processing timely and appropriate applications from such promoters. In order to ensure compliance with the legislation the licensing authority will maintain such registers and information required by the legislation.

5. Review

The statement of principles statement will remain in existence for a period of three years and will be subject to review and further consultation before October 2009. However, following consultation, the licensing authority may make revisions to it as deemed necessary.

Appendix 1

Summary of licensing authority delegations permitted under the Gambling Act

Matter to be dealt with	Full Council	Sub-committee of Licensing Committee	Officers
Final approval of three year licensing statement of principles	X		
Statement of principles not to permit casinos	X		
Fee setting (when appropriate)			X
Application for premises licenses		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a variation to a licence		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Application for a transfer of a licence		Where representations have been received from the Commission	Where no representations received from the Commission
Application for a provisional statement		Where representations have been received and not withdrawn	Where no representations received/representations have been withdrawn
Review of a premises licence		X	
Application for club gaming/club machine permits		Where objections have been made (and not withdrawn)	Where no objections made/objections have been withdrawn
Cancellation of club gaming/club machine permits		X	
Applications for other permits			X
Cancellation of licensed premises gaming machine permits			X
Consideration of temporary use notice			X
Decision to give a counter notice to a temporary use notice		X	

X Indicates at the lowest level to which decisions can be delegated.

The Sub-Committee of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee shall be comprised of normally a minimum of 3 members of that committee

**Document enhancement for the visually impaired on request.
Telephone: 01476 406300 or email: frontdesk@southkesteven.gov.uk**

Appendix 2

SOUTH KESTEVEN DISTRICT COUNCIL STATEMENT OF GAMBLING STATEMENT OF PRINCIPLES Gambling Act 2005

Persons consulted

Statutory Consultees

Lincolnshire Police – South Division
Lincolnshire Fire and Rescue
Environmental Health – Environment Section - SKDC
Environmental Health – Commercial Section – SKDC
Health and Safety Executive
Health Protection Agency
Environment Agency
Gambling Commission
Lincolnshire Safe Guarding Children's Board
Building Control Services – SKDC
HM Revenue and Customs

Public Bodies

Community Safety Team – SKDC
Lincolnshire Health Care Trust
Lincolnshire County Council Highways
Security Industry Authority
Lincolnshire County Council Social Services
Lincolnshire County Council Trading Standards
MOD establishments - RAF Wittering, RAF Cottesmore and MOD North
Luffenham
CCTV Manager – SKDC
Community and Economics Development Manager – SKDC
Clerk to the South Lincolnshire Justices
Lincolnshire County Council Education Welfare Service
Citizens Advice – Grantham and Stamford
Probation Service

Lincolnshire Authorities

Lincoln City Council
North Kesteven DC
South Holland DC
West Lindsey DC
East Lindsey DC
Boston Borough Council
North East Lincolnshire Council

Media

Grantham Journal
Stamford Mercury

Community Groups

Bourne Town Council
Market Deeping Town Council
Stamford Town Council
Bourne Town Centre Partnership
Deeping St James Town Council
Grantham Town Centre Partnership
Stamford Vision
Grantham Charter Trustees
St Peters Community Group
Stamford Civic Society
Grantham Civic Society
Bourne Tenants Resource Centre
Barnhill Residents Association – Stamford
Market Deeping Town Centre Partnership
Gay Men Talking
Grantham Town Centre Residents Association
Mencap
Help The Aged
NSPCC
Childrens Society
GAMCARE
Addaction
Alcoholics Anonymous
Grantham Senior Citizens
Community Care for the Elderly
Lincoln Diocesan office
Rev T Pick
Salvation Army
Samaritans
Community Council for Lincolnshire
Quentin Davies MP

Relate
Grantham Council for Churches
Earlesfield Forum
Grantham Learning Disability
Grantham Mind
Lincolnshire Credit Union
Stamford SHYP

Additionally there are a number of private individuals also held on a separate list.

Trade Associations involved in Gaming and Entertainment Industry

British Beer and Pub Association
British Institute of Innkeeping
Campaign for Real Ale
P J Enterprises
Pubwatch – Grantham, Stamford and Bourne and the Deepings
The Bingo Association
Gamestech
Musicians Union
LVA's – Grantham, Stamford, Bourne and the Deepings
Association of British Bookmakers
Casino Operators Association
Racecourse Association
Business in Sport and Leisure
British Holiday and Home Parks
British Casino Association
British Amusements and Catering Trade Association
Wakely Automatics
Eastern Automatics
Hart Marler
Leisure Link
Peterborough Automatics
Shire Leisure
Claremont Automatics
Keeday Leisure
Gala Bingo
Bet Fred
Coral UK
Mark Jarvis Betting
Ladbrookes
All late night food outlets holding AWP permit
All alcohol licensed premises and registered club premises
Amusement arcades permit holders in the district

Appendix 2 Glossary of terms

South Kesteven District Council

Applications:	Applications for licences and permits as stated in the Statement of Principles
Notifications:	Notifications of temporary and occasional use notices
Act:	The Gambling Act 2005
Regulations:	Regulations made under the Gambling Act 2005
Premises:	Any place, including a vehicle, vessel or moveable structure
Premises Licence	Issued by the Licensing Authority to authorise premises to be used for the activities as defined by Section 150 of the Gambling Act
Operator Licence	Issued by the Gambling Commission to organisations and individuals who are providing facilities for gambling as defined by Section 65 of the Gambling Act
Personal Licence	Issued by the Gambling Commission to certain categories of people working in the gambling industry as defined by Section 127 of the Gambling Act
Family Entertainment Centre	The Act creates two classes of Family Entertainment Centres – Licensed: which provide category C and D gaming machines and require a premises licence Unlicensed: which provide category D gaming machines in reliance on a Gaming machine Permit
Adult Gaming Centre	Premises which provide category B, C and D gaming machines and require an operating licence and a premises licence
Gaming Machine	A machine which is designed or adapted for use by individuals to gamble as defined by Section 235 of the Gambling Act
Categories of Gaming machines	A – Maximum Stake: unlimited, Maximum Prize: unlimited B1 – Maximum Stake: £2, Maximum Prize: £4000 B2 – Maximum Stake: £100, Maximum Prize: £500 B3 – Maximum Stake: £1, Maximum Prize: £500 B4 – Maximum Stake: £1, Maximum Prize: £250 C – Maximum Stake: 50p, Maximum Prize: £25 D – Maximum Stake: 10p or 30p when non-monetary prize, Maximum Prize: £5 cash or £8 non-monetary prize
Betting Machine	A machine designed or adapted for use to bet on future real events as defined by Section 235(2)(c) of the Gambling Act
Remote Gambling	Gambling in which persons participate by the use of remote communication as defined by Section 4 of the Gambling Act
Remote Communication	Communication using - The internet Telephone Television Radio, or Any other type of electronic or other technology As defined by Section 4(2) of the Gambling Act.

Travelling Fair	A fair wholly or principally providing amusements and that has been provided wholly or principally by persons who travel from place to place for the purpose of providing fairs, and On a site used for fairs for no more than 27 days per calendar year
Code of Practice:	As defined by Section 286 of the Gambling Act
Responsible Authority:	Means any relevant code of practice under section 24 of the Gambling Act 2005
Interested Party:	<p>For the purposes of this Act, the following are responsible authorities in relation to premises:</p> <ol style="list-style-type: none"> 1. The Licensing Authority in whose area the premises are wholly or mainly situated South Kesteven District Council); 2. The Gambling Commission; 3. Lincolnshire Police; 4. Lincolnshire Fire and Rescue Service; 5. Planning Department, South Kesteven District Council; 6. Environmental Protection Team, South Kesteven District Council 7. Lincolnshire Safe Guarding Children's Board, Lincolnshire County Council; 8. HM Customs and Excise. <p>For the purposes of this Act, a person is an interested party in relation to a premises licence if, in the opinion of the Licensing Authority which issues the licence or to which the application is made, the person: -</p> <p style="padding-left: 40px;">Lives sufficiently close to the premises to be likely to be affected by the authorised activities;</p> <p style="padding-left: 40px;">Has business interests that might be affected by the authorised activities;</p> <p style="padding-left: 40px;">Represents persons who satisfy a) or b) above.</p>

APPENDIX 2**Schedule of Responses to Draft Statement of Principles
- Gambling Act 2005**

Part 1 Responsible Authorities and Statutory Consultees – Amendments made in final version submitted for council approval following cabinet meeting 9 October 2006.

Reference	Respondent	Comments	Appraisal	Response
1. Received 30 June 2005	Bond Pearce – solicitors on behalf of Association of British Bookmakers – ABB	A. Asserts there is no history of nuisance, crime & disorder, inappropriate use of betting shops by vulnerable people or existence of an environment other than that is fair and responsible B. ABB welcomes new legislation and “light touch” enforcement C. Door supervision suggests no need for door supervision.	There is no evidence to contradict this and the legislation would address same issues if they arise This is in line with council policy Not an issue of legislation, does not require door supervision	No policy change No policy change No policy change

APPENDIX 2

		<p>Contains comment re. Inclusion of re. Door supervision wording</p> <p>D. Betting machines suggests inclusion of working of authority not to limit betting machines unless there is a breach of licensing objectives</p> <p>E. Re – Site Applications. Suggests such applications will be looked on “sympathetically”</p> <p>F. Enforcement – Asks that in respect of any enforcement issues there would be a single point of contact within the authority</p>	<p>see also section 2.10 statement of principles</p> <p>It would not be appropriate to include instatement such working as each premise would be judged on its merits. Such inclusion would restrict the authority's discretion</p> <p>Not appropriate as each case should be addressed on its merits, but the authority recognises the benefits of regulated gambling in the district (section 1.2) and the authority's Statement of Principles will not override any application (section 1.8)</p> <p>This is addressed within the Statement of Principles. The licensing team details are shown (section 1.7)</p>	<p>No policy change</p> <p>No policy change</p> <p>No policy change</p>
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APPENDIX 2

2.	Race Course Association	Thanks for notification of Statement of Principles – no venues in district	Issue is addressed in (section 2.18)	No policy change
3.	Lincolnshire Fire and Rescue (J. Cook Fire Safety Manager)	A. Comment document is easy to read B. No legislative issues arising from Gambling Act 2005 – will be addressed by Fire Service legislation C. The Statement addresses the 3 licensing objectives		No policy change
4.	LCC Highways (B Thompson Divisional Highways Manager)	Acknowledges receipt – no comments		
5.	Gambling Commission (S Rossiter)	Acknowledges receipt – no comments	Statement of Principles was written with advice of LACORS and Gambling Commission	
6.	Lincolnshire Safeguarding Childrens Board (D Barnes Business Manager)	A. Board is democratically elected Page 5 B. Typographical error re “safeguarding” Page 5	Will be corrected Will be corrected	Done Done

APPENDIX 2

		<p>C. Issues re training of staff in gambling premises including offer to develop “model policy”</p> <p>D. Re ability of responsible authorities to initiate reviews</p> <p>E. Issues re CRB convictions</p> <p>F. Staff training premises</p>	<p>Already addressed in Statement section 2.8 and will be subject to subsequent codes of practice and consideration of “model policy”</p> <p>Contain in section 197 – 200 of Act – purpose of page 17 of Statement is to acknowledge issues re review should they arise</p> <p>This is addressed in page 18 of Statement. The authority would risk assess on an individual premise basis – see paragraph 2 section 3.2</p> <p>The authority cannot require such training unless there is a need – this could arise if the licensing objectives were breached, or the need for a review arose. Should such issues come to notice the authority would expect the premises operator to demonstrate awareness</p>	<p>Any relevant codes including model policy will be considered as necessary</p> <p>No policy change</p> <p>No policy change</p> <p>No policy change</p>
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APPENDIX 2

		G. The respondent comments the Statement was easy to read, non-technical and the format was appropriate	of the relevant codes of practice and staff training	
7.	“GAMCARE” (A Faulkener)	<p>A. Raises issue in respect of debt issues arising from problem gambling</p> <p>B. The respondent also raises matters such as misuse of drugs</p> <p>C. Leaflets to provide assistance contacts for</p>	<p>This is not specifically for the Statement of Principles but the council recognises problem gambling and has contacted various organisations in respect of such matters as debt management as part of the consultation process. None have to date responded.</p> <p>Section 2.8 of the Statement of Principles address matters such as protection of vulnerable people</p> <p>The Statement of Principles recognises the issues raised and it is expected will be subject to codes of practice from the Gambling</p>	<p>No policy change</p> <p>No policy change</p>

APPENDIX 2

		people having gambling problems, the separation of ATM	Commission	
8.	British Beer & Pub Association (R Matthews) Also represents British Institute of Inn keeping, Association of Licensed Multiple Retailers and Federation of Licensed Victuallers Association	<p>A. Supports the councils draft Statement of Principles based on LACORS template</p> <p>B. Supports prevention of under 18 year old persons playing all cash machines and relevant code of practice together with proof of age schemes to prevent misuse</p> <p>C. Supports staff training and codes of practice in respect of the grant of additional permits</p> <p>D. Applications for more Than two machines – inclusion in Policy/Statement of Principles and no need for licensing on grounds of bureaucracy</p>	<p>As legislation and codes of practice</p> <p>Such applications will be addresses by the authority on their merits</p> <p>To accept this within the Statement of Principles would potentially fetter the authority's decision process, each case should be treated on its merits depending on the premises, it's nature and location thus preventing any alteration in the primary usage of the</p>	No policy change

APPENDIX 2

		<p>E. Standard forms – LACORS</p> <p>F. Transitional arrangements</p>	<p>premises from that of the public house to that of a gambling venue</p> <p>Not a matter for the Statement. Council anticipates adapting structured LACORS forms</p> <p>It would be inappropriate to include this in the Statement of Principles. The DCMS published draft transitional arrangements on 10 July 2006; consultation will not be completed until October and will then be subject to regulations. The council will have adopted its statement of principles by 26 October 2006 to meet required legislative deadlines</p>	
9.	Licensing Team	Completion and insertion of wording Section 4 of Statement of Principles as shown	Advice from LACORS DCMS & County Licensing Group	Statement amended
10.	Environment Agency	Reply by letter that they are not affected by the		No change

APPENDIX 2

		Act		
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17/08/06



MINUTES

CONSTITUTION AND ACCOUNTS COMMITTEE

WEDNESDAY, 20 SEPTEMBER 2006

COMMITTEE MEMBERS PRESENT

Councillor Mrs. Linda Neal (Chairman)
Councillor Mike Exton

Councillor Frank Turner
Councillor John Wilks

OFFICERS

Corporate Head of Finance and Resources
Solicitor to the Council/Monitoring Officer
Assets and Facilities Manager
Procurement Officer
Democratic Officer
District Auditor – Neil Bellamy
Simon Lacey

OTHER MEMBERS

Councillor Stan Pease
Councillor Gerald Taylor

17. MEMBERSHIP

The Committee were notified that Councillor Exton was substituting for Councillor Lovelock and Councillor Turner was substituting for Councillor Martin-Mayhew for this meeting only.

18. APOLOGIES

An apology for absence was received from Councillor J Hurst.

19. DECLARATIONS OF INTEREST

None received.

20. MINUTES OF MEETING HELD ON 29TH JUNE 2006

The minutes of the meeting held on 29th June 2006 were confirmed as a correct record of the decisions taken.

21. AUDIT REPORT ON CLOSURE OF ACCOUNTS 2005/2006

Decision

To note the Audit report on the Closure of Accounts 2005/06.

The District Auditor, Neil Bellamy began by stating that since the last audit a new international audit standard had been set and this was the reason for the

report coming back to the Council, it was for technical purposes. He referred members to page 4 of the report. This gave members the purpose of the report and its scope. In undertaking the audit the auditors had to comply with the Audit Commission's Statutory Code of Audit Practice for Local Government bodies (the Code). The responsibilities are to review and report on, to the extent required by the relevant legislation and the Code: the Authority's financial statement and whether the Authority had made proper arrangements for securing economy, efficiency and effectiveness in its use of resources. A number of reports had been issued during the year on specific aspects of the audit programme. He then referred members to page 7. On the basis of the work they had undertaken they were in a position to give an unqualified audit opinion. He was satisfied that the recent issue of the Council's pension scheme and the lawfulness of one aspect of the scheme would not have a material effect on the Council's accounts, however until a review of the cases had been carried out and he had had the opportunity to review the review, he was not able to close the audit. The accounts could be signed off but not the audit. He then briefly went through paragraphs highlighting to members' areas that although they had to be reported, the auditors had nothing to report. He said that it was fair to say that the closure of accounts this year was much improved on the previous year. He then drew members' attention to paragraph 26 of the report which was a key paragraph and dealt with the letter of representation. This was written assurance from the Section 151 Officer that the auditors had been given all the facts in order to carry out their audit. A text of the letter required was appended to the report. The committee was happy for the Corporate Head of Finance and Resources to sign the letter of representation. The report then went on to discuss the Council's use of resources. The Code required the auditors to reach a conclusion on whether they were satisfied that the Authority had proper arrangements in place for securing economy, efficiency and effectiveness in its use of its resources, they had completed their work and had nothing to report to the committee. The auditors concluded by thanking the Corporate Head of Finance and Resources and her team for all the work that had been undertaken in order to be in the current position. The council showed a positive constructive approach and the self-assessment of the Council would be looked at in November- January this year with the reporting in the annual audit letter in March. The Chairman indicated that although she was not expecting a scoring of 3 across the board, she hoped that as the Council had made resources a category A priority they would be able to make progress towards scoring the higher end of 2 and maybe some 3's.

Questions were then asked about the pensions issue and the money involved to which the Corporate Head of Finance and Resources replied. The Monitoring Officer stated that although the issue of the pension scheme was in the public arena, members should be cautious about discussing repayments and claims.

22. TREASURY MANAGEMENT ACTIVITY 2005/2006

Decision

That the Constitution and Accounts Committee note the report on

Treasury Management Activity for 2005/06.

The Corporate Head of Finance and Resources referred members to report CHFR19 that had been circulated separately. Treasury Management was the term used to cover the Council's borrowing and investment strategies. The Chartered Institute of Public Finance and Accountancy (CIPFA) issued a Code of Practice on Treasury Management; this was designed to ensure that responsibilities are clearly understood and that reporting mechanisms are in place to provide evidence of prudential management. The Corporate Head of Finance and Resources briefly went through the report highlighting areas of interest to the Committee. She referred to the two brokers which the Council worked with on their financial reserves, Tradition (UK) Ltd and Sterling International Brokers Ltd and the interest rates which the council currently had on their short term interest rates (4.8%) and long term interest rates (5.09). Activity that was undertaken in 2005/06 included 40 short-term fixed deposits of between £250,000 to £5million with £1.25 million of deposits lent out as at 31 March 2006. Deposits were restricted to five banks/building societies and these were outlined in the report. During the year 45 deposits and 56 withdrawals were made on the account where funds for immediate access were placed. At the end of March 2006 the managed cash funds stood at £28 million. The Corporate Head of Finance and Resources referred to an issue raised by the auditors that concerned the amount of money held in the account at the end of the financial year. It was suggested that the council should better manage these funds, keeping as little as possible in the account. In order to facilitate this it was proposed that a post of Exchequer Team Leader be advertised. This person would have a day-to-day responsibility on looking at cash flows in and out of the Council and making the best use of those funds available. A future review of the Treasury Management strategy was planned with help and advice being sought from the Council's retained Treasury Management specialists, Butlers.

Questions were asked about the new Exchequer Team Leader post and advertising such posts and resources in general to which the Corporate Head of Finance and Resources replied. Members were happy to note the annual report on the Treasury Management 2005/06.

23. CONTRACT PROCEDURE RULES

Decision

The Constitution and Accounts Committee recommends that:

- (1) The action notes from the Resources DSP and recommendations from the Contract and Tendering Report conducted by Price Waterhouse Coopers be accepted and***
- (2) Subject to (1) the revised Contract Procedure Rules be adopted and incorporated within the Council's Constitution.***

Members had been circulated with report AFM020 from the Assets and Facilities Manager. The Assets and Facilities Manager informed the Committee

that the Contract Procedure Rules had been revised to incorporate new EU legislation, South Kesteven District Councils' e procurement strategy and the management restructure. The draft document had been sent to various bodies for comment including the Centre of Excellence, the Portfolio Holder for Resources and the Resources DSP. Price Waterhouse Coopers had reviewed the final draft and their comments on the document were appended to the report for member's information. Members asked the officers involved if they were happy that the document was fit for purpose. The Assets and Facilities Manager said that he was confident that it was fit for purpose but that there would always be one or two exceptions, however the new document was more stringent than the old one. Members thanked all those involved for their hard work especially Julie Cant. It was proposed and seconded and agreed that the document be adopted.

The Corporate Head of Finance and Resources informed the Committee that although the document had not yet been to Council, the Service Manager training which was taking place shortly would involve training on the new contract procedure rules rather than the old ones to which the committee agreed that this was the way forward.

24. AMENDMENTS TO CONSTITUTION

Decision

That the Constitution and Accounts Committee recommends to Council that the requirement for all non key decisions taken by individual portfolio holders under delegated powers to be reported to the next available Cabinet meeting be deleted from the Constitution.

The Chairman informed the panel that this report had come before the Committee because often the Non Key Decisions (NKD's), which were reported at Cabinet, had been made the previous week or earlier and therefore the information was historical and often the call-in period for the NKD's had expired. Information about NKD's made was now available both pre-decision stage and on the day the decisions were published via the website. Those NKD's, which were actually made on the date of the Cabinet meeting, would still be able to be reported at Cabinet. The Monitoring Officer agreed that work was being duplicated and it would be sensible to delete the requirement from the Constitution. The proposal was moved and seconded and agreed.

25. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

None.

26. CLOSE OF MEETING

The meeting closed at 12.05pm.

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO.: CEX353

DATE: 26th October 2006

TITLE:	Changes to Council Policies on Pensions and Compensation Payments.	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Frances Cartwright	
CORPORATE PRIORITY:	Use of Resources	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Yes	Full impact assessment required? No
BACKGROUND PAPERS:	Previous report to Council CEX352	

1. Introduction

On the 1st of October new regulations came into force aimed at tackling age discrimination in employment.

One of the main effects of these regulations is to require a change in the way we calculate compensation payments to employees when posts are redundant.

As permitted by the previous regulations the Council calculates these payments using a formula which takes into account both age and length of service. The result is then multiplied by the employee's weekly pay with the maximum permissible compensation payment being based on 66 weeks. There was provision within the previous regulations to "cap" pay at the rate of £290 per week however the Council policy was not to apply this.

2. Recommendations

That Council approve the following changes to the Council's pension and compensation policies to take effect immediately:

- 1) That compensation payments for redundancy are calculated using the statutory scheme with a multiplier of 2.2 to actual salary, thereby limiting the maximum eligibility to 66 weeks. Consideration of any enhancement beyond the current 66 weeks up to the maximum discretionary allowable of 104 weeks would be considered on the grounds of compassion which is defined as "Situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative leading to unavoidable financial hardship".
- 2) That the compensation payments for redundancy continue at the statutory level, as at present, for those employees aged 50 and above whose redundancy effects a release of their pension.
- 3) That the Chief Executive is given delegated authority to determine whether the provisions relating to compassion should be applied.
- 4) That any retirements under the rule of 85 and regulation 31 that require the employer's consent are only acceded to where that particular application can be shown to the satisfaction of the Chief Executive to be in the interest of the efficiency of the service.
- 5) That any applications under section 26 of the regulations for early retirements on the grounds of efficiency are decided by the Chief Executive, with advice from the Monitoring Officer, Section 151 officer, and HR Manager on a case by case basis to ascertain whether they are in the interest of the efficiency of the service, with any appeal coming to a member panel.
- 6) In paragraphs 4) and 5) above, efficiency shall include (but not be limited to) both financial savings and/or quantifiable quality improvements judged on a case by case basis.

3. New Regulations on Compensation Payments

The new regulations, which came into effect on the 1st of October 2006, have a maximum permissible compensation of 104 rather than 66 weeks. Curiously, although they were introduced in order to comply with age discrimination, under an exemption in the regulations, they enable age and length of service to still be taken into account when calculating compensation payments. However this now has to be done on a slightly different formula. The new formula is the one that is used in the calculation of statutory redundancy pay.

As with the previous scheme, it is still possible to apply a pay cap at the statutory rate of £290 per week.

Although the provisions of this scheme came into force on the 1st of October, the regulations were not laid before the Parliament until late September making it impossible to bring this report before Council until today. However consultation with unions through the formal Joint Consultative Group was conducted on the basis of the draft regulation that was made available to the Council in late August.

As can be seen from the consultation documents, I proposed that we follow the statutory scheme using a multiplier of 2.2 and thereby limiting the maximum eligibility to 66 weeks as at present. Consideration of any enhancement beyond the current 66 weeks up to the maximum discretionary allowable of 104 weeks would be considered on the grounds of compassion. It was also proposed to apply the pay cap, again lifting it only on compassionate grounds.

It was stated in the consultation that the definition of compassion would accord with that adopted by the County Council namely: "Situations of severe personal distress resulting from non-financial circumstances affecting the individual or close relative leading to unavoidable financial hardship".

The unions and staff raised no objections to using the multiplier proposed but made it very clear that they had very strong objections to the proposal to cap pay such was the strength of feeling amongst their members that if this was implemented they would be minded to ballot their members on industrial action.

In the light of the strength of feeling on this issue, and recognising that by limiting payment to 66 weeks the costs of not applying the cap will be no greater than the costs of the current scheme, I am recommending that in order to safeguard our good relationship with our staff we do not apply any pay cap.

4. Consideration of Changes to the Council's policy on retirements under the "rule of 85" (regulation 31) and clarification of policy under regulation 26 retirements

Following the decision of the Council at its last meeting to terminate the Council's local scheme, any applications for early retirement under paragraph 26 of the regulations will be determined on a case-by-case basis to ascertain whether they are in the interests of the efficiency of the service.

Nationally the government is proposing to terminate early retirement under the rule of 85 which is part of regulation 31. The changes proposed nationally have been contested by the unions who sought to challenge it in the high court. The challenge failed. I understand that the proposed changes will now take effect until December of this year.

As this issue is being resolved nationally no immediate changes are required by the Council to comply with the Age Discrimination legislation in relation to pensions, however as can be seen from the consultation documents, in the light of the proposals to terminate this scheme with limited protection only for

older workers I have consulted on a proposal to amend the Council's policy in respect to rule of 85 requests.

Under the current regulations, employees meeting the rule of 85, who have not reached the age of sixty, have to receive the employer's consent to receive their pension. Our policy states that such consent will always be given, whatever the circumstances. As a consequence of this there is no obligation to examine whether any of these retirements are in the interests of the efficiency of the service.

In the consultation process, I proposed that the Council policy be amended to state that retirements under the rule of 85 that require the employer's consent are only acceded to where that particular application can be shown to be in the interests of the efficiency of the service. If this test can only be met by offering a partially or fully actuarially reduced pension, then the pension release be approved only on this basis. Efficiency in this case would mean either financial savings and/or quantifiable quality improvements judged on a case by case basis.

Following the termination of the Council local scheme at the last Council meeting, the Council is required under regulation 102 to set-out its policy on determining applications under regulation 26. As both policy and regulations are currently evolving it would seem appropriate to set-out a policy that continues to delegate to myself the power to determine applications for early retirements on the grounds of efficiency, with any appeal coming to a member panel. Efficiency shall include (but not be limited to) both financial savings and/or quantifiable quality improvements judged on a case by case basis.

5. Financial Implications of the Recommendation

As the proposals will limit compensation payment to a maximum of 66 weeks (except in case of compassion) which was the maximum payable under the previous regulations, and because the two formulas used are very similar, and the number of redundancies made by the Council very small, the financial consequences of this proposals are likely to be minimal.

In regard to retirements under the rule of 85, these are likely to be greatly restricted in the future under the national scheme anyway. I propose to ensure that all applications that require our approval are subject to a test of efficiency that will result in a modest saving. However because this process is initiated by an employee application it is not possible to estimate this saving.

6. Other options considered and assessed

During the consultation meetings I did raise with both staff and unions the possibility of making compensation payments on a flat rate basis, irrespective of age or length of service. This would have the advantage of being clear and understandable by all employees. There appeared to be no support from staff or unions for this proposal so although permissible under the regulations, I have not developed it any further.

When the opposition of both staff and unions to the proposal to cap compensation payments at £290 per week became apparent, I did seek to ascertain whether the same opposition would apply if a cap was applied at a

higher level. Again such an approach would be permissible under the regulations. The response was that the unions believed that the principle of capping pay in this way was inequitable and they would strongly oppose its introduction at any level.

7. Comments of Corporate Head for Finance and Resources

The Chief Executive has already identified in the report that his recommendations would result in a cost neutral position in relation to a comparison between the existing and proposed policy for redundancy compensatory payments.

In addition he has also identified that by placing a test of efficiency on the policy of employer consent for release of pension under the rule of 85 pension, rather than the current policy of employer consent always been given, would result in modest savings should any application be received. As each case is unique based on an employee's age, length of service and salary level, it is difficult to quantify the extent of these savings. However, the figures below show some examples of capital costs the Council has incurred on previous releases of pension under the rule of 85.

<u>Case</u>	<u>Length of Service</u>	<u>Age</u>	<u>Leaving Salary</u>	<u>Capital Cost</u>
A	38	55	£26,020	£34,739
B	40	58	£41,670	£15,618
C	40	56	£27,686	£42,123
D	36	58	£35,000	£10,572
E	30	59	£21,800	£6,883

With regard to the test of efficiency, I have reviewed the process for considering early releases of pension with employer consent and in consultation with the Council's external auditor have introduced a 5 stage approval process to provide a method of internal control. The stages comprise of:

1. Service Manager production of Business Case including a test of efficiency taking account of the following:
 - a. Financial issues
 - b. Working capacity
 - c. Business impact
 - d. Risk Impact assessment
 - e. Skills impact assessment
2. Human Resources Manager advice of appropriate employment law related issues
3. Section 151 advice of the affordability of the business case and whether the application represents Value for Money and is in the interests of the taxpayer at large.
4. Monitoring officer advice that the application accords with council policy and is lawful

5. Chief Executive's determination of the application as Head of Paid Service based on the business case and advice of key officers identified at steps 2 to 4.

8. Comments of the Human Resources Manager

The new regulations relating to the discretionary compensation regulations come into force alongside the Employment Equality (Age) Regulations. They specifically revoke the discretionary powers that are currently consolidated into the Local government (Early Termination of Employment)(Discretionary compensation) (England and Wales) Regulations 2000. The dispositions were previously applied to provide an enhanced compensation scheme for redundant employees aged up to 50. Currently the termination of employment on the grounds of redundancy, for employees at age 50 or above, automatically effects a release of pension. The redundancy payments for employees aged 50 were made at the statutory levels without enhancement. I anticipate that the changes to the pension scheme regulations, especially in relation to flexible retirement will warrant further adjustments to the scheme. The decision to terminate employment on the grounds of redundancy is now made through a detailed procedure requiring input from the relevant service manager, HR, S151 officer, the monitoring officer before final determination by the Head of Paid Service, the Chief Executive.

9. Comments of Monitoring Officer

R.26 of the Local Government Pension Scheme Regulations 1997 (as amended) (" the regulations") permits early release of unreduced pension at age 50 and over, provided the employer certifies the reason for retirement was redundancy, which is defined to include in the interests of the efficiency of the service. This requires a judgement to be made about the interests of efficiency. The introduction of the procedure for determination will ensure all consents to early release of pension under this rule are lawful. It is appropriate for the Chief Executive to be given authority to determine all such applications in the way described at paragraph 5 of the recommendations.

R.31 of the regulations does not require any consent or certificate of the employer, unless the applicant is aged under 60. Any consent does not require a judgement to be made, however, by virtue of rule r.106 of the regulations, the Council is required to have a policy. The policy proposed will require the same considerations as those applied in respect of requests for pension release under r. 26.

10. Future developments

Local Government pension policy is in a state of flux at the moment as the government seeks to amend the scheme to take account of an ageing population and the consequential costs to pension funds, whilst unions seek to protect their members from adverse changes. It has been intimated that further changes are likely, particularly around flexible retirements. These are likely to require further changes to the Council's pension policy and as details become known I will report them to Council.

11. Contact officer

Duncan Kerr,
Chief Executive
01476 406007

INITIAL EQUALITY IMPACT ASSESSMENT PRO FORMA

Section:	Names of those undertaking assessment:	
Whole Council	Joyce Slater Marion Fox Hilary Lovell	
Name of Policy to be assessed: Amendments to pensions and compensation policies	Date of Assessment: 10.10.06	Is this a new or existing policy?: Current policies need amending in accordance with Employment Equality (Age) Regulations 2006
1. Briefly describe the aims, objectives and purpose of the policy: To ensure the compensation payments scheme and retirement arrangements comply with current legislation.		
2. What are the key performance indicators? BVPI 14 and BVPI 15		
3. Who will be affected by this policy? All employees		
4. Who is intended to benefit from this policy and in what way? Employees whose posts are redundant and employees affected by the Rule of 85 interim arrangements / regulation 31 arrangements for early retirements.		
5. Are there any other organisations involved in the delivery of the service? Lincolnshire County Council as pension scheme administrators.		
6. What outcomes are required from this policy and for whom? Compliance with legislation. A clear, fair and consistent process for all affected employees.		
7. What factors/forces could contribute/detract from the outcomes? Further changes from government in pension arrangements.		
8. Who are the main stakeholders in relation to the policy? Employees Managers Pension Scheme Administrator Audit Trade Unions		
9. Who implements the policy, and who is responsible for the policy? Collective responsibility – new 5 stage approval process ensures internal control. The 5 stages are as follows:		

Service Manager
HR Manager
Section 151 Officer
Monitoring Officer
Chief Executive

10. Are there concerns that the policy could have a differential impact on different racial groups? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

No particular concerns – the five stage approval process will ensure a consistent approach to the decision making process to ensure that employees from different racial groups are not differently affected.

11. Are there concerns that the policy could have a differential impact on men and women? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

Redundancy payments for women who may have taken career breaks for childcare purposes could be affected.

Compensation payments for redundancy on a flat rate basis were considered and consulted on but there appeared to be no support from staff or unions for this proposal.

In terms of redundancy arrangements see section 10.

12. Are there concerns that the policy could have a differential impact on disabled people? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

See section 10.

Section 31 of the Regulations permits early retirement with employer consent which could be beneficial to employees with a disability.

13. Are there concerns that the policy could have a differential impact on the grounds of sexual orientation? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

See section 10.

14. Are there concerns that the policy could have a differential impact on the grounds of age? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

There is a differential impact in terms of redundancy payments which are calculated using age and length of service. Our proposals are based on statutory calculations which have been given a dispensation with respect to age discrimination regulations.

15. Are there concerns that the policy could have a differential impact on the grounds of religious belief? If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

See section 10.

16. Are there concerns that the policy could have a differential impact on any other groups of people eg those with dependants/caring responsibilities, those with an offending past, those with learning difficulties, transgendered or transsexual people. If yes, please explain. What existing evidence (either presumed or otherwise) do you have for this?

In terms of redundancy payments there could be a differential impact for those with caring responsibilities in the same way as for women – see section 11 above.

17. Are there any obvious barriers to accessing the service eg language, physical access?
No
18. Where do you think improvements could be made?
Not applicable.
19. Are there any unmet needs or requirements that can be identified that affect specific groups. If yes, please give details.
No
20. Is there a complaints system? Yes. Determination of applications for early retirement and the provisions relating to compassion for enhancement of redundancy payments is delegated to the Chief Executive. Employees have the right to appeal on the decision to a member panel.
21. Do we monitor complaints by race, gender, disability, age, sexual orientation, religious belief? Arrangements to be put in place as per current grievance procedure.
22. Do we have feedback from managers or frontline staff? All staff were consulted. Issues were consulted on with the trade unions via the JCNG.
23. Is there any feedback from voluntary/community organisations? Not applicable.
24. Is there any research or models of practice that may inform our view? National guidance.
25. Could the differential impact identified in 8 – 16 amount to there being unlawful discrimination in respect of this policy? No
26. Could the differential impact identified in 8-16 amount to there being the potential for adverse impact in this policy? No
27. Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group? Or any other reason? Not applicable.
28. Should the policy proceed to a full impact assessment? No.
29. Date on which Full assessment to be completed by Not applicable

Signed (Lead Officer):Joyce Slater.....

Date:12th October 2006.....

Agenda Item 12

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO.: CEX357

DATE: 26th October 2006

TITLE:	Update on progress regarding issues arising as a result of the Local Pension Scheme	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Frances Cartwright	
CORPORATE PRIORITY:	Use of Resources	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	None	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Not Applicable	Full impact assessment required? No
BACKGROUND PAPERS:	None.	

1. INTRODUCTION

In accordance with the minute of the last Council meeting I have prepared this report to up-date members on the implementation of the resolution approved at that meeting

2. Recommendation

That the actions of the Chief Executive in responding to the issues raised by this case be noted.

3. Progress of the Investigation

Formation of the Member Panel

The member panel has been formed and met twice to agree the remit and format for the investigation.

The panel determined that the investigation proceeds in two parts. The first part will be to ascertain the factors that led to the Council adopting this scheme in 1996/7. This investigation will be externally led and an appointment has been made. The second part will focus on how the scheme has operated since its introduction. This part will be internally led by one of the Council's Strategic Directors.

Further legal advice

The Council has sought and received further legal advice clarifying the situation regarding recipients of pensions under this scheme and detailing any implications for the Council's policy on rule of 85 retirements.

4. Impact on persons receiving a pension under the local scheme

The Council has identified 23 persons who took early retirement and received their pension under the provisions of this scheme during the ten years it was operating for. As a result of the further legal advice received on the 2nd October it does not appear that any of the payments are unlawful principally because they are properly certificated. The advice states "On reflection, my view is that the payments were not unlawful" and goes onto to say "If the payment were lawfully made from the fund, then as matters stand I can see no basis upon which they could be recovered from the recipients".

There remains the more contentious and difficult area of whether the Council could, or should, be initiating any action to seek a court order to quash any of these certificates, which if successful, could result in the termination of future payments by the administering authority (Lincolnshire County Council). As recognised in the further opinion this is a very complex area of legislation and the outcome of any application is extremely uncertain. Firstly although the Council may have accepted that the scheme was unlawful this view is likely to be strongly challenged by the recipients and unions. Even if this aspect is settled then the court would need to consider case-law such as *Rootkin v Kent* which implies that once the Council has determined that a payment should be made it cannot rescind it. The QC who has been advising us on this case recognises that there is a considerable area of doubt regarding the Council's ability to withdraw certificates in these circumstances, although he ultimately advisees that the Council should consider this course of action. However he advises that any such withdrawal could only be contemplated following a re-determination of the eligibility of each of these individuals at this moment in time. He also draws attention to the options that exists within the regulations to determine that such cases could still be eligible on compassionate grounds as individuals have, through no fault of their own been led to believe that they could take early retirement.

As a consequence of this further advice I have arranged for all of these cases to be reviewed to ascertain that if a determination was conducted now, how many would be eligible under other parts of the Council's scheme and whether the remaining cases would be eligible on compassionate grounds.

I will also be meeting with officers from Lincolnshire County Council, who are the administering authority, to ascertain their views on the situation.

In view of the complexity of the situation and the fact that I have not yet concluded the work needed to assess the full implications for the individuals affected in the light of this further opinion I have deferred contacting persons who have received pensions under the provisions of the local scheme.

The additional advice has not raised any concern regarding the Council's policy for rule of 85 retirements.

5. External Audit

External audit have been kept informed by both the Section 151 Officer and myself. They have undertaken a spot audit of three of the 23 cases and they have not intimated that they intend to take any action against the Council as a result of their findings. As members will be aware they have now signed off the accounts for 2005/6, viewing that any liability associated with this issue is not significant in financial terms. However they have not yet signed-off the audit for 2005/6.

6. Administration of requests for early release of pension

In consultation with our auditors the section 151 Officer has designed, and put into effect, a full and detailed process for the examination and determination of request for early release of pension. This procedure also involved the monitoring officer and HR manager with the final decision being made by myself.

7. Union view

At the request of the unions extracts from the Council's opinion received by the authority have been released to them. It remains a possibility that they may seek to challenge the decision to terminate this scheme through the Industrial Tribunal as they have intimated that they intend to lodge a collective grievance regarding the decision of Council to terminate the scheme.

8. Live cases

Members will recall that this review was triggered by an application under a provision of the scheme that allowed someone to leave the Council and seek to claim early release of their pension when they became fifty. The ex-employee who submitted this claim has been informed that the claim can not be acceded to because the scheme has been terminated and in the light of this information has withdrawn their application.

5. Comments Of Section 151 Officer

I have fully liaised with External audit on this issue and have also requested Internal Audit to undertake a review of the affected cases. As the Chief Executive has mentioned above, the Governance report has been signed off by External Audit in respect of the Statement of Accounts 2005/6.

Officers will produce a further report to members once the review of affected cases has been concluded by Internal Audit and a further evaluation of any potential recovery action has been undertaken in light of the Counsel's opinion.

The internal controls relating to the determination of early termination of employment have been reviewed and the new procedure referred to in paragraph 6 above has been introduced for early release of pension requests and redundancy.

6. Comments Of Monitoring Officer

The release of legal advice in this report in no way waives the Council's right to legal privilege in general in this matter. It is acknowledged , in such a matter , openness and transparency are essential and in the public interest.

No decisions should be made on future conduct until a full investigation of each case has been concluded and all parties involved informed of the position. This Council cannot, itself, take an action for judicial review to quash a certificate given by it.

Duncan Kerr
Chief Executive

Agenda Item 13

REPORT TO COUNCIL

REPORT OF: Director of Tenancy Services

REPORT NO.: TSE 13

DATE: 26 OCTOBER 2006

TITLE:	LARGE SCALE VOLUNTARY TRANSFER -COUNCIL MEETING TO CONSIDER THE RESULT OF THE LSVT BALLOT OF TENANTS
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	16 November 2005
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal

COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Organisational Development & Housing Services - Councillor F Cartwright Resources & Assets Councillor T Bryant	
CORPORATE PRIORITY:	Priority A - Affordable Housing Priority B - Housing Management	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report if available via the Local Democracy link on the Council's website www.southkesteven.gov.uk	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report?	Full impact assessment required?
	Not Applicable	No
BACKGROUND PAPERS:	Housing Stock Options Appraisal report by EBWNL - May 2005 Report DRS24 - 5 January 2006 Report LSVTPM01 - 25 May 2006 Report CHFR6 - 12 June 2006 Report TSE9 - 7 September 2006 Report TSE12 - 12 October 2006	

1. INTRODUCTION

1.1 This report recommends action following the ballot of tenants on the proposed transfer to South Lincolnshire Homes

2. RECOMMENDATION

2.1 It is recommended that an Extraordinary meeting of the Council be called to be held at 2p.m. on 30th November to determine action relating to the future of the housing stock following the formal receipt of the result of the tenants' ballot.

3. DETAILS OF REPORT

3.1 At its extraordinary meeting on 12th October the Council agreed to issue a Stage 2 Notice to tenants and to proceed to a ballot.

3.2 Whatever the outcome, the Council will need to consider the implications of the result and make some key decisions for the future.

3.3 The first scheduled meeting of the full Council after the close of the ballot is on 25th January 2007 which is considered to be too long a delay before those key decisions are made. It is, therefore, suggested that the Council holds an extraordinary meeting as soon as practicable after the close of the ballot to allow early consideration of the implications of the result and consider future action required.

4. COMMENTS OF SECTION 151 OFFICER

Once the outcome of the ballot is known it is essential that a formal decision is made to enable service and business planning to progress.

5. COMMENTS OF MONITORING OFFICER

The Constitution permits the Chief Executive to call Council meetings in addition to ordinary meetings at the request of the Council by resolution. It is appropriate for Council to consider this request and make the resolution in accordance with the recommendation.

7. CONTACT OFFICER

Tony Campbell 01476 406501
t.campbell@southkesteven.gov.uk