

AGENDA



For a meeting of the
COUNCIL
to be held on
THURSDAY, 22 APRIL 2010
at
2.00 PM
in the
COUNCIL CHAMBER, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Beverly Agass, Chief Executive

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

- 1. ELECTION OF THE CHAIRMAN OF THE DISTRICT COUNCIL**
The Chairman will take the chair, make the declaration of acceptance of office and be invested with the chain of office.
- 2. VOTE OF THANKS TO THE RETIRING CHAIRMAN**
After the vote of thanks, the Chairman will make a presentation to the retiring Chairman. The retiring Chairman will then respond.
- 3. APPOINTMENT OF VICE-CHAIRMAN OF THE DISTRICT COUNCIL**
The Vice-Chairman will make the declaration of acceptance of office and be invested with the Vice-Chairman's medallion.
- 4. APOLOGIES FOR ABSENCE**
- 5. DECLARATIONS OF INTEREST**
Members are asked to declare any interests in matters for consideration at the meeting.
- 6. MINUTES OF THE ORDINARY MEETING HELD ON 1 MARCH 2010.**
(Enclosure)

- 7. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)**
(Enclosure)
- 8. APPOINTMENT OF LEADER OF THE COUNCIL**
- 9. DETERMINATION AS TO THE NUMBER OF CABINET SEATS AND THE NOTIFICATION BY THE LEADER OF THE CABINET MEMBERS AND PORTFOLIOS**
- 10. APPOINTMENTS TO COMMITTEES OF THE COUNCIL AND THE POLICY DEVELOPMENT GROUPS**
Report number DEM040 by the Access and Engagement Portfolio Holder.
(Enclosure)
- 11. TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS 2010/11**
To approve a programme or of ordinary meetings of the Council and its Committees for the municipal year.
Report number DEM041 by the Access and Engagement Portfolio Holder.
(Enclosure)
- 12. REPORT TO COUNCIL FROM THE STANDARDS COMMITTEE**
The Chairman of the Standards Committee to submit report number LEG065
(Enclosure)
- 13. REPORT TO COUNCIL FROM GOVERNANCE AND AUDIT COMMITTEE**
The Chairman of the Governance and Audit Committee to submit report number GAC002
(Enclosure)
- 14. APPOINTMENTS TO OUTSIDE BODIES**
Report number DEM042 by the Access and Engagement Portfolio Holder.
(Enclosure)
- 15. ADDITION TO SOUTH KESTEVEN DISTRICT COUNCIL OFF STREET PARKING PLACES ORDER 2002: RESPONSE TO CONSULTATION**
Report number AFM0137 by the Economic Development Portfolio Holder.
(Enclosure)
- 16. DOG CONTROL ORDERS**
Report number SS0008 by the Healthy Environment Portfolio Holder.
(Enclosure)
- 17. NEW EXECUTIVE ARRANGEMENTS UNDER THE LOCAL GOVERNMENT AND PUBLIC INVOLVEMENT IN HEALTH ACT 2007**
Report number DEM039 by the Access and Engagement Portfolio Holder.
(Enclosure)
- 18. LOCAL DEMOCRACY, ECONOMIC DEVELOPMENT AND CONSTRUCTION ACT 2009 - DUTY TO ADOPT A PETITIONS SCHEME**
Report number DEM043 by the Access and Engagement Portfolio Holder.
(Enclosure)

19. QUESTIONS ON NOTICE

To note the list of questions asked under Council procedure rule 11.1 as circulated at the start of the meeting and their reference to the relevant Policy Development Group.

NOTE: DEADLINE FOR NOTICES OF MOTION TO COUNCIL ON 17 JUNE
2010: Friday 2pm 4 June 2010

MINUTES

COUNCIL
MONDAY, 1 MARCH 2010
2.00 PM



PRESENT

Councillor Bob Adams Chairman

Councillor Ray Auger
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Christine Brough
Councillor Robert Broughton
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Elizabeth Channell
Councillor George Chivers
Councillor Michael Cook
Councillor Nick Craft
Councillor Alan Davidson
Councillor John Dawson
Councillor Mike Exton
Councillor Stuart Farrar
Councillor Mrs Joyce Gaffigan
Councillor John Harvey
Councillor Bryan Helyar
Councillor David Higgs
Councillor Trevor Holmes
Councillor Reginald Howard
Councillor Sam Jalili
Councillor Mrs Maureen Jalili
Councillor Mrs Rosemary Kaberry-Brown
Councillor Albert Victor Kerr
Councillor Reg Lovelock MBE.

Councillor Peter Martin-Mayhew
Councillor Stuart McBride
Councillor Andrew Moore
Councillor Mrs. Linda Neal
Councillor John Nicholson
Councillor Alan Parkin
Councillor Mrs Margery Radley
Councillor Susan Sandall
Councillor Bob Sandall
Councillor Trevor Scott
Councillor Mrs Judy Smith
Councillor John Smith
Councillor Mrs Maureen Spencer-Gregson O.B.E.
Councillor Peter Stephens
Councillor Ian Stokes
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Andrea Webster
Councillor Tom Webster
Councillor Graham Wheat
Councillor Mike Williams
Councillor Avril Williams
Councillor Paul Wood
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Ian Yates)
Corporate Head Finance & Customer
Services (Richard Wyles)

OFFICERS

Legal Services Manager – Monitoring
Officer (Lucy Youles)
Democracy Services Manager (Lena
Shuttlewood)



"Listening Learning Delivering"

South Kesteven District Council

STAMFORD • GRANTHAM • BOURNE • THE DEEPINGS

77. PUBLIC OPEN FORUM

Question from Mrs Kara McDonald to the Portfolio Holder for Healthy Environment (Councillor John Smith):

Are there any plans for improving the play park on Beechcroft Road (in Grantham), if so, when? If not, why not?

Reply from Councillor John Smith:

Thank you for coming and asking the question about the play park on Beechcroft Road.

Our current budget is entirely used for the maintenance and repair of equipment to ensure that it is kept fully compliant with Health and Safety regulations. This budget is under pressure with the unfortunate amount of vandalism in some areas. However, I am pleased to say that it is intended to repair the existing apparatus by engaging the services of the Unpaid Work Scheme, better known as The Probation Service, and also to repair any equipment which needs it. Most importantly we will be fully repairing the damaged areas of safety surfacing.

Supplementary question from Mrs McDonald:

When would this be done, when would it be started?

Reply from Councillor John Smith:

As soon as possible.

78. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Hearmon, Joynson, Russell and Selby.

79. DECLARATIONS OF INTEREST

Councillor John Smith declared a personal and prejudicial interest in Part A of the budget item concerning the Bourne Core Area element of the Capital Programme. His interest arose by virtue of his being a member of a club whose premises were located within the Bourne Core Area. Councillor Smith took no part in the voting or discussion on the Capital Programme and left the Chamber

whilst it was under consideration, and returned to the meeting following a vote on part of the budget.

80. MINUTES OF THE ORDINARY MEETING HELD ON 21 JANUARY 2010

The minutes of the meeting held on 21 January 2010 were approved as a correct record and signed by the Chairman, subject to the addition of Councillor Mrs Joyce Gaffigan to the list of those present at the meeting.

81. COMMUNICATIONS (INCLUDING CHAIRMAN'S ENGAGEMENTS)

The Chief Executive reminded Members that there would be an open session at Mowbeck House where Care Services and the CCTV Centre were based. Mrs Agass paid tribute to these services who had responded to a great number of calls 24 hours a day, seven days a week during the recent poor weather. The Council agreed (by unanimous show of hands) to extend a formal vote of thanks to these services.

82. MOTION BY THE CHAIRMAN TO REQUEST THE CONSENT OF THE COUNCIL TO EXTEND THE LENGTH OF SPEECHES.

DECISION:

That Council consent that a speech by any Member during the item on the agenda relating to the budget proposals for this meeting alone be permitted to not exceed ten minutes.

83. BUDGET 2010/11 AND INDICATIVE BUDGETS FOR 2011/12 AND 2012/13 AND APPROVAL OF PRIORITY THEME ACTION PLANS

PART A: Revenue Estimates 2009/10 and indicative budget 2010/11 and 2011/12

DECISION:

That the Council:-

General Fund Revenue Estimate

- a.) set a General Fund budget requirement of £16.416M for 2010/11 (inclusive of special expenses) and note the indicative budget requirement figures of £15.893M for 2011/12 and £16.115M for 2012/13
- b.) set a Council Tax increase of 2.5% for 2010/11 (1.2% inclusive of special expense areas)
- c.) approve the original base estimate for 2010/11 and indicative base estimates for 2011/12 and 2012/13 as detailed in the summary at Appendix A page 1
- d.) approve the Treasury Management Strategy provided at Appendix E
- e.) approve increases in Fees and Charges for 2010/11 (in accordance with the Council's Fees and Charges Strategy) as set out in Appendix D

- f.) approve the Revenue and Capital Reserves statement contained at Appendix C
- g.) continue the fundamental review of services where the projected income levels show a continued reduction to ensure the allocated resources are proportionally aligned
- h.) approve a revised funding allocation of £56K per annum in respect of the town centre partnerships
- i.) approve a service review programme to ensure all services delivered are cost efficient, aligned to priorities and providing value for money to the taxpayer
- j.) approve the growth in the base budgets in respect of the following:
 - Choice based lettings set up costs
 - Provision for additional benefits assessor
 - Civilian parking enforcement set up costs
 - Creation of priority action plans provision
 - Efficiency initiatives provision
 - Service initiatives provision
- k.) set cash releasing efficiency targets for each service area at corporate level in order for the Council to achieve its overall efficiency target
- l.) approve the use of the Housing and Planning Delivery Grant in respect of the works associated with the Local Development Framework
- m.) approve the priority theme action plans as detailed at Appendix G
- n.) approve the use of the priority themes and service improvement reserve to financially support the 'next steps' programme

Capital Programme

- o.) note the forecast outturn Capital Programme for 2009/10 and approve the indicative programme for 2010/11 to 2012/13 detailed at Appendix B pages 1-3
- p.) authorise the funding proposals subject to an annual review of the financing options by the Corporate Head of Finance and Customer Services, in consultation with the Resources and Assets Portfolio Holder, during the preparation of the Statement of Accounts to optimise the use of Council resources.
- q.) approve the setting of a cash releasing efficiency target in respect of the Capital programme

Housing Revenue Account (HRA)

- r.) set dwelling rent increases in accordance with Government guideline rent, of 3.1% providing an average rent of £61.86 (and an actual average rental increase of 1.78%)
- s.) set an increase in garage rents of 3.1%
- t.) increase service charges by 3.1%
- u.) approve the Housing Revenue Account for the year 2010/11 and indicative years 2011/12 and 2012/13 shown at Appendix A page 9
- v.) approve the setting of a cash releasing efficiency target in respect of the Housing Revenue Account

PART B: Council Tax setting 2009/10:

DECISION:

That the Council passes the following resolution to set the level of council tax for 2010/11 based on an increase of 2.5% excluding special expenses (and 1.20% including special expenses):

1. That the following amounts be calculated by the Council for the year 2010/11 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (as amended)

- a.) £83,426,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (2) (a) to (e) of the Act.
- b.) 65,659,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act.
- c.) £17,767,000 being the amount by which the aggregate at a) above exceeds the aggregate at b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement for the year.
- d.) £10,190,000 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant increased by the amount of the sum to be transferred from the Collection Fund to the General Fund
- e.) £163.82 being the amount at c) above less the amount at d) above, all divided by the Council's tax base of 46,251.5 as recorded in minute 49 of the cabinet meeting of 7 December 2009, in accordance Section 33(1) of the Act, as the basic amount of its Council Tax for the year 2010/2011.
- f.) £1,898,537 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g.) £122.76 being the amount of e) above, less the result given by dividing the amount of f) above by the Council's tax base relating to special items as set on 7 December, 2009 calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for year for dwellings in those parts of its area to which no special item relates.
- h.) Part of the Council's area Band D equiv.

Grantham	166.50
Stamford	191.88
Bourne	153.81
Deeping St James	162.81
Market Deeping	217.71
Allington	164.43
Ancaster	166.14
Aslackby & Laughton	147.51
Barholm & Stow	131.22
Barkston & Syston	152.73
Barrowby	167.94
Baston	142.74

Belton & Manthorpe	126.36
Billingborough	149.31
Bitchfield & Bassingthorpe	122.76
Boothby Pagnell	126.63
Braceborough & Wilsthorpe	139.23
Burton Coggles	130.59
Careby,Aunby & Holywell	130.77
Carlby	155.52
Carlton Scroop & Normanton	174.96
Castle Bytham	143.46
Caythorpe	164.16
Claypole	143.28
Colsterworth,Gunby, Stainby and North Witham	154.80
Corby Glen	147.33
Counthorpe & Creeton	122.76
Denton	135.90
Dowsby	157.05
Dunsby	129.15
Edenham	144.90
Fenton	128.88
Folkingham	146.34
Foston	157.50
Fulbeck	145.26
Greatford	146.43
Great Gonerby	153.54
Great Ponton	160.20
Haconby	125.37
Harlaxton	167.85
Heydour	148.59
Honington	122.76
Horbling	122.76
Hougham	140.49
Hough-on-the-Hill	153.00
Ingoldsby	133.47
Irnham	125.55
Kirkby Underwood	135.09
Langtoft	164.61
Lenton,Keisby & Osgodby	126.54
Little Bytham	155.79
Little Ponton & Stroxton	131.52
Londonthorpe & Harrowby Without	136.08
Long Bennington	162.63
Marston	149.04

Morton	136.80
Old Somerby	139.95
Pickworth	129.24
Pointon & Sempringham	132.66
Rippingale	167.58
Ropsley, Humby, Braceby & Sapperton	140.22
Sedgebrook	154.44
Skillington	157.32
South Witham	168.21
Stoke Rochford & Easton	145.53
Stubton	138.96
Swayfield	141.84
Swinstead	149.40
Tallington	141.03
Thurlby	141.21
Toft, Lound & Manthorpe	122.76
Uffington	132.39
Welby	141.18
Westborough & Dry Doddington	131.22
West Deeping	145.17
Witham-on-the-Hill	142.74
Woolsthorpe	156.42
Wyville-cum-Hungerton	143.46

being calculated by adding to the amount at (g) above the amounts of special item relating to dwellings in those parts of the Council's area, divided in each case by the individual tax bases as recorded in minute 49 in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which special item relates.

- i.) The amounts on the attached schedule (Appendix A to Part B), being the amounts given by multiplying the amounts at g) above and h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in valuation Band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- j.) That it be noted that for the year 2010/11 Lincolnshire County Council has stated the following amounts as a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below:-

Valuation Band

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£

710.46	828.87	947.28	1065.69	1302.51	1539.33	1776.15	2131.38

- k.) That it be noted that for the year 2010/11 Lincolnshire Police Authority has stated the following amounts as a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

Valuation Band

A	B	C	D	E	F	G	H
£	£	£	£	£	£	£	£
119.52	139.44	159.36	179.28	219.12	258.96	298.80	358.56

- i.) That, having calculated the aggregate in each case of the amounts at i), j) and k) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts in Appendix B to part B as the levels of Council Tax for the year 2010/11 for the categories of dwellings shown in Appendix A to part B of report CHFCS90.

The Council had previously been circulated with a copy of report number CHFCS90, the purpose of which was to present the Cabinet's budget proposals for 2010/11 for both revenue and capital expenditure together with indicative budgets for 2011/12 and 2012/13. The report also covered the potential use of reserves, the treasury management strategy for the Council, a risk analysis of the budget proposals and the Priority Theme Action Plan and the level of recommended revised fees and charges. Members were advised by the Section 151 officer on the robustness of the budget proposals and adequacy of balances and reserves as required by the Local Government Act 2003.

The second part of the report dealt with the setting of the Council tax for 2010/11 in accordance with the relevant statutory requirements. An addendum to this report was circulated at the meeting detailing the figures for the valuation bands following receipt of the Lincolnshire Police Authority precept.

The Portfolio Holder for Assets and Resources, Councillor Taylor, presented the report on behalf of the Cabinet, proposing the recommendations contained therein. In so doing, he thanked the Corporate Head of Finance and Customer Services, Mr Richard Wyles, and his team for their diligent work in preparing what had been a difficult budget to balance in the current economic climate. He said that the Cabinet was acutely aware of the financial circumstances facing the residents of South Kesteven and that the economic downturn had affected revenue from fees and charges. In addition, some service areas (such as Revenues and Benefits and Tenancy Services) had experienced a sharp upturn in demand for their services. Looking ahead, there was real concern, the Government had indicated that there would be cuts in Government grant from next year, but the level of this was uncertain.

Councillor Taylor advised that the level of Council Tax proposed had been considered very

carefully by the Cabinet and the budget proposals had been built on a proposed Council Tax increase of 2.5%. This level of increase had been supported by the public when they had been consulted at the local forum meetings. With regard to the Housing Revenue Account, a 1.78% average rent increase was proposed as against a government guideline of 3.1%.

The motion was seconded by the Chairman of the Resources Policy Development Group, Councillor Craft.

The Corporate Head of Finance and Customer Services referred Members to the addendum to report CHFCS90, which had been circulated in advance of the meeting. The addendum included the Lincolnshire Police Authority precept which had been set on 23 February 2010.

Councillor Maureen Jalili offered a formal vote of thanks to the Section 151 officer, his staff and also the Resources PDG for all their hard work in providing the draft budget. Overall she supported this, but would like to see consistency in the application of fees and charges across the district.

Councillor Wood proposed a number of amendments to the recommendations before the Council, although these would not result in an increase in the Council Tax. The proposed amendments moved by Councillor Wood were:-

- 1) amend recommendation e) as follows:- add “and (a) commission a feasibility study for the introduction of charging in respect of non-charging car parks; and (b) that car park charges be frozen for a three month period following a full scale review of the charges;
- 2) amend recommendation i) as follows:- add “This review programme to include Building Control and Development Control in the first tranche. The review programme should also include an energy efficiency review”;
- 3) add an additional recommendation o) as follows:- “Approve an additional budget of £174,000 (58 Members @ £3,000 each) for each Member to allocate to community projects in their ward. Procedures and protocols to be established to control the expenditure”.

The amendments were seconded by Councillor Davidson, who spoke on the amendments and in particular on the fact that there were no charges for car parking in Bourne and Deeping St James.

The Chief Executive advised that, as amendments had been put forward, the Section 151 officer would have to rule on their robustness. The Section 151 officer advised that any use of reserves was not sustainable in the longer term and that any deferral of charges would impact on the budget now before the Council, therefore he could not advise that the amendments were robust.

After further debate, the three amendments were put to the vote and LOST.

Council now debated the substantive motions before them and a number of questions were asked which were answered by the Section 151 officer.

In summing up, Councillor Taylor advised that when he faced the Scrutiny Committee in November 2009, he had been asked does the Council provide value for money. He was able to say yes I believe we do and we continue to give value for money.

After the Assets and Resources Portfolio Holder had summed up a vote on Part A of the budget was taken and carried. (Councillor John Smith left the meeting during the vote on the capital programme, having previously declared a personal and prejudicial interest on that part of the capital programme relating to the Bourne Core Area).

(A refreshment break took place between 3:35 and 3:50 pm)

On resumption of the meeting, the Assets and Resources Portfolio Holder moved the recommendations a) to l) contained in the revised addendum to Part B of report CHFCS90. The motion was seconded by the Chairman of the Resources PDG, Councillor Craft, and following a vote was carried.

84. CLOSE OF MEETING

The meeting concluded at 3:54 pm.

Agenda Item 7

Chairman's Engagements **1.3.10 to 22.4.10**

Date	Ref	Organisation/Host	Event
4.3.10	VC27	South Holland D.C.	Civic Reception
5.3.10	VC25	Boston B.C.	Civic Dinner
6.3.10	VC26	Sleaford T.C.	Sleaford Awards
12.3.10	VC24	Newark and Sherwood D. C.	Civic Dinner
15.3.10	BA37	2010 Rock Challenge Evening	Meres Leisure Centre, Grantham
18.3.10	BA38	Mayor of Grantham Charity Cabaret	The Guildhall Ballroom.
21.3.10	BA41	King's School Combined Cadet Force Service of Thanksgiving	St. Wulframs
9.4.10	VC23	East Lindsey District Council	Civic Dinner, Petwood Hotel
16.4.09	VC29	West Lindsey D.C.	Civic Dinner
17.4.10	VC28	Grantham Lions 39th Charter Anniversary Dinner	Belton Park Golf Club
18.4.09	VC30	Rutland County Council Civic Service	All Saints Church, Oakham

REPORT TO COUNCIL

REPORT OF: ACCESS & ENGAGEMENT PORTFOLIO HOLDER

REPORT NO. DEM040

DATE: 22 April 2010

TITLE:	Appointments to Committees of the Council, the Policy Development Groups	
KEY DECISIONS OR POLICY FRAMEWORK PROPOSAL	n/a	
PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Ray Auger: Portfolio Holder for Access and Engagement (Democratic Representation)	
CONTACT OFFICER	Lena Shuttlewood, Democracy Services Manager	
INITIAL IMPACT ASSESSMENT Equality and Diversity	Carried out and appended to report? Not Applicable	Full impact assessment required? No
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available on the Council's website from the Your Council and Democracy page	
BACKGROUND PAPERS:	N/A: Constitutional procedures	

1. RECOMMENDATIONS

- (1) In accordance with the legislative provisions regarding political balance and the relevant constitutional provisions, the Council appoints members to its committees, policy development groups (PDGs);
- (2) Upon advice of the Leader as to the suitability and merit of candidates, the Council appoints the Chairman and Vice-Chairman of each committee (except the Standards Committee) and PDGs.

2. PURPOSE OF THE REPORT

Under Council Procedure Rule 1.1 (viii) relating to the Annual meeting of the Council, the Council is required to appoint members to the Policy Development groups, the Standards Committee and such other committees it considers

appropriate to deal with matters which are neither reserved to the Council nor are executive functions.

Under Rules 1.2 (iii) and (iv), at the annual meeting, the Council will decide the allocation of seats to political groups in accordance with the political balance rules and receive nominations of Councillors to serve on each committee or group.

The Constitution provides that no member be appointed to a committee or panel, or appointed as a Chairman or Vice-Chairman who has not undertaken the relevant mandatory training. Therefore no appointment should be made which is in breach of the constitutional rules: Part 2, article 4, rule 4.2(iii), and Council procedure rule 1.1 (viii).

In addition, Cabinet members and those appointed to the Policy Development Groups may not be appointed to the Scrutiny Committee.

The schedule of committees is set out below:

Committee	No of members	Political Balance Applies?	Training
Resources Policy Dev Group (PDG)	7	Yes	Compulsory
Engagement PDG	7	Yes	Compulsory
Communities PDG	7	Yes	Compulsory
Scrutiny Committee	11	Yes	Compulsory
Development Control	17	Yes	Compulsory
Licensing	11	Yes	Compulsory
Constitution Committee	5	Yes	Discretionary
Governance and Audit Committee	5 (with option for one external member)	Yes	Compulsory
Standards Committee	4 (with 2 external members)	No	Compulsory

Appendix A shows the proportionate calculations and the seating allocation.

The current committee memberships are shown at Appendix B.

3. OTHER OPTIONS CONSIDERED

Alternative arrangements for appointing members to the committees and PDG's can be approved only if no member of the Council votes against.

4. RESOURCE IMPLICATIONS

Members' basic allowance and special responsibility payments are made in accordance with the current Members' Allowance Scheme which is currently under review by the South Holland Independent Remuneration Panel.

5. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None

9. CRIME AND DISORDER IMPLICATIONS

None

10. COMMENTS OF THE SECTION 151 OFFICER

Members' allowance and travel expenses will need to be contained within the 2010/11 budget previously agreed by Council.

11. COMMENTS OF THE MONITORING OFFICER

The rules relating to political balance are contained at Sections 15 – 17 of the Local Government and Housing Act 1989. Section 16 contains provision for the authority to make appointments so as to give effect to such wishes as to who is to be appointed, where they are allocated to a particular group, as are expressed by that group. In such circumstances it is possible for a particular group, which may make an appointment in accordance with the rules relating to political balance, to make an appointment from another group.

12. APPENDICES: A: political composition calculations; B: current membership

13. CONTACT OFFICER

Lena Shuttlewood – Democracy Service Manager
Tel: 01476 406119 e-mail: l.shuttlewood@southkesteven.gov.uk

Appendix A

Current political composition of South Kesteven District Council

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

Party	Seats	%	DC Prop	DC Rounded	Lic Prop	Lic Rounded	Const'n Cttee	Const'n Cttee rounded	Gov&A	Scrutiny	
Conservative	34	58.62%	9.965517	10	6.448276	7	2.931034483	3	2.931034	3	6.448276
Independents	15	25.86%	4.396552	4	2.844828	3	1.293103448	1	1.293103	1	2.844828
Labour	2	3.45%	0.586207	1	0.37931	0	0.172413793	0	0.172414	0	0.37931
Lib Dem	6	10.34%	1.758621	2	1.137931	1	0.517241379	1	0.517241	1	1.137931
Unaligned	1	1.72%	0.293103	0	0.189655	0	0.086206897	0	0.086207	0	0.189655
Total	58			17		11		5		5	

Stage 2: Allocation to Policy Development Groups to ensure balance in totality

Total seats available 21

Party	Seats	%	Seats prop	Seats Rounded	Eng	Com	Res
Conservative	34	58.62%	12.3102	12	4	4	4
Independents	15	25.86%	5.4303	6	2	2	2
Labour	2	3.45%	0.7245	1	1	0	0
Lib Dem	6	10.34%	2.1714	2	0	1	1
Cons Unaligned	1	1.72%	0.3612	0	0	0	0
Total	58			21	7	7	7

Scrutiny rounded

7

3

0

1

0

11

SOUTH KESTEVEN DISTRICT COUNCIL
COMMITTEE MEMBERSHIP 2009/10

<u>Committee/Group</u>	<u>Conservative</u>	<u>Independents</u>	<u>Liberal Democrats</u>	<u>Labour</u>
<u>RESOURCES PDG</u>	Nick Craft - CM Mike Cook Ian Stokes Trevor Scott – VCm Maureen Spencer-Gregson OBE	Bob Sandall	Maureen Jalili	
<u>ENGAGEMENT PDG</u>	Mike Exton - CM Tom Webster - VCM Bob Russell Mike Cook	Stuart McBride Jock Kerr		Ian Selby
<u>COMMUNITIES PDG</u>	John Nicholson - CM Peter Martin-Mayhew Ray Wootten Peter Stephens	Jeff Thompson -VCM Miss. Ibis Channell	Harrish Bisnauthsing	
<u>SCRUTINY</u>	David Higgs Ben Newcombe-Jones Mrs. Rosemary Kaberry- Brown Mrs. Judy Smith - VCM Brian Helyar Andrea Webster Mrs. Pam Bosworth	Trevor Holmes Mike Williams Rob Hearmon	Ken Joynson - CM	

<u>Committee/Group</u>	<u>Conservative</u>	<u>Independents</u>	<u>Liberal Democrats</u>	<u>Labour</u>
<u>DEVELOPMENT CONTROL</u> *The Labour group is entitled to one seat but agreed to relinquish it, nominating Councillor Sam Jalili	Alan Parkin -CM Bob Adams - VCM Mike Cook David Higgs Trevor Scott Mrs Judy Smith Mrs. Rosemary Kaberry-Brown Mike Exton Bryan Helyar Frank Turner	Vic Kerr Avril Williams Trevor Holmes Reg Howard	Mrs. Maureen Jalilli Sam Jalili Mrs. Joyce Gaffigan	*
<u>LICENSING</u>	Mrs. Pam Bosworth - CM Frank Turner - VCM Mrs. Margery Radley Graham Wheat Bob Russell Mike Exton George Chivers	Mike Williams Reg Howard Bob Broughton	Christine Brough	
<u>CORPORATE GOV. AND AUDIT</u>	Reg Lovelock - CM Andrew Moore Stuart Farrar - VCM	John Dawson	Ken Joynson	
<u>CONSTITUTION</u>	Peter Martin-Mayhew - CM Ray Wootten Andrea Webster - VCM	Susan Sandall	Joyce Gaffigan	
<u>STANDARDS</u>	Reg Lovelock MBE Bob Adams Andrew Moore	Mike Williams		

REPORT TO COUNCIL

REPORT OF: ACCESS & ENGAGEMENT PORTFOLIO HOLDER

REPORT NO. DEM041

DATE: 22 April 2010

TITLE:	Programme of Meetings of Council, Committees and Policy Development Groups for 2010/11	
COUNCIL AIMS/PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Ray Auger: Portfolio Holder for Access and Engagement (Democratic Representation)	
CORPORATE PRIORITY:	Corporate Governance: Management of the Council's business	
CRIME AND DISORDER IMPLICATIONS:	None	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly available on the Council's website from the Your Council and Democracy page	
INITIAL EQUALITY IMPACT ASSESSMENT	Carried out and appended to report? Not Applicable	Full impact assessment required? No
BACKGROUND PAPERS:	N/A: Constitutional procedures	

1. INTRODUCTION

Under Part 4 of the Constitution – Council Procedure rule 1 – it is the business of the annual Council meeting to approve a programme of ordinary meetings of the Council for the year.

2. RECOMMENDATIONS

That the Council

(1) agrees the recommendation of the Development Control Committee to move to a four week cycle of meetings in the 2010/11 municipal year for a trial period of twelve months;

(2) determines the dates of meetings for the Council, other committees and policy development groups.

3. DETAILS OF REPORT

At the Council meeting held on 21 January 2010, members considered a draft programme of meetings. A copy of that draft programme of meetings is attached as Appendix 1.

Development Control Committee

Following that meeting, the Development Control Committee at its meeting on 23 February 2010 considered moving from a three week cycle of meetings to a four week cycle. To improve the service the committee has recommended a move to a four week cycle. The committee would wish to effect this from the first meeting after the annual meeting for a trial period of twelve months. From a practical viewpoint, if approved, this decision will have to be implemented with effect from the May meeting of the Development Control Committee since the agenda for the scheduled meeting on 27 April 2010 will have been despatched before this Council meeting.

An alternative draft programme of meetings showing the Development Control Committee meeting on a four week cycle is attached as Appendix 2.

Scrutiny Committee

An aspect of the Scrutiny Committee's remit is to oversee the Council's performance management data in relation to progress with priority actions. However, the dates proposed for Scrutiny Committee meetings are somewhat out of "sync" with the performance reporting schedule. It is therefore proposed to realign the scheduled meetings of the Scrutiny Committee better to fit in with analysis of this data within the performance reporting timetable. The Chairman of the Scrutiny Committee has been consulted on these proposed changes and is in agreement.

4. OTHER OPTIONS CONSIDERED

Changes to some meeting dates have been suggested in this report for the reasons given.

Subject to agreement to the timetable for implementation of the new executive arrangements at item 17 on the agenda, the council meeting listed for 9 December 2010 may not be required.

Under the Local Government Act 1972, the Council must hold an annual meeting. The Constitution states that the Cabinet must meet at least 12 times a year and the

Development Control Committee must meet with such frequency in order to determine applications within the statutory timeframe.

5. RESOURCE IMPLICATIONS

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None

8. CRIME AND DISORDER IMPLICATIONS

None

9. COMMENTS OF THE SECTION 151 OFFICER

I have no specific comments to make in relation to the financial implications of this report.

10. COMMENTS OF THE MONITORING OFFICER

It is appropriate that Council take into account the representations received about requirements for meetings when considering the programme of meetings.

11. APPENDICES:

12. CONTACT OFFICER

Lena Shuttlewood – Democracy Service Manager

Tel: 01476 406119 e-mail: l.shuttlewood@southkesteven.gov.uk

SOUTH KESTEVEN DISTRICT COUNCIL MEETING DATES 2010/11 – draft DCC 3 wk

Appendix 1

	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
MON				2 CABINET			1 CABINET					
TUES							2 DEV CONTROL			1 DEV CONTROL		
THURS					2 COUNCIL			2 GOV & AUDIT COMMITTEE			3 COUNCIL	
FRI	7 Licensing Standards Cmtte (PM)	4 Licensing	2 Licensing Standards Cmtte (PM)	6 Licensing	3 Licensing Standards Cmtte (PM)	1 Licensing	5 Licensing Standards Cmtte (PM)	3 Licensing	7 Licensing Standards Cmtte (PM)	4 Licensing	4 Licensing Standards Cmtte (PM)	1 Licensing
MON	10 CABINET	7 CABINET	5 CABINET		6 CABINET	4 CABINET		6 CABINET	10 CABINET	7 CABINET	7 CABINET	4 CABINET
TUES	11 SCRUTINY COMMITTEE	8 DEV CONTROL	6 SCRUTINY COMMITTEE	10 DEV CONTROL			9 SCRUTINY COMMITTEE		11 DEV CONTROL		8 SCRUTINY COMMITTEE	5 DEV CONTROL
	11 ENGAGEMENT PDG (AM)											
THURS	13 COMMUNITIES PDG		8 ENGAGEMENT PDG		9 ENGAGEMENT PDG	7 RESOURCES PDG	11 ENGAGEMENT PDG	9 COUNCIL	13 ENGAGEMENT PDG	10 RESOURCES PDG	10 ENGAGEMENT PDG	7 RESOURCES PDG
FRI												
MON			12 Constitution Committee			11 Constitution Committee			17 Constitution Committee			11 Constitution Committee
TUES	18 DEV CONTROL					12 DEV CONTROL		14 DEV CONTROL			15 DEV CONTROL	
THURS	20 RESOURCES PDG	17 COUNCIL	15 COMMUNITIES PDG		16 COMMUNITIES PDG		18 COMMUNITIES PDG	16 RESOURCES PDG			17 GOV & AUDIT CMTTE	14 COUNCIL
FRI												
MON												
TUES			20 DEV CONTROL		21 DEV CONTROL		23 DEV CONTROL		25 SCRUTINY COMMITTEE	22 DEV CONTROL		
THURS	27 GOV & AUDIT COMMITTEE	24 GOV & AUDIT COMMITTEE	22 RESOURCES PDG		23 GOV & AUDIT COMMITTEE				27 COMMUNITIES PDG		24 COMMUNITIES PDG	
FRI												
MON												
TUES		29 DEV CONTROL		31 DEV CONTROL	28 SCRUTINY COMMITTEE		30 Parish Council Conference??					26 DEV CONTROL
THURS						28 COUNCIL						

PLEASE NOTE: The Annual Meeting will take place on 19 May 2011 following the District and Parish Elections.

SOUTH KESTEVEN DISTRICT COUNCIL MEETING DATES 2010/11 – draft DCC 4wk ... Appendix 2

	MAY	JUNE	JULY	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR
MON				2 CABINET			1 CABINET					
TUES									4 DEV CONTROL	1 DEV CONTROL	1 DEV CONTROL	
THURS					2 COUNCIL			2 GOV & AUDIT COMMITTEE			3 COUNCIL	
FRI	7 Licensing Standards Cmtte (PM)	4 Licensing	2 Licensing Standards Cmtte (PM)	6 Licensing	3 Licensing Standards Cmtte (PM)	1 Licensing	5 Licensing Standards Cmtte (PM)	3 Licensing	7 Licensing Standards Cmtte (PM)	4 Licensing	4 Licensing Standards Cmtte (PM)	1 Licensing
MON	10 CABINET	7 CABINET	5 CABINET		6 CABINET	4 CABINET		6 CABINET	10 CABINET	7 CABINET	7 CABINET	4 CABINET
TUES	11 SCRUTINY COMMITTEE		6 SCRUTINY COMMITTEE				9 DEV CONTROL	7 DEV CONTROL			8 SCRUTINY COMMITTEE	
	11 ENGAGEMENT PDG (AM)											
THURS	13 COMMUNITIES PDG		8 ENGAGEMENT PDG		9 ENGAGEMENT PDG	7 RESOURCES PDG	11 ENGAGEMENT PDG	9 COUNCIL	13 ENGAGEMENT PDG	10 RESOURCES PDG	10 ENGAGEMENT PDG	7 RESOURCES PDG
FRI												
MON			12 Constitution Committee			11 Constitution Committee			17 Constitution Committee			11 Constitution Committee
TUES				17 DEV CONTROL	14 DEV CONTROL	12 DEV CONTROL	16 SCRUTINY COMMITTEE					
THURS	20 RESOURCES PDG	17 COUNCIL	15 COMMUNITIES PDG		16 COMMUNITIES PDG		18 COMMUNITIES PDG	16 RESOURCES PDG			17 GOV & AUDIT CMTTE	14 COUNCIL
FRI												
MON												
TUES	25 DEV CONTROL	22 DEV CONTROL	20 DEV CONTROL						25 SCRUTINY COMMITTEE			
THURS	27 GOV & AUDIT COMMITTEE	24 GOV & AUDIT COMMITTEE	22 RESOURCES PDG		23 GOV & AUDIT COMMITTEE				27 COMMUNITIES PDG		24 COMMUNITIES PDG	
FRI												
MON												
TUES					28 SCRUTINY COMMITTEE		30 Parish Council Conference??				29 DEV CONTROL	26 DEV CONTROL
THURS						28 COUNCIL						

PLEASE NOTE: The Annual Meeting will take place on 19 May 2011 following the District and Parish Elections.

PLEASE NOTE: The Annual Meeting will take place on 19 May 2011 following the District and Parish Elections.

REPORT TO COUNCIL

REPORT OF: MR. CHRIS HOLTOM – CHAIRMAN OF STANDARDS COMMITTEE

REPORT NO: LEG065

DATE: 22nd April 2010

TITLE:	STANDARDS COMMITTEE ANNUAL REPORT - APRIL 2010	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Corporate Governance	
CONTACT OFFICER:	Mrs. Lucy Youles - Legal Services Manager (01476 406105; e-mail: l.youles@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS		

1. RECOMMENDATIONS

It is recommended Council note the report of the Chairman of the Standards Committee for the period May 2009 to April 2010 and raise any questions relating to the working of the Standards Committee.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to highlight to Council the work of the Standards Committee over the last year, detail issues and report on what can be expected in the coming year.

3. DETAILS OF REPORT

This report covers the period May 2009 to April 2010.

COMMITTEE MEMBERSHIP AND MEETINGS

The Standards Committee membership remains the same as the previous year with 8 members in total. It has 2 independent, non-elected members who perform the

function of chairman and vice chairman. This is a statutory requirement. The Committee also has 4 district councillors and 2 parish councillors. The parish councillors are chosen at each meeting from a rota of parish councillors who have put their name forward to sit in the committee. All parish councillors on the rota are invited to attend each meeting but only 2 of those selected in turn can vote on decisions being taken.

The role of the Standards Committee is to promote, monitor and enforce probity and high ethical standards within the District Council and Parish Councils within South Kesteven. The outcome we seek is to improve the public perception and understanding of the Standards regime and thereby raise the status of local Councillors who operate within it.

The Committee met five times during the period April 2009 to date. In addition, the Assessment sub-committee of 3 members met on a further six occasions to assess a total of nine complaints received. Of those nine complaints, four were assessed for no further action, four were referred for investigation and one was referred for other action which requested an apology be given. Of those four complaints which were assessed requiring no further action, only one was referred for review. The Review sub-committee agreed with the Assessment sub-committee and confirmed no further action relating to that complaint.

The committee has arranged training for parish councils on the Code of Conduct. Training events have recently taken place at Deeping St. James and Colsterworth. The purpose of the training is to increase understanding of the more complex aspects of the Code such as declaration of interests and to update the parish councils on procedures. The training given and the process of assessment of complaints reflects the low number of complaints referred for investigation.

It is the Standards Committee in its entirety which deals with reports into investigations about member misconduct. Of the five meetings of the full committee, three of those meetings considered three reports on investigations. Full hearings were not required with findings of breach of the Code in one case only. The breach related to the non-declaration of a personal interest on a parish council matter requiring an apology to the parish council involved.

PROPOSED CHANGES TO THE MEMBERS' CODE OF CONDUCT 2007

Although a consultation exercise was conducted into proposed changes to the Members' Code of Conduct, no changes in legislation have materialised. The Standards Committee will keep Members of the Council informed of the proposed timetable for the introduction of changes as soon as they are known.

ANNUAL ASSEMBLY OF THE STANDARDS BOARD FOR ENGLAND

The Chairman and the Vice Chairman attended the 8th Annual Standards Assembly at Birmingham in October 2009. At this meeting lessons relating to assessment of complaints were shared, a presentation on engaging leaders and embedding standards was received, the local standards framework was debated and break out sessions on investigations, sanctions and putting the public in the picture were attended. A full review of the assembly can be found at

<http://www.annualassembly.co.uk/Eventpresentationsmaterials/>

The 2010 Annual assembly is due to take place in October. Headed "A place for

standards”, the focus for this year will be on developing a place for standards within authorities.

LINCOLNSHIRE STANDARDS FORUM AND CHAIRMEN AND MONITORING OFFICERS MEETINGS

Throughout the year both Members and officers have attended meetings hosted by Lincolnshire County Council. Joint protocols have been considered and the issue of a joint standards committee have been discussed. No agreement could be reached on how a joint committee could operate and is not currently being pursued.

USE OF RESOURCES

The Council is required to submit a self assessment of its use of resources to the Audit Commission outlining its proposals for action to improve use of resources. The Standards Committee has a role to play in the delivery of those improvements. The self assessment includes the following actions

- The Council will ensure the Standards Committee is more outward facing in the promotion of its work – improving web presence and inclusion in various communications
- Further training will be provided to members to help raise standards of ethical behaviour
- The Standards Committee will produce periodic reports and annual reports on its work, including benchmarking with best practice and this will be made available to the local community.

During the next year the Committee will work to build on those actions already taken with a view to improving the public perception of the Standards regime.

4. OTHER OPTIONS CONSIDERED

The provision and workings of the Standards Committee are based on statutory requirements. There are no other options to consider arising from this report.

5. RESOURCE IMPLICATIONS

The Committee continues to operate with two independent members; however it should be noted, at any meeting of the committee and sub committees, an independent member must attend. Most councils operate with a minimum of 3 independent members. There is a risk that a meeting cannot take place if the independent members are unavailable. The potential to “share” independent members is being considered across Lincolnshire.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

There are no health and safety risks associated with this report. The data has been supplied from records held by the Legal Services Manager and from quarterly reports submitted to the Standards Board for England.

There is a risk as detailed at "Resources" above that the Council cannot service all statutorily required meetings which are often called at short notice. We are currently waiting for regulations to be introduced to allow independent members of other authorities to be shared.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

Not applicable

8. CRIME AND DISORDER IMPLICATIONS

There are no crime and order implications arising from this report.

9. COMMENTS OF SECTION 151 OFFICER

The work of the Standards Committee is essential in the promotion of key lines of enquiry for use of resources to show that the organisation has adopted, promotes and demonstrates the principles of good governance and the organisation demonstrates a strong ethical framework and culture.

10. COMMENTS OF MONITORING OFFICER

Both the monitoring officer and the deputy monitoring officer have worked closely with the Chairman and Vice Chairman of the Standards Committee to ensure complaints received have been processed in accordance with regulatory requirements.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

None applicable

12. APPENDICES: None

REPORT TO COUNCIL

REPORT OF: Chairman of Governance & Audit Committee

REPORT NO: GAC002

DATE: 22nd April 2010

TITLE:	Governance & Audit Committee – Chairman’s Annual Report to Council For Year Ended 31st March 2010	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Cllr Mike Taylor Assets and Resources Portfolio Holder	
CONTACT OFFICER:	Councillor Reg Lovelock MBE. (Chairman)	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Governance & Audit Committee Agendas and Minutes 2009/10 available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	

1. RECOMMENDATIONS

1.1 Council is asked to:

- Approve the Annual Report of the Chairman of Governance & Audit Committee for 2009/10
- Note the indicative work plan and timetable for 2010/11

2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to advise Council of the key outcomes arising from the work of the Governance & Audit Committee for 2009/10 and to note how the work of the Committee will be developed during 2010/11.

2.2 The Committee’s work is key to delivering good governance throughout the authority. It is good practice to publicise the work of the Committee in order to ensure a greater understanding of governance and audit issues with partners, stakeholders and the wider community.

3. DETAILS OF THE REPORT

- 3.1 In accordance with Article 12 of the Constitution and in line with good practice, the Council established a Governance and Audit Committee in May 2007. This Committee is entirely separate from the “executive” and “scrutiny” functions of the Council.
- 3.2 The approved Terms of Reference are set out in the Constitution – Part 2, Article 12, page 54. More recently, Council has approved the widening of the terms of reference to include the regular review of the Council’s Treasury Management function and any revisions to Financial Regulations (guidance notes).

2009/10

- 3.3 The Committee met six times during 2009/10. The work programme takes account of the nature of the items included and the frequency with which Members require to be kept informed. Some of the items are a statutory requirement (Statement of Accounts, Annual Governance Statement, Annual Audit Letter) whereas others are included because they meet professional guidance and recommended best practice (reports covering internal audit and risk management). In addition, some items are ad-hoc and cover such matters as corporate protocols, including partnerships and sponsorship.
- 3.4 The following is a snapshot of the key outcomes arising from the work of the Committee that have helped to improve and strengthen the Council’s overarching control environment and governance arrangements:

Governance:

- Approval of the Annual Governance Statement on behalf of Council and consideration of the Action Plan (reviewed six-monthly)
- Quarterly Review of Assurance Statements completed by Service Managers/Corporate Heads in relation to the effectiveness of the systems and controls in operation on a day to day basis

Internal Audit:

- Consideration and review of internal audit plan, progress reports and Annual Report & Audit Opinion. New internal auditors, RSMTenon were appointed from April 2009.
- In relation to an internal audit report on HRA – Financial Management, the Committee received regular updates from the internal auditor on progress with implementing the recommendations and were satisfied that appropriate action had been taken by management.
- The Committee reviewed the status of all outstanding internal audit recommendations to ensure that they were implemented within the agreed time-frame

External Audit & Inspection:

- Consideration and review of external audit (Audit Commission) plan, progress reports and Annual Audit Letter.
- In March 2010, the Committee reviewed the report from the Audit Commission relating to the first Organisational Assessment of the Council in accordance with the arrangements for Comprehensive Area

Assessment (CAA). This report was made available to all members when it was published in December 2009

- Review of the Audit Commission's report on the Use of Resources 2008/09 prior to consideration by Cabinet

Financial Reporting:

- Consideration of provisional and final General Fund and HRA Revenue and Capital Outturn 2008/09.
- Approval of Draft (pre-audit) and revised (post audit) Statement of Accounts for 2008/09 and the Audit Commission's Annual Governance Report detailing adjustments to the Financial Statements
- During the year, the Committee received three updates on progress in relation to the adoption of International Financial Reporting Standards (IFRS)
- At its meeting in March 2010, the Committee considered the underlying assumptions to be used in the calculation of future pension contributions and liabilities (FRS17) for the 2009/10 statement of accounts

Treasury Management:

- Following consideration by the Constitution Committee, the Governance & Audit Committee was given responsibility for monitoring treasury management performance. As a result, greater challenge and review was made on the Council's arrangements for dealing with treasury management – a key financial system. Specifically, this covered the review of the Treasury Management Outturn report for 2008/09 and the 2009/10 Strategy. In addition, the Committee received quarterly reports on assurance relating to treasury management activity (previously six-monthly). This additional responsibility was accompanied by training provided to all members of the Committee (September 2009).

Risk Management:

- Regular review of Council's Corporate Risk Register and Action Plan. The Committee also approved the revised and updated Risk Management Strategy and Risk Management Annual Report that summarised the work of the Risk Management Group and detailed what training had been undertaken.

Internal Control Policies and Procedures:

- During the year, the Committee approved a revised Anti-Money Laundering Policy

Other Reports & Feedback, Including Training:

- Review of Local Government Ombudsman's Annual Letter
- In February 2010, Members of the Committee received training on risk management provided by the Greater Lincolnshire Risk Management Group. In January 2010, the Chairman attended a course entitled "The Advanced Audit Committee" and provided the Committee with feedback at its meeting in March 2010

Conclusion:

- 3.5 It is pleasing to report that the Committee has continued to bring independent assurance and challenge to an increasingly diverse range of governance issues, including: financial reporting; internal and external audit; risk management; and treasury management, etc. The Committee is also effective in providing an additional source of assurance to the Council's Corporate Head, Finance and Customer Services (s151 Officer) that systems of internal control

are working effectively and that internal audit is operating in accordance with the CIPFA Code of Internal Audit Practice.

2010/11

3.6 In line with best practice an indicative annual work plan and timetable for 2010/11 has been developed and this is attached as Appendix A. The existence of an annual work plan and timetable will assist Members in planning the work of the Committee and ensure that they are better informed and therefore engaged in the wide spectrum of audit, governance and accounts issues. It will also ensure that the focus of the Committee's work is correctly balanced in terms of the degree of emphasis and the timing of review, etc.

3.7 Looking forward, it is important to ensure that all Members are appraised of the work of the Committee and are actively engaged in helping to improve and strengthen the Council's governance arrangements in all areas of their work for the local community. It is also important to recognise that the Council's developing governance agenda is not the sole responsibility of the Governance & Audit Committee.

4. OTHER OPTIONS CONSIDERED

4.1 None

5. RESOURCE IMPLICATIONS

5.1 This report has no direct impact on the Council's resources, including, finance/budget, people, land/property, etc.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

6.1 None

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 None

8. CRIME AND DISORDER IMPLICATIONS

8.1 None

9. COMMENTS OF SECTION 151 OFFICER

9.1 The Committee's work is key to delivering good governance throughout the authority. This is an opportunity for all Members to consider the work of the Committee and the forward work plan and timetable and make any suggestions or amendments as appropriate. I have no specific financial comments to make.

10. COMMENTS OF MONITORING OFFICER

10.1 Each year, it is important that all Members are appraised of the work of the Committee and given the opportunity to comment on the work plan and timetable for the ensuing year.

11. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

11.1 None

12. APPENDICES:

12.1 2010/11 - Indicative Work Plan (Appendix 1)

GOVERNANCE & AUDIT COMMITTEE INDICATIVE WORK PLAN – 2010/11

	18th March 2010	27th May 2010	24th June 2010	23rd Sept. 2010	2nd Dec. 2010	17 th March 2011
Governance:						
Annual Governance Statement (AGS) – Draft & Final		√	√			
AGS – Action Plan					√	
Review Code of Corporate Governance		√				
Assurance Statements	√	√		√	√	√
Internal Audit:						
Strategic/Annual Audit Plan	√					√
Progress Report, including Tracking Audit Recommendations	√		√	√	√	√
Annual Report & Audit Opinion			√			
External Audit (Audit Commission):						
Annual Audit & Inspection Plan			√			
Progress Report				√		
Annual Audit Letter	√					√
CAA Organisational Assessment	√					√
Use of Resources - Feedback					√	
Annual Governance Report				√		
Internal Control/Financial Policies:						
AFCS, Whistle-blowing Policy, Money Laundering & Fin. Regs.				√		
Risk Management:						
Revised Strategy & Annual Report		√				
Corporate Risk Register/Action Plan Update					√	
Finance Reports:						
Provisional Financial Outturn		√				
Draft/Audited Statement of Accounts			√	√		
Update on Reserves					√	
Treasury Management – Strategy, Updates + Annual Report	√		√	√	√	√
FRS17 (Pensions) Assumptions	√	√				√
International Financial Reporting Standards (IFRS) - Updates	√	√		√	√	√
G & A Committee:						
Annual Review of Effectiveness, including revised TOR					√	
Annual Report to Council	April 2010					
Other Reports:						
Ombudsman Reports	■	■	■	■	■	■
Review of Various Protocols – Partnerships, Sponsorship, Decision Making, etc.	■	■	■	■	■	■

■ – these items may occur during the course of the municipal year

REPORT TO COUNCIL

REPORT OF: ACCESS & ENGAGEMENT PORTFOLIO HOLDER

REPORT NO. DEM042

DATE: 22 April 2010

TITLE:	Appointments to Outside Bodies	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL	N/A	
PORTFOLIO HOLDER NAME AND DESIGNATION:	Councillor Ray Auger: Portfolio Holder for Access and Engagement (Democratic Representation)	
CONTACT OFFICER	Lena Shuttlewood, Democracy Services Manager	
INITIAL IMPACT ASSESSMENT	Carried out and appended to report?	Full impact assessment required?
Equality and Diversity	Not Applicable	No
FREEDOM OF INFORMATION ACT	This report is publicly available on the Council's website from the Your Council and Democracy page	
BACKGROUND PAPERS:	N/A: Constitutional procedures	

1. RECOMMENDATIONS

That the Council invites and considers nominations for representatives at the meeting and:

- (1) appoints one member to represent the Council on the Local Government Association General Assembly;
- (2) appoints two members to represent the Council on the Local Government Association Rural Commission, designating which member shall hold the authority's voting rights on this body;
- (3) appoints two members to represent the Council on the Local Government Association Urban Commission, designating which member shall hold the authority's voting rights on this body;
- (4) confirms the appointment of member representatives on the Kesteven Cultural Panel

2. PURPOSE OF THE REPORT

This report concerns:

- (1) annual appointments (from 1st May) for District Council representation on the Local Government Association (General Assembly, Rural Commission, and Urban Commission);
- (2) to confirm appointments to the Kesteven Cultural Panel (formerly the Kesteven Museums Panel);
- (3) that Council is asked to note that a report on East Midlands Councils (formerly the East Midlands Regional Assembly and Local Government East Midlands) will be brought to the next Council meeting.

(1) Local Government Association

Formal nominations are sought to represent the district council on the following Local Government Association bodies. These are annual appointments and the previous year's representatives are shown in italics.

- | | | | |
|-----|---|---|--|
| (a) | Local Government Association:
General Assembly | - | <i>The Leader or Deputy
Leader in his/her absence</i> |
| (b) | Local Government Association:
Rural Commission | - | <i>*Healthy Environment
Portfolio Holder and
Councillor Martin-
Mayhew</i> |
| (c) | Local Government Association:
Urban Commission | - | <i>*Economic Development
Portfolio Holder and
Councillor Turner</i> |

*The portfolio holder to hold the voting rights

(2) Kesteven Cultural Panel

Following the District Council elections in May 2007, at the annual meeting various appointments were made to outside bodies. Councillor Mike Exton and Councillor Mrs Kaberry-Brown were both appointed as this Council's representative on the County Council's Kesteven Museums Panel.

This body has subsequently evolved into the Kesteven Cultural Panel and Councillors Exton and Mrs Kaberry-Brown's appointments were carried over. The terms of reference for the new body (as appended) list four South Kesteven District Council members as sitting on this body. At the time of writing this report, the County Council has been asked to confirm the number of representatives South Kesteven

District Council is entitled to appoint to this body. The Council is asked to either confirm the carry over of these appointments or to make alternative ones.

3. OTHER OPTIONS CONSIDERED

The Council could chose not to make any appointments to these bodies but the opportunity to represent this Council's position on issues debated at these forums would be lost.

4. RESOURCE IMPLICATIONS

None other than members' travel expenses to attend meetings.

5. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None

6. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None

7. CRIME AND DISORDER IMPLICATIONS

None

8. COMMENTS OF THE SECTION 151 OFFICER

Reimbursement of travel expenses will be in accordance with the Council's members' remuneration scheme and are budgeted for within Democratic Representation service budget.

9. COMMENTS OF THE MONITORING OFFICER

Any appointment to such bodies must be registered by the members appointed as a registerable interest. In accordance with the new members code of conduct, such interests need only be declared as personal interests at this authorities meetings if a matter relating to the outside body is to be discussed at the meeting, the interest is not prejudicial and the member appointed does not intend to speak on the issue.

10. APPENDICES: Kesteven Cultural Panel Terms of reference

11. CONTACT OFFICER

Lena Shuttlewood – Democracy Service Manager
Tel: 01476 406119 e-mail: l.shuttlewood@southkesteven.gov.uk

Cultural Panels Terms of Reference

1. Purpose

1.1 The Cultural Panels are to:

- To promote Cultural Services within the East Lindsey, West Lindsey Kesteven, Lincoln and Boston & Holland areas of Lincolnshire.
- To act as an information exchange in the co-ordination of excellent cultural services in this area.
- Cultural Services are defined as those which relate to sport, art, heritage, libraries and learning for those aged 19 or more.

2. Election of Chairman and Vice Chairman

2.1 The local authority elected members will elect a Chairman and Vice Chairman from their number for the coming year at the July meeting each year.

2.2 The role of the Chairman is to chair the meetings of the panel and to attend an annual meeting with the relevant Portfolio Holder of the County Council.

2.3 The role of the Vice Chairman is to deputise for the Chairman, if the Chairman is unable to undertake any of their role.

3. Frequency of Meetings

3.1 Three times per year, normally in February, July and November

3.2 Chairmen of Panels will be invited to attend an annual review meeting with the relevant Portfolio Holder of Lincolnshire County Council at which they will be invited to:

- a. to present a summary of their discussions during the past year to the Executive Member
- b. to raise any issues arising from Panel discussions

4. Administrative Support

4.1 Culture and Adult Education's Business Support Team will:

- a. Send out requests for agenda items in advance of meetings.
- b. Prepare agendas and papers and send them out.
- c. Type up and send out minutes of meetings.
- d. Maintain a complete file of all agendas, papers and minutes.

4.2 Officers of Lincolnshire County Council will attend meetings, present papers and take minutes for Business Support staff to type up.

5. Composition

5.1 East Lindsey Cultural Panel – elected members:

Cllr J Johnson, LCC (Chair)
Cllr J Hill. ELDC (Vice Chair)
Cllr Adam Grist, ELDC
Cllr J W Aron, LCC
Cllr G M Gooding, LCC
Cllr R J Palmer, LCC
Cllr J M Swanson, LCC
Cllr Mrs P F Watson, LCC
Cllr N Worth, LCC
Cllr Mrs L Koumi, ELDC
Cllr J Byford, ELDC

Lincolnshire County Council:

Jonathan Platt, Head of Heritage, Regeneration and Improvement
Gary Porter, Network Manager East
Matt Stephens, District Manager East Lindsey 1
Carole Oldfield, District Manager

East Lindsey District Council:

Semantha Neal, Business Manager – Health, Arts & Events

Other organisations:

Chair of East Lindsey Arts Forum – Helen Matthews
Chairman of the Community Sports Network
Friends of Church Farm Museum
Royal Air Force

5.2 Boston with Holland Cultural Panel – elected members:

Cllr C Lawton (Chair)
Cllr R Dungworth (SHDC)
Cllr Nick Worth (LCC)
Cllr H R Johnson (LCC)
Cllr E J Poll (LCC)
Cllr Mrs A Puttick (LCC)
Cllr M Brookes (LCC)
Cllr Miss A M Jenkyns (LCC)
Cllr G R Aley (SHDC)
Cllr P Bedford (BBC)

Lincolnshire County Council:

John Pateman, Head of Libraries & Learning
Helen Kirschner, District Manager, Boston & South Holland

Boston Borough Council:

Mr P Alder, Economic Development Manager
Barrie Higham, Cultural Services Manager

South Holland District Council:

Sue Bolter, Head of Economic & Community Development

Other Organisations:

Leicester County Council, Hannah Gould, Museum Development Officer
(Lincolnshire)
Fenscape, Nicola Carr, Fenscape Manager
The Haven, Polly Stanley, Collections Officer
Ayscoughfee Hall
Pinchbeck Engine

5.3 Kesteven Cultural Panel– elected members:

Cllr D Brailsford (Chair), LCC
Cllr E R Chapman, LCC
Cllr Mrs C M H Farquharson, LCC
Cllr Mrs M J Overton, LCC
Cllr R A Shore, LCC
Cllr John Dawson, SKDC
Cllr Whittle DFM, NKDC
Cllr Rose, NKDC
Cllr Mike Exton, SKDC
Cllr Rosemary Kaberry-Brown (Vice Chair), SKDC
Cllr N Worth, LCC
Cllr John Smith, SKDC
Cllr H G Wheat, SKDC

Lincolnshire County Council:

Kaye Rushbrook, Learning & Improvement Manager
Tracy Crawley, Major Project Manager, Stamford Library
John Whittaker, District Manager – South Kesteven
Gill Kemp, District Manager – North Kesteven

North Kesteven District Council:

Sally Porter, Economic Development Project Officer
Jane Wells, Head of Economic, Community & Planning Services

South Kesteven District Council:

Charter Trustees of Grantham:

Mr S Wallhead

Stamford Town Council:

Mr D Parrott, Town Clerk

Chairs of the Physical Activity Network –

Clive Breedon, Lincolnshire Sports Partnership
Dale Kitchen, South Kesteven District Council

Other Organisations -

Willoughby Memorial Trust – Mrs Elaine Giles
Leicester County Council – Hannah Gould, Museum Development Officer
(Lincolnshire)

5.4 Lincoln Cultural Panel - elected members:

Cllr J Metcalfe (Chair), LCC
Cllr H Spratt, CLC
Cllr Weaver, CLC
Cllr C Farrar, LCC
Cllr J R Marriott, LCC
Cllr Mrs P A Mathers, LCC
Cllr R B Parker, LCC
Cllr K J Smith, LCC
Cllr Mrs C A Talbot, LCC
Cllr Y Bodger, CLC
Cllr N Worth, LCC

Lincolnshire County Council:

Stephanie Gilluly, Regeneration Manager
Mike Cavanagh, Divisional Manager West (Heritage & Regeneration)
Nicola Rogers, District Manager - Lincoln 1
William Mason, District Manager – Lincoln Castle & The Collection
Jeremy Webster, District Manager – Lincoln 2

City of Lincoln Council:

TBC

Other Organisations:

Family History Society - Brenda Coulson
Lincoln Record Society - Mr K Hollamby
University of Lincoln- Dr Andrew Walker, Head of Humanities &
Performing Arts; Ms Lesley Church, Information & Learning Advisor
Bishop Grosseteste University College - Mrs G Moyes
Tennyson Society – Kathleen Major
Society for Lincolnshire History and Archaeology – Mr J Wilford
Visit Lincolnshire

5.5 West Lindsey Cultural Panel- elected members:

Cllr I Fleetwood (Chair), LCC
Cllr A H Turner MBE JP (Vice Chair), LCC
Cllr P J O'Connor, LCC
Cllr R Sellars, LCC
Cllr C L Strange, LCC
Cllr M Tinker, LCC
Cllr William Parry, WLDC
Cllr N Worth, LCC

Lincolnshire County Council:

Mark Homer, Assistant Director – Culture & Adult Education
Janet Edmond, District Manager West Lindsey

West Lindsey District Council:

Mary Hollingsworth, Cultural Development Team Leader
Marion Thomas, Economic Tourism Officer
Claire White, Arts Development Officer

Other Organisations:

Leicester County Council - Hannah Gould, Museum Development Officer
(Lincolnshire)
English Heritage
Friends of the Old Hall Association
Sir Edmund Bacon and his successors
Trinity Arts Centre
Gainsborough Model Railway Society
Gainsborough and District Heritage Association
Gainsborough Chamber of Commerce

REPORT TO COUNCIL

REPORT OF: Cllr Frances Cartwright – Economic Development

REPORT NO: AFM0137

DATE: 22 April 2010

TITLE:	ADDITION TO THE SKDC OFF STREET PARKING PLACES ORDER 2002 RESPONSE TO CONSULTATION	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	YES	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	CLLR FRANCES CARTWRIGHT – ECONOMIC DEVELOPMENT	
CONTACT OFFICER:	L.Banner – Service Manager Asset and Facilities – l.banner@southkesteven.gov.uk . Tel: 01476 406411 M.Smith – Team Leader Operations – m.smith@southkesteven.gov.uk Tel: 01476 406425	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	AFM0082 – Report to Cabinet - Addition to the South Kesteven District Council Off-Street Parking Places Order 2002 – approval for consultation	

1. RECOMMENDATIONS

It is recommended:

- a. That the authority proceed with the proposed South Kesteven District Council Off-Street Parking Places Order 2009, following the consultation period;
- b. The making of the Order.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

This report provides an update on response following the consultation period required to consider a new order to be made in addition to the SKDC Off Street Parking Places Order 2002. The purpose of the new order is to prevent unauthorised use of the Council’s non pay and display car parks at Trent Road, Arnoldfield, Dysart Park and the area to the entrance to Dysart Park off Bridge End Road, Wyndham Park the entrance and parking area off Hill Avenue.

3. DETAILS OF REPORT (SUMMARY – USE APPENDICES FOR DETAILED INFORMATION)

A new order relating to non-pay and display car parks in and around Grantham is proposed to alleviate the unauthorised use of the named car parks. The process for making a new order requires statutory consultation and consideration of objections before any order can be ratified by Council.

Following the consultation period, whereupon notices have been displayed in all the named car parks and the local press, it can be confirmed that the Council has not received objections with regard to the proposals and the alterations of the new car parking orders that relate to the named car parks.

The authority has received letters of support in respect of our proposals from both the Lincolnshire Road Safety Partnership and Lincolnshire County Councils Highways Department who have raised no objections to our proposals.

4. OTHER OPTIONS CONSIDERED

Other options considered to alleviate the unauthorised use included the Police verbally communicating with the people misusing the car parks and written communication with the people involved. Despite both the options being carried out, there are still recurrent problems. Possession action can only be taken against the registered owner. The registered owner is not the person operating the car sales. Once proceedings have been started the vehicle has been sold or moved from the Council land and different vehicles are put in their place. Possession action in respect of each vehicle is not an effective remedy.

The DVLA have been contacted to pursue un-taxed vehicles. Although the DVLA have acquired powers to impound untaxed vehicles found both on and off the highway, they have been unable to take any action in respect of the car parks referred to in this report. In any event some of the vehicles being left on Council car parks are taxed.

5. RESOURCE IMPLICATIONS

The enforcement of any order made will have resource implications for the Council in respect of officer time, vehicle removal and storage costs. Although every effort will be made to pursue the vehicle owner for those costs. This cost recovery cannot be guaranteed.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

Risk

The main risk to the Council is the health and safety implications, which are detailed below.

Health and Safety

Considerations are taken into account regarding the health and safety of those imposing the order and all necessary risk assessments will be carried out.

Data Quality

Every effort is undertaken to ensure rigid data quality checks are carried out.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

As referred to on page 1 of this report.

8. CRIME AND DISORDER IMPLICATIONS

There are crime and disorder implications owing to the nature of the problem; however, these should be mitigated through the introduction of the new order.

9. COMMENTS OF SECTION 151 OFFICER

The proposals contained in the report will enable the Council to undertake enforcement action where necessary as part of its car parking management responsibility. Any enforcement action will need to be undertaken within existing budgetary provision and should complement existing enforcement control measures on the pay and display car parks.

10. COMMENTS OF MONITORING OFFICER

The matter of a new off-street car parking order was considered by the Communities Policy Development Committee at its meeting on the 14th May 2009. The Committee endorsed and recommended to Cabinet the making of the new order as detailed in this report.

The Council is unable to vary the existing car parking order 2002 order as it is not proposed to use the car parks referred to in the proposed order as pay and display car parks. The provisions of the proposed new order are, with the exception of the prohibition on sale of vehicles, contained in the existing order.

The proposed new order relates to non pay and display car parks in Grantham only and in no other town in the district.

SOUTH KESTEVEN DISTRICT COUNCIL
(OFF- STREET PARKING PLACES) ORDER 2009

South Kesteven District Council (“the Council”) in exercise of their powers under Section 35 of the Road Traffic Regulation Act 1984 (as amended) (“the Act”) and of part IV of Schedule 9 of the Act and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39 (3) of the Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the Act and in compliance with regulations made under the Act hereby make the following Order:-

PART I – GENERAL

1. This Order is made on the [] and will come into effect on the [*14 days after being made*] and may be cited as the South Kesteven District Council (Off-Street Parking Places) Order 2009

2. This Order does not revoke the South Kesteven District Council (Off-Street Parking Places) Order 2002 as varied by the 2006 Order and is made in addition to that Order

3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order

- (2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings hereby respectively assigned to them:-

“driver” – in relation to a vehicle left in a parking place means the person driving the vehicle at the time it was left in the parking place subject to the provisions of paragraphs (3) and (4) of this

Article and shall have the same meaning assigned to it by Section 142(1) of the 1984 Act

“owner” – means the person by whom the vehicle is kept and for the purposes of this Order it shall be presumed that the owner was the person in whose name the vehicle was at the relevant time registered under the provisions of the Vehicle Excise and Registration Act 1994 and “registered keeper” shall be construed accordingly

“parking attendant” – means the officer appointed by or on behalf of the Council to supervise the parking places

“parking bay” – means the area of a parking place which is provided for the leaving of the vehicle and indicated by markings on the surface of the parking place

“parking place” – means any area of land specified in column 1 of Part I of the Schedule provided by the Council in pursuance of Section 32 (1) of the Act for use as a parking place

“vehicle” - means any motor vehicle that is either a motor car or a light goods vehicle with or without a trailer attached or a solo motorcycle with a sidecar attached

- (3) Subject to paragraph (4) of this Article for the purposes of the institution of proceedings under Section 35(A) of the Act against the driver of the vehicle as the person(s) responsible for an alleged breach of the Order it shall be conclusively presumed that the registered keeper of the vehicle was the driver of that vehicle at the relevant time and accordingly that acts or omissions of the driver of the vehicle were the acts or omissions of the registered keeper PROVIDED THAT if the registered keeper is not an individual or company having independent legal identity and status

or is otherwise a partnership or firm, it shall be conclusively presumed that any partner or promoter of such registered keeper was the driver of that vehicle at the relevant time

- (4) The presumption in paragraph (3) of this Article shall not apply if it is proved at the time of the alleged breach that the vehicle was in the possession of some other person or that the person against whom proceedings under Section 35(A) of the Act have been instituted was not the registered keeper or owner at the time of the alleged breach or was not a partner or a promoter of the registered keeper
- (5) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament

PART II – USE OF PARKING PLACES

Use of land and parking places

4. (1) Subject to Clause 4(1)(i) below each area of land specified by name in Part 1 of Schedule 1 may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to Part 2 of Schedule 1
 - (1) (i) The Council reserves the right to consent to each area of land specified by name in Part 1 of Schedule 1 to be used for other lawful purposes any such consent must be in writing and signed by the Council's Corporate Head of Resources & Organisational Development and displayed visibly in the vehicles of each driver or owner who benefits from such consent.
 - (2) (i) Where in Part I of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not

permit it to wait in that parking place unless it is of the class and in the position so specified

- (ii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place

- 5. The driver of a motor vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place
- 6. No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons or the sale of that vehicle or offering or advertising that vehicle for sale to persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service
- 7. No person shall use any part of a parking place or any vehicle left in a parking place:
 - (a) for sleeping or camping or cooking; or
 - (b) For the purpose of servicing or washing any vehicle or part thereof other than is reasonably necessary to enable that vehicle to depart from the parking place

8. The driver of a vehicle using a parking place shall not sound any horn or other similar instrument except when about to change the position of the vehicle in or to depart from the parking place
9. No person shall in a parking place wantonly shout or otherwise make a loud noise to the disturbance or annoyance of users of the parking place or residents of premises in the neighbourhood
10. No person shall in a parking place use any threatening, abusive or insulting language, gesture or conduct with intent to put any person in fear or so as to occasion a breach of the peace and whereby a breach of the peace is likely to be occasioned
11. Where in a parking place signs are erected or surface markings are laid for the purpose of:-
 - (a) indicating the entrance to or exit from the parking place, or
 - (b) indicating that a vehicle using the parking place shall proceed in a specified direction within the parking place;

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified

12. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place

13. No person shall permit the vehicle to remain continuously in a parking place for a period of more than forty eight (48) hours without the express written permission of the Council
14. Caravans shall not be permitted to wait in any parking place at any time without the express written permission of the Council
15. Heavy goods vehicles shall not be permitted to wait in any parking place at any time without the express written permission of the Council
16. Trailers that are not attached to a vehicle shall not be permitted to wait in any parking place at any time without the express written permission of the Council
17. In a parking place no person shall:-
 - (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council;
 - (b) light or cause or permit to be lit any fire
 - (c) drive a vehicle above the speed of ten miles per hour or for driving around such parking place unnecessarily for driving recklessly erratically dangerously or for any game or sport involving motor vehicles or motor sport motor rally or motor trial
 - (d) place a skip or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period without the express written permission of the Council
 - (e) commit any criminal offence

18. Save as provided in Article 19 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place
19. Nothing in Article 18 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-
 - (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
 - (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties
20. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising
21. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order

Removal of vehicle from parking place

22. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of this Order, a person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council may

remove the vehicle from that parking place or arrange for such removal

- (3) For the purpose of meeting the requirements of any emergency, a person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal of a vehicle from a parking place
- (4) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle
- (5) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or lifting or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed
- (6) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed
- (7) When a vehicle has been removed in accordance with paragraph (2) or (3) of this Article by towing or lifting or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed, the costs of removal and for its safe custody shall be the liability of the driver and in the event that the driver cannot be

either identified or traced then the owner shall be liable for such costs

- (8) The cost to be paid to the Council for the removal of a vehicle from the parking place under the provisions of paragraph (7) of this Article is stated in Schedule 2
- (9) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article

PART IV – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE

- 23. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 22 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps
- 24. (1) Subject to the provisions of Article 34 of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person
 - (2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article 29
- 25. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the

owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than six weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person

26. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle
27. Subject to the provisions of Article 30 of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person
28. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person
29. Where by virtue of Article 25 or 26 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 25 and 26 of this Order as respects the

sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 25.

30. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 23 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article 25 of this Order
31. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the Act.
32. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from the parking place in pursuance of Article 22 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 25 of this Order
33. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 31 of this Order, shall be payable within a period of one year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council
34. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 22 of this Order, reclaims the vehicle before the Council sells or otherwise disposes

of it as provided for by Article 23 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the Act

35. Where under the foregoing provisions of this Part of this Order a notice is required to be, or may be, sent to a person the notice shall be sent by registered post or by the recorded delivery service

Executed as a deed by affixing the)

COMMON SEAL of SOUTH)

KESTEVEN DISTRICT COUNCIL)

In the presence of:-)

SCHEDULE 1

PART I

Each area of land:

Car park at Wyndham Park Hill Avenue Grantham Lincolnshire more particularly delineated edged red on attached plan "A"

Car park at Dysart Park Bridge End Road Grantham Lincolnshire more particularly delineated edged red on attached plan "B"

Car park at Trent Road adjacent to the Rose and Castle Public House Grantham Lincolnshire more particularly delineated edged red on attached plan "C"

Car park at The Meres Leisure Centre and Sports Stadium on Trent Road Grantham Lincolnshire more particularly delineated edged red on attached plan "D"

Car park at Arnoldfield Gonerby Hill Foot Grantham Lincolnshire more particularly delineated edged red on attached plan "E"

SCHEDULE 1

PART II

The days and during such hours as are specified in relation to Part 2 of
Schedule 1

Monday - Sunday (including all bank holidays)

24 hours a day (ie all day)

SCHEDULE 2

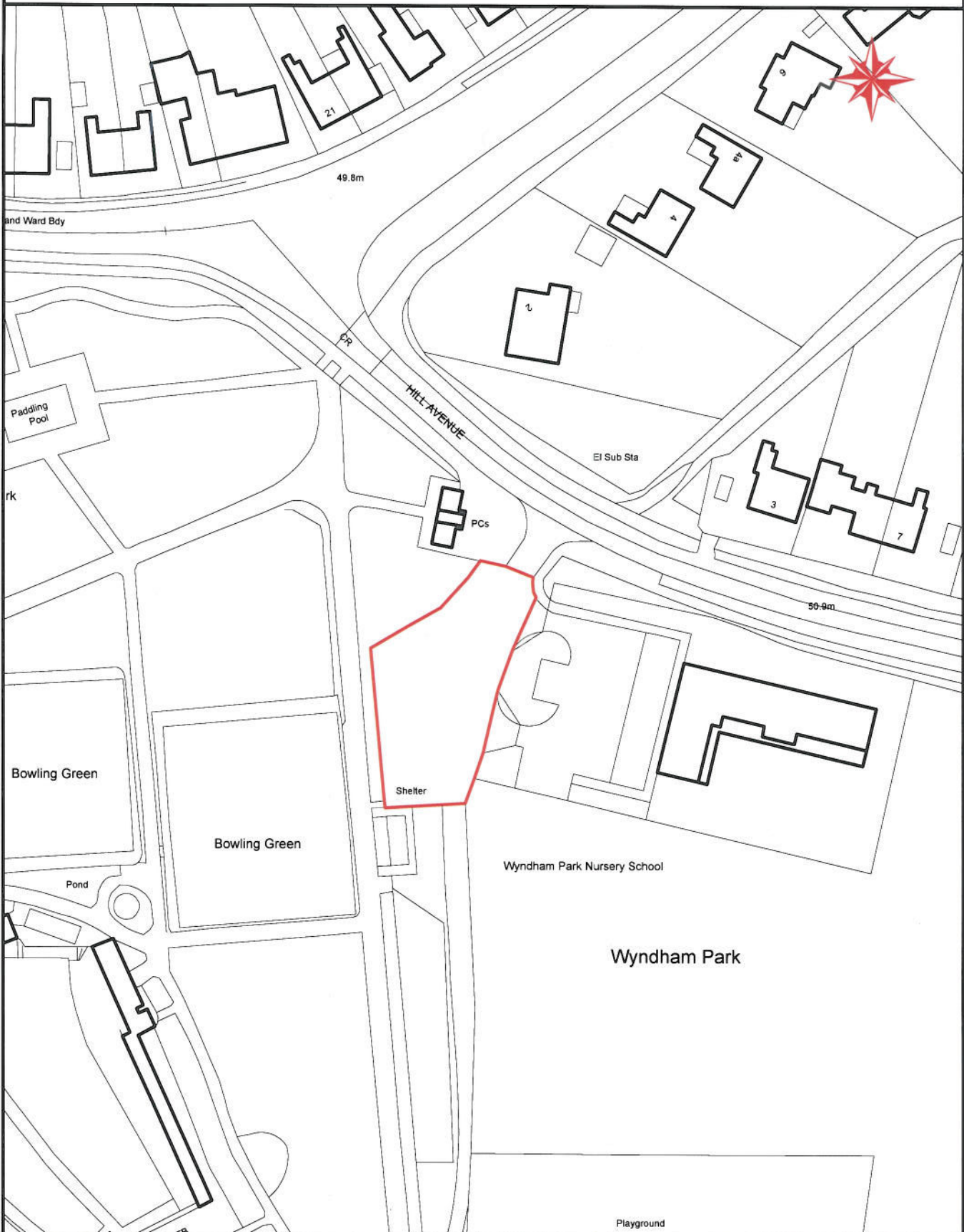
MISCELLANEOUS PARKING CHARGES ADMINISTRATION CHARGES AND PENALTIES

£50.00 for removal of vehicle and storage for 28 days

Storage after 28 days is £4.00 per day

This amount is subject to review

PLAN A



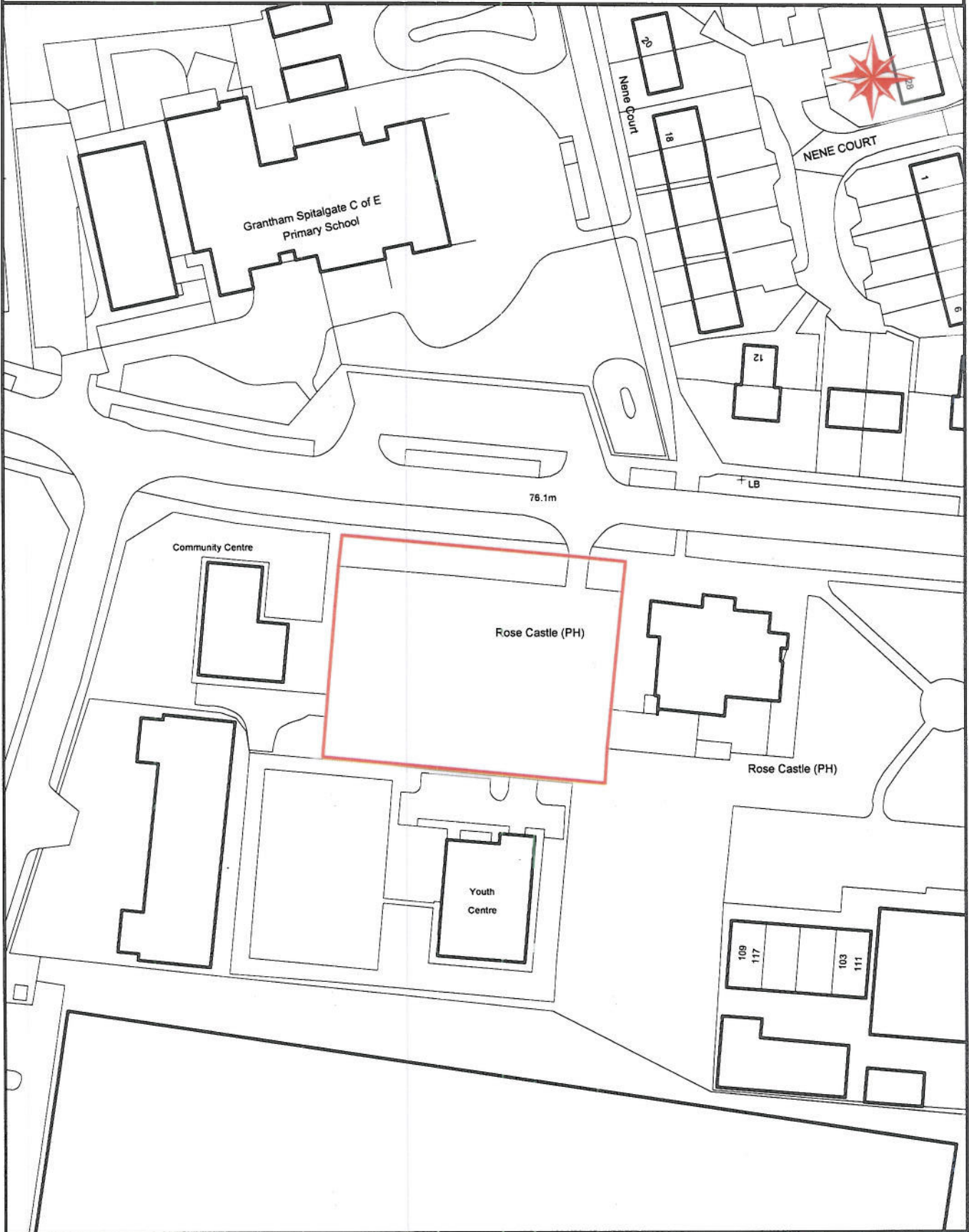
Details			Rev No.		Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Plotting in MapInfo made easier					
Drawn by	Scale	Date			South Kesteven District Council 100018652 Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF www.aligned-assets.co.uk
Alice Clarke	1:1000	18/01/10			
File Pathname / Project / Drawing No.					

PLAN B



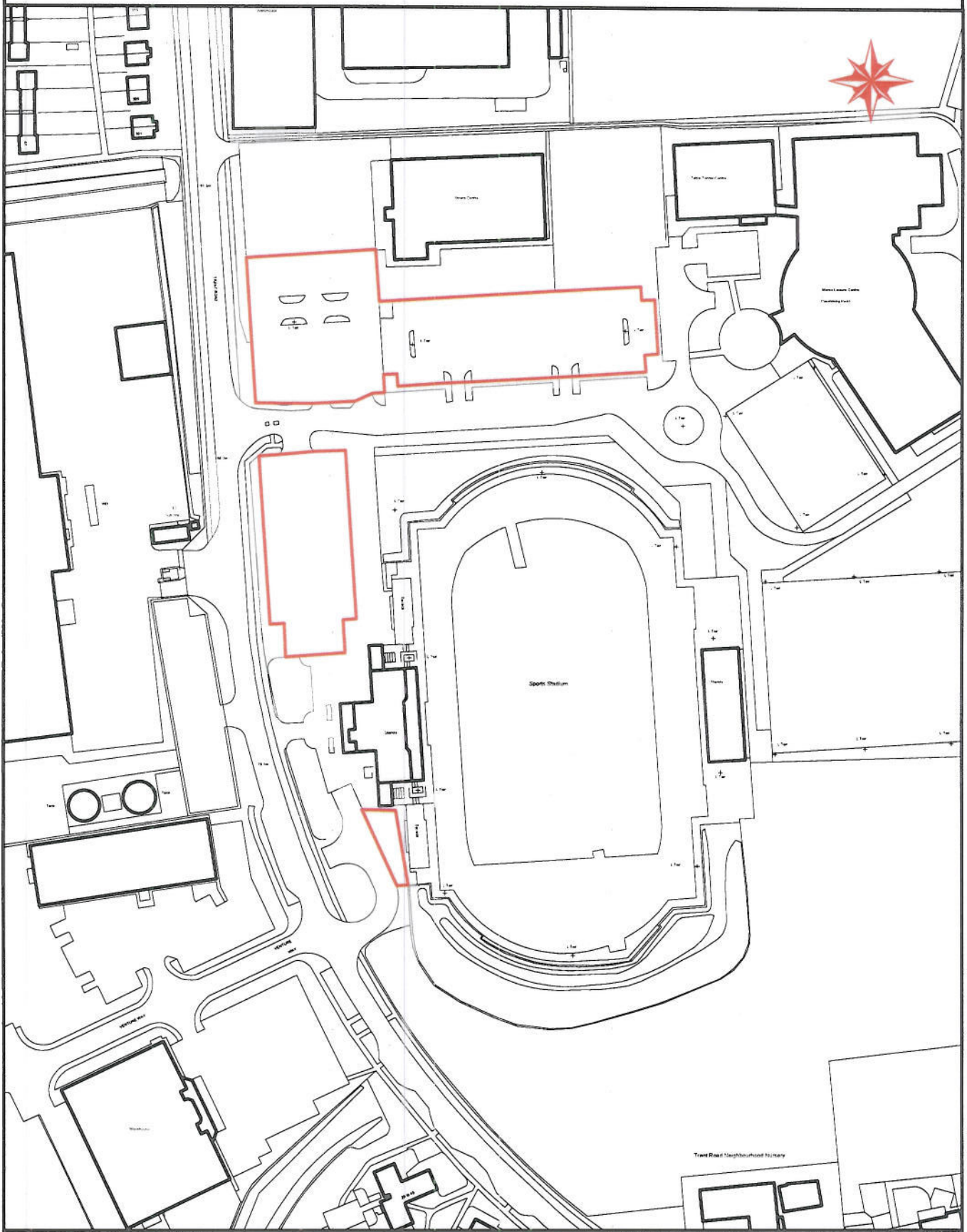
Details			Rev No.	Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Plotting in MapInfo made easier				
Drawn by	Scale	Date		South Kesteven District Council 100018852 Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF www.aligned-assets.co.uk
Alice Clarke	1:1000	18/01/10		
File Pathname / Project / Drawing No.				

PLAN C



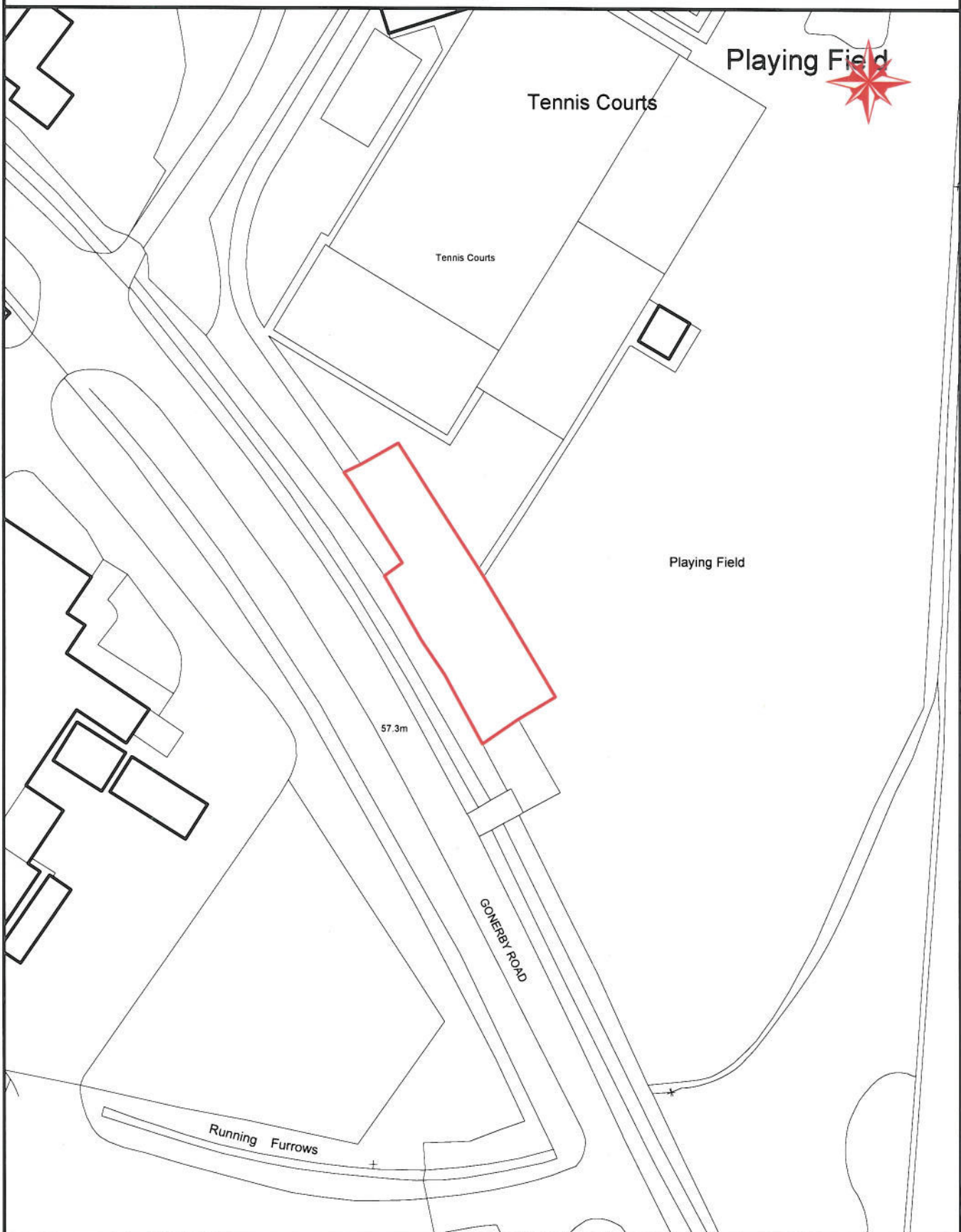
Details			Rev No.	Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Plotting in MapInfo made easier				
Drawn by	Scale	Date		South Kesteven District Council 100018652
Alice Clarke	1:1000	18/01/10		Aligned Assets Limited
File Pathname / Project / Drawing No.				Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF
				www.aligned-assets.co.uk

PLAN D



Details			Rev No.			Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Plotting in MapInfo made easier						
Drawn by	Scale	Date				South Kesteven District Council 100018652 Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF www.aligned-assets.co.uk
Alice Clarke	1:1000	18/01/10				
File Pathname / Project / Drawing No.						

Plan E



Details			Rev No.		Based on the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.
Plotting in MapInfo made easier					
Drawn by	Scale	Date			South Kesteven District Council 100018652 Aligned Assets Limited Links One, Links Business Centre Old Woking Road, Old Woking Surrey, GU22 8BF www.aligned-assets.co.uk
Alice Clarke	1:1000	18/01/10			
File Pathname / Project / Drawing No.					

REPORT TO COUNCIL

REPORT OF: Healthy Environment Portfolio Holder,

REPORT NO.: SS0008

DATE: 22ND April 2010

TITLE:	Dog Control Orders
FORWARD PLAN ITEM:	Yes
DATE WHEN FIRST APPEARED IN FORWARD PLAN:	1 st November 2009
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Policy Framework Proposal

COUNCIL AIMS/ PORTFOLIO HOLDER NAME AND DESIGNATION:	Cllr John Smith – Portfolio Holder for Healthy Environment	
CORPORATE PRIORITY:	Quality living	
CRIME AND DISORDER IMPLICATIONS:	Reduction in anti-social behaviour Reduction in environmental crime	
FREEDOM OF INFORMATION ACT IMPLICATIONS:	This report is publicly 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? Yes attached to earlier Cabinet report	Full impact assessment required? No
BACKGROUND PAPERS:	Clean Neighbourhoods and Environment Act 2005	

1. INTRODUCTION

- 1.1. This report seeks approval to carry out public consultation in relation to the adoption of Dog Control Orders within designated areas of South Kesteven. This will clarify the position on matters of dog control and
- 1.2. The Dog Control Orders (Prescribed Offences and Penalties, etc) Regulations 2006 and the Dog Control Orders (Procedures) Regulations 2006 implement sections 55 and 56 of the Clean Neighbourhoods and Environment Act 2005 (CNEA) give the district council powers to designate areas within its administrative area where individuals must clean up after their dog; must control their dog by putting it on a lead; or from where dogs are excluded ..
- 1.3. The Communities Policy Development Group considered this issue and recommended to Cabinet that Council adopts the following orders under the Clean Neighbourhoods and Environment Act 2005:
 - a) A Dog Control Order making it an offence not to remove dog faeces anywhere in the South Kesteven district area.
 - b) A Dog Control Order making it an offence to take dogs within enclosed children's play areas as listed at Appendix1
 - c) A Dog Control Order making it an offence to not put and keep a dog on a lead when directed to do so by an authorised officer anywhere in the South Kesteven district area.

2. RECOMMENDATION

- 2.1. That formal public consultation is commenced in relation to the adoption of Dog Control Orders within South Kesteven as attached to this report at Appendix 2.

3. DETAILS OF REPORT

- 3.1. The Council currently uses powers arising from the Dogs (Fouling of Land Act) 1996 to issue fixed penalty notices for the offence of dog fouling. The introduction of Dog Control Orders is a necessary step to bring our powers up to date with current legislation and strengthen our enforcement options.
- 3.2. Each parish council has been consulted on these issues and been given the opportunity to identify what they felt would benefit their area. Only a few parish councils responded, although the consensus was that the orders should concentrate on the offence of dog fouling.

- 3.3. The Council receives an average of 25 reports of dog fouling a month, through various means including customer service reports, the website and Parish Councillor E-mails.
- 3.4. Provisions in the legislation enable an order to be made to encourage more responsible ownership of dogs. The range of controls available includes:
- The prevention of fouling;
 - Keeping keep dogs on leads;
 - Banning dogs from specified areas of land (i.e. children's play areas); and
 - Specifying the maximum number of dogs that can be taken onto specified areas of land.
- 3.5. The penalty for committing an offence contained in a Dog Control Order is a maximum fine of level 3 on the standard scale (currently £1,000). Fixed Penalty Notices (£75) for offences may also be issued by authorised officers. This is the same level of fine previously set when the Council adopted the fixed penalty powers regarding littering and fly posting under with the Clean Neighbourhoods and Environment Act.
- 3.6. Under section 57 of the CNEA a Dog Control Order can be made in respect of any land which is open to the air and to which the public are entitled or permitted to have access (with or without payment).
- 3.7. There are defences in all Dog Control Orders of:
- (a) having reasonable excuse for failing to comply with an order; or
 - (b) acting with the consent of the owner or occupier of the land, or of any other person or authority which has control of the land.
- 3.8. A Dog Control Order can be made in respect of any land to which the public are entitled or permitted to have access (with or with out payment) i.e. National Trust so the owners of this type of area will included in the proposed consultation (any enforcement on private land is by the invitation of the land owner).
- 3.9. Contact with dog fouling is unpleasant and presents a health risk, particularly to young children. It is proposed that all enclosed children's play areas will be the subject of a Dog Control Order, and a list of those to be included is shown at Appendix1.

Procedure for making Dog Control Orders

- 3.10. There is a designated procedure for making Dog Control Orders. A notice must be published describing the proposed order in the local newspaper circulated in the same area as the land to which the order would apply, and invite representations on the proposal.
- 3.11. At the end of the consultation period, it is necessary to consider any representations that have been made.

- 3.12. If, after considering representations on the proposal, it is decided to significantly alter and amend the proposal, the procedure must be started again, publishing a new notice describing the amended proposal.

Authorised Officers

- 3.13. At present the authorised officers are members of staff within Street Scene Services and Police and Community Support Officers (PCSO's). It is intended that the PCSO's will be requested to continue to issue fixed penalty notices on the District Council's behalf.
- 3.14. It is also possible for 'employees' of Parish Councils to utilise certain enforcement powers including the issuing of fixed penalty notices. The employees must receive accredited training by a DEFRA approved provider, currently the Keep Britain Tidy Group (formerly ENCAMS). The training is costly but a number of suggestions have been put to the Parish Council to assist them in minimising costs (the costs would be borne by the Parish Councils), but to date only two parish councils have expressed an interest in pursuing the training.

4. OTHER OPTIONS CONSIDERED AND ASSESSED

- 4.1. Currently, authorised officers use powers arising from the Dogs (Fouling of Land Act) 1996 to enforce against dog fouling.
- 4.2. Officers consider that the powers offered by Dog Control Orders will enhance the quality of the environment for residents and visitors. Through the Dog Control Orders, both dog owners and non-dog owners will have a clear understanding of their roles and the areas where they can enjoy open spaces.

5. RESOURCE IMPLICATIONS

- 5.1. The costs of consultation (which will mainly be press advertising) will be in the order of £5,000, and this sum can be met from within the current Street Scene budget. Similarly the cost of signage will also be met from existing budgets.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

- 6.1. Staff enforcing this legislation are appropriately trained and seek to advise and educate the public in the first instance before any consideration is given to taking formal action.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1. Dog control orders provide exemptions in particular cases for registered blind people, and for deaf people and for other people with disabilities who make use of trained assistance dogs. Anyone with any type of assistance dog is not subject to a Dog Control Order excluding dogs from specified land in respect of his or her assistance dog, and anyone other than a registered deaf person (whose disability will not prevent him or her from being aware of and removing dog faeces) is similarly exempt from a Dog Control Orders on the fouling of land.

8. COMMENTS OF SECTION 151 OFFICER

- 8.1. No additional budget provision has been requested in respect of the proposal detailed in the report and therefore the costs can be met from existing resources. I am not aware that any increase in any income has been forecast in next year's budget proposal.

9. COMMENTS OF MONITORING OFFICER

- 9.1. If the Council wishes to enforce legislation in respect of dog fouling and nuisance, it must adopt an order specifying the offences under the relevant legislation. The proposed order for consultation has been drafted in accordance with the legislation. Designated areas for exclusion should be clearly defined by reference to a plan showing the extent of the area to which the exclusion applies. I understand that such plans will be included in the consultation. Any existing order must be formally revoked in accordance with the legislation before any new order is made.

7. COMMENTS OF OTHER RELEVANT SERVICE MANAGER

- 7.1. Assets and Facilities have been consulted with regard to public open spaces and children's play areas and have no objections to this proposal.

8. CONCLUSION/SUMMARY

- 8.1. It is considered that Dog Control Orders are an ideal way to balance the interests of those in charge of dogs against the interests of those affected by irresponsible dog ownership. Children need dog-free areas and there needs to be areas where dogs are kept under strict control, and likewise, those in charge of dogs need to have access to areas where they can exercise their dogs without restrictions.

9. CONTACT OFFICER

Gwen Came
Enforcement Co-ordinator, Street Scene Services

Appendix 1

Area	Owned by/request of
Grantham	
Gonerby Hill	SKDC
Harrowby Lane	SKDC
Hornsby Road	SKDC
Wynhdam Park	SKDC
Dysart Park	SKDC
Beechcroft Road	SKDC
Play are and Multi Sport Area	Parish Council
The Deepings	
Crowson Way	SKDC
Church Street	SKDC
Hereward Way	SKDC (Parish request also0
Northfields/Wellington Way	SKDC
Churchfield Close	SKDC
John Eve Field Playground	Parish Council request
Bourne	
Wellhead	SKDC
Pinewood Close	SKDC
Recreation ground Road	SKDC
Northfields	SKDC
Langtoft	
Playing field	SKDC
Stamford	
Recreation ground	SKDC
Drift Road	SKDC
Elizabeth Road	SKDC
Elgar Way	SKDC
South Witham	
Playing field	Parish Council
Skate Park- not enclosed	Parish Council
Great Close	SKDC (Parish Council request also)
Deeping St James	
Woody Heights	Parish Council
Barkston and Syston	
Playing field (enclosed children's play area)	Parish Council
Rippingale	
Jubilee Playing field	Parish Council

Dowsby	
Playground- Village Hall	Parish Council request
Edenham	
Playing field- not enclosed	Parish Council
Castle Bytham	
Play area- Glen Road- partial enclosed	Parish Council
Skillington	
Community Centre Play area	Parish Council
Manthorpe	
Playing area	Parish Council
Caythorpe	
Caythorpe Playing field	Parish Council
Allington	
Jubilee Playing Field	Parish Council
Ropsley	
Playing field (High street)	Parish Council
Marston	
Amenity Area	Parish Council
Hough on the Hill	
Play area	Parish Council
Woolsthorpe	
Main Street Play area	Parish Council
Colsterworth	
Woolsthorpe Road	Parish Council
Colsterway	Parish Council
Old Post Lane (social club sports area)	Parish Council
North Witham	
Post Lane	Parish Council

The Clean Neighbourhoods and Environment Act 2005

The Dog Control (Prescribed Offences and Penalties, etc.) Regulations 2006

The Dogs Exclusion within the district of South Kesteven Order 2010

South Kesteven District Council (in this Order called “the Authority”) hereby makes the following Order:

1. This Order comes into force on the [insert date].
2. This Order applies to the land specified in Schedule 1.

Offence

3. (1) A person in charge of a dog shall be guilty of an offence if, at any time during the period set out in Schedule 2, he takes the dog onto, or permits the dog to enter or to remain, on any land to which this Order applies unless –
 - a) He has a reasonable excuse for failing to do so; or
 - b) The owner, occupier or other person or authority having control of this land consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who-
 - a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948: or
 - b) is deaf, in respect of a dog, trained, by the Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
 - c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.
- (3) For the purposes of this article-
 - a) a person habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog; and
 - b) each of the following is a prescribed charity –
 - i. Dogs for the Disabled (registered charity number 700454);

- ii. Support Dogs (registered charity number 1088281)
- iii. Canine Partners for Independence (registered charity number 803680)

Penalty

- (4) A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

Executed as a deed by affixing the)

COMMON SEAL of SOUTH)

KESTEVEN DISTRICT COUNCIL)

In the presence of:-)

Schedule 1

1. This order applies to all land within the administrative area of South Kesteven District Council and which is -

(1) An enclosed children's play area including the following and is edged red on the attached plan:

Schedule 2

The times and periods which the offence applies is all day and every day commencing on the * (ie 14 days after the Order is made) which is the date this Order comes into effect

The Clean Neighbourhoods and Environment Act 2005

The Dog Control (Prescribed Offences and Penalties, etc.) Regulations 2006

The Dogs on Leads under Direction within the district of South Kesteven Order 2010

South Kesteven District Council (in this Order called “the Authority”) hereby makes the following Order:

1. This Order comes into force on the [insert date].
2. This Order applies to the land specified in the Schedule 1.
3. In this Order “an authorised officer of the Authority” means an employee of the Authority who is authorised in writing by the Authority for purpose of giving directions under this Order

Offence

4. (1) A person in charge of a dog shall be guilty of an offence if, at any time as specified in Schedule 2, on any land to which this Order applies, he does not comply with a direction given by an authorised officer of the Authority to put and keep a dog on a lead of not more than ** metres/inches in length unless –
 - a. He has reasonable excuse for failing to do so: or
 - b. The owner, occupier or other person or authority having control of this land has consented (generally or specifically) to his failing to do so.
- (2) For the purpose of this article
 - a. a person who habitually has a dog in this possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog.
 - b. An authorised officer of the Authority may only give a direction under this Order to put and keep a dog on a lead if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog likely to cause annoyance or disturbance to any other person [on any land which this applies] or the worrying or disturbance of any animal or bird.

Penalty

5. A person who is guilty of an offence under article 4 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

Executed as a deed by affixing the)

COMMON SEAL of SOUTH)

KESTEVEN DISTRICT COUNCIL)

In the presence of:-)

Schedule 1

This order applies to all land which is within the administrative area of South Kesteven District Council, edged red on the attached plan and which is –

- (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
- (ii) to which the public are entitled or permitted to have access with or without payment.

Schedule 2

The times and periods which the offence applies is all day and every day commencing on the * (ie 14 days after the Order is made) which is the date this Order comes into effect

The Clean Neighbourhoods and Environment Act 2005

The Dog Control (Prescribed Offences and Penalties, etc.) Regulations 2006

The Fouling of Land by Dogs within the district of South Kesteven Order 2010

South Kesteven District Council (in this Order called “the Authority”) hereby makes the following Order:

1. This Order comes into force on the [insert date].
2. This Order applies to the land specified in Schedule 1.

Offence

3. (1) If a dog defecates at any time during the period set out in Schedule 2 on the land to which this Order applies and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless –
 - (a) he has reasonable excuse for failing to do so; or
 - (b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.
- (2) Nothing in this article applies to a person who –
 - (a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
 - (b) has a disability which affects his mobility, manual dexterity, physical co-ordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon whom he relies for assistance.
- (3) For the purpose of this article –
 - (a) a person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
 - (b) placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
 - (c) being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable

excuse for failing to remove the faeces
(d) each of the following is a "prescribed charity" –

- (i) Dogs for the Disabled (registered charity number 700454)
- (ii) Support Dogs (registered charity number 1088281)
- (iii) Canine Partners for Independence (registered charity number 803 680)

Penalty

4. A person who is guilty of an offence under article 3 shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Date

Executed as a deed by affixing the)

COMMON SEAL of SOUTH)

KESTEVEN DISTRICT COUNCIL)

In the presence of:-)

Schedule 1

This Order applies to all land which is within the administrative area of South Kesteven District Council, see attached plan edged red, and which is -

- (i) Open to the air (which includes land that is covered but open to the air on at least one side); and
- (ii) to which the public are entitled or permitted to have access with or without payment.

Schedule 2

The times and periods which the offence applies is all day and every day, commencing on the * (14 days after the Order is made) which is the date which this Order comes into effect

REPORT TO COUNCIL

REPORT OF: Access and Engagement Portfolio Holder

REPORT NO: DEM039

DATE: 22 APRIL 2010

TITLE:	New Executive Arrangements under the Local Government & Public Involvement in Health Act 2007	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Ray Auger Access and Engagement Portfolio Holder	
CONTACT OFFICER:	Lena Shuttlewood, Democracy Services Manager	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: No
Equality and Diversity	N/A	
FREEDOM OF INFORMATION ACT:	This report is publicly available from the Your Council and Democracy page on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None – published statute	

1. RECOMMENDATIONS

That the Council agree:

- (1) To the proposed consultation methods of SKToday and the Council's website for consulting electors and other interested persons about the new executive arrangements;**
- (2) The proposed timetable attached to this report for the consultation and implementation of the new executive arrangements.**

2. PURPOSE OF THE REPORT

The Council is statutorily required to consult on and implement new executive arrangements as detailed in Part 3 of the Local Government and Public Involvement in Health Act 2007.

3. DETAILS OF REPORT

The Local Government Act 2000 required most local authorities to operate executive arrangements using one of three model forms of executive provided for in the Act:

- elected mayor and cabinet
- leader and cabinet
- elected mayor and council manager

South Kesteven District Council, like most district authorities, opted for the leader and cabinet model. Part 3 of the 2007 Act has abolished two of these models – the old-style leader and cabinet and the elected mayor and council manager. Local authorities in England are now required to operate one of two models, either:

- elected mayor and cabinet; or
- “new style” leader and executive

No other form of executive arrangement is permitted.

There are transitional provisions which allow councils to continue operating the old style leader and cabinet models. For district councils this transitional period ends on the third day after the May 2011 district and parish elections.

The 2007 Act provides for a different form of executive and as such all local authorities must go down the administrative route of changing their form of executive to one of the two prescribed arrangements.

Under the new arrangements, the leader in a leader and cabinet executive (i.e. new “style leader”) makes arrangements for the discharge of functions in the same way as a mayor in a mayor and cabinet executive. The maximum permitted number of members in a cabinet (including the leader) remains ten.

The main differences between South Kesteven DC’s current executive model and the two options under the 2007 Act is summarised in the following table:

	Current leader and cabinet model (As is)	New style council leader and cabinet model	Directly elected mayor and cabinet model
Appointment and term of office	Leader appointed by full council annually	Leader appointed by full council for a 4 year term subject to resignation or disqualification.	Elected directly by the electorate for a 4 year term
Status	Leader is a member or councillor for all purposes	Leader is a member or councillor for all purposes	Directly elected mayor is not to be considered a member or councillor unless legislation indicates otherwise

	Current leader and cabinet model	New style council leader and cabinet model	Directly elected mayor and cabinet model
Executive functions	Size of cabinet determined by the annual meeting of council. Leader assigns portfolios	Leader decides size of cabinet. All executive functions would be vested in the leader who can then delegate	All executive functions would be vested in the mayor who can then delegate
Appointment of cabinet	Full council appoints the size of the cabinet; Leader nominates portfolio holders	Council appoints leader who then appoints his/her cabinet members and allocates responsibility	Mayor appoints his/her cabinet members and allocates responsibility
Deputy	No legal requirement to have a deputy leader but constitution vests power in leader	Legal requirement to have a deputy leader appointed by the leader	Legal requirement to have a deputy mayor appointed by the mayor

South Kesteven DC will need to adopt one or other of the new models even if it wishes to retain a leader and cabinet executive model.

CONSULTATION PROCESS

The 2007 Act requires the authority to take reasonable steps to consult the local government electors for, and other interested persons in, the authority's area before drawing up proposals. The act does not specify the type of consultation that should be carried out or how long the consultation process should take.

Information collected from other authorities who have already been through the process indicate that the most common consultation methods used have been:

- Articles in the council's own publications;
- Online consultation through the council website;
- Written consultation with partner organisations and/or community groups;

The period of consultation is not prescribed in the legislation.

Where authorities have already undertaken consultations, the detail of the consultation has typically taken the following form:

- Summary of why the consultation is taking place;
- What system of governance the authority is currently working under;
- A summary of the two governance models;
- The key differences between the two models (as set out in the table above).

In order to keep the consultation process straightforward, it is suggested that South Kesteven District Council uses its own magazine SKToday and the website as the

consultation methods. The period of consultation is recommended as 6 weeks.

A suggested timetable for carrying out the consultation process and implementing the new arrangements by the statutory deadline is appended to this report.

Feedback from the consultation will be taken into account when making the final decision as to the executive arrangements for the council. When drawing up the proposals, the council must consider to what extent the governance models, if implemented, *“would be likely to assist in securing continuous improvement in the way in which the local authority’s functions are exercised, having regard to a combination of economy, efficiency, and effectiveness.”*

4. OTHER OPTIONS CONSIDERED

This is a statutory requirement.

5. RESOURCE IMPLICATIONS

Using the council’s own publication and website to carry out the consultation process will be contained within existing budgets.

6. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

The Council is legally required to confirm new executive arrangements by 31 December 2010 in accordance with the legislation.

If the council fails to adopt either of the new executive model arrangements, the Secretary of State will draw up proposals for the authority and they will be deemed to be implemented on the last day of the transitional period.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

An EIA is required for the consultation process.

8. CRIME AND DISORDER IMPLICATIONS

No crime and disorder risks have been identified.

9. COMMENTS OF SECTION 151 OFFICER

It has been confirmed by the Service Manager that any associated expenditure relating to this decision can be met from existing approved budget provisions.

10. COMMENTS OF MONITORING OFFICER

This report will assist to provide members of the council and the public with an overview of the proposed changes to the executive arrangements of this Council. As no consultation process is prescribed, it is essential the Council consider the proposed consultation process at its annual meeting to ensure the time table for the introduction as specified in legislation can be met. The next edition of SK Today will be published at the end of May. Articles for that edition need to be available by the end of April.

11. APPENDICES: Proposed timetable

CONTACT OFFICER: Lena Shuttlewood, Democracy Service Manager
01476 40 61 19
l.shuttlewood@southkesteven.gov.uk

Report number DEM039 Appendix A

PROPOSED TIMETABLE

- 22 April 2010** Initial report to be considered by Council and agree process for and length of consultation
- 1 June to 9 July 2010** public consultation via SKToday and the website for 6 weeks
- 6 September 2010** Report to Cabinet on outcome of consultation and draft proposals prepared as a result of public consultation
- September 2010** Report to Constitution Committee on outcome of consultation and draft proposals to amend the Constitution prepared as a result of public consultation
- 28 October 2010** Report to Council on outcome of public consultation, to include recommendations from Cabinet and Constitution Committee on draft proposals. Council to authorise the publication of its proposals and pass a resolution to make the change in governance arrangements based on the preferred model
- November 2010** Publication of proposals.
- May 2011** The new arrangements must be operative no later than the third day following the local government elections currently scheduled for 5 May 2011.

REPORT TO COUNCIL

REPORT OF: Access & Engagement Portfolio Holder

REPORT NO: DEM043

DATE: 22nd April 2010

TITLE:	PETITIONS SCHEME – NEW DUTY	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	N/A	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Ray Auger – Access & Engagement	
CONTACT OFFICER:	Paul Morrison - Principal Democracy Officer Tel:01476 406512. e-mail:p.morrison@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report:N/A	Full impact assessment Required:N/A
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Local Democracy link on the Council’s website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

1.1 It is recommended that Council adopt the new Petitions Scheme as required by the Local Democracy, Economic Development and Construction Act 2009.

1.2 Council is asked to adopt the scheme and refer to all relevant PDGs for them to consider, but that the threshold for a debate at Full Council be set at 5,000 signatures and for attendance at Scrutiny Committee 2,500 signatures.

1.3 In view of the timescales involved, it is suggested that the detailed work of the Council’s scheme be referred to the PDGs who would then recommend the details of the scheme to the Portfolio holder. In addition, the necessary amendments to the Council’s constitution be brought before the Constitution Committee for consideration and subsequent recommendation to Full Council.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

The purpose of the report is to advise Council of a new legislative requirement , which must be adopted by the Council by 15th June 2010. The e petition requirements of the scheme come into force on 15th December 2010.

3. INTRODUCTION

4.1 Sections 10-22 of the Local Democracy, Economic Development and Construction Act require to Council to have in place a petitions scheme, included within this is a requirement for the Council to have an e petitions facility.

4.2 Before bringing these provisions into force, the Government issued a consultation paper entitled *Listening to Communities*. The consultation took place between 2nd December 2009 and 24th February 2010. The consultation document was considered by the Engagement PDG on 14th January and by a PDG working group on 19th January 2010. The working group's observations were made to the Portfolio holder who endorsed their views, these were then passed on to the DCLG as part of their consultation process.

4.3 Following evaluation of all comments received by the Government, the petitions scheme was published by the Government on 30th March 2010 and it comes into force on 15th June 2010.

4.4 The e petitions facility must be in place and brought into force by 15th December 2010.

4.5 The Government has produced detailed statutory guidance, including a model petitions scheme which the Council can adopt or adapt to suit local circumstances. This can be found at www.communities.gov.uk/publications/communities/dutyrespondingpetitions

4. THE PETITIONS SCHEME

5.1 The petitions duty in the 2009 Act means that for the first time councils will be required to respond to petitions and tell local people what action is going to be taken to address their concerns. The model scheme demonstrates these principles by setting out that all petitions, regardless of the number of signatures, will receive a response providing they follow the guidelines set out in the scheme.

5.2 Once the Council has adopted the scheme, it can modify it at any time by taking the steps as set out in Section 11 of the 2009 Act,

5.3 When designing their scheme, local authorities are expected to

- Take into account local circumstances
- Ensure that the scheme is accessible to all
- Ensure that the process is easy for citizens to use

5.4 The Government's view is that councils should treat as petitions anything which identifies itself as such, or which a reasonable person would regard as a petition.

5.5 There are a number of exclusions from the scheme. These are:-

- Any matter relating to a planning decision, including a development plan document
- Any matter relating to an alcohol, gambling or sex establishment licensing decision
- Any matter relating to an individual where there is an existing right of appeal

5.6 However failure to deliver services within these areas does fall within the scope of the petitions scheme.

5.7 Petitions which are judged to be vexatious, abusive or otherwise inappropriate should be acknowledged, but in these cases the council should explain to the petitioners why it will not be taking any action under the scheme.

5.8 When deciding what action to take with regard to a petition received, the council's response should be proportionate to the seriousness of the issue and the level of support contained in the petition. Examples of appropriate steps are contained within the model scheme.

5.9 Local authorities are required to set a threshold for triggering a full council debate on any petition. The maximum threshold allowed is 5% of the local population but the Government has stated that it expects a lower threshold to be set. Based on a population figure of 132,000, a 5% threshold would mean 6,600 signatures are required to trigger a debate a full council. Council may consider that a lower threshold, for example 5,000 signatures, should be set.

5.10 Council must also set a threshold which would mean that a senior council officer would have to attend the Scrutiny Committee and answer questions about their work. The Council must also determine which officers fall within this provision, and details of their names and job titles should be published on the Council's website. As a minimum the Chief Executive and the most senior officers should be included. The model scheme recommends that a low threshold should be set for this provision.

5.11 Under Section 16(10) of the 2009 Act, The Scrutiny Committee may consider it appropriate to call the relevant elected member with responsibility to attend their meeting in addition to the appropriate senior officer.

5.12 Under Section 17 of the Act, if a petition organiser is not satisfied with the way the council has dealt with their petition, the organiser has the power to ask the Scrutiny Committee to review the Council's response to the petition. If the Scrutiny Committee is concerned, it can carry out a full review of the response, if it is very concerned it can arrange for a review (ie a debate) to be carried out on the issue by Full Council.

5. OTHER OPTIONS CONSIDERED

None applicable.

6. RESOURCE IMPLICATIONS (INCLUDING FINANCIAL, PEOPLE)

Not applicable.

7. RISK AND MITIGATION (INCLUDING HEALTH AND SAFETY AND DATA QUALITY)

None applicable

8. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

None applicable

9. CRIME AND DISORDER IMPLICATIONS

The scheme will enable any concerns by local residents on crime and disorder matters to be referred to the Council.

10. COMMENTS OF SECTION 151 OFFICER

I have no specific financial comments to make in respect of this report.

11. COMMENTS OF MONITORING OFFICER

The timescale for the publication of the scheme for petitions requires members to consider the model scheme produced as part of statutory guidance and any amendments members may approve at this stage. It is likely that any scheme approved will require refinement and change once the scheme is operational. Changes to the Constitution as a result of the adoption of petition scheme will be considered by the Constitution Committee at its next meeting.

12. APPENDICES:

None

