

AGENDA



For a meeting of the
COUNCIL
to be held on
THURSDAY, 12 JULY 2012
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.

For those Councillors who wish to attend, prayers will be held in the Council Chamber at 1:55pm before the commencement of the meeting. Please be seated by 1:50pm.

1. PUBLIC OPEN FORUM

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

2. APOLOGIES FOR ABSENCE

3. DISCLOSURE OF INTERESTS

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

4. MINUTES OF THE MEETING HELD ON 3 MAY 2012

(Enclosure)

5. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

(Enclosure)

6. LOCAL GOVERNMENT BOUNDARY COMMISSION ELECTORAL REVIEW OF SOUTH KESTEVEN DISTRICT

Report number LDS071 by the Governance and Communication Portfolio Holder. *(Enclosure)*

7. MEMBERS' CODE OF CONDUCT

Report number LDS072 by the Governance and Communication Portfolio Holder. *(Enclosure)*

8. REPRESENTATIVES ON OUTSIDE BODIES

Report number LDS073 by the Governance and Communication Portfolio Holder. *(Enclosure)*

9. QUESTIONS WITHOUT DISCUSSION

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.

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

Notices of motion deferred from the meeting held on Thursday 1 March 2012.

1) From Councillor Charmaine Morgan

It is proposed that South Kesteven District Council creates a **Voluntary Sector Fund** specifically for the use of voluntary sector organisations, across the District, which are providing vital facilities to vulnerable residents.

The combination of high unemployment, cuts in welfare benefits and rising household costs is leading to an increase in the level of people in need of assistance from the Voluntary Sector to access the most basic life essentials

2) From Councillor Charmaine Morgan

South Kesteven District Council's Core Strategy recognises that our natural and built heritage play a valuable role in promoting the past.

Our heritage also a generator of economic growth, where heritage assets are protected and used appropriately,

This motion calls for a cross party workshop to examine what specific action should be taken to develop economic growth across South Kesteven District, based on tourism, recognising the value of both our

natural and built heritage

3) From Councillor Phil Dilks

Council notes that a Public Open Forum of up to 30-minutes is set aside at the start of each Council meeting for any resident of the District to question the administration, subject to written notification no later than 72-hours prior to the meeting.

The resident may reasonably expect to receive an answer at the meeting as well as a reply to a supplementary question.

Questions from Councillors are also required to be submitted within a similar time-frame, but are then treated very differently to questions from residents.

In referring all questions from councillors to *'the relevant Policy Development Group'* irrespective of who they are directed to, the councillor usually has to wait for an answer even longer than the legal maximum response time to questions lodged under the Freedom of Information Act.

In the spirit of improving openness, accountability, and efficiency, this Council resolves to task its Constitutional Committee to consider appropriate amendments to the Rules of Procedure to be voted on at the next Annual Meeting of the Council, thus ensuring that in seeking information, councillors are not more disadvantaged than the residents they are elected to represent.

4) From Councillor Phil Dilks

This Council resolves that each SKDC Committee and Policy Development Group is invited to provide a short report on its work over the previous year to be presented to the Annual Meeting of the Council.

5) From Councillor Rob Shorrocks

This motion calls on the council to do the following:

1. The council will, through its neighbourhood groups, consult widely with existing and would-be tenants and others on government proposals for secure tenancies, rents and housing benefit
2. Seek the views and experience of private sector tenants, and provide support and advice in the face of high rents and housing benefit cuts.
3. Provide a briefing for landlords on the impact of housing benefit changes and work with them to develop affordable pricing strategies
4. Not replace existing or future secure tenancies with fixed term tenancies

for existing and future tenants

5. Ensure that proposed business plans for borrowing and investment in housing include a full equality and economic impact assessment on the impact of future rent policy and that full consultation is undertaken with tenants, neighbourhood groups and councillors.
6. Ensure that the Housing Business Plan is discussed and approved by a full meeting of council.

The deadline for notices of motion for the meeting on Thursday 13 September 2012 will be 2pm on Friday 31 August 2012.

MINUTES

COUNCIL

THURSDAY, 3 MAY 2012

2.00 PM



PRESENT

Councillor Michael Cook in the Chair
then Councillor Mrs Kaberry-Brown

Councillor Bob Adams
Councillor Mark Ashberry
Councillor Ray Auger
Councillor Jean Bevan
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Robert Broughton
Councillor Teri Bryant
Councillor Paul Carpenter
Councillor Mrs Frances Cartwright
Councillor Ibis Channell
Councillor George Chivers
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Phil Dilks
Councillor Breda Griffin
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor David Nalson
Councillor Mrs. Linda Neal
Councillor John Nicholson

Councillor Alan Parkin
Councillor Helen Powell
Councillor Nick Robins
Councillor Bob Russell
Councillor Bob Sampson
Councillor Bob Sandall
Councillor Susan Sandall
Councillor Trevor Scott
Councillor Ian Selby
Councillor Rob Shorrock
Councillor Jacky Smith
Councillor John Smith
Councillor Mrs Judy Smith
Councillor Peter Stephens
Councillor Judy Stevens
Councillor Adam Stokes
Councillor Ian Stokes
Councillor Brenda A Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Martin Wilkins
Councillor Paul Wood
Councillor Rosemary H Woolley
Councillor Raymond Wootten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Daren Turner, Ian Yates, Tracey Blackwell)
Head of Legal and Democratic Services (Lucy Youles)
Head of Finance (Richard Wyles)

OFFICERS

Elections and Democratic Services Team Leader (Julie Edwards)
Community Engagement and Policy Principal Democracy Officer (Jo Toomey)
Development Officer (Carol Drury)

1. ELECTION OF THE CHAIRMAN OF THE DISTRICT COUNCIL

Decision:

That Councillor Mrs Rosemary Kaberry-Brown be elected Chairman of South Kesteven District Council until the next annual meeting of the Council.

It was proposed and seconded that Councillor Mrs Rosemary Kaberry-Brown be elected Chairman of the Council for the ensuing year. In proposing Councillor Mrs Kaberry-Brown, reference was made to her commitment for the area and her experience working in a political environment. The proposer also felt her family and community experience made her suited to the office. No other nominations were put forward and a vote was taken. Councillor Mrs Kaberry-Brown was duly elected Chairman of South Kesteven District Council.

The Chairman was invested with the chains of office. She made a declaration of acceptance and took the chair.

The outgoing Chairman presented a gift to the new Chairman.

COUNCILLOR MRS KABERRY-BROWN IN THE CHAIR

2. VOTE OF THANKS TO THE RETIRING CHAIRMAN

A vote of thanks was made to the retiring Chairman. Councillor Cook was commended for the dignity, integrity and sobriety with which he conducted himself as Chairman and the fairness and honesty with which he conducted meetings. Both the Chairman and his lady were praised as excellent ambassadors for South Kesteven District Council.

The Chairman presented Councillor Cook with gifts to commemorate his year in office.

Councillor Cook thanked Members for their support during his term of office, throughout which he was proud and honoured to serve as Chairman. He felt he had achieved one of his objectives, taking the chain on 87 visits around the district. Councillor Cook had decided to donate monies to several smaller charities. Applications had been received and were being processed; the outgoing Chairman advised Councillors that he would write to them giving details of charity donations when this was completed.

Gifts were presented to the Chairman's lady and the civic officer.

3. APPOINTMENT OF VICE-CHAIRMAN OF THE DISTRICT COUNCIL

Decision:

That Councillor David Nalson be elected Vice-Chairman of South Kesteven District Council until the next annual meeting of the Council.

It was proposed and seconded that Councillor David Nalson be elected Vice-Chairman of South Kesteven District Council. In proposing Councillor Nalson, reference was made to his many years service as a local councillor, his legal background and his voluntary work. The proposer suggested Councillor Nalson would make a good ambassador and advocate for the whole district.

A further nomination was made that Councillor Reg Howard be elected as Vice Chairman of the Council. This was seconded. In proposing Councillor Howard notice was drawn to his status as a long-serving district and parish councillor, and his loyalty, dignity and independence commended. This nomination was seconded.

On being put to the vote, Councillor Nalson was appointed Vice-Chairman of South Kesteven District Council. Councillor Nalson signed the declaration of acceptance. Thanking Members for their support, he stated he would endeavour to serve the Council and the district to the best of his ability.

A Councillor proposed moving a motion without notice under article 13(xviii) of the Council's constitution:

"To ensure the process of Council meetings can be seen to be conducted in an open and transparent way, the chair and vice-chair nominations should only come from non-administrative groups.

Chairman and Vice-Chairmen should not attend political group meetings as this is not conducive to the impartiality of the role."

The motion was not accepted because it did not comply with the Council's Constitution. A motion without notice could only be proposed on an item which was included on the agenda for a meeting and on which a vote had not been taken.

4. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Jock Kerr, Rowlands and Wren. An apology for late arrival was received from Councillor Woolley.

5. DECLARATIONS OF INTEREST

Councillor Wootten declared a personal interest in agenda item 16 (Lincolnshire Police and Crime Panel) because he was a member of the National Association of retired police officers, Chairman of the Grantham Town East Neighbourhood Policing Panel and a member of the Grantham Joint Agency Group.

6. MINUTES OF THE MEETING HELD ON 1 MARCH 2012

The minutes of the meeting held on 1 March 2012 were proposed, seconded and agreed as a correct record.

7. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements.

The Chairman advised Councillors that her charities for the year would be the Grantham and Sleaford branch of Macmillan Nurses and the Air Ambulance.

8. APPOINTMENT OF THE CABINET

The Leader announced that the Cabinet would continue with six members and announced the appointment of Cabinet members and their portfolios:

Portfolio	Member
Policy, Strategy and Strategic Partnerships	Councillor Mrs Linda Neal
Governance and Communication	Councillor Paul Carpenter
Strategic Resources – Well Run Council	Councillor Mike Taylor
Grow The Economy and Economic Development	Councillor Mrs Frances Cartwright
Green, Healthy and Arts	Councillor John Smith
Good Housing	Councillor Terl Bryant

Councillor Carpenter would remain the Deputy Leader.

9. APPOINTMENT TO COMMITTEE AND POLICY DEVELOPMENT GROUPS

Decision:

- 1) To approve the following appointments to Committees and Policy Development Groups based on rules of proportional balance and the nominations of group leaders:

Committee/Group	Member
Resources Policy Development Group	Councillor Nick Craft Councillor Trevor Scott Councillor Jean Bevan Councillor Mike Cook Councillor Jacky Smith Councillor Bob Sandall Councillor Phil Dilks
Engagement Policy Development Group	Councillor Bob Adams Councillor Nick Robins Councillor Ray Auger Councillor Rosemary Woolley Councillor Jock Kerr Councillor Miss Ibis Channell Councillor Harrish Bisnauthsing
Communities Policy Development Group	Councillor John Nicholson Councillor Kelham Cooke Councillor Breda Griffin

	<p>Councillor Mrs Jean Taylor Councillor Ray Wootten Councillor Jeff Thompson Councillor Phil Dilks</p>
Scrutiny Committee	<p>Councillor Mrs Judy Smith Councillor Paul Cosham Councillor Mrs Rosemary Kaberry-Brown Councillor Michael King Councillor David Nalson Councillor Bob Russell Councillor Frank Turner Councillor Helen Powell Councillor Reg Howard Councillor Bob Sampson Councillor Alan Davidson</p>
Development Control Committee	<p>Councillor Alan Parkin Councillor Mike Cook Councillor David Higgs Councillor Mrs Rosemary-Kaberry Brown Councillor Michael King Councillor Jacky Smith Councillor Mrs Judy Smith Councillor Adam Stokes Councillor Mrs Brenda Sumner Councillor Martin Wilkins Councillor Debbie Wren Councillor Reg Howard Councillor Vic Kerr Councillor Helen Powell Councillor Judy Stevens Councillor Mark Ashberry Councillor Charmaine Morgan</p>
Licensing Committee & Alcohol and Entertainment Licensing Committee	<p>Councillor Mrs Pam Bosworth Councillor George Chivers Councillor Breda Griffin Councillor Graddon Rowlands Councillor Bob Russell Councillor Mrs Jean Taylor Councillor Frank Turner Councillor Reg Howard Councillor Vic Kerr Councillor Bob Broughton Councillor Mark Ashberry</p>
Governance and Audit Committee	<p>Councillor Ian Stokes Councillor Jean Bevan Councillor Trevor Scott Councillor Martin Wilkins Councillor Rosemary Woolley Councillor Jeff Thompson Councillor Rob Shorrock</p>

Constitution Committee	Councillor Ray Wootten Councillor Adam Stokes Councillor Ray Auger Councillor Susan Sandall Councillor Rob Shorrock
Standards Committee	Councillor David Nalson Councillor Vic Kerr Councillor Alan Davidson Councillor Harrish Bisnauthsing Independent members: Chris Holtom, Fred Mann
Chief Executive's Remuneration Panel	Councillor Terl Bryant Councillor Trevor Scott Councillor Bob Sampson
Chief Executive's Performance Panel	Councillor Mrs. Linda Neal Councillor Mike Taylor Councillor Helen Powell
Chief Executive's Appeal Panel	Councillor Paul Carpenter Councillor Ian Stokes Councillor Vic Kerr

2) To approve the appointments of chairmen and vice-chairman

Committee/Group	Chairman	Vice-Chairman
Resources Policy Development Group	Councillor Craft	Councillor Scott
Engagement Policy Development Group	Councillor Adams	Councillor Woolley
Communities Policy Development Group	Councillor Nicholson	Councillor Thompson
Scrutiny Committee	Councillor Howard	Councillor Mrs Judy Smith
Development Control Committee	Councillor Wilkins	Councillor Parkin
Licensing Committee	Councillor Mrs Bosworth	Councillor Russell
Corporate Governance and Audit	Councillor I Stokes	Councillor Bevan
Constitution Committee	Councillor Wootten	Councillor A Stokes
Standards Committee	Mr Chris Holtom	Mr Fred Mann

The Council had before them report number LDS063, which informed Council of the proposed apportionment of places on the Council's committees and policy development groups when the rules of political balance were applied.

Nominations for seats to Committees were invited from group Leaders. The Leader of the Council also provided her nominations for chairman and vice-chairman.

Resources Policy Development Group

Conservative: Councillors Craft (Chairman), Scott (Vice-Chairman),
Bevan, Cook, Jacky Smith
Independent: Councillor Bob Sandall
Labour: Councillor Dilks

On being put to the vote, the membership and chairmanship was confirmed.

The process for approving the chairman and vice-chairman of a committee/PDG in combination with membership was queried. It was suggested the two components should be voted on separately. The chairman used her discretion and agreed to consider appointments to committees and their chairmanships in separate votes.

Engagement Policy Development Group

Conservative: Councillors Adams, Robins, Auger, Woolley
Independent: Councillors J Kerr, Miss Channell, Councillor Bisnauthsing
Labour: No seat

On being put to the vote, the membership was confirmed.

Councillor Bob Adams was proposed as the Chairman and Councillor Rosemary Woolley was proposed as the Vice-Chairman of the Engagement Policy Development Group. The nominations were seconded. On being put to the vote, this was carried.

Communities Policy Development Group

Conservative: Councillors Nicholson, Cooke, Griffin, Mrs Taylor, Wootten
Independent: Councillor Thompson
Labour: Councillor Dilks

On being put to the vote, the membership was confirmed.

Councillor John Nicholson was proposed as the Chairman and Councillor Jeff Thompson was proposed as the Vice-Chairman. On being put to the vote, this was carried.

Scrutiny Committee

Conservative: Councillors Mrs Judy Smith, Cosham, Mrs Kaberry-Brown,
King, Nalson, Russell, Turner
Independent: Councillors Powell, Howard, Sampson
Labour: Councillor Davidson

On being put to the vote, the membership was confirmed.

Councillor Reg Howard was proposed as the Chairman and Councillor Mrs Judy Smith was proposed as the Vice-Chairman. On being put to the vote, this was carried.

Prior to the meeting, a paper was circulated detailing nominations for each committee from each group leader. It was proposed that the Council vote for the appointments to committees/PDGs *en bloc*. This was seconded and on being put to the vote, the proposition was carried.

The Leader updated information on her nominations for the Chief Executive's Remuneration Panel and made her recommendations for the chairmanships and vice-chairmanships of each Committee PDG (details of the nominations are listed below).

Development Control Committee

Conservative: Councillors Parkin (Vice-Chairman), Cook, Higgs, Mrs Kaberry-Brown, King, Jacky Smith, Mrs Judy Smith, A Stokes, Mrs Sumner, Wilkins (Chairman), Wren
Independent: Councillors Howard, V Kerr, Powell, Stevens
Labour: Councillors Ashberry, Morgan

Licensing Committee and Alcohol and Entertainment Licensing Committee

Conservative: Councillors Mrs Bosworth (Chairman), Tuner, Chivers, Griffin, Rowlands, Russell (Vice-Chairman), Mrs Taylor
Independent: Councillors Howard, Broughton, Vic Kerr
Labour: Councillor Ashberry

Governance and Audit Committee

Conservative: Councillors I Stokes (Chairman), Bevan (Vice-Chairman), Scott, Wilkins, Woolley
Independent: Councillor Thompson
Labour: Councillor Shorrocks

Constitution Committee

Conservative: Councillors Wootten (Chairman), A Stokes (Vice-Chairman), Auger
Independent: Councillor S Sandall
Labour: Councillor Shorrocks

Standards Committee

Conservative: Councillor Nalson
Independent: Councillors V Kerr, Bisnauthsing
Labour: Councillor Davidson

Legislation required that the Chairman and Vice-Chairman had to be independent members. Mr Chris Holtom and Mr Fred Mann were proposed as the Committee's Chairman and Vice-Chairman respectively.

Chief Executive's Remuneration Panel

Conservative: Councillors Bryant, Scott
Independent: Councillor Sampson

Chief Executive's Performance Panel

Conservative: Councillors Mrs Neal, Mike Taylor
Independent: Councillor Powell

Chief Executive's Appeal Panel

Conservative: Councillors Carpenter, I Stokes
Independent: Councillor V Kerr

On being put to the vote, the nominations to committees and their chairmen and vice-chairmen were approved.

The Chairman of the Development Control Committee proposed a vote of thanks to Councillor Alan Parkin (the former Committee Chairman). Councillor Parkin had been Chairman of the Committee for eleven years, chairing 168 meetings. The work Councillor Parkin undertook outside the Committee was also noted. Councillors showed their thanks with a round of applause.

10. TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS 2012/13

Decision:

In accordance with Council procedure rule 1.1 (x), that the meetings of the Council and Committees be held in accordance with the draft programme attached as appendix 1 to report number LDS065.

The adoption of the draft timetable of Council meetings as appended to report number LDS065 and circulated with the agenda for the meeting was proposed and seconded. Councillors were advised that the only change from the initial draft that was circulated to Councillors was a change in date for the Governance and Audit Committee. It had been moved from 28 June 2012 to 29 June 2012 because the Olympic torch relay was visiting Grantham on 28 June 2012.

An amendment to the draft programme of meetings was moved and seconded:

"That an additional meeting of full Council be added on 24 January 2013 otherwise full Council does not meet between 13 December and 1 March."

In proposing the amendment, attention was drawn to the length of gap between the December and March meetings of the Councillors. Speaking on the amendment, some Members suggested the gap had been left for practical reasons – there were a large number of other meetings as part of budget preparation, and inclement weather. Reference was also made to the cost of

full Council meetings. Members speaking in favour of the motion highlighted transparent decision-making processes and accessibility and accountability to members of the public. A vote on the amendment was taken and lost.

The original motion was put to the vote and was duly approved.

11. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES

Decision:

To approve the following list of nominations for representatives on outside bodies:

Organisation	Representative	Expiry
Dame Margaret Thorold's Educational Foundation	Councillor Vic Kerr	January 2016
East Midlands Councils	The Leader (Deputy Leader in his/her absence)	May 2013
Local Government Association	The Leader (Deputy Leader in his/her absence)	May 2013
Local Government Association (Rural Commission)	Green, Healthy and Arts Portfolio Holder (voting rights) Councillor Michael King	May 2013
Local Government Association (Urban Commission)	Grow the Economy and Economic Development Portfolio Holder (Voting Rights) Councillor Michael King	May 2013

Members had before them report number LDS064, by the Head of Legal and Democratic Services setting out those outside bodies and organisations which were seeking district council representation. It was proposed and seconded that the appointments should continue (as shown in appendix A to the report), with one exception: replacing Councillor Wren with Councillor King on the Local Government Association Rural Commission. No further nominations were made.

An amendment was proposed that:

“All Councillors representing South Kesteven District Council must supply a copy of the minutes or a written report to all councillors for review. These should be published on the website as well.”

This was seconded. Several Members who served on outside bodies stated that they put a copy of the minutes of those bodies in the Members' Lounge for the information of all Councillors. Those Councillors speaking in favour of the amendment highlighted the importance of consistency in reporting to ensure

accountability. It was also suggested that the agreeing of such a motion would provide a clear structure for any new Members of the Council. It was noted that district councillors sat on the body to represent the Council; the outside body on which they sat would be responsible for publishing minutes or reports as appropriate, having particular regard to confidential information. On being put to the vote, the amendment was lost.

The proposer summed up and the original proposition was put to the vote and carried.

12. LOCAL AUTHORITY MORTGAGE SCHEME - REVIEW OF SCHEME

Decision:

- 1) The Council notes the progress to date with the establishment of a Local Authority Mortgage Scheme**
- 2) The Council, having considered the review of the Local Policy for Scheme Eligibility attached to report number SD032 as Appendix A in accordance with Lloyds Bank plc (Local Lend a Hand) requirements, approves the amendments to that policy as follows:**

- a. Clause 5 of the policy approved at the Council meeting of the 1 March 2012 is amended at bullet point 2 to read:**

“Only applicants wishing to purchase a property which is situated in the district of South Kesteven in accordance with qualifying postcodes will be eligible. Applicants may currently reside outside the district boundaries”

- b. Clause 5, and 8 – the maximum loan size per application is up to and including £118,750.**

The Strategic Resources – Well Run Council Portfolio Holder moved the recommendations as written in report number SD032. This was seconded. The proposer explained that the changes were necessary so the policy accurately reflected the requirements of the Lloyds scheme. The changes included the identification of postcodes that qualified for the scheme; these were limited because Lloyds could not process postcodes that straddled district boundaries. The second change to the policy provided loan to value details. The scheme was commended and officers were thanked for the work they had done on the scheme.

In response to a question, the Strategic Director, Corporate Focus explained that when the policy was considered previously, the Council set a limit on property value, which the scheme operated by Lloyds did not allow. The report provided illustrations of the possible impacts of providing a loan to value amount.

The proposal was put to the vote and carried.

13. REVIEW OF POLLING DISTRICTS AND PLACES

Decision:

- 1) The Council approves the proposed revised schedule of polling districts and polling places as detailed at Appendix 1 to report number LDS061.**
- 2) That the Chief Executive, as Returning Officer for South Kesteven, be granted delegated authority in consultation with Ward Councillors, to determine polling places in the event that a polling place becomes unavailable during an election period**

The Governance and Communication Portfolio Holder moved the recommendations in report number LDS061. In proposing the motion, he advised Councillors that the Council was required to periodically review its polling stations and polling places. Comments had been invited and site visits made. The proposals were also considered by members of the Engagement Policy Development Group. The proposition was seconded.

During debate, attention was drawn to the use of schools. Approximately 20 schools would continue to be used as polling stations. It was requested this be kept under review. A further comment was made about a polling station in Stamford All Saints Ward and its location within the Ward.

The Chief Executive advised that there was a recommendation to use public buildings as polling stations where possible. When schools were used as polling stations, there was no requirement that they had to close; it was the decision of the headteacher and governors.

Councillors were advised that from January 2013, the Council would be subject to a boundary review. As part of this it would prove necessary to reconsider the polling stations. The Chairman of the Engagement PDG advised Councillors that it would keep polling station locations under review.

On being put to the vote, this was carried.

15:30-15:48 The meeting was adjourned

14. GOVERNANCE AND AUDIT ANNUAL REPORT AND WORK PLAN

The Chairman of the Governance and Audit Committee presented report number GAC004, which was a factual report on the work that the Governance and Audit committee had undertaken during 2011/12 and an indicative work programme for 2012/13. The council noted the report.

15. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE

Decision:

That recommendations 1.1, 1.2 and 1.3 as detailed in report number

LDS062 be referred back to the Constitution Committee for further consideration.

The Chairman of the Constitution Committee, in moving the recommendations in report number LDS062 explained why the Committee had looked to make recommendations on the number of notices of motion that could be submitted at Council meetings. He also provided a summary of the number of notices of motion that had been received. The proposition was seconded.

Debate on the motion ensued, which incorporated the following points:

- Restricting the number of motions would restrict the ability of Members to bring issues before the Council, restricting opposition groups
- Limiting the number of notices of motion to two a meeting could lead to a backlog and prevent timely discussion of arising issues
- The average number of notices of motion had been 5.2 a year. The number of notices of motion in March 2012 (6) was not usual
- The proportionality of making a decision on the basis of one meeting; it was suggested as an alternative that the Committee could have proposed preventing or limiting notices of motion at the Budget Council meeting only. A ruling on the proportionality of the decision was requested as a point of order in respect of Article 16.2(i). The point of order could not be accepted because it did relate to an alleged breach of rule relating to the council meeting.
- Preventing the submission of notices of motion would restrict Councillors' ability to represent their Wards
- Some issues brought as notices of motion could be resolved by asking questions of Portfolio Holders

An amendment was proposed and seconded that *"the matter be referred back to the Constitution Committee for further consideration."* It was suggested that the Committee could undertake wider consultation with Councillors.

The amendment was put to the vote, where an equality of votes was achieved. The Chairman used her casting vote to vote for the amendment, which was consequently carried. The amendment became the substantive motion, and on being put to the vote, was carried.

16. LINCOLNSHIRE POLICE AND CRIME PANEL

Decision:

- 1. The Council notes the development of the Lincolnshire Police and Crime Panel.**
- 2. The Council approves the proposed arrangements (set out in Appendix A of report LDS066) for the Lincolnshire Police and Crime Panel to be established in accordance with Schedule 6 of the Police Reform and Social Responsibility Act 2011 (the Act) as a joint committee of Boston Borough Council, City of Lincoln Council,**

East Lindsey District Council, Lincolnshire County Council, North Kesteven District Council, South Holland District Council, South Kesteven District Council and West Lindsey District Council.

- 3. That Councillor Ray Wootten be appointed to the Lincolnshire Police and Crime Panel with authority to take all decisions necessary to participate in undertaking the functions of the panel.**
- 4. The Council approves that East Lindsey District Council be designated as the lead authority for the Lincolnshire Police and Crime Panel.**

The Governance and Communications Portfolio Holder proposed the recommendations in report number LDS066 on the formation of a Lincolnshire Police and Crime Panel, and proposed that Councillor Ray Wootten be appointed as the Council's representative on the Panel. The proposition was seconded. Councillor Wootten's experience and suitability for the role were summarised. On being put to the vote, the proposition was carried.

17. QUESTIONS WITHOUT DISCUSSION

One question without discussion had been received and referred to the relevant Policy Development Group for a response.

Question

To: Councillor Linda Neal, Leader of the Council

From: Councillor Rob Shorrocks

Can the leader provide a report on her activities as leader since the last full council meeting and publish this report to members on the SKDC website?

Referred to the Engagement Policy Development Group.

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

Decision:

That the Council rejects the motion:

The Localism Act 2011 permits Councils to change from one form of governance to another.

This Council currently operates the leader/cabinet arrangement but this could be changed back to a committee system.

A committee system operated at SKDC for many years prior to the leader/cabinet arrangements and was very successful. Committees are the most democratic form of decision-making and enable all

Councillors to be involved and gain experience in many areas.

I am aware of other Councils reverting back to a Committee system and in particular Nottinghamshire County Council which is Conservative-led have agreed to return to Committees following a Nottinghamshire Conservatives manifesto pledge. They have successfully organised this change in the period from November 2011 to 17 May 2012 when the new system will commence. Nottinghamshire have also contained all costs within their existing budgets.

I propose that South Kesteven District Council agree to return to the Committee system and set a timescale to achieve this.

Councillor Wood proposed the motion:

“The Localism Act 2011 permits Councils to change from one form of governance to another.

This Council currently operates the leader/cabinet arrangement but this could be changed back to a committee system.

A committee system operated at SKDC for many years prior to the leader/cabinet arrangements and was very successful. Committees are the most democratic form of decision-making and enable all Councillors to be involved and gain experience in many areas.

I am aware of other Councils reverting back to a Committee system and in particular Nottinghamshire County Council which is Conservative-led have agreed to return to Committees following a Nottinghamshire Conservatives manifesto pledge. They have successfully organised this change in the period from November 2011 to 17 May 2012 when the new system will commence. Nottinghamshire have also contained all costs within their existing budgets.

I propose that South Kesteven District Council agree to return to the Committee system and set a timescale to achieve this.”

The motion was seconded.

In proposing the motion, Councillor Wood explained that several councils, including Nottinghamshire County Council had taken decisions to return to a committee system. He suggested that, on its introduction, the Leader/Cabinet model had been unpopular because the committee system gave all Councillors the opportunity to be involved in decision-making.

The following points were raised during debate:

- The committee system had previously received criticism because of the amount of time taken for decision-making
- All councillors were elected and should have an opportunity to represent

- the people who elected them
- Prospective election candidates may be encouraged if they could actively take part in decision-making
- The committee system provided greater opportunities for the involvement of opposition and backbench councillors
- Regulations which provided details of items that could be delegated to committees were not yet available. Making decisions before their content was known could lead to the Council having to make changes to incorporate the Regulations' stipulations
- Committee minutes were presented at Council meetings, so all Councillors knew what was happening on all Committees

An amendment was proposed:

“That this item be referred back to a special working party with the remit of reporting on the advantages and disadvantages of the committee structure and report back to the next full council meeting.”

This was seconded. Several Councillors spoke on the amendment and welcomed further consideration and a report to a future council meeting.

It was proposed and seconded that the question be now put. The amendment was put to the vote and lost.

Further debate on the proposition continued, during which Councillors queried whether the Regulations needed to be available before a decision was taken given that several councils were already going through the process to return to a committee system. The Monitoring Officer clarified that the provisions within the Localism Act that allowed councils to consider different governance systems had been enacted, however the Secretary of State had yet to make Regulations about the functions that could be delegated from the council to various committees. If the Council decided to return to a committee system before Regulations were released, there was a risk that any new arrangements would not comply with regulations and the Council would then have to make changes.

It was proposed and seconded that the question be now put. On being put to the vote, the motion was lost.

Following recent comments made by a Councillor on a social networking site, the Councillor was asked to make a publicly recorded apology to the former Chairman and the office of Chairman. The Councillor made a statement defending and explaining his actions but no apology was forthcoming and a number of Councillors left the chamber.

19. CLOSE OF MEETING

The meeting was closed at 16:58.

Agenda Item 5

Chairman's Engagements 4 May 2012 to 12 July 2012

Date	Ref	Organisation and Event	Location	Chauf
4.5.12	RKB001	Mayor's Charity Gala Evening Mayor's Parlour	Mayor's Parlour (reception) Guildhall Arts Centre	
5.5.12	RKB002	Spalding Flower Parade	South Holland Centre Spalding	Yes
6.5.12	RKB003	Annual County Service of Rededication British Legion	Bourne Abbey, Bourne	Yes
8.5.12	RKB004 & VC001	Deeping St James Parish Council Annual General Meeting/Make a Difference Award	The Deepings School Deeping St James	Yes
12.5.12	RKB005	Mayor of Lincoln's Charity Concert	The Lawn, Lincoln	
12.5.12	VC002	Deepings Art Festival	The Deepings School	
16.5.12	RKB007	The Sound of Music Louth Playgoers Theatre	Riverhead Theatre Louth	Yes
16.5.12	VC008	Grantham Music Club	St Wulfram's Church	
19.5.12	RKB008	The Queen's Diamond Jubilee - Service	Lincoln Cathedral	Yes
22.5.12	RKB009	Royal Garden Party	Buckingham Palace	Yes
25.5.12	RKB010	Mayor's Parlour The Mayor's Presentation Evening	Mayor's Parlour, Grantham	
31.5.12	RKB020	Mayor of Grantham Mayor Making Ceremony	Mayor's Parlour, Grantham	
2.6.12	VC002	Stamford Festival Association Ltd Queen's Diamond Jubilee weekend - judge floats	Browne's Hospital	
8.6.12	VC003	Summer Reception (Queens Jubilee) ABF	Petwood Hotel, Woodhall Spa	
10.6.12	VC005	Civic Service Market Deeping Town Council	St Guthlac's Church, Market Deeping	
13.6.12	RKB011 VC006	The Queen's Jubilee Picnic Lord Lieutenant's office/Tony McArdle	Burghley House Stamford (4 people)	Yes
14.6.12	RKB023 VC009	MAYOR OF PETERBOROUGH Afternoon Tea	Peterborough Town Hall	
16.6.12	RKB006	Grantham Carnival Parade & Presentation	Grantham town centre Wyndham Park	Yes
17.6.12	VC007	Grantham Carnival Classic Car Club	Wyndham Park	
17.6.12	RKB012	Civic Service Bourne Town Council	Abbey Church of St Peter & St Paul, Bourne	
20.6.12	RKB018	Her Majesty the Queen's Birthday Reception RAF Cranwell	College Hall, RAF Cranwell	Yes
20.6.12	RKB021	Lincolnshire Show Coffee in WLDC marquee	West Lindsey District Council Marquee 9-09	
20.6.12	DD	Buffet Lunch Lincolnshire Show (LCC)	County Council Stand	
20.6.12	VC010	Grantham Hospital - acute ward Information day/cutting of cake/speech	Dr Boardman	
20.6.12	DD	Lincolnshire Show (Lincolnshire Today)	Marquee: avenue 6, stand 13	
21.6.12	DD	Lincolnshire Show (Lincolnshire Today)	Marquee: avenue 6, stand 13	
21.6.12	DD	Buffet Lunch Lincolnshire Show (LCC)	County Council Stand	

Chairman's Engagements
4 May 2012 to 12 July 2012

23.6.12	RKB013	Reserve Pioneer Day Prince William Gloucester Barracks	Church Service and Parade through Grantham	
23.6.12	RKB014	Cocktail Party, Beating Retreat Royal Logistics Corp	William Gloucester Barracks	
24.6.12	RKB019	Mayor of Grantham's Civic Service	St Wulfram's Church	Yes
24.6.12	RKB022	Mayor's Sunday Stamford Town Council	The Parish of All Saints with St John the Baptist	Yes
25.6.12	RKB015	Armed Forces Day - Flag Raising [own event]	Council Offices Grantham	
26.6.12	RKB027	Mini-Olympics SKDC	The Meres, Grantham	
28.6.12	RKB028	Olympic Torch (Grantham) Relay and Community Event	St Peter's Hill	
30.6.12	RKB016	An Evening of Wine & Roses Duchess of Rutland	Belvoir Lodge	Yes
3.7.12	RKB029	Olympic Torch (Stamford) Relay and Community Event	Ironmonger Street Stamford	
4.7.12	tbc	Olympic Torch (Bourne) Relay and Community Event	Wellhead Gardens (very low key event due to time)	

REPORT TO COUNCIL

REPORT OF: **COUNCILLOR PAUL CARPENTER, GOVERNANCE
AND COMMUNICATION PORTFOLIO HOLDER**

REPORT NO: **LDS071**

DATE: **12 JULY 2012**

TITLE:	Local Government Boundary Commission Electoral Review of South Kesteven	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Statutory requirement	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Governance and Communication Portfolio Holder	
CONTACT OFFICER:	Julie Edwards, Elections and Democratic Services Team Leader Telephone: 01476 40 60 78 E-mail: j.edwards@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	See paragraph 7	Full impact assessment Required: Not required at this time
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	

BACKGROUND PAPERS	<ul style="list-style-type: none">Local Government Boundary Commission for England Electoral Review Technical Guidance
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1. RECOMMENDATIONS

- 1.1 That the Council establishes a Working Group of Members to work with officers to develop proposals for the submission to the Local Government Boundary Commission for England relating to council size and revised warding arrangements.**
- 1.2 That membership of the Working Group be five members**
- 1.3 To reflect the overall composition of the Council that the Working Group consist of three members of the Conservative Group, one member of the Independent Group and one member from the Labour Group**
- 1.4 To make appointments to the Working Group in accordance with 1.3 above.**

2. PURPOSE OF THE REPORT

- 2.1 The Local Government Boundary Commission for England is due to conduct a review of the electoral arrangements for South Kesteven. The timing of the review will ensure that revised electoral arrangements will be introduced in time for the next ordinary District Council elections in May 2015.
- 2.2 The review of electoral arrangements is carried out within a relatively short time period and it is suggested that a small Working Group of members is established to work with officers in developing detailed proposals. The proposals of the working group would need to be reported to and approved by Council before being submitted to the Boundary Commission.

3. DETAILS OF REPORT

- 3.1 The last electoral review at South Kesteven was carried out in 1996 and implemented in 1997.
- 3.2 The object of the review is to ensure a consistent level of representation across the area of a local authority. This means ensuring that, as far as possible, each councillor represents the same number of electors.
- 3.3 Matters that will be taken into account during the electoral review are:
 - The total number of councillors to be elected to the council (council size)
 - The number and boundaries of wards
 - The number of councillors to be elected for each ward
 - The name of each ward.
- 3.4 The Boundary Commission guidance clearly states that the following cannot be considered as part of the electoral review:
 - Changes to boundaries between local authorities;
 - Changes to parish boundaries;
 - Creation of new parishes; or

- Changes to electoral arrangements of parish and town councils unless they are as a direct consequence of proposed changes made to district wards.
- 3.5 The criteria adopted by the Boundary Commission is that it will undertake a review if:
- more than 30% of a Council's wards have an electoral imbalance of more than 10% from the average for that authority; and/or
 - one or more wards have an electoral imbalance of more than 30%, and
 - the imbalance is unlikely to be corrected by foreseeable changes to the electorate within a reasonable period.
- 3.6 Currently in South Kesteven, the average number of electors per councillors is 1820. A total 13 of our 34 wards (38%) have an electoral imbalance of either more than or less than 10% from the average.
- 3.7 The review process will begin in September 2012 although some preliminary briefings and meetings will be held during August between officers and representatives from the Boundary Commission. In addition representatives will meet with Group Leaders on 4 September 2012 and provide a presentation to all members at Council on 13 September 2012.
- 3.8 There are three types of review process conducted by the Boundary Commission and the timescales for each of these are detailed at Appendix 1.
- 3.9 We must put our 'council size' submission to the Local Government Boundary Commission for England by the end of January 2013. This submission will need to be approved by Council on 13 December 2012 to enable this deadline to be met.
- 3.10 Given the relatively short period for each stage of the review it is suggested that a small working group is established to work with officers in developing detailed proposals for consideration by Council. The final proposals for submission to the Boundary Commission will be subject to approval by the full Council. Due to the tight deadlines at each stage of the review members appointed to the working group would need to be reasonably flexible as meetings would need to be arranged at relatively short notice.
- 3.11 The remit of the working group will be to:
- Work to the Technical Guidance of the Local Government Boundary Commission of England.
 - Collect and consider evidence to determine the proposal to be made to Council relating to council size and revised warding patterns.
 - To make recommendations to Council within the required timescales.

4. OTHER OPTIONS CONSIDERED

- 4.1 No other options considered.

5. RESOURCE IMPLICATIONS

- 5.1 The review has significant staffing implications particularly in view of the tight timescales which must be worked to throughout the review. Travelling expenses will be payable to Councillors appointed to the working group. Provision is made within the Legal and Democratic Services budget for the payment of travel expenses.

6. RISK AND MITIGATION

- 6.1 Risk has been considered as part of this report and no exceptional / high risks have been identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

- 7.1 Although equality analysis is not required at this time, an assessment will be undertaken to determine methods of delivery once the cross-party working group is in place.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 None.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 Any change to the number of Councillors would have financial implications. If the review process was to reduce the number of Councillors then it may be necessary to review the Members Allowance Scheme in line with any review of governance arrangements. This will ensure that any future proposed changes to the number of committees and their compositions is reflected in Councillor allowances.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 Local authority boundary reviews are carried out to review the number of councillors, the names, number and boundaries of wards and electoral divisions and the number of councillors to be elected to each. Electoral reviews are initiated primarily to improve electoral equality. This means ensuring, so far as is reasonable, that each councillor elected to the authority represents the same number of electors. The Local Government Boundary Commission is responsible for putting any changes to electoral arrangements into effect and does this by making a Statutory Instrument or order. The local authority then conducts local elections on the basis of the new arrangements set out in that order.
- 10.2 The Boundary Commission and provision for review was introduced by the Local Democracy, Economic Development and Construction Act 2009.

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 None

12. APPENDICES:

- Appendix 1 – Types of review and expected timescales

Types of Electoral Review and Timescales

(Extract of Electoral Review: Technical Guidance, Local Government Boundary Commission for England)

There are three types of review process:

Type A: where there is no clear need or desire locally to consider significant changes in council size

Type B: where a fairly small change in council size may be desirable

Type C: prospect of a substantial change in council size.

Local Government Boundary Commission proposed stages for electoral reviews:

Stage	Type A review:	Type B review:	Type C review:
Preliminary	Desk research, information gathering, meeting with LA and other partners. Production of draft recommendations. 8-10 weeks	Desk research, information gathering, meeting with Local Authority and other partners. Possible tour. Commission prepares "minded to approve" notice of council size 6-8 weeks	Desk research, information gathering, meeting with Local Authority and other partners. Possible tour. Make draft recommendations for council size. 6-8 weeks
Council size consultation	N/a	N/a	Open consultation on Local Government Boundary Commission for England council size recommendations. 6 weeks
	N/a	N/a	Commission considers response and prepares "minded to approve" notice of council size. 4-6 weeks
Further information-gathering and analysis	N/a	Inviting information from public focussing on communities – Commission collates community information and tours areas 8-10 weeks	Inviting information from public focussing on communities – Commission collates information and tour area. 10-12 weeks

	N/a	Commission uses responses and community information to prepare electoral equality scheme and make draft recommendations 10-12 weeks	Commission uses responses and community information to prepare electoral equality scheme and make draft recommendations 10-12 weeks
Consultation on draft recommendations	Public consultation on draft proposals for specific area (i.e. wards with imbalances addressed through boundary changes or adding/taking away councillors 10 weeks	Public consultation with targeted events if necessary 6 weeks	Public consultation with targeted events if necessary 8 weeks
Supplementary consultation	If necessary – further consultation in targeted areas		
	Analysis of responses		
Preparation of final recommendations	Analysis of responses and preparation and publication of final recommendations 8-10 weeks	Analysis of responses and preparation and publication of final recommendations 10-12 weeks	Analysis of responses and preparation and publication of final recommendations 10-12 weeks
Total	26-30 weeks*	42-50 weeks*	52-62 weeks*

* Time periods shown over the page are the expected typical duration of stages. They are not standards or undertakings. The progress of a review will be determined by the nature of the issues to be addressed and the availability of information to underpin sound decision-making, not by a determination to complete a review within any given period.

REPORT TO COUNCIL

REPORT OF: Councillor Paul Carpenter - Governance and Governance Portfolio Holder

REPORT NO: LDS072

DATE: 12 July 2012

TITLE:	Localism Act - Members' Code Of Conduct And Interests	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Statutory requirement	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter –Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services Tel:01476 406105 . E-mail: l.youles@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS: Equality and Diversity	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Members' Code of Conduct 2007 Localism Act 2011 The Relevant Authorities(Disclosable Pecuniary Interests) Regulations 2012 Report to Standards Committee – LDS068 - 18 th May 2012 – Members' Code of Conduct Report to Engagement PDG – LDS069 – 24 th May 2012 – Members' Code of Conduct	

1. RECOMMENDATIONS

It is recommended that Council consider the recommendations of the Standards Committee relating to the Draft Members' Code of Conduct, the provision for Members' interests and the arrangements for dealing with complaints and that Council approve as follows :

- 1.1 The adoption of a draft Members' Code of Conduct attached to this report at **Appendix A**.
- 1.2 the adoption of arrangements to deal with complaints made about District Councillors set out in **Appendix B** and consider arrangements for dealing with complaints about parish and town councils.
- 1.3 That the monitoring officer be appointed as the Proper Officer to receive complaints of failure to comply with the Members' Code of Conduct by district, town and parish councillors with authority to delegate the function of dealing with the complaints relating to parish and town councils to the relevant parish or town council where appropriate ;
- 1.4 Approve the appointment of an "Independent Person" and a "Reserve". In the event that no appointment can be made, Council delegate to the Monitoring Officer in consultation with the Portfolio Holder for Governance and Communication the authority to make such appointments following a selection process.
- 1.5 That the monitoring officer be given delegated authority, after consultation with the Independent Person or reserve, to determine whether a complaint merits formal investigation and to arrange such investigation;
- 1.6 That the Council disband the Standards Committee and delegate to the Review Board (see Constitution page 82) the authority to receive reports on investigations carried out into alleged failure to comply with the Members' Code of Conduct, to consider whether a complaint should be investigated as required by the monitoring officer, determine the outcome of investigations and report findings to Council as and when required by the Review Board;
- 1.7 That the monitoring officer be instructed to seek resolution of complaints without formal investigation wherever practicable, and that the monitoring officer be given discretion to refer decisions on investigation to the Review Board where it is inappropriate for the monitoring officer to take the decision;
- 1.8 Where an investigation finds no evidence of failure to comply with the Members' Code of Conduct, the monitoring officer is instructed to close the matter, providing a copy of the report and findings of the investigation to the complainant, to the member concerned, and to the Independent Person.
- 1.9 Where the investigation finds evidence of a failure to comply with the Code of Conduct, the monitoring officer in consultation with the Independent Person is authorised to seek local resolution in appropriate cases with a summary report for information to Council. Where such local resolution is not appropriate or not possible, the monitoring officer is to report the investigation findings to the Review Board for local hearing and determination;

- 1.10 That Council delegate to the Review Board such of its powers as can be delegated to take decisions in respect of a member who is found on hearing to have failed to comply with the Code of Conduct, such actions to include –
- Reporting its findings to Council [or to the Town or Parish Council] for information;
 - Recommending to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommending to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Instructing the monitoring officer to [or recommend that the Town or Parish Council] arrange training for the member;
 - Recommending to Council that the member be removed [or recommend to the Town or Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Town or Parish Council];
 - Withdrawing [or recommend to the Town or Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
 - Excluding [or recommend that the Town or Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.
- 1.11 That the Council adopt a Council Procedure Rule requiring Members to leave the room of any meeting which they attend where they have registered a disclosable pecuniary interest and/or have disclosed an interest in accordance with the Members' Code of Conduct in any item of business at that meeting. The proposed procedure rule will equate to the current code of conduct requirement that a member must withdraw from the meeting room, including from the public gallery, during the whole of consideration of any item of business in which he/she has an interest, except where they are permitted to remain as a result of the grant of a dispensation.
- 1.12 That the monitoring officer be granted delegated authority to consider and determine applications for dispensations in accordance with the legislation relating to dispensations to allow members to participate and vote in any decision where they have any interest. In the event that the monitoring officer is unable to determine such an application for dispensation, the monitoring officer is authorised to refer that application to the Review Board for consideration and determination.

- 1.13 Subject to approval of all the above, Council approve all appropriate amendments to the Constitution to enable the approved provisions to be documented in the Constitution.

2. PURPOSE OF THE REPORT

The purpose of the report is to inform Members about the work which has been done by the Standards Committee and Engagement PDG to make provision for a draft Members' Code of Conduct, arrangements for dealing with complaints and any failure to comply with the code in accordance with the Localism Act 2011. Members are asked to consider the contents of the report and approve the recommendations detailed above.

3. DETAILS OF REPORT

Background

Members are required by the Localism Act to promote and maintain high standards of conduct. To do so we are required to adopt a new members' code of conduct and introduce arrangements for dealing with complaints.

3.1 The Code

The Council must determine its own members' code of conduct. Discussions have taken place with all Lincolnshire Councils to determine a joint approach on code adoption. Draft codes were considered from the Local Government Association, the Department of Communities and Local Government and Lincolnshire County Council. The drafts were all similar. Both the Standards Committee and the Engagement PDG agreed the use of the Lincolnshire County Council draft code with amendment to make specific reference to "respect".

None of the draft codes could deal with the issue of "interests". Regulations have only recently been introduced to define disclosable pecuniary interests. The proposed draft code has been further amended to make provision for **other** interests as well as disclosable pecuniary interests. There is no statutory requirement for members to leave a meeting if they disclose an interest. There is a requirement that they do not take part in the discussion or vote if they have a disclosable pecuniary interest. Members may consider it appropriate to introduce a procedure rule requiring members to leave the room when they disclose an interest.

The Lincolnshire Association of Local Authorities has confirmed that its national association intends to develop a separate code for parish and town councils. Parish and town councils would still have the option of adopting the district code if they so wished. The District Council has a duty to assist parish and town councils. Parish and town councils do not have any obligation to put in place arrangements for dealing with complaints. It may be possible to delegate that function to the parish and town councils to make their own arrangements.

3.2 The Independent Person

We must appoint an independent person in accordance with the Localism Act. Transitional provisions allow the current independent members to act as that independent person. A reserve is proposed to cover for the person appointed if that person is unavailable. The appointed independent person cannot attend the committee as a member of the council but could be invited to assist. An advert for the proposed appointment of an independent person and a reserve has been placed on the District Council website. Information relating to response and potential for appointment will be provided at the meeting.

3.3 Arrangements for dealing with Complaints.

Arrangements for dealing with complaints about breach of a code must be put in place. Options considered were:

- Retain existing arrangements with a Standards Committee, assessment and review sub- committee.
- Retain a Standards Committee which will need to be politically balanced (unless the Council vote unanimously against the requirement for political balance) with a simplified process. There is no requirement for any committee to have parish representatives. This arrangement could involve delegation to officers to receive and deal with complaints in the first instance with reference to the independent person. Refer to committee those that cannot be resolved in the first instance for determination as to whether or not to investigate and report.
- Delegate the arrangements for dealing with complaints to another committee/board already established.
- Delegate the whole arrangement to officers with no referral to committee.

Emphasis should be on local resolution rather than formal investigation and identifying and resolving underlying issues. The arrangements attached at Appendix B for approval propose the use of the existing Review Board. The terms of reference of the review Board will need to be changed in the Constitution to reflect the recommendations if approved.

3.4 Sanctions for failure to comply with the Members' Code of Conduct

There are no statutory sanctions for breach of the code. Effectively, the only common law sanctions available will be censure, report to group leader, withdraw facilities, bar from offices and put on single point of contact and/or report to council. Proposed sanctions will have to be agreed. It may not be practical for sanctions to be imposed by full council. Delegation of the imposition of sanctions is proposed to the Review Board. The Localism Act repeals the requirements for separate Assessment, Review and hearings Sub-Committees, and enables the Council to establish its own process, which can include delegation of decisions on complaints. As the statutory provisions no longer give the Standards Committee or monitoring officer powers to deal with complaints, it is necessary for Council to delegate appropriate powers to a committee/board and to the monitoring officer.

- Decision whether to investigate a complaint

In practice, the Standards for England guidance on initial assessment of complaints provided a reasonably robust basis for filtering out trivial and tit-for-tat complaints. It may be appropriate to delegate to the monitoring officer the initial decision on whether a complaint requires investigation, subject to consultation with the Independent Person and the ability to refer particular complaints to the a committee/panel where it would be inappropriate for the monitoring officer to take a decision on it. An example would be where the monitoring officer has previously advised the member on the matter or the complaint is particularly sensitive. These arrangements would also offer the opportunity for the monitoring officer to seek to resolve a complaint informally, before taking a decision on whether the complaint merits formal investigation.

- “No Breach of Code” finding on investigation

Where a formal investigation finds no evidence of failure to comply with the Code of Conduct, the current requirement is that this is reported to the Standards Committee and the Committee take the decision to take no further action. In practice, it may be reasonable to delegate this decision to the monitoring officer, but with the power to refer a matter to a committee if appropriate. It would be sensible if copies of all investigation reports were provided to the Independent Person to enable them to get an overview of current issues and pressures, and that the monitoring officer provides a summary report of each such investigation to a committee or panel for information.

- “Breach of Code” finding on investigation

Where a formal investigation finds evidence of failure to comply with the Code of Conduct, there may yet be an opportunity for local resolution, avoiding the necessity of a local hearing. Sometimes the investigation report can cause a member to recognise that his/her conduct was at least capable of giving offence, or identify other appropriate remedial action, and the complainant may be satisfied by recognition of fault and an apology or other remedial action. However, it is suggested that at this stage it would only be appropriate for the monitoring officer to agree a local resolution after consultation with the Independent Person.

In all other cases, where the formal investigation finds evidence of a failure to comply with the Code of Conduct, it would be necessary for a committee/panel to hold a hearing at which the member against whom the complaint has been made can respond to the investigation report, and the committee/panel can determine whether the member did fail to comply with the Code of Conduct and what action, if any, is appropriate as a result.

- Action in response to a hearing finding of failure to comply with Code

The Act does not give the Council or its Standards Committee any powers to impose sanctions such as suspension or requirements for training or an apology on members. So, where a failure to comply with the Code of Conduct is found, the range of actions which the authority

can take in respect of the member is limited and must be directed to securing the continuing ability of the authority to continue to discharge its functions effectively, rather than “punishing” the member concerned. In practice, this might include those sanctions listed at recommendation 1.10 above

There is a particular difficulty in respect of town and parish Councils, as the Localism Act gives the District Council no power to do any more in respect of a member of a town or parish Council than make a recommendation to the town or parish Council on action to be taken in respect of the member. Town and parish Councils will be under no obligation to accept any such recommendation. The only way round this would be to constitute the committee/board hearing an investigation and Hearings Panels as a Joint Committee and Joint Sub-Committees with the Parish Councils, and seek the delegation of powers from Parish Council to the Hearings Panels, so that the Hearings Panels can effectively take decisions on action on behalf of the particular Parish Council.

3.5 Appeals

There is no requirement to put in place any appeals mechanism against such decisions. The decision would be open to judicial review by the High Court if it was patently unreasonable, or if it were taken improperly, or if it sought to impose a sanction which the authority had no power to impose.

4. **OTHER OPTIONS CONSIDERED**

The wide statutory provisions in the Localism Act permit all the options detailed in the report

5. **RESOURCE IMPLICATIONS**

The cost of implementation must be a relevant consideration to ensure any new regime can be provided within budget. It is proposed that the recommendations made can be delivered within existing budgets.

6. **RISK AND MITIGATION**

Risk has been considered as part of this report and any specific high risks are included in the table below:

Category Risk	Action / Controls
Failure to comply with the Localism Act or make adequate provision to ensure the Council promotes and maintains high standards of conduct – reputational risk	All the recommendations are made to ensure compliance with the Localism Act. The Members code of Conduct has been drafted to cover appropriate standards

7. ISSUES ARISING FROM IMPACT ANALYSIS

An initial equality impact analysis has shown that there it would be unlikely that there would be an inequality of impact on any of the protected characteristics.

8. CRIME AND DISORDER IMPLICATIONS

Members should be aware that a failure to register disclosable pecuniary interests and any failure to comply with the provisions of the Localism Act relating to disclosable pecuniary interests could result in a criminal offence liable on summary conviction to a fine not exceeding £5,000 an/or disqualification from office for a period of up to 5 years.

9. COMMENTS OF FINANCIAL SERVICES

The introduction of a simplified code and arrangements for dealing with complaints should contain the cost of administering the code and the complaints received.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

The Council has no other alternative but to adopt a new code. The existing code does not cover the introduction of disclosable pecuniary interests. The Localism Act 2011 requires authorities to adopt a code which is consistent with the seven principles included in the draft code attached at Appendix A. Each code must make provision for pecuniary interests and other interests. No decisions made by this Council can be invalidated just because something which occurred during the making of the decision involved a failure to comply with the code. It is for the council to determine what action may be taken in respect of any failure to comply with the code.

The Adoption of a code under the provisions of the Localism Act must be publicised in such a way which is likely to bring the adoption to the attention of people living in the area.

11. COMMENTS OF OTHER RELEVANT SERVICES

None applicable

12. APPENDICES:

Appendix A – Draft Members’ Code of Conduct
Appendix B – Arrangements for dealing with Complaints



SOUTH KESTEVEN DISTRICT COUNCIL MEMBERS CODE OF CONDUCT 2012

South Kesteven District Council (the Authority) has adopted this Code setting out the expected behaviours required of its Members or co-opted Members, acknowledging that they each have a responsibility to represent the community and work constructively with staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act 2011 (the Act), when acting in this capacity all Members must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this Authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations which might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example. In particular, members should always treat people with respect including those working for this Authority, other organisations and members of the public.

The Act further provides for registration and disclosure of interests and in South Kesteven District Council this will be done as follows:

Interests

1. Registration of interests

You must, within 28 days of:-

- (a) this Code being adopted by or applied to the Authority; and/or
- (b) your election or appointment to office; and
- (c) becoming aware of any new interest or change to any interest registered under this paragraph 1

notify the Monitoring Officer in writing of your **disclosable pecuniary interests** which are registerable under the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interest) Regulations 2012, for inclusion in the register of interests.

Any interests notified in writing to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the Authority's website.

2. Disclosure of Interests

If you have an interest described in paragraph 1 above and if you are aware or ought reasonably to be aware of the existence of an interest described at clause 2.1 below, and you attend a meeting of your authority at which the matter in which you have an interest is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration or when the interest becomes apparent.

2.1 Any interest in any business of your authority:

- where a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision, or
- it relates to or is likely to affect any of the interests you have registered as a disclosable pecuniary interest; and
- the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest

You may not participate in any discussion of the matter or any vote taken on the matter at the meeting.

2.2 In paragraph 2.1, **a relevant person is—**

a member of your family or any person with whom you have a close association, their employers or people they are in partnership with, companies of which they are directors or in which they hold a beneficial interest in any class of securities exceeding the nominal value of £25,000. Or one hundredth of the total issued share capital of that company.

3 Sensitive interests

- 3.1 Where you consider that disclosure or registration of the details of an interest could, for whatever reason, be sensitive and the Monitoring Officer agrees, if the interest is entered on the register, copies of the register that are made available for inspection and any published version of the register will exclude details of the sensitive interest, but may state that you have an interest, the details of which are withheld.

4. Attendance at meetings

- 4.1 Council Procedure Rule X requires you to leave the room where the meeting is held while any discussion or voting takes place where you have an interest described in paragraphs 1 or 2.1 above.
- 4.2 Where you have an interest in any business of the Authority described in paragraph 2.1 above, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- 4.3 Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest that relates to the functions of the Authority in respect of—
- (i) housing, where you are a tenant of the Authority, provided that those functions do not relate specifically to your tenancy;
 - (ii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iii) an allowance, payment or indemnity given to members;
 - (iv) any ceremonial honour given to members; and
 - (v) setting council tax or a precept under the Local Government Finance Act 1992.

5. Disclosure of Gifts and Hospitality

- 5.1 You must notify the Monitoring Officer in writing the name of any person or organization from whom you have received a gift or hospitality with an estimated value of at least £50 which you have received in your capacity as a member of the Council. The notification must include the date of receipt of the offer and details of whether or not the gift was accepted.

APPENDIX B

Arrangements for dealing with standards allegations under the Localism Act 2011

1 Context

These “Arrangements” set out how you may make a complaint that an elected or co-opted member of this authority *[or of a parish council within its area]* has failed to comply with the authority’s Code of Conduct, and sets out how the authority will deal with allegations of a failure to comply with the authority’s Code of Conduct.

Under Section 28(6) and (7) of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority *[or of a parish council within the authority’s area]*, or of a Committee or Sub-Committee of the authority, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

Such arrangements must provide for the authority to appoint at least one Independent Person, whose views must be sought by the authority before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the authority at any other stage, or by a member *[or a member or co-opted member of a parish council]* against whom an allegation as been made.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as Appendix One to these arrangements and available for inspection on the authority’s website and on request from Reception in the.

[Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.]

3 Making a complaint

If you wish to make a complaint, please write or email to –

“The Monitoring Officer

Or –

The Monitoring Officer is an officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority's website, next to the Code of Conduct, and is available on request from Reception at the Civic Offices. Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

The Monitoring Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

4 Will your complaint be investigated?

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 14 days of receipt of your complaint. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

Where he/she requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed. *[Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council or your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.]*

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member or the authority make a reasonable offer of local resolution, but you are not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police and other regulatory agencies.

5 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another officer of the authority, an

officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

6 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned [*and to the Parish Council, where your complaint relates to a Parish Councillor*], notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

7 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

8 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial

action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee *[and the Parish Council]* for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

9 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The Council has agreed a procedure for local hearings, which is attached as an appendix to these arrangements.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the [Hearings Panel]. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the [Hearings Panel] as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the [Hearings Panel], with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the [Hearings Panel] concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the [Hearings Panel] will then consider what action, if any, the [Hearings Panel] should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the [Hearings Panel] will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

10 What action can the [Hearings Panel] take where a member has failed to comply with the Code of Conduct?

The Council has delegated to the [Hearings Panel] such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the [Hearings Panel] may

- (1) Censure or reprimand the member;

- (2) Publish its findings in respect of the member's conduct;
- (3) Report its findings to Council *[or to the Parish Council]* for information;
- (4) Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (5) Recommend to the Leader of the Council that the member be removed from the Executive, or removed from particular Portfolio responsibilities;
- (6) Recommend to Council that the member be replaced as Executive Leader;
- (7) Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the member;
- (8) Remove *[or recommend to the Parish Council that the member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- (9) Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- (10) Exclude *[or recommend that the Parish Council exclude]* the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The [Hearings Panel] has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

11 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the [Hearings Panel] as to whether the member failed to comply with the Code of Conduct and as to any actions which the [Hearings Panel] resolves to take. As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the [Chair of the Hearings Panel], and send a copy to you, to the member *[and to the Parish Council]*, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

12 Who are the [Hearings Panel]?

The Hearings Panel is *[to be completed once agreed]*. The Standards Committee has decided that it will comprise a maximum of three members of the Council, including not more than one member of the authority's Executive and comprising members drawn from at least 2 different political parties. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. The Independent Person is

invited to attend all meetings of the [Hearings Panel] and his views are sought and taken into consideration before the [Hearings Panel] takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

13 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council. *[to be modified following transitional provisions]*

- (1) A person cannot be "independent" if he/she
- (2) Is, or has been within the past 5 years, a member, co-opted member or officer of the authority;
- (3) *[Is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the authority's area], or*
- (4) Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, "relative" means –
- (5) Spouse or civil partner;
- (6) Living with the other person as husband and wife or as if they were civil partners;
- (7) Grandparent of the other person;
- (8) A lineal descendent of a grandparent of the other person;
- (9) A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
- (10) A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
- (11) Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners

14 Revision of these arrangements

The Council may by resolution agree to amend these arrangements, and has delegated to the Chair of the [Hearings Panel] the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

15 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the [Hearings Panel]

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Appendix One The authority's Code of Conduct

Appendix Two Procedure for Hearings



South Kesteven District Council

Equality Analysis (Stage 1)

MEMBERS CODE OF CONDUCT

Service Area: Legal and Democratic	Lead officer: Lucy Youles	Date of Analysis 27.6.12
	Assessors: Lucy Youles	

		Neutral Assessor: Carol Drury							
<p>1. Name and description of policy/service/function/strategy : Members code of conduct</p> <p>Is this a new or existing policy? New code to replace existing code. Report to Standards Committee to investigate options at this stage. Report to Council to adopt During the course of deliberation at committee, the following issues, where practicable, will be considered to determine if there is any adverse impact on the protected characteristics. Consideration of equalities and respect for others should be addressed</p>									
<p>2. Complete the table below, considering whether the proposed policy/service/function/strategy could have any potential positive, or negative impacts on groups from any of the protected characteristics (or diversity strands) listed, using demographic data, user surveys, local consultations evaluation forms, comments and complaints etc.</p>									
		<table border="1"> <thead> <tr> <th>Equality Group</th> <th>Does this policy/service/function/strategy have a positive, or negative impact on any of the equality groups? Please state which for each group</th> <th>Please describe why the impact is positive, or negative. If you consider this policy etc is not relevant to a specific characteristic please explain why</th> </tr> </thead> <tbody> <tr> <td>Age</td> <td>Not relevant</td> <td>This code of conduct has been prepared in a manner which should result in a neutral impact across all of the Protected Characteristics highlighted in this document. There is however no specific reference to the need for elected Members to behave in an equitable and fair manner. Consideration should be given to incorporating this within the code.</td> </tr> </tbody> </table>		Equality Group	Does this policy/service/function/strategy have a positive, or negative impact on any of the equality groups? Please state which for each group	Please describe why the impact is positive, or negative. If you consider this policy etc is not relevant to a specific characteristic please explain why	Age	Not relevant	This code of conduct has been prepared in a manner which should result in a neutral impact across all of the Protected Characteristics highlighted in this document. There is however no specific reference to the need for elected Members to behave in an equitable and fair manner. Consideration should be given to incorporating this within the code.
Equality Group	Does this policy/service/function/strategy have a positive, or negative impact on any of the equality groups? Please state which for each group	Please describe why the impact is positive, or negative. If you consider this policy etc is not relevant to a specific characteristic please explain why							
Age	Not relevant	This code of conduct has been prepared in a manner which should result in a neutral impact across all of the Protected Characteristics highlighted in this document. There is however no specific reference to the need for elected Members to behave in an equitable and fair manner. Consideration should be given to incorporating this within the code.							

Disability	Not relevant	As above
Race	Not relevant	As above
Gender Reassignment	Not relevant	As above
Religion or Belief	Not relevant	As above
Sex	Not relevant	As above
Sexual Orientation:	Not relevant	As above
Pregnancy and Maternity	Not relevant	As above
Marriage and Civil Partnership	Not relevant	As above
Carers	Not relevant	As above
Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)	Not relevant	As above

*(IMD = Indices of multiple deprivation)

3. What equality data/information did you use to inform the outcomes of the proposed policy/service/function/strategy? (Note any relevant consultation who took part and key findings)

Informal consultation has taken place with senior officers and elected

members.

If there are any gaps in the consultation/monitoring data, how will this be addressed?

More formal consultation will take place internally to determine whether there is a need to incorporate equality within the code.

4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please tick one of the options.

a. No major change needed: equality analysis has not identified any potential for discrimination or for negative impact and all opportunities to promote equality have been taken

If you have ticked option (a) go to stage 3

b. Adjust the proposal to remove barriers identified by equality analysis or to better promote equality. **Please complete the questions in the box below.**

b.1 In brief, what changes are you planning to make to your proposed policy/service/function/strategy to minimise or eliminate the negative equality impacts?

Consideration of the need to incorporate a specific reference to equality within the code.

b.2 Please provide details of whom you will consult on the proposed changes and if you do not plan to consult, please provide the rationale behind that decision.

Management Team, Elected Members – Cabinet, Council

If you have ticked option b go to Stage 2

c. Adverse impact but continue **Please provide an explanation in the box below that clearly sets out your justification for continuing with the proposed policy/function/service/strategy. You should consider in stage 2 whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.**

If you have ticked option c please go to Stage 2

d. Stop and remove the policy/function/service/strategy as equality analysis has shown actual or potential unlawful discrimination

Signed (Lead Officer): Lucy Youles, Head of Legal and Democratic Services
(Monitoring Officer)

Date completed: 27.6.12

REPORT TO COUNCIL

REPORT OF: Governance and Communication Portfolio Holder

REPORT NO: LDS073

DATE: 12 July 2012

TITLE:	Representatives on outside bodies	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Not applicable	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder, Governance and Communication	
CONTACT OFFICER:	Lucy Youles 01476 40 61 05 l.youles@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity	Not applicable – see paragraph 7	
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	None	

1. RECOMMENDATIONS

1.1 The Council appoints a representative to the Local Government Association Urban Commission.

2. PURPOSE OF THE REPORT

2.1 The Council's Constitution gives the Council powers to appoint representatives to outside bodies. A vacancy has arisen on the Local Government Association Urban Commission, which gives the Council an opportunity to appoint a new representative.

3. DETAILS OF REPORT

3.1 Amongst the bodies to which the Council appoints a representative is the Local Government Association. At the annual meeting of the Council on 3 May 2012, the Council appointed Councillor Mrs Frances Cartwright (who held the voting rights) and Councillor Michael King as its representatives. Following the meeting, Councillor King has submitted his resignation as the Council's representative on the body. The Local Government Association Urban Commission requires two representatives, each appointed for a one-year term.

4. OTHER OPTIONS CONSIDERED

4.1 The Council could decline to make an appointment unless there was any legal requirement to do so.

5. RESOURCE IMPLICATIONS

5.1 Travelling expenses are payable to Councillors who attend meetings of outside bodies to which they have been appointed by the Council. Provision is made within the Legal and Democratic Services budget for the payment of travel expenses.

6. RISK AND MITIGATION

6.1 Risk has been considered as part of this report. No high risks to the Council were identified.

7. ISSUES ARISING FROM IMPACT ANALYSIS

7.1 The Council makes nominations and appointments to outside bodies. If the appointment of a Councillor to an outside body required changes to any of the Council's policies or procedures, it would be necessary to carry out an impact analysis on those changes.

8. CRIME AND DISORDER IMPLICATIONS

8.1 There are no crime and disorder implications arising as a result of this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 Any financial implications arising from this report have been included in the budget framework for 2012/13.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 Such an appointment should only be registered as a disclosable pecuniary interest if it falls within one of the defined categories for such interests.

11. APPENDICES:

None.