

AGENDA



For a meeting of the
COUNCIL
to be held on
THURSDAY, 23 JANUARY 2014
at
2.00 PM
in the
COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ
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 disclose any interests in matters for consideration at the meeting.

4. MINUTES OF THE MEETING HELD ON 7 NOVEMBER 2013

5. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

(Enclosure)

6. HEALTH SUSTAINABILITY REVIEW AND THE BIG PICTURE FOR HEALTHCARE IN SOUTH KESTEVEN

Presentation by Allan Kitt and Gary Thompson.

7. MEMBERS' REMUNERATION

Report number LDS111 by the Chairman of the Welland Independent Remuneration Panel. **(Enclosure)**

8. MEMBERSHIP OF COMMITTEES AND POLICY DEVELOPMENT GROUPS

Report number LDS116 of the Chief Executive. **(Enclosure)**

9. RECOMMENDATIONS FROM THE CONSTITUTION COMMITTEE

Report number LDS117 by the Chairman of the Constitution Committee. **(Enclosure)**

10. 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.

The deadline for notices of motion for the Council meeting on Monday, 3 March 2014 is 2pm on Tuesday 18 February 2014.

MINUTES

COUNCIL

THURSDAY, 7 NOVEMBER 2013

2.00 PM



PRESENT

Councillor David Nalson Chairman

Councillor Bob Adams
Councillor Mark Ashberry
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 Michael Cook
Councillor Kelham Cooke
Councillor Paul Cosham
Councillor Nick Craft
Councillor Alan Davidson
Councillor Breda Griffin
Councillor David Higgs
Councillor Reginald Howard
Councillor Mrs Rosemary Kaberry-Brown
Councillor Vic Kerr
Councillor Jock Kerr
Councillor Michael King
Councillor Charmaine Morgan
Councillor Mrs. Linda Neal

Councillor Alan Parkin
Councillor Helen Powell
Councillor Nick Robins
Councillor Graddon Rowlands
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 Judy Stevens
Councillor Adam Stokes
Councillor Mrs Brenda Sumner
Councillor Mrs Jean Taylor
Councillor Mike Taylor
Councillor Jeff Thompson
Councillor Frank Turner
Councillor Bruce Wells
Councillor Paul Wood
Councillor Rosemary H Woolley
Councillor Raymond Wooten

OFFICERS

Chief Executive (Beverly Agass)
Strategic Director (Tracey Blackwell)
Head of Legal & Democratic Services
(Lucy Youles)
Head of Finance (Richard Wyles)
Strategic Lead – Economic Development
& Regeneration (Corrine Garbett)
Community Safety & Licensing Service
Manager (Mark Jones)

OFFICERS

Senior Licensing Officer (Pam Robinson)
Elections & Democratic Services Team
Leader (Julie Edwards)
Environmental Health Services Manager
(David Price)
Environmental Protection Team Leader
(Pete Rogers)
Principal Democracy Officer (Jo Toomey)

Your council working for you

37. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Auger, Chivers, Dilks, Nicholson, John Smith, Mrs Judy Smith, Ian Stokes and Wilkins.

38. DISCLOSURE OF INTERESTS

Councillor Shorrocks stated he had a disclosable pecuniary interest in agenda item 7: Gambling – Statement of Principles, because he was advising a company with an interest in that item.

39. MINUTES OF THE MEETING HELD ON 12 SEPTEMBER 2013

It was proposed and seconded that the minutes of the meeting held on 12 September 2013 be agreed as a correct record. An amendment to the minutes was proposed and seconded, which would see the inclusion of the following text in minute number 32: Stamford Georgian Festival:

“Some Councillors commented on how long-term initiatives running throughout the year were required in addition to one-off events to promote the district and to encourage economic growth.”

The Councillor who proposed this amendment felt the addition would better reflect the debate on the Georgian Festival item. The Chief Executive advised members that the minutes of a meeting were meant to be a summary of discussions and not a verbatim account. On being put to the vote, the amendment was lost.

The minutes as originally proposed were put to the vote and approved.

40. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)

The Council noted the Chairman's engagements. The Chairman informed members that instead of a ghost walk in Stamford on 1 November 2013, which was cancelled, he attended a race evening in Grantham.

The Chairman introduced a brief film showing the highlights of the Georgian Festival that had taken place in Stamford between 27 and 29 September 2013. He told Members that the Council had received positive feedback from traders and businesses operating in the town. The Chairman added that the festival had achieved its objectives of increasing footfall in Stamford during the festival period, providing a quality event for residents and visitors and promoting the local economy. He also made reference to the Mallard Festival which had taken place in Grantham at the beginning of September 2013.

Following the film, the Chairman offered the thanks of the Council to all those who had helped with the organisation and running of the festival. He added that despite the tough financial times he was pleased that councillors and officers had the courage and imagination to put on such festivals.

Councillors were invited to ask questions and make comments. Several members complimented both the Mallard and Georgian Festivals. One Member requested that longer term economic outcomes were recorded.

Speaking about the Mallard Festival, one member reported receiving positive feedback from executives at the National Railway Museum.

Recognition was given to the contribution of the staff members who had volunteered their time to steward the Georgian Festival. Mention was also made of the other organisations and individuals who supported the festival with specific reference being made to the co-operation and contribution of Stamford Town Council.

There was some discussion about whether the DVD would be publicly available. It was intended that footage would be available on the council's website and on video streaming websites. It was suggested that copies of the DVD could go on sale; to test the market a small number of copies could be sold through Stamford Arts Centre where postcards celebrating the event were already available.

Those Councillors who had attended the festival said how much they had enjoyed it and that it had been appreciated by all generations. The suggestion was made that for events such as the re-enactment of the Stamford bullrun, a commentary might help visitors unfamiliar with the history of the town. It was further suggested that at future events, rather than burning the bull, it might be kept and exhibited.

The importance of measuring the longer-term benefits of festivals was re-emphasised, however one member did point out that certain outcomes were intangible and could not be specifically measured.

41. MEDIUM TERM FINANCIAL STRATEGY

Decision:

The Council approves the Medium Term Financial Strategy for the period 2013/14-2017/18.

In proposing the Medium Term Financial Strategy, which was appended to report number HOF256, the Portfolio Holder for Strategic Resources – Well Run Council thanked the staff who had supported the production of the document and the Resources PDG, which had spent time considering and developing the strategy. He reminded members of the increasing financial constraints that affected local authorities and asked Councillors to approve the document. The proposition was seconded. Support was echoed by another Councillor and further recognition was made of the financial climate, including the pressures for individuals as well as the authority.

A question was asked about the figures in the document relating to income

from the local retention of business rates. Officers stated that the figures were modelled on current policies of the Council and in adherence to national guidance. It was based on a static business rates base however an inflationary increase of 3% was applied year-on-year. Councillors noted that during 2013/14 the authority had not opted to join a pool for business rates however a decision had been taken to enter a Lincolnshire pool for 2014/15.

An additional question was asked on specific grants that from 2014/15 would be included in the revenue support grant and would no longer be ring-fenced. Some concern was expressed about assuring transparency in maintaining a link between where the funding came from and the impact on funding specific areas. Members were informed that the Council operated a system of priority-based budgeting. This would mean that grants historically linked to services would form part of the Council's main funding to drive forward priorities.

Members were reassured that the Council's priorities and services were driven by public consultation on priorities through a range of mediums which included public meetings in villages across the district and through the website. During the consultation exercises members of the public were asked to prioritise services. Full consultation would take place regarding any future changes in service provision.

Reference was made by members to the historic financial management of the authority, which they felt had left the council well-placed in relation to its peers. There was an acknowledgement that times would be difficult and the importance of delivering services for the benefit of the people who live, work and visit the district was recognised. Some concern was expressed over the longer-term outlook and the impact of reduced funding on service delivery.

On being put to the vote, the strategy was approved.

42. GAMBLING - STATEMENT OF PRINCIPLES

Decision:

That the Gambling Act 2005, Statement of Principles (as amended – 2014 and attached as Appendix A to report CSL043) be adopted as the Council's Gambling Policy, for implementation from 14 January 2014.

14:56: Having a disclosable pecuniary interest in this item of business, Councillor Shorrocks left the meeting.

The Portfolio Holder for Corporate Governance and Communication proposed the Gambling Statement of Principles as appended to report number CSL043. He informed Members that the authority was required to consult, adopt and publish a new Statement of Principles every three years. The proposition was seconded, and on being put to the vote, it was approved.

15:00: Councillor Shorrocks returned to the meeting

43. ELECTORAL REVIEW: LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND DRAFT RECOMMENDATIONS

Decision:

That the Council delegates authority to the Electoral Review Working Group to prepare and submit a response to the Local Government Boundary Commission for England’s draft recommendations on Warding arrangements on the Council’s behalf.

15:02: Councillor Jock Kerr entered the meeting

The Portfolio Holder for Corporate Governance and Communication proposed the recommendation in report number LDS112, which was seconded. Attached to the report was a summary of the electoral arrangements proposed by the Local Government Boundary Commission for England for South Kesteven. A schedule of the differences between the Commission’s recommendations and the Council’s proposal was also attached.

Any Councillor who wanted to make comments on the Local Government Boundary Commission for England’s recommendations was asked to refer them to their Group’s representative of the Electoral Review Working Group by Friday 15 November. This would give the group the opportunity to consider all comments and prepare a response for submission before the Commission’s deadline of 6 January 2014. Members were also reminded that they were able to send individual responses to the Local Government Boundary Commission for England’s consultation.

On being put to the vote, the proposition was carried.

44. LEADER’S REPORT ON URGENT DECISIONS

The Council noted the Leader’s report (CAB017) which informed Members about an urgent key decision that had been taken. The decision agreed that the authority enter into a Lincolnshire “pool” for business rates for 2014/15.

45. UPDATE FROM CONSTITUTION COMMITTEE

Decision:

The Council approves the recommendations made by the Constitution Committee at its meeting on 23 September 2013 as follows:

- 1.1 It notes the amendment in the wording of the policy framework documents at Article 4 of the constitution to refer to the pay policy statement not the pay policy**
- 1.2 That the scheme of delegation to officers be amended to include the delegation of functions relating to the Scrap Metal Dealers Act 2013 as follows:**

Function:	Delegated to:
Fee setting	The S151 Chief Finance Officer in consultation with the relevant portfolio holder
Administration & Enforcement of the Scrap Metal Dealers Act 2013 – including powers to enter and inspect premises (Section 16) and serve Notices under Schedule 1, Section 7 (proposals to refuse, revoke or vary licences)	Operations Director or anyone authorised by them in writing
Grant of a site or collectors licence with or without conditions	Operations Director or anyone authorised by them in writing
Refusal, revocation or variation of a site or collectors licence	Operations Director or anyone authorised by them in writing
Power to determine requests for an oral hearing following refusal, revocation or variation of a site or collectors licence	Licensing Committee
Power to make a closure order	Licensing Committee

1.3 That the Articles, 1,18 and 19 be amalgamated to form Article 1 of the Constitution to read as follows:

ARTICLE 1 - THE CONSTITUTION

1.1 Powers of the Council

The Council will exercise all its powers and duties in accordance with the law and this Constitution.

1.2 The Constitution

This Constitution, and all its codes and protocols, is the Constitution of the South Kesteven District Council and is called “the Constitution” for the purposes of this document. The Constitution sets out how the Council operates, how decisions are made and who makes them, the procedures to be followed, and the rules by which Councillors and officers are to abide.

1.3 Purpose of the Constitution

The purpose of this Constitution is to ensure:

- i) The Council provides community leadership, involving citizens in the democratic process,*
- ii) Councillors are assisted in effective representation,*
- iii) Decisions are taken efficiently and effectively, (providing reasons and permitting independent scrutiny) holding decision makers to account*

- publicly,*
iv) *Improvement in the delivery of services.*

1.4 Interpretation of the Constitution

This Constitution shall be interpreted in accordance with the laws of England and all words shall be given their natural meaning where appropriate.

1.5 Duty to monitor and review the Constitution

The Monitoring Officer will monitor and review the operation of the Constitution to ensure that the aims and principles of the Constitution are given full effect.

1.6 Protocol for monitoring and review of the Constitution by Monitoring Officer

A key role for the Monitoring Officer is to be aware of the strengths and weaknesses of the Constitution adopted by the Council, and to make recommendations for ways in which it could be amended in order to better achieve the purposes set out above. In undertaking this task the Monitoring Officer will have regard to any legislative changes affecting the Constitution and may:-

- i) Observe meetings of different parts of the member and officer structure;*
- ii) Undertake an audit trail of a sample of decisions;*
- iii) Record and analyse issues raised with him/her by Members, officers, the public and other relevant stakeholders; and*
- iv) Compare practices in this authority with those in other comparable authorities, or national examples of best practice.*

1.7 Changes to the Constitution

- i) Changes to the Constitution will only be approved by the full Council after consideration of a report by the Monitoring Officer on the proposal by the Constitution Committee
This excludes changes which are statements of factual matters appertaining to the Council, such as its objectives and policy framework documents, some of these change from time to time by virtue of Council decisions, others, such as member and officer details occur without any decision of the Council being involved.*
- ii) Changes to the principles of the executive arrangements, and the various rules and codes would require adoption by or resolutions of the Council*

1.8 Suspension of the Constitution

(a) *Limit to suspension*

The Articles of this Constitution may not be suspended. The Rules specified below may be suspended by the Council to the extent permitted within those Rules and the law.

(b) *Procedure to suspend*

A motion to suspend any rules will not be moved without notice unless at least one half of the whole number of Councillors are present. The extent and duration of suspension will be proportionate to the result to be achieved, taking account of the purposes of the Constitution as at Article 1.3.

(c) *Rules capable of suspension*

The following Rules may be suspended:

All of the Council Rules of Procedure except Rule 16.5 and 19.2.

1.9 Interpretation of Suspension

The ruling of the Chairman of the Council as to the construction or application of this Constitution or as to any proceedings of the Council shall not be challenged at any meeting of the Council. Such interpretation will have regard to the purposes of this Constitution as at Article 1.3.

1.10 Publication of the Constitution

- i) The Monitoring Officer will give a printed copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council.*
- ii) The Monitoring Officer will ensure that copies are available for inspection at Council Offices, libraries and other appropriate locations, and can be purchased by members of the local press and the public on payment of a reasonable fee.*
- iii) The Monitoring Officer will ensure that the summary of the Constitution is made widely available within the area, is published on the Council's website and is updated as necessary.*

The Council noted the amendment to the wording of the policy framework documents at Article 4 of the Constitution from "Pay Policy" to "Pay Policy Statement".

The Chairman of the Constitution Committee moved the recommendations 1.2 and 1.3 as detailed in report number LDS0110. The first recommendation would see the amendment of the delegation scheme to incorporate provisions under the Scrap Metal Dealers Act 2013, while the second amalgamated articles 1, 18 and 19 of the Constitution to form article 1. This was seconded and a separate vote was taken on each of the recommendations. When put to

the vote, both propositions were approved unanimously.

46. CLOSE OF MEETING

The meeting was closed at 15:07.

Agenda Item 5

Chairman's Engagements 7 November 2013 to 27 January 2014

Date	Ref	Organisation and Event	Location	Chauf
08.11.13	DN80	The Town Mayor and Mayoress of Newark – Charity Race Night	Newark Town Hall Newark	✓
10.11.13	DD	The Mayor and Mayoress of Stamford – Remembrance Sunday Parade and Service – (Cllr Carpenter attended)	Browne's Hospital Stamford	
10.11.13	DN81	Remembrance Sunday Parade and Service	St Wulfram's Church Grantham	
10.11.13	DN79	The Commander and Officers of The Royal Logistic Corps Territorial Army – Curry Lunch	Prince William of Gloucester Barracks Grantham	
15.11.13	DN66	The Mayor and Mayoress of Stamford – Charity Quiz Night	Stamford Town Hall	
16.11.13	DN67	The Worshipful the Mayor and Mayoress of Boston, The Mayor's Charity Fish and Chip Supper	Hubberts Bridge Community Centre	✓
17.11.13	DN75	Market Deeping Town Council – Closing of the Garden of Remembrance and Peace	Riverside Park Market Deeping	
18.11.13	DN88	Presentation of Election Results, St. Hugh's School	St. Hughs School Grantham	
23.11.13	DN87	The Mayor of Melton Borough Council's Charity Afternoon Tea	Parkside Melton Mowbray	✓
24.11.13	DN68	Her Majesty's Lord Lieutenant for Lincolnshire and members of the Lincolnshire Committee of ABF The Soldiers' Charity – Presentation, Reception & Curry Lunch	Prince William of Gloucester Barracks Grantham	
29.11.13	DN49	The Mayor & Mayoress of Northampton Borough Council – Mayor's Charity Gala Dinner	Marriott Hotel Northampton	✓
03.12.13	DN90	Grantham is Great Awards	Guildhall Arts Centre	
04.12.13	DN69	Chairman Cllr Dennis Jones - Newark & Sherwood District Council – Civic Carol Service	Kelham Hall Nr Newark	✓
05.12.13	DN70	The Mayor of Melton – Christmas Concert	St Mary's Church Melton Mowbray	✓
08.12.13	DN71	The Chairman of West Lindsey District Council – Civic Carol Service	All Saints Church Greetwell	✓
09.12.13	DN	Chairman's Christmas Lunch	Belton Park Golf Club Grantham	
12.12.13	DN	Chairman to attend Woodland Trust – visit by HRH Princess Royal	Woodland Trust Grantham	
13.12.13	DN72	The Town Mayor and Mayoress of Newark – Christmas Last Night of the Proms	Newark Town Hall	✓
17.12.13	DN84	Grantham Choral Society – Carol Concert	Christ Church Grantham	
18.12.13	DN89	Walton Girls High School Carol Service	St. Wulfram's Church Grantham	

Date	Ref	Organisation and Event	Location	Chauf
19.12.13	DN86	Royal Mail Group - Chairman to visit Grantham Post Office Sorting Dept	Grantham Post Office	
20.12.13	DN96	The Worshipful the Mayor and Mayoress of Boston - Mayor's Christmas Reception	Boston Borough Council	✓
26.12.13	DN91	The Mayor & Mayoress of Grantham –Traditional Boxing Day Meet – Belvoir Hunt	St. Peter's Hill Grantham	
10.01.14	DN92	The Mayor of the Borough of Melton – Quiz Evening	Parkside Melton Mowbray	✓
17.01.14	DN53	Chairman's Charity Gala	Guildhall Arts Centre Grantham	
22.01.14	DN97	The Worshipful the Mayor & Mayoress of Boston – Victorian Experience Evening	The Indian Queen & Three Kings Pub Boston	✓
23.01.14	DN82	Newark & Sherwood District Council Civic Dinner and Citizen of the Year Awards	Newark Showground	✓

REPORT TO COUNCIL

REPORT OF: Chairman of the Welland Independent Remuneration Panel

REPORT NO: LDS111

DATE: 23 January 2014

TITLE:	Recommendations from Welland Independent Remuneration Panel	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Decision of Council in accordance with Article 4.2(v) of the Constitution	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Not applicable	
CONTACT OFFICER:	Jo Toomey, Principal Democracy Officer Telephone: 01476 40 61 52 E-mail: j.toomey@southkesteven.gov.uk	
INITIAL IMPACT ASSESSMENT:	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	Council meeting – 2 September 2010 http://moderngov.southkesteven.gov.uk/ieListDocuments.aspx?CId=261&MId=2493&Ver=4	

1. RECOMMENDATIONS

- 1.1 That the Council considers the recommendations made by the Welland Independent Remuneration Panel made in its report attached to this report at appendix 1.
- 1.2 Consider whether Members' allowances should continue to be index-linked to Local Authority pay awards.
- 1.3 That the Constitution be amended to incorporate the approved Scheme of Remuneration.

2. PURPOSE OF THE REPORT/DECISION REQUIRED

- 2.2 The purpose of this report is to detail the recommendations made by the Independent Remuneration Panel in its report dated September 2013 for consideration by Members for approval and implementation from April 2014.

3. DETAILS OF REPORT

- 3.1 Members allowance schemes are regulated by the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003 (the Regulations). The current Members' Allowance Scheme is attached to this report as appendix 2.
- 3.2 At its meeting on 2 September 2010 the Council received the recommendations of the South Holland Independent Remuneration Panel. Amongst its recommendations, the Panel recommended a full root and branch review of special responsibility allowances. The Council decided that it would not amend the remuneration scheme but did commission a full review.
- 3.3 The review of special responsibility allowances was to include a timesheet exercise, a workshop, consideration of roles and responsibilities, discussion with the Chief Executive, the gathering of data from comparable authorities and other information which the panel considered appropriate.
- 3.4 Following the disbandment of the South Holland Remuneration Panel, the Council in partnership with Melton and Harborough Councils appointed the Welland Independent Remuneration Panel to conduct the review of Members' allowances. The Welland Panel followed the methodology proposed by the South Holland Panel, full details of which are contained in the Panel's report at appendix 1. The recommendations made by the Panel were based on the evidence collected through these exercises, together with interviews with councillors.
- 3.5 Currently Members' allowances are index-linked to Local Authority pay awards. Section 10(5) of the Regulations requires that where an authority has regard to an index for the purpose of annual adjustment of allowances it must not rely on that index for longer than a period of four years before seeking a further recommendation from the Independent Remuneration Panel established in respect of that authority on the application of an index to its scheme.

4. OTHER OPTIONS CONSIDERED

- 4.1 The Council is required to review its remuneration scheme for Members every 4 years. The Council can choose to adopt all, none or some of the Independent Remuneration Panel's recommendations.

5. RESOURCE IMPLICATIONS

- 5.1 Resource provision for the Independent Remuneration Panel was included within the Legal and Democratic Services budget. Staff support for the review was provided from within existing resources.

6. RISK AND MITIGATION

6.1 No significant risks were identified in preparation of this report.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

7.1 An equality analysis is not applicable. Recommendations were made by an Independent Remuneration Panel which used a robust evidence-gathering methodology.

8. CRIME AND DISORDER IMPLICATIONS

8.1 No crime and disorder implications arise as a result of this report.

9. COMMENTS OF FINANCIAL SERVICES

9.1 The proposed changes by the remuneration panel, if agreed, would result in a minor reduction overall in cost of members allowances and therefore there would be no impact on the budget framework.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

10.1 In accordance with the Local Government Act 2000 and the Local Authorities (Members' Allowances) (England) Regulations 2003, the Council is required to review its scheme of Members allowances every four years. The nature of the review carried out by the Welland Independent Remuneration Panel met the requirements for a root and branch review of Special Responsibility Allowances as resolved by full Council on 2 September 2010.

11. COMMENTS OF OTHER RELEVANT SERVICES

11.1 Not applicable

12. APPENDICES:

- Appendix 1: Report of the Welland Independent Remuneration Panel
- Appendix 2: Members' Allowance Scheme 2013/14

Welland Partnership Members Remuneration Panel

Report to South Kesteven District Council

7th November 2013

1. Introduction

- 1.1 The Welland Partnership Members Remuneration Panel was reconstituted in June 2012. Our membership now comprises John Cade (Chairman), Colette Eames, John Greenwood, James Veitch and Gordon Wells.
- 1.2 Legislation requires that allowances for Elected Councillors are determined by their Councils following consideration of recommendations by an Independent Remuneration Panel. Reviews should take place at least every four years; your last review took place in 2010.
- 1.3 There were three components to our review:
 - a) A workshop held on 10th April 2013 in Grantham to outline how we do our work, the factors to be taken into account and to hear issues that Members wished to raise with us.
 - b) A voluntary time-sheet exercise undertaken by Councillors over May and June 2013.
 - c) An evidence giving session held on 9th July 2013 in Grantham to which all Councillors were invited to give oral or written evidence.
- 1.4 We are very grateful to all Councillors who contributed to this review and we would also like to place on record our thanks to Lucy Youles and Jo Toomey for their excellent support to us.

2. Context

- 2.1 As a Panel we were impressed by the thorough nature with which the Council approached the task.

2.2 Workshop 10th April 2013

- (i) It is not necessary to have an introductory workshop and most Councils move straight to the evidence giving stage. We welcomed the opportunity to have the workshop and from the feedback we received it was seen as very helpful.
- (ii) In terms of expectations, it helped us to clarify what a Remuneration Panel can and cannot do – for example there is no longer a provision to award an attendance allowance, this has been replaced by the flat-rate Basic Allowance.
- (iii) Similarly, we were able to advise that the Government was in the process of a consultation exercise on closing access to the Local Government Pension Scheme for Councillors.
- (iv) And the workshop was also useful in talking through the benefits and drawbacks of a time-sheet exercise. We think it fair to say that there were mixed views among Councillors about its usefulness, but what has impressed us is that once, on balance, a decision was taken to proceed then a positive response ensued.

2.3 Time-Sheet Exercise: May and June 2013

- (i) From the discussion at the workshop we all approached this exercise with “eyes wide-open”. We knew it could never be a scientifically objective exercise but that it could subjectively provide some very useful information, not just in our consideration of Basic and Special Responsibility Allowances, but also to start developing an information bank for subsequent reviews.
- (ii) We are very grateful to the 24 Councillors who, in the midst of all the other demands on their time, completed time-sheets.

2.4 Evidence Giving Session: 9th July 2013

- (i) At our all-day session we took evidence from Councillors Frances Cartwright, Linda Neal, Jacky Smith, Mike Taylor and Bruce Wells. At our request, we also heard from your Chief Executive.
- (ii) Again, we are very grateful for these submissions which helped to develop the information we had already gathered from the time-sheets.

3. Findings

3.1 Legislation provides that Local Authorities' Schemes of Allowances:

- Must make provision for a Basic Allowance, payable to all Members
- May make provision for Special Responsibility Allowances
- May include provision for payment of travel and subsistence expenses
- May include provision for Co-optee Allowances
- May provide for the eligibility of Councillors for pensions under the Local Government Pension Scheme

3.2 Basic Allowance

- (i) We received no evidence for change. As one submission put it “It is probably about right in the context of other Authorities in the area.”
- (ii) It was also recognised that in these straitened economic times, when most people are having to tighten their money belts, now is not the right time for increasing the Basic Allowance.
- (iii) It was noted that, whilst very modest, the allowance is index-linked to Local Authority pay awards.

3.3 Special Responsibility Allowances

- (i) These are, as the name makes clear, responsibility allowances intended to reflect the degree of responsibility rather than demands on Member attendance.
- (ii) Whilst not universally the case, your Council has previously made a link between Special Responsibility Allowance payments and the Basic Allowance.
- (iii) We wish to retain this link and, in the light of the evidence given to us, would want to make a few adjustments for Committee

Chairmanships. These we show in the table below and explain in the subsequent paragraphs.

Committee	Current % of Basic	Proposed % of Basic	New Amount
Development Control	75%	90%	£3,942
Policy Development	66.6%	66.6%	£2,919
Scrutiny	66.6%	66.6%	£2,919
Licensing	50%	55%	£2,409
Governance and Audit	75%	66.6%	£2,919
Constitution	66.6%	45%	£1,971

- (iv) From the evidence we received there is no doubt that the obligations around the Chairmanship of the Development Control Committee have increased. We believe an increase in allowance is warranted.
- (v) We believe that, in terms of portfolio demands for the Policy Development and the Scrutiny Committees, the allowances continue to be pitched at the right level.
- (vi) With regard to the Licensing Committee, we believe the allowance should be slightly increased and be based on 55% of the Basic Allowance.
- (vii) With regard to the Governance and Audit Committee, we believe the responsibility levels are compatible with the Policy Development and Scrutiny Committees and therefore the allowance should also be 66.6% of the Basic Allowance.
- (viii) We understand that the Constitution Committee only meets on an if and when basis and we, therefore, believe that making this 45% of the Basic Allowance would be more appropriate.

- (ix) We believe that the SRA's to Vice-Chairmen should be retained and that these should be kept at the level of one third of the SRA for their respective Chairman. As well as providing cover in the absence of their Chairman there is also the important issue here of succession planning.
- (x) A number of contributors referred to the high personal workload of the Leader. Similarly, the roles of the Deputy Leader and Cabinet Members are very demanding. Those who gave evidence to us were very mindful, however, of the prevailing economic climate and none put forward reasons for change. We, therefore, believe that their allowances should remain as at present ie: the Leader: 3.25xBasic Allowance; the Deputy Leader: 2.25 x Basic Allowance; and Cabinet Members: 2 x Basic Allowance.
- (xi) In like manner, the allowance paid on a pro-rata basis to the Opposition as 75% of Basic Allowance should be retained.

3.4 Carers' Allowances

The Panel heard no reasons to recommend any changes in the Child Care and Carers' Allowance Scheme.

3.5 Travel and Subsistence Expenses

Whilst acknowledging the amount of travel required by Councillors representing rural wards, the Panel heard no reason to recommend any change in the current arrangements for reimbursing travel and subsistence expenses. However, in the same way as Allowances are linked to Officers' pay, we believe that Travel and Subsistence Expenses should also be linked to any variations in payments to Officers.

3.6 Provisions for Co-optees' Allowances

We received no evidence here.

3.7 Eligibility to Local Government Pension Scheme

Given that the Government is consulting on closing access to the scheme for Elected Members we received no evidence on this matter.

4. Budget Implications

4.1 Budget considerations have inevitably been a strand running through the evidence we received in the course of our review.

4.2 We are therefore pleased to be able to advise that our recommendations, if adopted, would provide a saving of £588. This comes about as follows:

5.

Position	Increase in SRA	Decrease in SRA
Chairman, Development Control	£657	
Vice-Chairman, Development Control	£219	
Chairman, Licensing Committee	£216	
Vice-Chairman, Licensing Committee	£72	
	+£1,164	
Chairman, Governance and Audit Committee		£366
Vice-Chairman, Governance and Audit Committee		£122
Chairman, Constitution Committee		£948
Vice-Chairman, Constitution Committee		£316
		-£1,752
Overall Changes		-£588

Summary of Recommendations

- 5.1 That the Basic Allowance remains unaltered.
- 5.2 That the Special Responsibility Allowances for the Leader, Deputy Leader, Cabinet Members and the pro-rata provision for the Opposition remain unaltered.
- 5.3 That the Special Responsibility Allowance for Policy Development Group Chairman and Scrutiny Chairman remain unaltered.
- 5.4 That the Special Responsibility Allowances for the Development Control Committee Chairman and the Licensing Committee Chairman increase to 90% and 55% of the Basic Allowance respectively.
- 5.5 That the Special Responsibility Allowances for the Governance and Audit Committee Chairman and the Constitution Committee Chairman reduce to 66.6% and 45% of the Basic Allowance respectively.
- 5.6 That Committee Vice-Chairmen should continue to receive a Special Responsibility Allowance at the rate of one third of their respective Chairmen.
- 5.7 That no changes be made to the Travel and Subsistence Expenses Scheme of the Childcare and Carers' Allowance Scheme, apart from the fact that Travel and Subsistence Expenses be linked to any variations awarded to the Officers' Scheme.

John Cade,
Chairman, Welland Partnership Members Remuneration Panel
August 2013



PART 6
MEMBERS ALLOWANCE SCHEME

MEMBERS ALLOWANCE SCHEME

2013/14

BASIC ALLOWANCE £4,425 per annum
Payable to every Councillor

SPECIAL RESPONSIBILITY ALLOWANCES

Leader of the Council	£14,367 per annum
Deputy Leader of the Council	£9,948 per annum
Cabinet Member	£8,844 per annum
Development Control Committee Chairman	£3,318 per annum
Development Control Committee Vice-Chairman	£1,107 per annum
Licensing Committee Chairman	£2,217 per annum
Licensing Committee Vice-Chairman	£741 per annum
Policy Development Group Chairman	£2,949 per annum
Policy Development Group Vice-Chairman	£987 per annum
Scrutiny Committee Chairman	£2,949 per annum
Scrutiny Committee Vice-Chairman	£987 per annum
Opposition	£3,318 per annum
Constitution Committee Chairman	£2,949 per annum
Constitution Committee Vice-Chairman	£987 per annum
Governance & Audit Committee Chairman	£3,318 per annum
Governance & Audit Committee Vice-Chairman	£1,107 per annum

Any member entitled otherwise to more than one special responsibility allowance shall only be entitled to take one such allowance that being the highest.

Childcare and carers allowance: An allowance for child care and carers at £5.89 per hour is payable, subject to a ceiling of £1,110 per annum per Councillor, payable for approved duties.

Travelling Expenses (elected members and non-elected co-opted members)

45[^] pence per mile irrespective of the cc of the car.

Travelling expenses are payable for the following:

1. Full Council meetings
2. Cabinet, Committee or sub Committee meetings of which a member or has been invited to attend such meeting. If not a member of the committee or not invited to attend such a meeting **no** travel expenses are payable.
3. Outside bodies to which the Council makes nominations/appointments (but not representation on school governing bodies) and has been 'sent' as a nominee of the Council.
4. Meetings in effect 'set-up' by the Council, such as working groups provided membership includes **more than** one political group or group leaders meetings.
5. Meetings of the various tiers of the Local Government Association.
6. Planning site visits as a rostered member of the Development Control Committee, not as a local representative pursuing constituency interests.
7. Seminars, conferences and similar informal meetings at the behest of Committees.
8. Other meetings 'for the Council' such as staff appointments, training seminars and meetings with officers in connection with a member's portfolio (not normal constituency business).
9. Duties, which are undertaken in connection with being a Cabinet Portfolio holder, Chairman/Vice Chairman of a PDG, Chairman/Vice Chairman of Regulatory Committees such as briefing meetings, visits & opening tenders.

Subsistence Expenses

Reimbursement of **actual costs incurred to a maximum of;**

Breakfast Allowance

An absence of at least 4 hours before 11am - £6.80

Lunch Allowance

An absence of at least 4 hours including the whole of noon to 2pm -£9.60

Tea Allowance

An absence of at least 4 hours including the whole of the period 3pm – 6pm -£3.70

Evening Meal Allowance

An absence of at least 4 hours ending after 7pm -£11.70

Overnight Absence

In the case of an absence overnight from the usual place of residence – full cost of reasonable & necessary expenses.

Additional Guidance for Subsistence Entitlement:

1. Entitlement for Subsistence applies the same as travelling expenses when claiming for duties outside the District.
2. Entitlement for Subsistence when attending the main Council Offices or within the district should only be when attending **two separate** meetings (as defined at travelling expenses numbers 1 to 8). Note number 9 duties undertaken in connection with being Cabinet portfolio holder or chairman/vice chairman of a PDG such as briefing meetings etc **do not** count for the purposes of entitlement to subsistence.
3. In the case of an absence overnight from the usual place of residence full cost of reasonable and necessary expenses are payable. With regard to meals claimed reference will be made to the normal allowances, taking account of any unavoidable captive charges. The Head of Finance Services will make a decision on any dispute on 'reasonable and necessary' expenses.
4. Where a member's existing private domestic broadband connection is used for access to South Kesteven District Council systems, an allowance will be paid to that member. The level of reimbursement will be the actual amount paid by the member for his or her broadband connectivity up to a maximum of £21.99 per month. Members will need to submit a copy of a recent bill from their service provider indicating the monthly connectivity charge in order to claim the reimbursement.^{01/10}

REPORT TO COUNCIL

REPORT OF: Chief Executive

REPORT NO: LDS116

DATE: 23 January 2014

TITLE:	Arrangements for the membership of committees and policy development groups	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	Decision of Council	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Not applicable	
CONTACT OFFICER:	Lucy Youles, Head of Legal and Democratic Services Telephone: 01476 40 61 05 E-mail: l.youles@southkesteven.gov.uk	
INITIAL IMPACT ANALYSIS:	Carried out and Referred to in paragraph (7) below	Full impact analysis Required:
Equality and Diversity		
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	Local Government and Housing Act 1989 http://www.legislation.gov.uk/ukpga/1989/42/part/II/crossheading/political-balance-on-committees-etc Local Government (Committees and Political Groups) Regulations 1990 http://www.legislation.gov.uk/uksi/1990/1553/contents/made	

1. RECOMMENDATIONS

- 1.1 That the Council approves the alternative arrangement of holding the vacancy following the resignation of Councillor Debbie Wren until the vacancy has been filled with no Member voting against this arrangement. In the event that the alternative arrangement cannot be agreed then;
- 1.2 The Council approves the following adjustments to the membership of the Council's Committees pending a by-election to fill the vacancy:
 - Appointment of one Conservative Member to the Development Control Committee

- Removal of one Conservative Member from **EITHER** the Communities Policy Development Group **OR** the Resources Policy Development Group
- Appointment of one member of the group of Independents to the Communities Policy Development Group or the Resources Policy Development Group (whichever has the vacancy)
- Removal of one member from the Group of Independents from the Engagement Policy Development Group
- Appointment of one member of the Labour Group to the Engagement Policy Development Group
- Removal of one Conservative Member from the Governance and Audit Committee
- Appointment of one member of the group of Independents to the Governance and Audit Committee

2. PURPOSE OF THE REPORT

- 2.1 This report sets out the requirements for political balance and alternative arrangements arising from the provisions of the Local Government and Housing Act 1989 in the event of the vacancy following the resignation of Councillor Debbie Wren.

3. DETAILS OF REPORT

- 3.1 In January 2014, Councillor Debbie Wren notified the Proper Officer that she was resigning her role as Councillor for Aveland Ward, creating a vacancy on South Kesteven District Council.
- 3.2 If the rules of political balance were to be applied, the arrangements set out in paragraph 3.3 to 3.8 below would have to be put in place. This arrangement would remain in place until the election of another Councillor had taken place. Although the date of the by-election is not known at the date of writing this report, an election must be held within 35 days of receipt of the request for an election by two of the local electorate. Following such an election and appointment of a new Councillor, regardless of outcome, the provision for political balance would have to be considered again and new appointments to Committees and Policy Development Groups put in place. Members may consider that making the changes detailed in this report to be inefficient and of little effect pending the election of a new member and the subsequent changes required at that time. In these circumstances, s.17 of the Local Government and Housing Act 1989 permits the Council to make alternative arrangements. Such alternative arrangements could be to hold the vacancy pending the election of a new councillor. This would mean that no appointment is made to the Development Control Committee and no change is made to the Governance and Audit Committee and the Policy Development Groups. Such an arrangement would require that no Member present at the meeting of Council votes against this alternative arrangement. If such a vote is not achieved then the requirements of clause 3.3 and 3.8 below would apply.
- 3.3 Section 15 of the Local Government and Housing Act 1989 and the Local Government (Committees and Political Groups) Regulations 1990 introduced statutory requirements that, where a relevant authority has a membership

divided into different political groups, it must ensure that appointments reflect the overall proportion as that in which the council as a whole is divided. Those appointments to which the rules of political balance apply are:

- Ordinary committees or subcommittees of the authority
- Advisory committees and any subcommittees appointed by an advisory committee
- Specified prescribed bodies where at least three seats have to be filled by the relevant authority.

3.4 The legislation also requires that in appointing members on a politically proportional basis, it should, as far as possible conform with the following principles:

- (a) That not all seats are appointed to the same political group
- (b) That a political group with an overall council majority gets a majority of seats allocated
- (c) Subject to (a) and (b) that the total number of seats each political group has on all ordinary committees is in proportion to that group's share of the total council elected membership
- (d) Subject to (a) and (c) that each political group has the same proportion of seats as it holds on the council as a whole

3.5 Councillor Wren's resignation has caused the political balance of the Council's committees and policy development groups to be recalculated (see appendix 1). A number of adjustments are required to ensure the ongoing political balance of the Council as follows.

3.6 Development Control Committee

3.6.1 No change in political balance however the Conservative Group needs to nominate one Councillor to fill the vacancy created by Councillor Wren

3.7 Policy Development Groups (PDGs)

3.7.1 Adjustments are required to two policy development groups. The Conservative Group will lose a seat in favour of the Labour Group however it is not possible to do a direct substitution (see paragraph 3.3 (a) to (d)).

3.7.2 Currently the Labour Group has one seat on the Communities PDG and Resources PDG, so to maintain political balance across the PDGs, the additional seat should be on the Engagement PDG.

3.7.3 The current membership of the policy development groups is detailed in the table below:

	Engagement	Communities	Resources
Conservative	4	5	5
Independent	3	1	1
Labour	0	1	1

- 3.7.4 If the Labour Group takes one seat from the Conservative Group on Engagement PDG, there would be no political balance. The Conservative Group, which holds the Council majority, would have less seats than the opposition groups.
- 3.7.5 This means that the membership of EITHER the Communities PDG OR the Resources PDG, and the Engagement PDG needs adjusting to 4 Conservatives, 2 Independents and 1 Labour Councillor.
- 3.7.6 To enable the adjustments, this means that the Conservative group will lose a seat on either the Resources or Communities PDG. This seat will be taken by a member of the group of Independents.
- 3.7.7 The group of Independents will lose one seat on the Engagement PDG, which will be filled by the Labour group.

3.8 Governance and Audit

- 3.8.1 Changes to the political balance mean that the Conservative Group will lose a seat to the group of Independents. This means the Committee's membership will consist of four Conservatives, two Independents and one Labour member.

4. OTHER OPTIONS CONSIDERED

- 4.1 The Council must comply with the provisions of the Local Government and Housing Act 1989 and either apply the principles of political balance to those committees noted in paragraph 3.3 to 3.8 or vote for alternative arrangements. Alternative arrangements would permit the Council to operate with the same committee memberships as present until the outcome of the by-election is known.

5. RESOURCE IMPLICATIONS

- 5.1 This report has no resource implications.

6. RISK AND MITIGATION

- 6.1 No significant risks were identified in preparation of this report.

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

- 7.1 An equality analysis is not applicable.

8. CRIME AND DISORDER IMPLICATIONS

- 8.1 No crime and disorder implications arise as a result of this report.

9. COMMENTS OF FINANCIAL SERVICES

- 9.1 There are no financial comments arising from this report.

10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES

- 10.1 In making appointments to its committees and subcommittees the Council is required to comply with the Local Government and Housing Act 1989 (LGHA) and the Local Government (Committees and Political Groups) Regulations 1990. This sets out requirements relating to political balance and the application of this principle to prescribed categories of meeting and makes provision for alternative arrangements at s.17. The requirement of s.17 of the LGHA is that no member of the authority votes against the alternative arrangements. This means that abstentions would not defeat the vote.
- 10.2 If no alternative arrangements can be agreed the changes to address political balance will need to be put in place. These will have to be recalculated following the by-election to fill the vacancy in Aveland Ward, following which a further report will be brought to full Council to put in place the arrangements required to effect political balance .

11. COMMENTS OF OTHER RELEVANT SERVICES

- 11.1 Not applicable

12. APPENDICES:

- Appendix 1: Political balance calculations

Appendix 1

Allocation to decision-making Committees ensuring balance on each Committee

Party	Seats	%	DC Prop	DC Rounded	Lic Prop	Lic Rounded	Const'n Cttee	Const'n Cttee rounded	Gov & A	Gov&A rounded	Scrutiny	Scrutiny Rounded
Conservative	37	63.79%	10.84483	11	7.017241	7	3.189655	3	4.465517	4	7.017241	7
Independents	13	22.41%	3.810345	4	2.465517	3	1.12069	1	1.568966	2	2.465517	3
Labour	7	12.07%	2.051724	2	1.327586	1	0.603448	1	0.844828	1	1.327586	1
Vacancy	1											
Total	58			17		11		5		7		11

Allocation to Policy Development Groups

Total seats available 21

Party	Seats	%	Seats prop	Seats Rounded	PDG 1	PDG 2	PDG 3
Conservative	37	63.79%	13.3966	13	4	4	5
Independents	13	22.41%	4.7069	5	2	2	1
Labour	7	12.07%	2.5345	3	1	1	1
Vacancy	1						
Total	58		0	21	7	7	7

Chief Exec Panels

Party	Seats	%	Seats prop	Seats rounded
Conservative	37	63.79%	1.9138	2
Independents	13	22.41%	0.6724	1
Labour	7	12.07%	0.3621	0
Vacancy	1			
Total	58			3

REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –
COUNCILLOR RAY WOOTTEN**

REPORT NO: LDS117

DATE: 23rd January 2014

TITLE:	Recommendations from the Constitution Committee - 16th December 2014	
KEY DECISION OR POLICY FRAMEWORK PROPOSAL:	n/a	
PORTFOLIO HOLDER: NAME AND DESIGNATION:	Councillor Paul Carpenter – Portfolio Holder for Governance and Communication	
CONTACT OFFICER:	Lucy Youles – Head of Legal and Democratic Services (Monitoring Officer) E-mail: l.youles@southkesteven.gov Telephone: 01476 406105	
INITIAL IMPACT ASSESSMENT:	Carried out and appended to the report: n/a	Full impact assessment Required: n/a
Equality and Diversity		
FREEDOM OF INFORMATION ACT:	This report is publicly available via the Your Council and Democracy link on the Council's website: www.southkesteven.gov.uk	
BACKGROUND PAPERS	The Council's Constitution http://www.southkesteven.gov.uk/index.aspx?articleid=1974 Reports to Constitution Committee – 16 th December 2013	

1. RECOMMENDATIONS

It is recommended that Council approve the recommendations made by the
Constitution Committee at its meeting on the 16th December 2013 as follows:

1.1 Authorisation of PCSO's to issue fixed penalty notices

**That the Scheme of Delegation to officers at page 102 of the Constitution
is amended to include the authorisation to delegate to Police Community
Support Officers (PCSOs) to serve fixed penalty notices.**

1.2 Members' Remuneration

That the Council approves the following recommendations subject to a suitable appeals process being put in place in respect of claims which are refused and the agreement of the Government and Audit Committee to the recommendations.

- 1) At page 293 paragraph 4 of the Constitution add the words – Co-habiting members shall only be entitled to make one claim per household for broadband allowance.**
- 2) At page 292 – Travel Expenses add the words – Members claiming mileage for motor vehicle use should provide a copy to the Council of the appropriate motor vehicle insurance specifying business use on appointment as a Councillor and thereafter at the time of renewal of that policy.**
- 3) At page 292 – add a new paragraph - In the event that any claim for expenses made in accordance with the Members' Allowance Scheme is refused, a Member may appeal that refusal by making a request in writing stating reasons for the appeal to the Strategic Director – Corporate Focus for the claim to be reconsidered. The decision of the Strategic Director-Corporate Focus shall be final.**

1.3 Public Speaking at Development Control Committee

At page 141 para 24.7 (1) of the Constitution the period of notice required to request the right to speak at Development Control Committee be amended from “24hours” to “3 working days”

2. PURPOSE OF THE REPORT

The purpose of this report is to detail the recommendations made by the Constitution Committee at its meeting on the 16th December 2014 to Council for approval. The reports made to the Constitution Committee and minutes of the Constitution Committee meeting of the 16th December are attached to this report at the Appendix for information.

3. DETAILS OF REPORT

- 3.1** The details of the recommendations and the reasons for the recommendation are given in the minutes of the Constitution Committee meeting attached to this report and the reports made to that meeting.
- 3.2** The Scheme of Delegation to Officers currently authorises the Operations Director (formerly the Head of Environmental Services) and those officers authorised by him to issue fixed penalty notices in respect of offences relating to various specified offences. The Police have requested authority for PCSO's to issue such notices on behalf of the District Council. The proposed amendment to the Scheme of Delegation is required to authorise the Operations Director to authorise officers other than District Council officers to issue fixed penalty notices.

3.3 A recent internal audit of the Members’ Remuneration Scheme made several recommendations which required amendment to the Scheme as detailed in the Constitution. The amendments required by the audit relate to clarification of payment to co-habiting members for broadband allowance to ensure two payments are not made for one broadband connection. When using private motor vehicles for Council business it is a requirement for Members to insure that private vehicle for business use. The audit recommends that Members claiming travel allowance for private vehicle use should provide a copy of their motor vehicle insurance policy to the Council as proof of appropriate insurance cover. It is proposed that this proposal is introduced following appointment as a Councillor following the District Council elections in 2015.

3.4 When considering amendments to the Members Remuneration Scheme, Members of the Constitution Committee were concerned that the Scheme did not provide a formal process of appeal against a decision by officers to refuse a claim for broadband or travel expenses. Members confirmed they could agree the proposed amendments subject to an appropriate appeal process being introduced.

3.5 Members also considered a proposal for a new format for amalgamation of the Constitution Articles and the procedures relevant for all meetings. It is proposed that recommendations relating to this formatting will be considered by Council when the formatting for the whole Constitution has been completed. An example was given which related to Development Control Committee. A further amendment was proposed and accepted that the period of notice to be given by members of the public to speak at Development Control Committee be changed from 24 hours to 3 working days to take account of Bank Holidays.

4. OTHER OPTIONS CONSIDERED

No other options are proposed.

5. RESOURCE IMPLICATIONS

There are no resource implications relating to the recommendation.

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
No high risks were identified	

7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT

No assessment is required in respect of this report.

9. CRIME AND DISORDER IMPLICATIONS

No crime and disorder implications arise as a result of this report

10. COMMENTS OF FINANCE SECTION

There are no financial implications resulting from this report.

11. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES

The proposed amendments are required to ensure the Council is able to carry out its functions and the content of the Constitution is relevant and up to date.

12. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS

None relevant

13. APPENDIX

Minutes of Constitution Committee meeting –16th December 2013

MINUTES

CONSTITUTION COMMITTEE
MONDAY, 16 DECEMBER 2013



COMMITTEE MEMBERS PRESENT

Councillor Vic Kerr
Councillor Alan Parkin (Vice-Chairman)
Councillor Rob Shorrock
Councillor Mrs Jean Taylor
Councillor Raymond Wootten (Chairman)

OFFICERS

Head of Legal and Democratic Services (Lucy Youles)
Service Manager Environmental Health (David Price)
Democratic Officer (Lucy Bonshor)

35. MEMBERSHIP

The Committee was notified that Councillor Mrs Jean Taylor was substituting for Councillor Auger for this meeting only.

36. DISCLOSURE OF INTERESTS

None disclosed.

37. MINUTES OF THE MEETING HELD ON 23RD SEPTEMBER 2013

The recommendations made at the meeting on 23rd September were agreed as a correct record.

38. AMENDMENTS TO THE CONSTITUTION

Authorisation of PCSO's to issue fixed penalty notices

Recommendation

That the Constitution Committee recommends to Council that the Scheme of Delegation to officers is amended to include the delegation to Police Community Support Officers (PCSOs) to serve fixed penalty notices.

Your council working for you

Members had before them report ENV595 from the Service Manager Environmental Health which concerned a request on behalf of the Chief Constable asking if Police Community Support Officers (PCSOs) could be authorised by the Council to carry out various fixed penalty enforcement:

- Power to issue fixed penalty notices for littering
- Power to issue fixed penalty notices in respect of offences under dog control orders
- Power to issue fixed penalty notices for dog fouling and
- Power to issue fixed penalty notices for graffiti and fly-posting

The request would mean an amendment to the Scheme of Delegation to include PCSOs. The Service Manager then briefly gave some back ground information about officer training for both Environmental Health Officers and Housing Officers. The delegation to the PCSO's would supplement the delegations already in place and help act as a deterrent to littering and dog fouling. The delegation would help to mitigate any challenge that the Council may get to the issue of fix penalty notices by PCSO's.

One Member stated that a lot of dog fouling occurred after dark and it was confirmed that PCSO's were on duty until 10pm at night. A question was asked about the use of CCTV and the Head of Legal and Democratic Services replied that although CCTV could detect offences a name and address had to be identified.

Another Member then asked for clarity about the role of PCSO's with regard to fixed penalty notices to which the Head of Legal and Democratic Services confirmed that PCSO's would act as "agents" on behalf of the Council. It was, therefore, appropriate that, where the power existed for PCSO's to carry out a function, the authority to act on behalf of the Council was formally delegated. Further questions were asked about the dog warden and also the number of fixed penalty notices issued to which the Service Manager Environmental Health confirmed that the dog warden was contracted to deal with stray dogs and that 4 notices had been issued in respect of dog fouling in the past year.

It was then proposed, seconded and agreed that the addition of PCSO's to the Scheme of Delegation be recommended to Council.

Members' Remuneration

Recommendation;

That the Constitution Committee approves, in principle, the following recommendations subject to a suitable appeals process being put in place in respect of claims that have been refused and the agreement of the Government and Audit Committee to the recommendations.

- 1) *At page 293 paragraph 4 of the Constitution add the words – Co-habiting members shall only be entitled to make one claim per household for broadband allowance.*
- 2) *At page 292 – Travel Expenses add the words – Members claiming mileage for motor vehicle use should provide a copy to the Council of the appropriate motor vehicle insurance specifying business use on appointment as a Councillor and thereafter at the time of renewal of that policy.*

Members had before them report LDS114 which concerned recommendations to the Constitution in respect of Members' Allowance Scheme following an internal audit of Members' allowances and expenses.

The Head of Legal and Democratic Services said that due to the timescales of the meetings it had been brought to the Constitution Committee before Governance and Audit Committee in order that if they wished they could give an in principal decision subject to any decision made by the Governance and Audit Committee which would be forwarded to Council at its meeting on 23rd January 2014.

The recommendations had been made to mitigate risk and improve controls. Members should have appropriate vehicle insurance for business purposes and one of the recommendations was that the Constitution should include a requirement in the Members Allowance Scheme that a copy of that insurance should be provided to the Council each year.

The other recommendation related to broadband allowance for co-habiting Members, only one claim could be made per household. A discussion then followed about what was meant by co-habiting and whether or not there was any appeal process for either of the recommendations. The Head of Legal and Democratic Services confirmed that there was no formal appeals process for either of the recommendations and it was proposed that this be included within the recommendation. On being put to the vote it was proposed, seconded and agreed that the Constitution Committee agreed in principle with the recommendations subject to the inclusion of a suitable appeals process and the agreement of the Governance and Audit Committee.

39. CONSTITUTION REVIEW

Members had been circulated with a draft of Article 4 which incorporated all elements concerning Council meetings. The Committee was asked if they were happy with the formatting and the proposals to continue in this format for the regulatory committees, all other Committees, Cabinet and the PDG's.

A comment was made about amendments to the clauses written and reference was made to the 24 hours required for Public Speaking at Development Control Committees, it was suggested that this should be amended to three working

days to take account of bank holidays.

Further comments were then made about other clauses (specifically viii currently on page 120 of the Constitution and the inclusion of questions to Members of the Cabinet/Leader at Ordinary Council meetings) the Member proposed that clause viii be reviewed however it did not receive a seconder. The Member asked how clauses within the constitution could be reviewed and discussed by the Committee. The Head of Legal and Democratic Services advised the Committee that the second issue that he had raised was currently being looked at by a Working Group of the Engagement PDG. A short discussion followed and it was suggested that the Member forward to the Head of Legal and Democratic Services those clauses that he felt required review and these would be considered for discussion by the Committee at their next meeting.

The Chairman then asked the Committee if they were happy with the formatting that had been done to date in order that it could be progressed to which the Committee agreed.

40. CLOSE OF MEETING

The meeting closed at 11.08am.