

# AGENDA



For a meeting of the
<b>COUNCIL</b>
to be held on
<b>THURSDAY, 20 APRIL 2017</b>
at
<b>2.00 PM</b>
in the
<b>COUNCIL CHAMBER - COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM. NG31 6PZ</b>
<b>Beverly Agass, Chief Executive</b>

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. STATEMENT BY COUNCILLOR BOB ADAMS**

**2. ELECTION OF THE CHAIRMAN OF THE DISTRICT COUNCIL**

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

**3. VOTE OF THANKS TO THE RETIRING CHAIRMAN**

**4. APPOINTMENT OF VICE-CHAIRMAN OF THE DISTRICT COUNCIL**

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

**5. APOLOGIES FOR ABSENCE**

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**6. DISCLOSURE OF INTERESTS**

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

**7. MINUTES OF THE MEETING HELD ON 2 MARCH 2017**

**(Enclosure)**

**8. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)**

**(Enclosure)**

**9. APPOINTMENT OF LEADER OF THE COUNCIL**

**10. ANNOUNCEMENT ON THE SIZE AND MEMBERSHIP OF THE EXECUTIVE AND THE ALLOCATION OF PORTFOLIOS**

**11. RECOMMENDATIONS FROM CONSTITUTION COMMITTEE AND OTHER PROPOSED CONSTITUTION CHANGES**

**(1) Recommendations from the Constitution Committee**

Report number LDS213 of the Chairman of the Constitution Committee.

**(Enclosure)**

**(2) Overview and Scrutiny Proposals**

Report Cabinet 1 of Councillor Matthew Lee

**(To follow)**

**12. APPOINTMENTS TO COMMITTEES INCLUDING THE APPOINTMENT OF THEIR CHAIRMEN AND VICE-CHAIRMEN**

Report number LDS209 of the Chief Executive.

**(Enclosure)**

**13. TIMETABLE OF COUNCIL AND COMMITTEE MEETINGS**

To approve a programme of ordinary meetings of the Council and note the timetable for its committees for the municipal year – report number LDS208 of the Chief Executive.

**(Enclosure)**

**14. APPOINTMENT OF REPRESENTATIVES TO OUTSIDE BODIES**

To consider nominations to represent the district council on outside bodies – report number LDS207 of the Chief Executive.

**(Enclosure)**

**15. AMENDMENT TO CAR PARKING ORDER**

Report number LDS211

**(Enclosure)**

**16. GOVERNANCE AND AUDIT ANNUAL REPORT AND WORK PLAN**

Report number GAC009 of the Chairman of the Governance and Audit Committee.

**(Enclosure)**

**17. MEMBERS' OPEN QUESTIONS**

A 45-minute period in which members may ask questions of the Leader, Executive Members, the Chairmen and Vice-Chairmen of the Policy Development Groups and opposition group leaders excluding the Chairman and Vice-Chairman of the Development Control Committee, Licensing and Alcohol, Entertainment and Late Night Refreshment Licensing Committees and Governance and Audit Committee.

**18. QUESTIONS WITHOUT DISCUSSION**

To note the list of questions asked under article 8.4.3 of the Council's Constitution as circulated at the start of the meeting and their reference to the relevant Policy Development Group (subject to decision made at agenda item 11).

**19. NOTICES OF MOTION GIVEN UNDER ARTICLE 4.9:**

1. From Councillor Phil Dilks

This Council resolves to amend its current policy which allows the purchase for investment purposes in property situated outside of South Kesteven and further resolves that only property within South Kesteven shall be considered for purchase for investment purposes.

# MINUTES

COUNCIL

THURSDAY, 2 MARCH 2017

2.00 PM



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## PRESENT

Councillor Mrs Judy Smith Chairman

Councillor Bob Adams  
Councillor Duncan Ashwell  
Councillor Ashley Baxter  
Councillor Mrs Pam Bosworth  
Councillor Robert Broughton  
Councillor Teri Bryant  
Councillor Mrs Frances Cartwright  
Councillor George Chivers  
Councillor Michael Cook  
Councillor Kelham Cooke  
Councillor Lynda Coutts  
Councillor Nick Craft  
Councillor Felicity Cunningham  
Councillor Phil Dilks  
Councillor Barry Dobson  
Councillor Damian Evans  
Councillor Mike Exton  
Councillor Helen Goral  
Councillor Breda Griffin  
Councillor Graham Jeal  
Councillor Michael King  
Councillor Matthew Lee  
Councillor David Mapp  
Councillor Charmaine Morgan

Councillor Nick Neilson  
Councillor Helen Powell  
Councillor Robert Reid  
Councillor Nick Robins  
Councillor Bob Russell  
Councillor Bob Sampson  
Councillor Ian Selby  
Councillor Jacky Smith  
Councillor Peter Stephens  
Councillor Adam Stokes  
Councillor Ian Stokes  
Councillor Mrs Sarah Stokes  
Councillor Brian Sumner  
Councillor Mrs Brenda Sumner  
Councillor Frank Turner  
Councillor Dean Ward  
Councillor Mrs Andrea Webster  
Councillor Hannah Westropp  
Councillor Martin Wilkins  
Councillor Paul Wood  
Councillor Rosemary H Woolley  
Councillor Mrs Linda Wootten  
Councillor Ray Wootten

## OFFICERS

Chief Executive (Beverly Agass)  
Strategic Director (Daren Turner, Tracey Blackwell)  
Executive Manager, Corporate (Lucy Youles)

## OFFICERS

Corporate Finance Manager (Richard Wyles)  
Principal Democracy Officer (Jo Toomey)

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**78. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Benn, Forman, Mrs. Kaberry-Brown, Ms. Kingman, Manterfield, Dr. Moseley and Judy Stevens.

**79. DISCLOSURE OF INTERESTS**

No interests were disclosed.

**80. MINUTES OF THE MEETING HELD ON 19 JANUARY 2017**

The minutes of the meeting held on 19 January 2017 were proposed, seconded and agreed as a correct record.

**81. COMMUNICATIONS (INCLUDING CHAIRMAN'S ANNOUNCEMENTS)**

The Council noted the Chairman's engagements.

**82. DETERMINATION OF BUDGET 2017/18 (AND INDICATIVE FOR 2018/19 AND 2019/20) - GENERAL FUND, HOUSING REVENUE ACCOUNT AND ASSOCIATED CAPITAL PROGRAMMES**

Decision:

**Part A**

**In relation to the General Fund – Revenue**

- a. To set a General Fund budget requirement of £12.441M for 2017/18 shown at Appendix A to report number CFM409 (inclusive of special expenses) taking into consideration the savings and efficiencies shown at Appendix B to report number CFM409
- b. To approve a Council Tax increase of £4 (Band D equivalent) for 2017/18
- c. To note the indicative base estimates for 2018/19 and 2019/20 as detailed in the summary at Appendix A to report number CFM409.
- d. To approve the fees and charges as shown at Appendix C to report number CFM409
- e. To approve a pay award of 1% for 2017/18 based on the national award

**In relation to the General Fund – Capital**

- f. Approve the General Fund Capital programme for 2017/18 to 2021/22 detailed at page 1 of Appendix D to report number CFM409
- g. Approve the Capital Financing statement detailed at page 2 Appendix D to report number CFM409

**In relation to the General Fund – Reserves and Balances**

- h. To approve the use of reserves as detailed at Appendix E to report number CFM409

### Treasury Management Strategy and Prudential Indicators

- i. To approve the Treasury Management Strategy provided at Appendix F to report number CFM409

### In relation to the Housing Revenue Account – Revenue

- j. To approve dwelling rent decrease of 1% providing an average rent of £79.28 (an average rental decrease of 81p per week)
- k. To approve an increase in garage rents of 2%
- l. To approve an increase of 3.4% in service charges for communal facilities and community rooms
- m. To approve an increase in shared ownership rents by 2%
- n. To approve the Housing Revenue Account for the year 2017/18 and indicative years 2018/19 and 2019/20 shown at Appendix G to report number CFM409
- o. To approve a pay award of 1% for 2017/18 based on the national award

### In relation to the Housing Revenue Account – Capital

- p. Approve the indicative Housing Investment Programme for 2017/18 to 2021/22 detailed at page 1 of Appendix H to report number CFM409
- q. Approve the Capital Financing statement detailed at page 2 of Appendix H to report number CFM409

### In relation to the Housing Revenue Account – Reserves and Balances

- r. To approve the use of the reserves as detailed at Appendix I to report number CFM409.

### Pay Policy Statement

- s. To approve the pay policy statement shown at Appendix J to report number CFM409

### Part B

- 1) That the following amounts be calculated by the Council for the year 2017/18 in accordance with Sections 32 to 36 of the Local Government Finance Act 1992 (as amended)
  - a) £63,160,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (2) (a) to (e) of the Act (including special expense and parish precepts).
  - b) £50,104,000 being the aggregate of the amounts which the Council estimates for the items set out in Section 32 (3) (a) to (c) of the Act.
  - c) £13,056,000 being the amount by which the aggregate at a) above exceeds the aggregate at b) above, calculated by the Council, in accordance with Section 32(4) of the Act, as its budget requirement

for the year.

- d) £4,625,000 being the aggregate of the sums which the Council estimates will be payable for the year into its General Fund in respect of redistributed Non-Domestic Rates and Revenue Support Grant increased by the amount of the sum to be transferred from the Collection Fund to the General Fund
- e) £182.81 being the amount at c) above less the amount at d) above, all divided by the Council's tax base of 46,119.4 as recorded in minute 26 of the Executive meeting of 5 December 2016, in accordance with Section 33(1) of the Act, as the basic amount of its Council Tax for the year 2017/18.
- f) £2,173,306 being the aggregate amount of all special items referred to in Section 34(1) of the Act.
- g) £135.68 being the amount of e) above, less the result given by dividing the amount of f) above by the Council's tax base relating to special items as set on 5 December 2016, calculated by the Council in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item relates.
- h) Part of the Council's area being calculated by adding to the amount at (g) above the amounts of special items relating to dwellings in those parts of the Council's area, divided in each case by the individual tax bases as recorded in minute 33 in accordance with Section 34(3) of the Act, as the basic amounts of its Council Tax for the year for dwellings in those parts of its area to which special item relates.

<u>Parish</u>	<u>Adjusted Band D Equivalents</u>
	No.
Grantham combined	10655.95
Stamford combined	6893.98
Bourne Combined	5282.73
Allington	342.90
Ancaster	552.60
Aslackby	109.18
Barholm & Stowe	33.19
Barkston and Syston combined	243.74
Barrowby	706.11
Baston	580.12
Belton & Manthorpe	203.70
Billingborough	455.74
Bitchfield & Bassingthorpe	54.99
Boothby Pagnell	63.59

<b>Braceborough &amp; Wilsthorpe</b>	<b>139.44</b>
<b>Ropsley, Humby, Braceby, Sapperton combined</b>	<b>318.86</b>
<b>Burton Coggles</b>	<b>40.60</b>
<b>Careby</b>	<b>76.85</b>
<b>Carlby</b>	<b>203.91</b>
<b>Carlton Scroop and Normanton combined</b>	<b>124.64</b>
<b>Castle Bytham</b>	<b>293.28</b>
<b>Caythorpe &amp; Frieston</b>	<b>508.75</b>
<b>Claypole</b>	<b>508.72</b>
<b>Colsterwoth, Gunby &amp; Stainby, North Witham combined</b>	<b>745.20</b>
<b>Corby Glen &amp; Birkholme</b>	<b>398.12</b>
<b>Counthorpe &amp; Creeton</b>	<b>26.94</b>
<b>Deeping St James</b>	<b>2408.09</b>
<b>Denton</b>	<b>120.40</b>
<b>Dowsby</b>	<b>52.99</b>
<b>Dunsby</b>	<b>44.58</b>
<b>Stoke Rochford and Easton combined</b>	<b>84.92</b>
<b>Edenham</b>	<b>113.36</b>
<b>Fenton</b>	<b>59.37</b>
<b>Folkingham</b>	<b>268.73</b>
<b>Foston</b>	<b>218.99</b>
<b>Fulbeck</b>	<b>217.04</b>
<b>Greatford</b>	<b>126.70</b>
<b>Great Gonerby</b>	<b>719.40</b>
<b>Great Ponton</b>	<b>125.31</b>
<b>Haconby &amp; Stainfield</b>	<b>184.18</b>
<b>Harlaxton</b>	<b>336.76</b>
<b>Heydour</b>	<b>151.28</b>
<b>Honington</b>	<b>66.46</b>
<b>Horbling</b>	<b>157.93</b>
<b>Hougham</b>	<b>77.72</b>
<b>Hough-on-the-Hill</b>	<b>166.15</b>
<b>Ingoldsby</b>	<b>114.01</b>
<b>Irnham</b>	<b>110.45</b>
<b>Kirkby Underwood</b>	<b>80.31</b>
<b>Langtoft</b>	<b>750.41</b>
<b>Lenton, Keisby &amp; Osgodby</b>	<b>65.43</b>
<b>Little Bytham</b>	<b>109.78</b>
<b>Little Ponton &amp; Stroxton</b>	<b>67.46</b>
<b>Londonthorpe &amp; Harrowby without combined</b>	<b>1682.23</b>
<b>Long Bennington</b>	<b>927.21</b>
<b>Market Deeping</b>	<b>2149.21</b>

Marston	153.21
Morton & Hanthorpe	821.00
Old Somerby	90.15
Pickworth	74.02
Pointon & Sempringham	189.06
Rippingale	339.30
Sedgebrook	142.41
Skillington	134.24
South Witham	461.92
Stubton	73.05
Swayfield	144.58
Swinstead	81.22
Tallington	247.47
Thurlby	794.73
Toft Lound & Manthorpe	139.85
Uffington	314.74
Welby	81.38
Westborough & Dry Doddington	146.23
West Deeping	116.23
Witham-on-the-Hill	98.39
Woolsthorpe	136.76
Wyville cum Hungerton	18.77

- i) The amounts on the attached schedule (Appendix A to Part B, report number CFM409), being the amounts given by multiplying the amounts at g) above and h) above by the number which, in the proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in valuation Band 'D', calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.
- j) That it be noted that for the year 2017/18, Lincolnshire County Council has stated the following amounts as a precept issued to the Council in accordance with Section 40 of the Local Government Finance Act, 1992, for each of the categories of dwellings shown below:-

**Valuation Band**

A £	B £	C £	D £	E £	F £	G £	H £
782.28	912.66	1043.04	1173.42	1434.18	1694.94	1955.70	2346.84

- k) That it be noted that for the year 2017/18, Police and Crime Commissioner has stated the following amounts as a precept

issued to the Council in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:-

**Valuation Band**

<b>A</b> <b>£</b>	<b>B</b> <b>£</b>	<b>C</b> <b>£</b>	<b>D</b> <b>£</b>	<b>E</b> <b>£</b>	<b>F</b> <b>£</b>	<b>G</b> <b>£</b>	<b>H</b> <b>£</b>
<b>136.98</b>	<b>159.81</b>	<b>182.64</b>	<b>205.47</b>	<b>251.13</b>	<b>296.79</b>	<b>342.45</b>	<b>410.94</b>

- i) That, having calculated the aggregate in each case of the amounts at i), j) and k) above, the Council, in accordance with Section 30 (2) of the Local Government Finance Act 1992, hereby sets the amounts in Appendix B to Part B of report CFM409 as the levels of Council Tax for the year 2017/18 for the categories of dwellings shown in Appendix A to Part B of report CFM409.**

The Chairman drew Members' attention to an addendum to Part B of report number CFM409, which incorporated precept information for Lincolnshire County Council and Lincolnshire Police, both of which had determined their requirements after the report had been issued.

The Leader of the Council introduced report number CFM409 which contained the Executive's Budget Recommendations for 2017/18 and indicative budgets to 2019/20 for the General Fund, Housing Revenue Account and associated capital programmes. In proposing the recommendations the Leader explained that the proposals continued to build on the self-financing strategy that had been established, meeting priorities, being entrepreneurial and investing in business, while continuing to improve efficiencies and generate income. He emphasised an ongoing commitment to raise the district's profile through continued delivery of a festival programme. Additional resources had also been provided for street cleaning and refuse collection in response to residents' feedback.

Members' attention was drawn to the community fund, which had supported a range of projects across the district. The proposed Budget included further commitment to this fund.

Additional resources had also been committed to the production of the new Local Plan, which was a key document in delivering business and housing growth. 3,700 new homes were proposed to be delivered as part of Spitalgate Heath garden village, which was designated as part of a national programme that was designed to unlock the potential of whole development sites and expedite delivery. During 2017/18 work was also expected to commence on the new multiplex cinema in Grantham.

The Housing Revenue Account remained in a positive position. The Budget proposals continued to fund the Housing Investment Programme, which would be supported by a new Housing Strategy. Revenue generation had been affected by the Government's rent reduction policy meaning savings and efficiencies had to be found. Despite this, additional funding had been designated for neighbourhood

improvements and providing more insulation for the housing stock.

Progress had been made on the Council's digital agenda, with more services having been made available on the Council's website.

Those recommendations that related to the General Fund were seconded by the Executive Member, Finance and IT (recommendations a to i, r to s, and Part B). He stated that the 2017/18 budget and projections had been set against the backdrop of the 2015 spending review, which introduced the concept of core spending power, council tax increases and a 4-year deal which saw successful applicant councils given a 4-year funding settlement. This was based on submission of suitable efficiency plans that demonstrated how councils would manage reductions in Revenue Support Grant and move towards self-financing. South Kesteven District Council was awarded a 4-year deal, which gave a firmer idea of funding over that period. The forward-projections made assumptions of year-on-year increases in council tax and the use of new homes bonus to fund frontline services. The 2015 spending review also promised a review of New Homes Bonus.

The Medium Term Financial Strategy had been reviewed and updated focusing resources on delivering corporate plan priorities and providing a more flexible and responsive framework which put the Council on more of a business-like footing. Linked to this was a proposed investment of £2.8m into the Local Authority Controlled Company. The Capital Programme remained fully funded with no requirement to borrow.

Changes were expected to business rates, with the Government being committed to 100% business rate retention. Further information had yet to be provided on how this would affect the Council. The Executive Member also highlighted that the Government's Fairer Funding Review could see resources shifted to areas of national priority.

Recommendations j to q were seconded by the Executive Member, Housing. The proposed budget made provision for continued investment to improve the quality of the housing stock with planned works including 5,700 central heating upgrades, providing 105 properties with external wall insulation, 10 roof replacements and 130 kitchen upgrades.

£8m had been previously been committed to supporting new build houses and work had begun on 27 units. The budget also provided funding to enable open market purchases where appropriate to increase the Council's housing stock. The Executive Member reiterated that this was the second year of a national rent reduction programme, which would see the average weekly rent for a council tenant go down by approximately 81 pence. Ongoing improvements in the letting process had increased income by reducing the length of time properties were void.

The Council continued to set aside funding to make repayments against the loan taken out as part of the abolition of the Housing Revenue Account subsidy system. A comprehensive review of the Housing Business Plan was planned for 2017/18.

All three of the Executive Members who proposed or seconded the recommendations thanked Members for their input and their contributions into the

budget-setting process. They also thanked the officers who had been involved for their work. During debate several other members of Council expressed their gratitude to the officers for their work.

Members from across the floor spoke in support of the Budget and raised questions that were answered by the Executive Members and officers. A summary of comments is provided below:

- Members felt that the budget was fair and the books had been balanced well, leaving the Council in a strong financial position.
- Some members noted the compound effect on the Council's budget of opting for a £4 Council Tax increase rather than £5; the recommendation had taken account of consultation feedback and wider financial pressure on residents.
- Support was expressed for the festivals in Grantham, Stamford and now Deeping and a suggestion was made about the introduction of a heritage event in Bourne.
- Some disappointment was expressed because no provision had been made for Members to have a personal budget that they could use to support small projects in their Ward. Such an initiative had not been considered appropriated given the wider financial context.
- Take up of online services had increased, with further services due to be added. Actual savings of £114k had been achieved, together with income from being able to reduce the authority's footprint and rent out office accommodation to other organisations.
- The number of new homes that the Council could build was restricted by the availability of land.
- The workforce efficiency target built into the budget was an assessment of likely vacancies and the length of time recruitment would take; projected employee costs for these periods would not be included in the Budget.
- In negotiating the leisure management contract, the Council had secured a zero management fee.
- The Business Rate Volatility Reserve was used to cover costs arising by successful business rate appeals. This was a budgetary pressure that could not be accurately predicted and sat outside the control of the authority.
- The level of the Insurance Reserve was due to historical claims that were settled during the financial year.
- Government had recently announced a forthcoming fairer funding review. At the time of the meeting there was no information about how this might affect the authority.

- Government had also announced further changes to the welfare and benefit system that could impact on residents. The Council would develop its response when more information was known about the potential impacts of the changes.

The Labour group had three amendments to the Budget that it wished to propose. A copy of the amendments had been circulated for all Members prior to the meeting (Appendix 1 to the minutes). The amendments requested £6k for consultation on improving the gateways into the district's market towns, £5k for a feasibility study on the level of need and demand for a weekly bin collection for homes without external waste storage and £6k for the development of a business case for a new district-wide commercial waste collection service. In proposing the amendments, specific reference was made to the impression the gateways to each of the market towns gave to visitors and how it supported economic growth.

The proposer also stated that the extra funding in the budget for waste collection was welcomed, but highlighted that some properties did not have the benefit of external spaces for waste storage, so residents were forced to keep two-week's worth of household waste in their homes. This was highlighted as a particular problem for residents living in small flats and single rooms. She stated that the final amendment relating to a business waste collection service had the potential to generate income for the authority and provide services to businesses in rural areas where providers that were purely commercial might be reluctant. The amendments were seconded.

The Leader responded to the proposed amendments and suggested that all of them could be covered within the £350k identified over the next three years to look at issues relating to street waste and cleansing and that the Policy Development Groups could play a key role in carrying out that work.

Other Members speaking in favour of the amendments highlighted the benefits that they would bring to residents and businesses through the enhancement of the public realm.

In light of the comments from the Leader about the possibility of incorporating the suggestions raised through the amendments within the existing budgetary provision (working with the PDGs), the amendments were withdrawn.

As debate returned to the substantive motion, further comments were made about the benefits for local communities and organisations that had been realised through the community fund and the additional investment in that pot. The Council had granted funding totalling £202k, which contributed to the total value of the projects of £1.06M.

Further support was given to the suggestion of a heritage event for Bourne. Reference was also made to land in Bourne that had been bequeathed for recreational purposes together with the suggestion that Grantham could benefit if land was bequeathed for social housing purposes.

In summing up the Leader recommended the budget to Council and stated that while South Kesteven District Council was not immune to the national financial

situation, sound planning had left it in a stronger position than others and so far frontline services had been protected. He also referred to the geographic benefits enjoyed by the district and on how they had been capitalised, including the district's festivals and attracting national names to perform at the Meres Leisure Centre. Reference was also made to the consultation that had been undertaken on the level of council tax and how it had been taken into account and influenced the recommended annual increase.

Members had been reminded that where a vote was taken on recommendations related to the making of calculations in accordance with the Local Government and Finance Act 1992, a recorded vote was required. For votes on recommendations not related to this Act, the electronic voting system was used.

*Councillor Mrs. Sarah Stokes had left the meeting at 15:00 prior to any vote on the Budget. Councillor Adam Stokes was absent from the meeting during the first two recorded votes. He had, however returned to the Chamber for the electronic vote and the final recorded vote, in which he participated.*

A recorded vote was taken on recommendations a to e:

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Councillor Adams		
Councillor Ashwell		
Councillor Baxter		
Councillor Mrs Bosworth		
Councillor Broughton		
Councillor Bryant		
Councillor Mrs Cartwright		
Councillor Chivers		
Councillor M Cook		
Councillor K Cooke		
Councillor Coutts		
Councillor Craft		
Councillor Cunningham		
Councillor Dilks		
Councillor Dobson		
Councillor Evans		
Councillor Exton		
Councillor Goral		
Councillor Griffin		
Councillor Jeal		
Councillor King		
Councillor Lee		
Councillor Mapp		
Councillor Morgan		
Councillor Neilson		
Councillor Powell		
Councillor Reid		
Councillor Robins		
Councillor Russell		
Councillor Sampson		

Councillor Selby		
Councillor Jacky Smith		
Councillor Mrs Judy Smith		
Councillor P Stephens		
Councillor I Stokes		
Councillor Mrs Sumner		
Councillor Sumner		
Councillor Turner		
Councillor Ward		
Councillor Webster		
Councillor Westropp		
Councillor Wilkins		
Councillor Wood		
Councillor Woolley		
Councillor Mrs Wootten		
Councillor Wootten		
<b>46</b>	<b>0</b>	<b>0</b>

The recommendations were approved unanimously.

A recorded vote was taken on recommendations f to i

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Councillor Adams		
Councillor Ashwell		
Councillor Baxter		
Councillor Mrs Bosworth		
Councillor Broughton		
Councillor Bryant		
Councillor Mrs Cartwright		
Councillor Chivers		
Councillor M Cook		
Councillor K Cooke		
Councillor Coutts		
Councillor Craft		
Councillor Cunningham		
Councillor Dilks		
Councillor Dobson		
Councillor Evans		
Councillor Exton		
Councillor Goral		
Councillor Griffin		
Councillor Jeal		
Councillor King		
Councillor Lee		
Councillor Mapp		
Councillor Morgan		
Councillor Neilson		
Councillor Powell		
Councillor Reid		

Councillor Robins		
Councillor Russell		
Councillor Sampson		
Councillor Selby		
Councillor Jacky Smith		
Councillor Mrs Judy Smith		
Councillor P Stephens		
Councillor I Stokes		
Councillor Mrs Sumner		
Councillor Sumner		
Councillor Turner		
Councillor Ward		
Councillor Webster		
Councillor Westropp		
Councillor Wilkins		
Councillor Wood		
Councillor Woolley		
Councillor Mrs Wootten		
Councillor Wootten		
<b>46</b>	<b>0</b>	<b>0</b>

The recommendations were approved unanimously.

An electronic vote was taken on recommendations j to s, which was carried unanimously.

A recorded vote was taken on Part B

<b>For</b>	<b>Against</b>	<b>Abstain</b>
Councillor Adams		
Councillor Ashwell		
Councillor Baxter		
Councillor Mrs Bosworth		
Councillor Broughton		
Councillor Bryant		
Councillor Mrs Cartwright		
Councillor Chivers		
Councillor M Cook		
Councillor K Cooke		
Councillor Coutts		
Councillor Craft		
Councillor Cunningham		
Councillor Dilks		
Councillor Dobson		
Councillor Evans		
Councillor Exton		
Councillor Goral		
Councillor Griffin		
Councillor Jeal		
Councillor King		

Councillor Lee		
Councillor Mapp		
Councillor Morgan		
Councillor Neilson		
Councillor Powell		
Councillor Reid		
Councillor Robins		
Councillor Russell		
Councillor Sampson		
Councillor Selby		
Councillor Jacky Smith		
Councillor Mrs Judy Smith		
Councillor P Stephens		
Councillor A Stokes		
Councillor I Stokes		
Councillor Mrs Sumner		
Councillor Sumner		
Councillor Turner		
Councillor Ward		
Councillor Webster		
Councillor Westropp		
Councillor Wilkins		
Councillor Wood		
Councillor Woolley		
Councillor Mrs Wootten		
Councillor Wootten		
<b>47</b>	<b>0</b>	<b>0</b>

The recommendations were approved unanimously.

*15:34 to 15:55 – the meeting was adjourned.*

**83. ANNOUNCEMENT ON THE SIZE AND MEMBERSHIP OF THE EXECUTIVE AND THE ALLOCATION OF PORTFOLIOS**

The Leader announced that Councillor King had been appointed to the Executive and would hold the Economic Development Portfolio. Councillor King acknowledged the appointment, stating that he looked forward to working with all Councillors and officers to promote growth and conservation and bringing forward major projects.

**84. REPRESENTATIVES ON OUTSIDE BODIES**

**Decision:**

- 1. To appoint Councillor Bob Russell as the Council’s representative on the Black Sluice Internal Drainage Board**
- 2. To appoint Councillors Craft, Mrs. Kaberry-Brown and Ian Stokes as the Council’s representatives on the Upper Witham Internal Drainage Board**

**3. To appoint Councillors Broughton, Dilks, Jacky Smith and Woolley as the Council's representatives on the Welland and Deeping Internal Drainage Board**

Report number LDS202 explained that the three-year term of office for Council representatives on the internal drainage boards was due to expire at the end of March 2017 and Council was asked to consider appointments for the following three-year term. It was proposed, seconded and, on being put to the vote, agreed that the Council's existing representatives on all three internal drainage boards should continue.

**85. MEMBERSHIP OF THE COUNCIL'S COMMITTEES AND POLICY DEVELOPMENT GROUPS**

**Decision:**

- 1. That Councillor Brian Sumner be appointed to fill the Conservative vacancy on the Communities Policy Development Group**
- 2. That Councillor Frank Turner be appointed to fill the Conservative vacancy on the Development Control Committee**

Report number LDS203 informed Council of Conservative vacancies on the Communities Policy Development Group and the Development Control Committee. The Leader nominated Councillor Brian Sumner to fill the vacancy on Communities PDG and Councillor Frank Turner to fill the vacancy on the Development Control Committee. These were seconded and, on being put to the vote, agreed.

**86. QUESTIONS WITHOUT DISCUSSION**

One Question Without Discussion had been received.

Question 1:

To: Scrutiny Committee

From: Councillor Ashley Baxter

Over the last five years, recycling rates in Lincolnshire have fallen from 52.8% down to 47.0% and in South Kesteven District they have fallen from 48.6% down to 43.2% which is almost as low as the national average.

In household recycling league tables, Lincolnshire's ranking out of 351 local authorities has fallen from 44<sup>th</sup> to 118<sup>th</sup>. South Kesteven's ranking has fallen from 88<sup>th</sup> down to 172<sup>nd</sup>.

Can the Scrutiny Committee please investigate why SKDC recycling rates have fallen so dramatically and what practical steps can be taken to promote waste prevention, recycling and composting in the District?

Article 4.8.3 of the Council's Constitution required the referral of all questions without discussion to the relevant Policy Development Group. As this question was addressed to the Scrutiny Committee, it was proposed, seconded and agreed that in this instance, in the interest of expediency, the question should be referred directly to that committee.

**87. NOTICES OF MOTION GIVEN UNDER ARTICLE 4.9:**

**Decision:**

**Illegal hare-coursing in Lincolnshire is a growing menace which can be described at best as an unwelcome resource challenge for our already stretched Lincolnshire Police and at worst an epidemic affecting the lives of decent law-abiding citizens who regularly feel threatened and intimidated by gangs of men with dogs.**

**In the last so-called hare-coursing 'season' from September 2015 to March 2016, there were 2,169 incidents involving hare coursing reported to Lincolnshire Police who made 174 arrests or reports for summons. Sadly, there has been a noticeable increase in hare- coursing incidents in the current 'season'.**

**Over one weekend last month (11<sup>th</sup> and 12<sup>th</sup> February 2017), 31 incidents were reported to police across the county, with more arrests and seizures of vehicles with our police officers spending a total of 168 hours on 'Operation Galileo' patrols and dealing with hare-coursing incidents.**

**At the last meeting of Deepings Neighbourhood Police Forum, residents of Deeping Fen and Langtoft Fen told shocking accounts of how they live in constant fear of gangs of up to 20 men with lurcher-type dogs arriving from all corners of the country, damaging property and threatening violence to anyone who gets in the way of their illegal activities:**

**A father told how he was forced to move his children away after hare-coursers barricaded a local road and threatened to burn down his family home. A mother described how she is frightened to let her children play outside for fear of the coursers dogs.**

**The National Farmers Union locally recently complained that illegal hare-coursing is getting 'out of control'.**

**As part of their ongoing 'Operation Galileo' to tackle hare-coursing, Lincolnshire Police recently confronted coursers on Deeping High Bank and near Hall Meadow Road, Deeping St James and have had some success with arrests and convictions.**

**In his first media interview since taking over, our new Chief Constable Bill Skelly said he was committed to tackling illegal hare-coursing and when he met with more than 100 South Lincs farmers concerned at the rise in hare-coursing, promised more resources to tackle the issue.**

However, in discussions with myself and other local community representatives to explore what more can be done, Chief Inspector Jim Tyner - District Commander for North & South Kesteven and district tactical lead for Operation Galileo - suggested that a formal Public Spaces Protection Order may be helpful in policing and preventing hare-coursing in our area.

Such an order could be made by this council, using the powers of Section 71 of the Anti-Social Behaviour, Crime and Policing Act 2014, and in consultation with Lincolnshire Police, to prohibit would-be hare-courers from using certain public roads, and creating an offence for failure to comply.

Therefore, this Council resolves to:

- 1. Welcome the new Chief Constable's commitment to tackling illegal hare-coursing and congratulates Lincolnshire Police on Operation Galileo and work currently being undertaken.**
- 2. Work closely with Lincolnshire Police to take all reasonable steps possible to combat hare-coursing in South Kesteven including full consideration of all the options as appropriate to help improve the quality of life for local residents whose lives are being adversely affected by these illegal activities.**
- 3. For Councillor Wootten, in his capacity as the South Kesteven representative on the Lincolnshire Police and Crime Panel, to highlight and re-iterate the issue with the Police and Crime Commissioner and agree the most appropriate course of action on public awareness.**

One notice of motion had been submitted by Councillor Dilks:

*Illegal hare-coursing in Lincolnshire is a growing menace which can be described at best as an unwelcome resource challenge for our already stretched Lincolnshire Police and at worst an epidemic affecting the lives of decent law-abiding citizens who regularly feel threatened and intimidated by gangs of men with dogs.*

*In the last so-called hare-coursing 'season' from September 2015 to March 2016, there were 2,169 incidents involving hare coursing reported to Lincolnshire Police who made 174 arrests or reports for summons. Sadly, there has been a noticeable increase in hare- coursing incidents in the current 'season'.*

*Over one weekend last month (11<sup>th</sup> and 12<sup>th</sup> February 2017), 31 incidents were reported to police across the county, with more arrests and seizures of vehicles with our police officers spending a total of 168 hours on 'Operation Galileo' patrols and dealing with hare-coursing incidents.*

*At the last meeting of Deepings Neighbourhood Police Forum, residents of Deeping Fen and Langtoft Fen told shocking accounts of how they live in constant fear of gangs of up to 20 men with lurcher-type dogs arriving from all corners of the country, damaging property and threatening violence to anyone who gets in the way of their illegal activities:*

*A father told how he was forced to move his children away after hare-courers barricaded a local road and threatened to burn down his family home. A mother described how she is frightened to let her children play outside for fear of the courers dogs.*

*The National Farmers Union locally recently complained that illegal hare-coursing is getting 'out of control'.*

*As part of their ongoing 'Operation Galileo' to tackle hare-coursing, Lincolnshire Police recently confronted courers on Deeping High Bank and near Hall Meadow Road, Deeping St James and have had some success with arrests and convictions.*

*In his first media interview since taking over, our new Chief Constable Bill Skelly said he was committed to tackling illegal hare-coursing and when he met with more than 100 South Lincs farmers concerned at the rise in hare-coursing, promised more resources to tackle the issue.*

*However, in discussions with myself and other local community representatives to explore what more can be done, Chief Inspector Jim Tyner - District Commander for North & South Kesteven and district tactical lead for Operation Galileo - suggested that a formal Public Spaces Protection Order may be helpful in policing and preventing hare-coursing in our area.*

*Such an order could be made by this council, using the powers of Section 71 of the Anti-Social Behaviour, Crime and Policing Act 2014, and in consultation with Lincolnshire Police, to prohibit would-be hare-courers from using certain public roads, and creating an offence for failure to comply.*

*Therefore, this Council resolves to:*

- 1. Welcome the new Chief Constable's commitment to tackling illegal hare-coursing.*
- 2. Work closely with Lincolnshire Police to take all reasonable steps possible to combat hare-coursing in South Kesteven including full consideration of a formal Public Spaces Protection Order as appropriate to help improve the quality of life for local residents whose lives are being adversely affected by these illegal activities.*
- 3. Publicise the issue of hare-coursing and the action being taken to*

*combat it through all appropriate means including an educational article in 'South Kesteven Today'.*

In proposing the motion, reference was made to the Deepings neighbourhood policing forum, at which the increase in the occurrence of hare-coursing had been highlighted. The proposer also talked about the impact of hare-coursing on local residents, citing examples of threats of violence and intimidation. In preparing the motion, he had worked with officers from Lincolnshire Police, including the local Police Community Support Officers, the area Inspector, divisional Chief Inspector and the new Chief Constable. Reference was also made to legislation that allowed the Council to adopt Public Space Protection Orders, which gave police the power of arrest if known hare-courers re-entered the area after they had been asked to leave. The Chief Constable had promised a step-change in the force's response to hare-coursing for the next season. He concluded by saying that the motion, if successful, would send a clear message that the Council supported local residents and police while demonstrating its opposition to hare-coursing and the other criminal activity associated with it.

The proposal was seconded.

An amendment was proposed and seconded, which changed the three items that the Council was asked to resolve:

1. Welcome the new Chief Constable's commitment to tackling illegal hare-coursing and congratulates Lincolnshire Police on Operation Galileo and work currently being undertaken.
2. Work closely with Lincolnshire Police to take all reasonable steps possible to combat hare-coursing in South Kesteven including full consideration of all the options as appropriate to help improve the quality of life for local residents whose lives are being adversely affected by these illegal activities.
3. For Councillor Wootten, in his capacity as the South Kesteven representative on the Lincolnshire Police and Crime Panel, to highlight and re-iterate the issue with the Police and Crime Commissioner and agree the most appropriate course of action on public awareness.

In proposing the amendment, sympathy was expressed for local communities and reference was made to the police's record in prosecuting hare-coursing through Operation Galileo. Both the proposer and seconder referred to existing powers in the Hunting Act 2004 and the Police and Criminal Evidence Act that could be used to tackle hare-coursing. Both expressed concerns about the enforceability of a Public Spaces Protection Order within the resources that Lincolnshire Police had available. A suggestion was made that while an Order should not be ruled out entirely, if it was a tool the police wanted, they could come forward with evidence to show that it was appropriate.

As Members debated the amendment, it was made clear that no one had been challenging police performance, instead the proposal had been about providing

an additional tool that could be used. It was also noted that the original proposition did not state that the Council would instigate a Public Spaces Protection Order, but it would consider it as an option, alongside any other available options. Members speaking against the amendment also questioned why it was not felt appropriate to raise awareness of the issue in SK Today. Those speaking against the amendment also reiterated that the motion had been produced in partnership with the police, who had asked for the Council's help.

One Member spoke of their experience with hare-courers, highlighting difficulties experienced by police in responding to calls, given the geography of the area. There was also discussion about the resourcing of Lincolnshire Police and the capacity and the practicalities of effectively policing the Order, which to cover the district's road network would need to cover the whole district. A suggestion was made that it was an issue that could be considered by the Communities Policy Development Group. The Chief Executive was asked whether the Chief Constable had made a formal request through her; she confirmed that she was not aware of any such request.

The proposer of the original motion was given the opportunity to sum up. He urged members to vote against the amendment, reminding them that the wording was developed in consultation with police officers. He added that local farmers and the National Farmers' Union did not feel that the action taken by Lincolnshire Police to date had been sufficient. While cognisant of available resources, he also reiterated that, when asked what the Council could do to help tackle the problem, it was the police that suggested a Public Spaces Protection Order. He added further that the motion did not ask the Council to commit to making an Order, but to consider it as one option. He added that awareness raising through SK Today was not a matter that should be deferred to the Police and Crime Commissioner. He asked for Members not to treat the motion but a way of showing support to local communities.

On being put to the vote, the amendment was carried and became the substantive motion. A vote was then taken on the new substantive motion, which was carried.

## **88. CLOSE OF MEETING**

The meeting was closed at 16:50.

# Agenda Item 8

## List of Chairman's Engagements 2 March 2017 to 20 April 2017

Date	Ref	Organisation and Event	Location	Chauf
Thursday 02.03.17	VC25	Mayor of Newark's Charity Quiz Night "Only Fools and Horses"	Newark Town Hall	
Friday 03.03.17	JS75	Grantham Singers production of "Gilbert and Sullivan's Iolanthe"	The Guildhall Arts Centre, Grantham	
Monday 06.03.17	JS76	Bourne Scouts Presentation Evening	Wake House Bourne	
Wednesday 08.03.17	JS77	Grantham Rotary Club Children of Courage Awards 2017	Urban Hotel, Grantham	
Friday 10.03.17	JS71	Mayor of Melton's Civic Dinner	Scalford Hall Melton Mowbray	✓
Friday 10.03.17	VC27	Mayor of Grantham's Charity Show	The Guildhall Arts Centre Grantham	
Saturday 11.03.17	JS72	Mayor of Peterborough – Last Night at the Proms "The Royal Anglian Regiment"	Peterborough Cathedral	✓
Saturday 11.03.17	VC28	Market Deeping Town Council Civic Dinner	The Deepings Sports & Social Club, Market Deeping	
Sunday 12.03.17	DD	The Mayor and Mayoress of Newark - Hercules Clay Commemoration Service	Church of St Mary Magdalene, Newark	
Monday 13.03.17	JS84	Fly the Flag Commonwealth	Council Offices, Grantham	
Thursday 16.03.17	JS79	The Town Mayor of Newark – "At Home"	Newark Town Hall	✓
FRIDAY 17.03.17	JS80	Chairman's Civic Dinner	Belton Park Golf Club	✓
Wednesday 22.03.17	VC31	Fame! The Musical VIP Reception and Performance	Walton Girls School, Grantham	
Wednesday 22.03.17	JS85	The Mayor of Northampton, Councillor Christopher Malpas Mayor's Charity Oriental Meal	New Sunrise Oriental Restaurant, Northampton	✓
Friday 24.03.17	JS81	The Mayor of North Lincolnshire Civic Dinner	Normanby Hall Nr Scunthorpe	✓
Friday 24.03.17	DD	Mayor of Gainsborough Civic Charity Dinner	The Weston Rooms, Gainsborough	
Friday 31.03.17	JS82	South Holland District Council's Civic Reception	South Holland Centre, Spalding	✓
Monday 31.03.17	VC32	NKDC Chairman's Civic Reception	NKDC Council Offices, Sleaford	
Sunday 02.04.17	JS87	The Mayor of Sleaford's Civic Service	St Deny's Church, Sleaford	✓
Sunday 02.04.17 to Wednesday 05.04.17	VC33	Grantham Mid Lent Fair 2017 Opening Ceremony and Reception	Guildhall Arts Centre Grantham	
Tuesday 04.04.17	JS88	Maryor of Grantham's Coffee and Cake	Mayor's Parlour	

Saturday 15.04.17	DD	Mayor of Peterborough – The Mayor's Ball	Holiday Inn Thorpe Wood	
Wednesday 19.04.17	DD	Mayor of Peterborough Eggstravaganza	Town Hall Peterborough	

<b>REPORT TO COUNCIL</b>
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**REPORT OF: CHAIRMAN OF THE CONSTITUTION COMMITTEE –  
COUNCILLOR RAY WOOTTEN**

**REPORT NO: LDS213**

**DATE: 20<sup>th</sup> April 2017**

<b>TITLE:</b>	<b>Recommendations from the Constitution Committee - 13<sup>th</sup> March 2017</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Council Decision	
<b>EXECUTIVE MEMBER: NAME AND DESIGNATION:</b>	Councillor Frances Cartwright – Executive Member, Governance.	
<b>CONTACT OFFICER:</b>	Lucy Youles – Executive Manager, Corporate E-mail: <a href="mailto:l.youles@southkesteven.gov.uk">l.youles@southkesteven.gov.uk</a> Telephone: 01476 406105	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and referred to in paragraph (7) below	Full impact assessment Required: n/a
<b>Equality and Diversity</b>	Not applicable	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council’s website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	The Council’s Constitution <a href="http://moderngov.southkesteven.gov.uk/documents/g3428/Public%20reports%20pack%2012th-Sep-2016%20Constitution.pdf?T=10">http://moderngov.southkesteven.gov.uk/documents/g3428/Public%20reports%20pack%2012th-Sep-2016%20Constitution.pdf?T=10</a>	

## 1. RECOMMENDATIONS

It is recommended that Council approves the recommendations made by the Constitution Committee at its meeting on the 13<sup>th</sup> March 2017 as follows:

### 1.1 Members Open Questions

**That the Constitution is amended at Article 4 – the Council, to include Open Questions at Council meetings in place of Questions by Members at Article 4.8 as shown below:**

## **4.8 Open Questions by Members**

- 4.8.1 i) Open questions at Council will not be allowed at the Council budget meeting.**
- ii) Time allowed for questions will be a maximum of 45 minutes.**
- iii) Questions should be addressed to: Leader, Executive Members, Chairman or Vice-chairman of PDGs and opposition Leaders.**
- iv) No questions are to be addressed to the Chairman or Vice-Chairman of the Development Control Committee, Licensing Committee (Alcohol, Entertainment and Late Night Refreshment Licensing Committee) or Governance and Audit Committee or any officer.**
- v) Questions will be on a first come, first served basis, members will join the queue through the electronic method using the speaker queuing system. (If the speaker queuing system is unavailable questions will be taken by a show of hands and this will be managed by the Chairman until the time allowed has been reached or before that if no more questions are forthcoming).**
- vi) No debate, speech or statement is to take place and members are limited to one question per meeting, no supplementary questions can be asked. Please note that questions only are to be asked and this will be managed through the Chairman.**
- vii) The response to any question that has been asked but not answered at the meeting is to be made available at the start of questions at the next full council meeting.**
- viii) Questions will not be recorded verbatim in the Council minutes. Details in the minutes will consist of the Member who asked the question, a brief summary of the question and either the Leader, Executive Member, Chairman or Vice-chairman of the PDG or opposition Leader who answered the question. Recordings of council meetings are available for those Members who wish to listen to full council meetings.**
- ix) Members must show respect to each other during the session.**
- x) A question will be rejected by the chairman:**
- if it is not about a matter for which the local authority has a responsibility or which directly affects the district; or**

- is of a defamatory, frivolous, objectionable, improper or of an offensive nature; or
- which is substantially the same as a question which has been put at a meeting of the council in the past six months; or
- if the answer requires disclosure of confidential or exempt information

## **1.2 Development Control Committee**

**That the Constitution be amended at Article 9 to change the composition of the Development Control Committee to 15 members.**

## **1.3 Member Training**

**That the Constitution is amended at Article 2.3b) as follows:**

- i) **All Members of the Development Control Committee, Licensing Committee (including Alcohol, Entertainment and Late Night Refreshment Licensing Committee) and Governance and Audit Committee are required to undergo mandatory training at the start of each term of office following an election. This mandatory training requirement relates to new Members, returning Members and substitute Members.**
- ii) **Members of these Committees are required to attend refresher training on an annual basis for the remainder of their term in order to retain their position on the Committee.**

## **2. PURPOSE OF THE REPORT**

- 2.1 The purpose of this report is to set out the recommendations made by the Constitution Committee at its meeting on 13<sup>th</sup> March 2017.

## **3. DETAILS OF REPORT**

- 3.1 The details of the recommendations and the reasons for the recommendations are given in the minutes of the Constitution Committee meeting attached to this report.

## **4. OTHER OPTIONS CONSIDERED**

- 4.1 No other options are proposed.

## **5. RESOURCE IMPLICATIONS**

- 5.1 There are no resource implications relating to the recommendation.

## **6. RISK AND MITIGATION**

- 6.1 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 as a result of this report	

**7. ISSUES ARISING FROM EQUALITY IMPACT ANALYSIS**

7.1 The recommendations for changes to the Constitution do not impose a negative impact on the protected characteristics set out in the Equality Act 2010.

**8. CRIME AND DISORDER IMPLICATIONS**

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

**9. COMMENTS OF FINANCE SECTION**

9.1 There are no financial implications resulting from this report.

**10. COMMENTS OF LEGAL AND DEMOCARATIC SERVICES**

10.1 The recommendations set out in this report are all matters for approval of the Council in accordance with the Constitution.

**11. COMMENTS OF OTHER RELEVANT SERVICE MANAGERS**

11.1 None relevant

**12. APPENDIX:**

12.1 Minutes from the Constitution Committee held on the 13<sup>th</sup> March 2017

# MINUTES

CONSTITUTION COMMITTEE  
MONDAY, 13 MARCH 2017



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## COMMITTEE MEMBERS PRESENT

Councillor George Chivers  
Councillor Kelham Cooke  
Councillor Mrs Rosemary Kaberry-Brown (Vice-Chairman)  
Councillor Bob Sampson  
Councillor Ray Wootten (Chairman)

## OFFICERS

Executive Manager Corporate  
(Lucy Youles)  
Democratic Officer (Lucy Bonshor)

## OTHER MEMBERS

Councillor Martin Wilkins  
Councillor Frances Cartwright  
(Executive Member Governance)

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## 11. MEMBERSHIP

The Committee was notified that Councillor Kelham Cooke was substituting for Councillor Damien Evans for this meeting only.

## 12. DISCLOSURE OF INTERESTS

None disclosed.

## 13. MINUTES OF THE MEETING HELD ON 26TH SEPTEMBER 2016

The minutes of the meeting held on 26<sup>th</sup> September 2016 were agreed as a correct record.

## 14. AMENDMENTS TO THE CONSTITUTION:

### Open Questions at Council

#### Decision:

*That the Constitution Committee recommends to Council that the Constitution is amended at Article 4 – the Council, to include Open Questions at Council meetings in place of Questions by Members at*

*Your council working for you*

**Article 4.8 as shown below:**

**4.8 Open Questions by Members**

**4.8.1 i) Open questions at Council will not be allowed at the Council budget meeting.**

**ii) Time allowed for questions will be a maximum of 45 minutes.**

**iii) Questions should be addressed to: Leader, Executive Members, Chairman or Vice-chairman of PDGs and opposition Leaders.**

**iv) No questions are to be addressed to the Chairman or Vice-Chairman of the Development Control Committee, Licensing Committee (Alcohol, Entertainment and Late Night Refreshment Licensing Committee) or Governance and Audit Committee or any officer.**

**v) Questions will be on a first come, first served basis, members will join the queue through the electronic method using the speaker queuing system. (If the speaker queuing system is unavailable questions will be taken by a show of hands and this will be managed by the Chairman until the time allowed has been reached or before that if no more questions are forthcoming).**

**vi) No debate, speech or statement is to take place and members are limited to one question per meeting, no supplementary questions can be asked. Please note that questions only are to be asked and this will be managed through the Chairman.**

**vii) The response to any question that has been asked but not answered at the meeting is to be made available at the start of questions at the next full council meeting.**

**viii) Questions will not be recorded verbatim in the council minutes. Details in the minutes will consist of the Member who asked the question, a brief summary of the question and either the Leader, Executive Member, Chairman or Vice-chairman of the PDG or opposition Leader who answered the question. Recordings of council meetings are available for those Members who wish to listen to full council meetings.**

**ix) Members must show respect to each other during the session.**

**x) A question will be rejected by the chairman:**

- ***if it is not about a matter for which the local authority has a responsibility or which directly affects the district; or***
- ***is of a defamatory, frivolous, objectionable, improper or of an offensive nature; or***
- ***which is substantially the same as a question which has been put at a meeting of the council in the past six months; or***
- ***if the answer requires disclosure of confidential or exempt information***

Members had been circulated with report LDS204 which asked for the Constitution Committee to review the trial period held for Open Questions at Council meetings following the motion put at Council in April 2016. Members had been e-mailed and asked for feedback on the issue. Of those Members who responded the majority were in favour of continuing with Open Questions at Council. For Open Questions at Council to continue the Constitution would need to be amended to allow for this. Members discussed the trial and various suggestions were put forward for inclusion in the Constitution as follows:

- rather than have “the Member” at reference (vii) those listed at (iii) should be referred to here.
- that a brief summary of the question should be included at (viii), Members were in agreement that the question and answer should not be reproduced verbatim.
- the report referred to the current provision for Questions by Members at section 4.8 and it was suggested that this would be taken out of the Constitution and replaced by Open Questions, Members agreed that the scope of questions at 4.8.2 should be included within the new section on Open Questions.
- It was also suggested that for consistency (vi) should include “no debate, speech or statement is to take place.....” and Member agreed with this also.
- If the queuing system was unavailable then the Chairman would decide the order of questions with a show of hands up until the 45 minutes or sooner if no more questions were forthcoming.

It was proposed and seconded that the issues outlined above be recommended to Council to be incorporated with those listed in Appendix C to report LDS204 in the Constitution to replace Questions by Members at 4.8 in the Constitution.

## **Development Control Committee**

### **Decision:**

***That the Constitution Committee recommends to Council that the Constitution be amended at Article 9 to change the composition of the Development Control Committee to 15 members.***

Members had been circulated with report LDS205 from the Chairman of the Development Control Committee (DCC), Councillor Wilkins. Councillor Wilkins addressed the Committee and referred to the table that had been included with the report showing the number of substitutions and apologies between May 2016 and March 2017. Of all the committees the DCC was perhaps the most public and when a committee convened with a number of apologies and substitutions it gave a “poor” showing to the public. In order to address this it was recommended that the numbers on DCC be reduced by 2. Political balance would be maintained.

Councillor Wilkins then spoke about the issue of public speaking at DCC. It had been discussed with the DCC to restrict questions put to the public by Members of the Committee for a trial period. Questions would still be allowed to applicants, the applicant’s agents or technical consultants but it could be very intimidating for the public to respond to questions put by Members of the committee. The issue had been discussed at the DCC. Several Members were against restricting questions to the public at DCC meetings. A discussion followed by Members of the Constitution Committee. One Member indicated that sometimes by questioning a member of the public more information came out which enabled Members to make a more informed decision, perhaps more consideration and sensitivity was required when asking questions. Another Member asked about the length of the trial to which it was suggested that six meetings would give a good variety of applications. Further discussion followed about general training for all Members on dealing with planning applications and what they should be doing as a ward councillor in relation to planning and how this could be done. It was confirmed that the training referred to could not be mandated. Further discussion followed on restricting questions to the public with more Members putting views forward against it. It was proposed, seconded and on being put to the vote unanimously agreed to reduce the number of members on DCC to 15. It was then proposed and seconded to trial restricting asking questions to the public at DCC to only applicants, applicant’s agents and technical consultants for six meetings however on being put to the vote this was lost.

## **Member Training**

### **Decision:**

***That the Constitution Committee recommends to Council that the Constitution is amended at Article 2.3b) as follows:***

- i) All Members of the Development Control Committee, Licensing Committee (including Alcohol, Entertainment and Late Night Refreshment Licensing Committee) and Governance and Audit Committee are required to undergo mandatory training at the start of each term of office following an election. This mandatory training requirement relates to new Members, returning Members***

***and substitute Members.***

***ii) Members of these Committees are required to attend refresher training on an annual basis for the remainder of their term in order to retain their position on the Committee.***

Members had been circulated with report LDS206 which set out recommendations that had been put forward from both the Scrutiny Committee and the Growth PDG in relation to mandatory training requirements for members of the regulatory committees and Governance and Audit Committee. Following the first two phases of the Member training programme after the elections in 2015 a report had been presented to all three PDG's and the Scrutiny Committee. Take up of training was good but Members felt it was important that those who sat on regulatory committees needed to refresh their knowledge during their current term of office. It was acknowledged that skill and previous training undertaken by returning Members meant that regulatory committees and Governance and Audit Committee functioned well. However, it was proposed that mandatory training should be undertaken at least once per term of office to ensure that Members were informed of current legislation, statutory guidance and procedures. Members of the Constitution Committee were in agreement with the recommendations put forward and it was proposed, seconded and unanimously agreed that all Members of the Development Control Committee, Licensing Committee (including Alcohol, Entertainment and Late Night Refreshment Licensing Committee) and Governance and Audit Committee were required to undergo mandatory training at the start of each term of office following an election. The mandatory training requirement related to new Members, returning Members and substitute Members. It was also proposed, seconded and unanimously agreed that Members of these Committees would also be required to attend refresher training on an annual basis for the remainder of their term in order to retain their position on the Committee.

## **15. CLOSE OF MEETING**

The meeting closed at 11.12am.

## REPORT TO COUNCIL

**REPORT OF:** Chief Executive

**REPORT NO:** LDS209

**DATE:** 20 April 2017

<b>TITLE:</b>	Appointments to Committees, Overview and Scrutiny Committees and Panels of the Council and the appointment of Chairmen and Vice-Chairmen	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Decision of Council	
<b>CABINET MEMBER: NAME AND DESIGNATION:</b>	N/A	
<b>CONTACT OFFICER:</b>	Jo Toomey, Principal Democracy Officer. Telephone: 01476 40 60 80 Ext. 6152 E-mail: <a href="mailto:j.toomey@southkesteven.gov.uk">j.toomey@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	Not applicable	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Local Government and Housing Act 1989 <a href="http://www.legislation.gov.uk/ukpga/1989/42/part/I/crossheading/political-balance-on-committees-etc">http://www.legislation.gov.uk/ukpga/1989/42/part/I/crossheading/political-balance-on-committees-etc</a> Local Government (Committees and Political Groups) Regulations 1990 <a href="http://www.legislation.gov.uk/uksi/1990/1553/contents/made">http://www.legislation.gov.uk/uksi/1990/1553/contents/made</a>	

## **1. RECOMMENDATIONS**

- 1.1 That the Council appoints members to its committees and boards taking account of the requirements for political balance**
- 1.2 That the Council appoints the Chairmen and Vice-Chairmen of its Committees (including Overview and Scrutiny Committees)**
- 1.3 That the Leader announces the appointment of a Chairman of an Overview and Scrutiny Committee to act as the Chairman of any meeting referred to in article 7 as amended by agenda item 11b**

## **2. PURPOSE OF THE REPORT**

- 2.1 This report sets out the requirements placed on the Council for the appointment of members to its committees and the appointment of their Chairmen and Vice-Chairmen.

## **3. DETAILS OF REPORT**

### **Membership of Committees/Groups/Boards**

- 3.1 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.
- 3.2 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
- 3.3 Under these regulations, to constitute a political group, members have to sign to state that they wish to be treated as a member of a political group and to inform the Chief Executive who the leader of that group is to be. The Regulations mean that members who do not align themselves to a political

group (i.e. non-aligned members) do not have any right to be appointed to any Council Committee. The decision made by members regarding their membership of any group on this Council is entirely unrelated to any membership of any national political party or to any statement on their nomination form/ballot paper.

3.4 The current political make up of the Council is set out in table 1:

Table 1

Conservative	45
Independent	6
Labour	3
UKIP	1
Unaligned	1

3.5 Details of which committees need to be politically balanced, their size and training requirements are included in Table 1 (below). Where mandatory training is required, it is essential it is completed before any member can sit on the relevant committee.

Table 2

<b>Committee</b>	<b>No. of members</b>	<b>Politically balanced?</b>	<b>Training: Core (C) or Mandatory (M)</b>
Growth Overview and Scrutiny Committee	6	Yes	C
Environment Overview and Scrutiny Committee	6	Yes	C
Community and Wellbeing Overview and Scrutiny Committee	6	Yes	C
Culture and Tourism Overview and Scrutiny Committee	6	Yes	C
Rural Scrutiny Committee	6	Yes	C
Development Control Committee	15/17	Yes	M
Licensing Committee*	11	Yes	M
Governance and Audit Committee	7	Yes	M
Constitution Committee	5	Yes	C
Chief Executive's Remuneration Panel	3	Yes	C
Chief Executive's Performance Panel	3	Yes	C
Chief Executive's Appeal Panel	3	Yes	C
Shareholder Committee	5	Yes	C

\* Includes members of the Alcohol, Entertainment and Late Night Refreshment Licensing Committee and Review Board

- 3.6 Appendix 1 of this report provides a breakdown of political balance requirements based on the current composition of the Council.
- 3.7 When making appointments, there are a number of factors that must be taken into consideration:
- In order to demonstrate a robust and effective scrutiny process, no member of the Cabinet may sit on an Overview and Scrutiny Committee
  - The membership of each of the Chief Executive's Panels must include at least one member of the Cabinet, with the Leader sitting on the Chief Executive's Performance Panel
- 3.8 In the calculations shown at appendix 1 to this report, the political balance for the Overview and Scrutiny Committees is based on each individual committee. This is consistent with the methodology currently in use. Subject to approval of the proposals at agenda item 11 which would replace the three Policy Development Groups and Scrutiny Committee with five Overview and Scrutiny Committees, members are asked to appoint six members to each. The political balance for the proposed Overview and Scrutiny Committees is included in appendix 1 of this report.
- 3.9 Dependent upon the decision made at agenda item 11 on the size of the Development Control Committee, members are asked to appoint 15 or 17 members. The political balance for both iterations is included in appendix 1.

#### **Chairmanship of Committees/ Panels**

- 3.10 The Constitution states that the Chairmen and Vice-Chairmen of these committees should be appointed by Council following the advice of the Leader relating to the suitability and merit of candidates. It is not necessary for the Council to appoint a Chairman or Vice-Chairman for any of the Chief Executive's panels.
- 3.11 Subject to approval of the changes to the Constitution at agenda item 11b, the Leader will appoint the chairman referred to in recommendation 1.3.

#### **4. OTHER OPTIONS CONSIDERED**

- 4.1 The Council must either comply with the provisions of the Local Government and Housing Act 1989 and apply the principles of political balance as per table 2 or agree to make alternative arrangements.

#### **5. RESOURCE IMPLICATIONS**

- 5.1 Provision has been made within the 2017/18 budget sufficient to cover the previous number of special responsibility allowances. The addition of a fifth overview and scrutiny body would require the payment of a further special responsibility allowance for its Chairman and Vice-Chairman, which has not been budgeted for.
- 5.2 Currently there is no Special Responsibility Allowance for the Chairman or Vice-Chairman of the Shareholder Committee. This would need to be reviewed

as part of the review of Members' allowances which is scheduled to take place in 2017.

- 5.3 The Legal and Democratic Services team will be required to provide support to an additional overview and scrutiny meeting; this will need to be met within existing resources.

## **6. RISK AND MITIGATION**

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

## **7. ISSUES ARISING FROM IMPACT ANALYSIS**

- 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 The proposed changes to the committee arrangements will have financial implications on the revenue budgets for 2017/18. However it is considered that any increase in costs in respect of special responsibilities and travel reimbursement can be accommodated within the overall corporate budgets for the Council. Therefore no variation to the budget framework is required.

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

- 10.1 In making appointments to its committees, policy development groups and panels 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. These set out requirements relating to political balance and the application of this principle to prescribed categories of meeting and makes provision for alternative arrangements. To agree alternative arrangements, no members of the authority present at the meeting may vote against the alternative arrangements. This means that abstentions would not defeat the vote.
- 10.2 If no alternative arrangements can be agreed, the requirements to address political balance must be put in place.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

- 11.1 Not applicable.

## **12. APPENDICES:**

- Appendix 1: Political balance calculations

**Political balance of the Council**

Group	Seats	%
Conservative	45	80%
Independent	6	11%
Labour	3	5%
Unaligned	1	N/A
UKIP	1	N/A

**Committees of the Council**

**Development Control Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	13.66071429	14
Independent	1.821428571	2
Labour	0.910714286	1
Unaligned	N/A	N/A
UKIP	N/A	N/A
		17

**Governance & Audit Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	5.625	6
Independent	0.75	1
Labour	0.375	0
Unaligned	N/A	N/A
UKIP	N/A	N/A
		7

**Development Control Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	12.05357143	12
Independent	1.607142857	2
Labour	0.803571429	1
Unaligned	N/A	N/A
UKIP	N/A	N/A
		15

**Licensing Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	8.839285714	9
Independent	1.178571429	1
Labour	0.589285714	1
Unaligned	N/A	N/A
UKIP	N/A	N/A
		11

**Constitution Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	4.017857143	4
Independent	0.535714286	1
Labour	0.267857143	0
Unaligned	N/A	N/A
UKIP	N/A	N/A
		5

**Overview & Scrutiny Committees**

**Chief Executive Panels**

**Shareholder Committee**

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	4.821428571	5
Independent	0.642857143	1
Labour	0.321428571	0
Unaligned	N/A	N/A
UKIP	N/A	N/A
		6

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	2.410714286	3
Independent	0.321428571	0
Labour	0.160714286	0
Unaligned	N/A	N/A
UKIP	N/A	N/A
		3

Total seats

Group	Proportional entitlement	Entitlement rounded
Conservative	4.017857143	4
Independent	0.535714286	1
Labour	0.267857143	0
Unaligned	N/A	N/A
UKIP	N/A	N/A
		5

## REPORT TO COUNCIL

**REPORT OF: Chief Executive**

**REPORT NO: LDS208**

**DATE: 20 April 2017**

<b>TITLE:</b>	<b>Programme of meetings of Council and Committees for 2017/18</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>CABINET MEMBER: NAME AND DESIGNATION:</b>	N/A	
<b>CONTACT OFFICER:</b>	Jo Toomey, Principal Democracy Officer Tel: 01476 40 60 80 (Ext. 6152) E-mail: <a href="mailto:j.toomey@southkesteven.gov.uk">j.toomey@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	Not applicable	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	The Council's Constitution: <a href="http://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?bcr=1&amp;sch=doc">http://moderngov.southkesteven.gov.uk/ecCatDisplay.aspx?bcr=1&amp;sch=doc</a>	

### 1. RECOMMENDATIONS

- 1.1 The Council approves the dates of meetings for the Council, Cabinet and committees including overview and scrutiny.

### 2. PURPOSE OF THE REPORT

- 2.1 Under Article 4.4.1(a)(vii) and (viii) of the Constitution it is the business of the annual Council meeting to approve a programme of ordinary meetings of the Council for the year. This report also sets out the indicative dates for meetings of the Cabinet, overview and scrutiny committees and other committees of the Council.

**3. DETAILS OF REPORT**

- 3.1 A copy of the draft programme of meetings is attached at appendix 1 to this report. The proposed timetable is subject to the approval under agenda item 11 of the changes to the Council’s overview and scrutiny arrangements.
- 3.2 Any changes made to the draft programme following the circulation of this report will be highlighted at the meeting to enable Members to note and mark their diaries accordingly, together with an A3 colour copy of the programme.
- 3.3 Provisions within the Constitution give the Chairman (or the Vice-Chairman in the Chairman’s absence) the authority to cancel a meeting where there are insufficient items for the agenda of the next meeting.
- 3.4 Included in the draft programme are dates for informal briefing sessions for Councillors. Sessions will be held once two months between 6pm and 7pm.

**4. OTHER OPTIONS CONSIDERED**

- 4.1 Under the Local Government Act 1972, the Council must hold an annual meeting. The Council’s committees should meet with sufficient frequency in order to determine business in a timely manner and within any statutory timeframes.

**5. RESOURCE IMPLICATIONS**

- 5.1 There are no additional resource implications

**6. RISK AND MITIGATION**

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

<b>Category Risk</b>	<b>Action / Controls</b>
Statutory failure through not taking decisions at the required time	If there are not sufficient meetings, the Council risks being unable to complete necessary business. For the consideration of urgent issues, additional meetings can be called as required.

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

- 7.1 No issues arising from this report.

**8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 None

**9. COMMENTS OF FINANCIAL SERVICES**

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

## **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 In respect of ordinary meetings of the Council, the Constitution stipulates that meetings will take place in accordance with a programme decided at the Council's Annual Meeting. Instances in which urgent business arises can be dealt with using provisions that allow the calling of additional meetings of the Council and its committees.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

11.1 None applicable.

## **12. APPENDIX:**

12.1 Draft programme of meetings (Appendix 1).

## Appendix 1 – Draft Programme of Meetings – 2017/18

	May	June	July	Aug	Sept	Oct	Nov	Dec	Jan	Feb	March	April	May
Mon	1 Bank Hol		3			2			1 Bank Hol			2 Bank Hol	
Tues	2		4 Shareholder	1		3 Shareholder			2			3 Dev Con	1 Dev Con
Wed	3		5 Growth	2		4 Growth	1		3 DCC Site visits			4	2
Thurs	4 Election	1	6	3		5	2		4	1	1 Council	5	3
Fri	5	2 Licensing	7 Licensing	4 Licensing	1 Licensing	6 Licensing	3 Licensing	1 Licensing	5 Licensing	2 Licensing	2 Licensing	6 Licensing	4 Licensing
Mon	8	5	10	7	4	9	6	4	8	5	5	9	7 Bank Hol
Tues	9 Community	6	11 Community	8	5 Community	10	7 Community	5 Environment	9 Dev Con	6 Dev Con	6 Dev Con	10	8
Wed	10 Growth	7	12	9	6	11 DCC Site visits	8 DCC Site visits	6 DCC Site visits	10	7 Rural	7	11 Growth	9
Thurs	11	8 Council	13 Cabinet	10	7 Cabinet	12 Cabinet	9 Cabinet	7 Cabinet	11 Cabinet	8 Cabinet	8 Cabinet	12 Cabinet	10 Cabinet
Fri	12 Licensing	9	14	11	8	13	10	8	12	9	9	13	11
Mon	15 Constitution	12	17	14	11 Constitution	16	13	11 Constitution	15	12	12 Constitution	16	14
Tues	16 Dev Con	13	18 Environment	15	12	17 Dev Con	14 Dev Con	12 Dev Con	16 Shareholder	13	13	17 Shareholder	15
Wed	17	14	19 DCC Site visits	16 DCC Site visits	13 DCC Site visits	18	15	13 Growth	17	14 Growth	14	18 Rural	16
Thurs	18 Cabinet	15 Cabinet	20 Culture	17	14 Culture	19	16 Culture	14 Gov & Aud	18 Culture	15	15 Culture	19	17
Fri	19	16	21	18	15	20	17	15	19	16	16	20	18
Mon	22 Cllr Briefing	19	24 Cllr Briefing	21	18 Cllr Briefing	23	20 Cllr Briefing	18	22 Cllr Briefing	19	19 Cllr Briefing	23	21 Cllr Briefing
Tues	23 Environment	20	25 Dev Con	22 Dev Con	19 Dev Con	24	21	19	23 Community	20 Environment	20 Community	24 Environment	22
Wed	24 DCC Site visits	21 DCC Site visits	26 Rural	23	20 Gov & Aud	25	22	20	24	21	21	25	23 DCC Site visits
Thurs	25 Culture	22	27 Gov & Aud	24	21 Council	26	23 Council	21	25 Council	22	22 Gov & Aud	26	24 Annual Council
Fri	26	23	28	25	22	27	24	22	26	23	23	27	25
Mon	29 Bank hol	26	31	28 Bank Hol	25	30	27	25 Bank Hol	29	26	26	30	28
Tues	30 Dev Con	27 Dev Con		29	26 Environment	31	28	26 Bank Hol	30	27	27		29 Dev Con
Wed	31 Rural	28		30	27 Rural		29 Rural	27	31 DCC Site visits	28 DCC Site visits	28 DCC Site visits		30
Thurs		29 Gov & Aud		31	28		30	28			29		31
Fri		30			29			29			30 Bank Hol		

## REPORT TO COUNCIL

**REPORT OF: Chief Executive**

**REPORT NO: LDS207**

**DATE: 20 April 2017**

<b>TITLE:</b>	Representatives on Outside Bodies	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	Decision for Council	
<b>EXECUTIVE MEMBER: NAME AND DESIGNATION:</b>	N/A	
<b>CONTACT OFFICER:</b>	Jo Toomey, Principal Democracy Officer Telephone: 01476 40 60 80 (Ext. 6152) E-mail: <a href="mailto:j.toomey@southkesteven.gov.uk">j.toomey@southkesteven.gov.uk</a>	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required:
<b>Equality and Diversity</b>	N/A	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	None	

### 1. RECOMMENDATIONS

- 1.1 That the Council considers nominations and make appointments to the various organisations seeking district council representation.

### 2. PURPOSE OF THE REPORT

- 2.1 In accordance with Article 4 of the Council's Constitution, the annual meeting of the Council will receive nominations of Councillors to serve on a variety of outside bodies.

### 3. DETAILS OF REPORT

- 3.1 The Council makes appointments to arrange of outside bodies. Most appointments run for four years, coinciding with the quadrennial elections. Other appointments have different durations or run between different dates.

The appointment to some of the bodies to which SKDC nominates representatives has expired.

- 3.2 There is no formal arrangement whereby political balance must be achieved with these appointments – appointments are offered to all members.
- 3.3 A list of the nominations that the Council is asked to make is included in table 1 (below).

Table 1

<b>Organisation</b>	<b>No. of reps</b>	<b>Term of Office</b>	<b>End date</b>
East Midlands Councils*	1	1 year	May 2017
Local Government Association*	1	1 year	May 2017

- 3.3 When making appointments to some outside bodies, there are a number of requirements that must be taken into account. Asterisks note those appointments that are filled by the Leader or in the Leader's absence, the Deputy Leader.

#### **4. OTHER OPTIONS CONSIDERED**

- 4.1 The Council could decline to make an appointment or appointments unless there was a 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 with 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 specific high risks were identified.

#### **7. ISSUES ARISING FROM IMPACT ANALYSIS**

- 7.1 Not applicable

#### **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 Not applicable

#### **9. COMMENTS OF FINANCIAL SERVICES**

- 9.1 Any financial implications arising from this report have been included in the budget for 2017/18.

#### **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

- 10.1 Article 4.2(v) of the Council's Constitution states that one of the Council's functions is appointing representatives to outside bodies.
- 10.2 There is no requirement to register appointment to such bodies as disclosable pecuniary interests unless remuneration by way of profit or gain is received from the body for attendance or shares or land are held by the Member appointed as a trustee or otherwise.
- 10.3 In the event that a conflict of interest arises for any Member appointed between the interests of the Council and interests of the body, an interest may need to be disclosed whenever the issue to which the interest relates is discussed.

**11. COMMENTS OF OTHER RELEVANT SERVICES**

- 11.1 Not applicable

**12. APPENDICES:**

- 12.1 None

## REPORT TO COUNCIL

**REPORT OF:** Cabinet Member

**REPORT NO:** LDS211

**DATE:** 20<sup>th</sup> APRIL 2017

<b>TITLE:</b>	South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	STATUTORY ORDER	
<b>CABINET MEMBER: NAME AND DESIGNATION:</b>		
<b>CONTACT OFFICERS:</b>	Paul Stokes Business Manager Venues and Facilities <a href="mailto:p.stokes@southkesteven.gov.uk">p.stokes@southkesteven.gov.uk</a>  Shelley Hardy Legal and Democratic Services <a href="mailto:s.hardy@southkesteven.gov.uk">s.hardy@southkesteven.gov.uk</a>  Telephone Number 01476 406080	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below	Full impact assessment Required: <i>n/a</i>
<b>Equality and Diversity</b>	See paragraph 7	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Existing car parking order <a href="http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19592&amp;p=0">http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19592&amp;p=0</a>  Consultation link to web page <a href="http://www.southkesteven.gov.uk/index.aspx?articleid=8381">http://www.southkesteven.gov.uk/index.aspx?articleid=8381</a>  Proposed car parking order <a href="http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19836&amp;p=0">http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=19836&amp;p=0</a>  Report LDS200 – <a href="http://moderngovsvr:8080/documents/s17161/REPORT%20TO%20EXECUTIVE%206%202%2017%20EIA.pdf">http://moderngovsvr:8080/documents/s17161/REPORT%20TO%20EXECUTIVE%206%202%2017%20EIA.pdf</a>  Report LDS210 <a href="http://moderngovsvr:8080/documents/s17480/Report%20LDS210.pdf">http://moderngovsvr:8080/documents/s17480/Report%20LDS210.pdf</a>	

## **1. RECOMMENDATIONS**

- 1.1 Council is asked to adopt the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017 (“New Parking Order”) (as attached at Appendix 1).

## **2. PURPOSE OF THE REPORT**

- 2.1 The purpose of the report is to seek approval from Council to adopt the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017, following expiry of the period of consultation with relevant statutory bodies and public.

## **3. DETAILS OF REPORT**

- 3.1 The proposed new Parking Order amends the existing Parking Order; South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 (“Existing Parking Order”).
- 3.2 The rationale for seeking to introduce a new parking order is:
- i) To include a further area of land edged red on the plan included within the Order known as land off St. Catherine’s Road situated at the rear of Welham Street Car Park. The area of land is currently subject to vehicles parking in a dangerous manner, which includes parking on the footpath that is hazardous and dangerous to pedestrians and other road users. The New Parking Order will allow for a maximum of two disabled parking spaces for disabled drivers to park their automobile or an invalid carriage on this land free of charge, provided that they display their disabled clock and badge in a conspicuous place in their vehicle and adhere to all other provisions of the New Parking Order.
  - ii) The introduction of the new order is also seen as an opportunity to include the Cashless Parking Prepayment scheme that was previously introduced. Whilst this is not necessary for enforcement purposes, it is a means of ensuring clarity and to remove any doubt around those circumstances where enforcement action may be taken.
- 3.3 The Road Traffic Regulation Act 1984 gives Local Authorities power to provide parking places and regulate the use of the parking place by way of a Parking Order providing that consultation is carried out with the statutory bodies (Freight Transport Association, the Road Haulage Association, the Chief Officer of Police and the local Highway Authority – Lincolnshire County Council) and the general public. The consultation must be in accordance with Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.4 At a meeting of the Executive held on the 6<sup>th</sup> February 2017, the Executive noted the content of the draft South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017 (“New Parking Order”) and gave authority for consultation in accordance with the relevant Regulations.

- 3.5 Consultation was subsequently commenced in accordance with the Local Authorities Traffic Orders (Procedure) (England and Wales) Regulations 1996.
- 3.6 The consultation consisted of writing to and sending a copy of the New Order to those statutory bodies and the publishing of a notice of the proposals in a local newspaper circulating in the area to which the Order relates. Also, a notice was placed in the affected areas. The same notice and a copy of the New Parking Order are also made available for inspection at the Council's Customer Service Area and on the Council's website.
- 3.7 During the consultation period that concluded on 31<sup>st</sup> March 2017, no objections or comments in support of the proposed changes to the New Parking Order were received from any of the regulatory bodies or members of the public.
- 3.8 The New Parking Order, following the consultation period, was referred back to the Executive where, at a meeting held on 3<sup>rd</sup> April 2017, the Executive recommended to Full Council the adoption of the New Parking Order.

#### **4. OTHER OPTIONS CONSIDERED**

None

#### **5. RESOURCE IMPLICATIONS**

- 5.1 Other than the cost of publishing the notice of proposals for consultation, the introduction of this Parking Order should be met within the existing budget.

#### **6. RISK AND MITIGATION**

- 6.1 It is a statutory requirement that the Order is adopted to enable the Civil Enforcement Regime to be carried out lawfully

#### **7. ISSUES ARISING FROM EQUALITY IMPACT ASSESSMENT**

- 7.1 An initial equality analysis on the proposals has been undertaken and is attached at appendix 2 to the report. The analysis identified that further assessment is not required

#### **8. CRIME AND DISORDER IMPLICATIONS**

- 8.1 Parking in off street parking places can be regulated by order to prevent misuse. Crime and disorder implications may increase if an Order is not made and car parking cannot be regulated.

#### **9. COMMENTS OF FINANCIAL SERVICES**

- 9.1 There are no financial concerns

#### **10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

10.1 The proposed changes require a new Car Parking Order to be introduced in accordance with the provisions of the Road Traffic Regulation Act 1984. The process for introducing a new order is set out in the Local Authorities' Traffic Orders (Procedure) (England and Wales) Regulations 1996. Executive approved the proposals for consultation. It is a matter for Full Council to approve adoption of the New Parking Order.

## **11. COMMENTS OF OTHER RELEVANT SERVICES**

11.1 None

## **12. APPENDIX**

Appendix 1 - Proposed South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017

Appendix 2 – Stage 1 Equality Analysis

**SOUTH KESTEVEN DISTRICT COUNCIL**  
**CIVIL ENFORCEMENT OFF- STREET PARKING PLACES ORDER**  
**2017**

South Kesteven District Council (“the Council”) in exercise of its powers under Section 35 and Schedule 9 of the Road Traffic Regulation Act 1984 as amended (“the 1984 Act”) and the Traffic Management Act 2004 (“the 2004 Act”) and of all other enabling powers and with the consent of the Lincolnshire County Council given under Section 39(3) of the 1984 Act and after consultation with the Chief Officer of Police in accordance with Part III of Schedule 9 of the 1984 Act and in compliance with regulations made under the Act make the following Order:-

**PART I – GENERAL**

1. This Order is made on the \*\* and will come into effect on the and may be cited as the South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017.
2. The South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2012 and all subsequent variations or amendments are revoked by this Order.
3. (1) Any reference in this Order to a numbered Article is a reference to the Article bearing that number in this Order and any reference in this Order to “the Schedule” is a reference to the Schedule to this Order.  
  
(2) In this Order – except where the context otherwise requires – the following expressions shall have the meanings respectively assigned to them:-

“Cashless Parking”, means a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a

## Proposed Parking Order 23.3.17

vehicle to park for a period of time. When that time runs out the vehicle is required to leave the Parking Place;

“charging hours” – means any period specified in column 5 of Part I of the Schedule on any day prescribed in column 4 of Part I of the Schedule as a day when charges are payable.

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

“Council” – means South Kesteven District Council situated at St. Peter’s Hill Grantham Lincolnshire NG31 6PZ.

“disabled person’s badge” – has the same meaning as in the Disabled Persons (Badges for Motor Vehicles) (England) Regulations 2000 and shall include a badge issued under regulations having effect in Scotland or Wales under s21 of the Chronically Sick and Disabled Persons Act 1970.

“disabled person’s vehicle” – means a vehicle driven by a disabled person, or used at the time of parking for the carriage of a disabled person as defined in the above Regulations.

“driver” – means the person driving the vehicle at the time it was left in the parking place.

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

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“motorcycle” – means a solo motorcycle only and excludes any motorcycle which has a side car or trailer or which has more than two wheels.

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

“parking place” – means any area of land specified in column 1 of Part I and Part II of the Schedule provided by the Council in pursuance of Section 32 (1) of the 1984 Act for use as a parking place.

“parking ticket meter” and “ticket issuing machine” – means such apparatus or device as may from time to time be provided by the Council and situated in the parking place for the purpose of Article 5 of this Order.

“Pass” means a voucher issued by the Council on such terms and conditions as it shall be decided, permitting a Driver to leave a vehicle in a Parking Place without the purchase and display of a Pay and Display Ticket, Resident Car Park Permit, Season Ticket or through the Cashless payment scheme or displaying a disabled driver’s badge and clock. A Pass may include a Council Member Pass and a Council Staff Pass;

“Pay and Display Ticket” means a ticket issued by a Parking Ticket Machine indicating the payment of the charge, the date on which the ticket is valid and the time that paid for parking runs out when the vehicle is required to leave the Parking Place;

“Penalty Charge” has the same meaning as in Section 92 of the 2004 Act; The penalty charge shall be set at Band 2 as set out in

## Proposed Parking Order 23.3.17

Section 1 of the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007;

“Penalty Charge Notice” means a notification of a Penalty Charge pursuant to the provisions of Section 78 of the 2004 Act and the Civil Enforcement of Parking Contraventions (England) General Regulations 2007;

“Relevant Position” means

- (a) In respect of a Disabled Person’s Badge
  - (i) The Badge is shown inside the windscreen on the dashboard or fascia of the vehicle, or
  - (ii) where the vehicle is not fitted with a dashboard, fascia or windscreen, the Badge is shown in a conspicuous position on the vehicle

and in each case so that the date of expiry, the name of the issuing authority and the serial number are clearly visible and able to be read easily from outside the vehicle, and

- (b) in respect of Pass, Pay and Display Ticket, Season Ticket,
  - (i) The Pass, Pay and Display Ticket, Season Ticket, is shown inside the windscreen, or
  - (ii) In the case where of a vehicle is not fitted with a dashboard, the Pass, Pay and Display Ticket, or Season Ticket must be displayed in a conspicuous position on or in the vehicle

and in each case so that the front face and all of the information including any expiry time and date, any date of validity and any reference number is able to be read easily from outside the vehicle;

“Restricted Area”, in respect of a Parking Place means any area other than a Parking Bay and where parking is not permitted;

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“Season Ticket” means a ticket purchased from the Council and issued subject to the Council’s terms and conditions, valid for the period specified on the ticket and in the Parking Place(s) specified on the ticket;

“vehicle” means any motorcar, motorcycle or other mechanically propelled automobile.

- (3) The Interpretation Act 1978 shall apply for the interpretation of this Order as it applies for the interpretation of an Act of Parliament.

## **PART II – USE OF PARKING PLACES**

### Use of land and parking places

4. (1) (i) Each area of land specified by name in column 1 of Part I and Part II of the Schedule to this Order may only be used subject to the following provisions of this Order as a parking place for such class or classes of vehicles in such positions on such days and during such hours as are specified in relation to that area in Part I of the Schedule.
- (2) (i) Where in Part I and Part II of the Schedule a parking place is described as available for vehicles of a specified class or in a specified position the driver of a vehicle shall not permit it to wait in that parking place unless it is of the class and in the position so specified.
- (ii) Where within a parking place there is a sign or surface marking which indicates that a parking bay is available only for a disabled persons vehicle the driver of a vehicle shall not permit it to wait in that parking bay unless it is a disabled persons vehicle displaying a disabled persons badge.
- (iii) Where within a parking place there is a surface marking of lines or hatching or some other marking indicating that waiting or parking is not permitted within or over such lines hatching or other marking the driver of a vehicle shall not permit it to wait or be parked on such markings but must ensure that it is left wholly within a parking bay and parked between the lines so as not to obstruct access to and egress from the parking place or any part thereof for other users or to obstruct the free movement of vehicles using other parking bays within the parking place.

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- (3) Insofar as a vehicle is left in a parking place during the charging hours the driver thereof shall pay such charge or charges as are specified in the following provisions of this Order.

### Amount of initial charge at parking places

5. (1) This article applies to the parking places specified by name in column 1 of Part I of the Schedule.
- (2) The initial charge for a vehicle parking in a parking place during the charging hours shall, subject as hereinafter provided, be in accordance with the Scale of Charges specified in column 7 of Part I of the Schedule.
- (3)

### Payment

6. The Driver of a vehicle using a Parking Place shall, upon parking the Vehicle in the Parking Place, make payment of a charge either by:
  - (i) purchasing a Pay and Display Ticket; or
  - (ii) making a Cashless Parking prepayment at the level of the charge for the period required in accordance with the scale of charges specified in Part I of the Schedule, or otherwise varied by an Order or a Notice of Variation.

### Means of payment

7. The charge referred to in Article 5 shall be payable either by:
  - (i) the insertion of an appropriate coin, coins, banknotes or by means of a credit/debit card, making up the amount of the charge payable to the Parking Ticket Machine situated in that Parking Place, or by

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payment to a person nominated by the Council, or other approved method of payment.

- (ii) a cashless prepayment made via a telephone, smartphone, computer or other method, allowing a vehicle to park for a period of time.

8. The owner of a vehicle may on application to the Council purchase a Season Ticket in respect of that vehicle for a charge ascertained by reference to the said Scale of Charges and that season ticket shall be valid in such parking places and at such times as may be determined by the Council during the period for which it is issued. The Council reserves the right to suspend the issue of Season Tickets without notice.
9. The Council may, at its discretion, issue a parking permit or pass to the driver of a vehicle and that parking permit shall be valid in such parking places and at such times as may be determined by the Council.
10. The driver of a vehicle shall attach or cause to be attached any ticket or tickets issued on payment of the initial charge referred to in this Article or any Season Ticket or Pass issued under this Article in the Relevant Position at all times when the vehicle is parked in a parking place.

### Validity of Pay and Display Tickets

11. A Pay and Display Ticket is not transferable from one vehicle to another.
12. A Pay and Display Ticket is valid only in the Parking Place in which it was issued. This is defined by the reference code and/or location of the Parking Ticket Machine in that Parking Place, printed on the Pay and Display Ticket.

### Expiry of parking period

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13. The parking period expires where:
- (i) a Pay and Display Ticket is purchased and the time indicated on the Hand Held Computer is later than the expiry time and date indicated on the Pay and Display Ticket displayed on a vehicle; or
  - (ii) a Cashless Parking prepayment is made and the time indicated on the Hand Held Computer or other device is later than the expiry time and date of the electronic record of that transaction.
14. The vehicle shall be removed from the Parking Place by the end of the parking period.

No Ticket displayed

15. Where neither a Pay and Display Ticket, disabled driver's badge and clock is displayed on a vehicle in the Relevant Position and in accordance with the provisions of Article 16, nor can it be determined that a Cashless Parking prepayment has been made, it shall be deemed that the charge has not been paid.
16. If at the time when a vehicle is left in a Parking Place and on the nearest Parking Ticket Machine in that Parking Place there is a notice placed by any person duly authorised by the Council, indicating that the Parking Ticket Machine is out of order, or the Parking Ticket Machine displays "not in use" or a Pay and Display Ticket cannot be obtained from that Parking Ticket Machine for any reason, then a Pay and Display Ticket shall be obtained from another Parking Ticket Machine located within the car park (where provided).
17. A vehicle may not be left in a Parking Place if neither a valid Pay and Display Ticket has been obtained and displayed, or a Cashless Parking prepayment made.

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### Indication by parking ticket meter

18. (1) Payment of the initial charge for a vehicle left in a parking place shall be indicated by the issue of a ticket or tickets indicating that the charge has been paid on the day on which the vehicle is so left in respect of an initial period being of not more than the unexpired period of the charging hours on the day of payment.
- (2) Any ticket of the type referred to in this Article shall be exhibited in the Relevant Position
- (3) Any ticket issued by a parking ticket meter shall be presumed unless the contrary is proved to have been issued on the date shown thereon and when the clock on the said parking ticket meter indicated the time to be that shown on the said ticket.
- (4) No person shall exhibit on a vehicle left in a parking place during the charging hours any ticket or tickets issued by a parking ticket meter relating to that parking place other than the ticket or tickets issued by a parking ticket meter upon payment of the initial charge in respect of that vehicle.
- (5) Any person who interferes with a Parking Ticket Machine or operates or attempts to operate it by the insertion of objects other than undamaged and unaltered coins of legal tender, shall be liable to prosecution.

### Amount of Penalty Charge at Parking Places

19. (1) If a vehicle is left in a parking place during the charging hours for a longer period than that period for which payment was made, the amount shown in Part III of the Schedule (which amount is hereinafter referred to as the "Penalty Charge") shall be payable

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by the driver of that vehicle in accordance with Part III of the Schedule and Article 21.

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- (2) If a vehicle is left in a parking place during the charging hours either:-
- (i) without having paid the initial charge, or
  - (ii) without a valid parking ticket season ticket or parking permit being displayed

the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with Part III of the Schedule and Article 21.

- (3) If a vehicle is left in a parking place during the charging hours and fails to comply with this Order the amount shown in Part III of the Schedule (which amount is referred to as the "Penalty Charge") shall be payable by the driver of that vehicle in accordance with that Part of the Schedule and Article 21.
- (4) In the case of a vehicle in respect of which an Penalty Charge may have been incurred, it shall be the duty of a Civil Enforcement Officer to attach to the vehicle in a conspicuous position or, where the driver is present, to hand to the driver, or the Council to post to the Owner the Penalty Charge Notice which shall include the following particulars and which particulars are required by the Civil Enforcement of Parking Contraventions (England) General Regulations 2007 (or any subsequent amendments):-
- (a) the date on which the notice is served;
  - (b) the name and address of the Council;

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- (c) the registration mark of the vehicle or, where the vehicle is being used under a trade licence, the number of the trade plate carried by the vehicle;
- (d) the date and time at which the alleged contravention occurred;
- (e) the grounds on which the civil enforcement officer serving the notice believes that a Penalty Charge is payable;
- (f) the amount of the Penalty Charge;
- (g) that the Penalty Charge must be paid not later than the last day of the period of 28 (twenty eight) days beginning with the date on which the Penalty Charge Notice was served;
- (h) that if the Penalty Charge is paid not later than the last day of the period of 14 (fourteen) days beginning with the date on which the notice is served the Penalty Charge will be reduced by the amount of any applicable discount;
- (i) the manner in which the Penalty Charge must be paid; and
- (j) that if the Penalty Charge is not paid before the end of the period of 28 (twenty eight) days referred to in (g) above a notice to the owner may be served by the Council on the owner of the vehicle.

Restriction on removal of notices

20. When a Penalty Charge Notice has been attached to a vehicle in accordance with any of the foregoing provisions of this Order no person other than a person authorised by the Council or the driver or a person authorised by the driver shall remove the Notice from the vehicle.

Manner of payment of Penalty Charge

21. (1) The Penalty Charge shall be paid to the Council in accordance with the instructions indicated on the Penalty Charge Notice either by cheque, which shall be delivered or sent by post to the address indicated on the Penalty Charge Notice, by debit or credit card (except Electron and American Express) on the 24 hour telephone payment line; 0845 234 0038 or by any other acceptable means which is agreed by the Council and the person or persons paying the Penalty Charge.
- (2) The Penalty Charge must be paid to the Council before the end of twenty eight days beginning with the date of the Penalty Charge Notice.
- (3) If the Penalty Charge is paid to the Council before the end of a period of fourteen days beginning with the date of the Penalty Charge Notice the amount of the Penalty Charge shall be reduced in accordance with the Part III of the Schedule of this Order which is pursuant to the Traffic Management Act 2004.
- (4) For the purposes of this Article the Penalty Charge shall be taken to be paid when it is received at the office at the address indicated on the Penalty Charge Notice and if the end of the period of twenty eight days specified in paragraph (2) above or the end of the fourteen days specified in paragraph (3) above falls upon a day the Council office is closed, the period within which the payment of the Penalty Charge shall be made shall be extended until the time at which the Council office closes on the next full day on which that office is open. If full

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payment is not received within 28 (twenty eight) days of issue, the registered keeper or the person that the Council believes to be the owner of the vehicle will receive a Notice to Owner.

- (5) At this stage, the registered owner/keeper of the vehicle can submit a formal representation objecting to the issue of the Penalty Charge Notice. Vehicle keeper information will be requested from the DVLA.
- (6) In the event that the formal representation is rejected, the registered owner/keeper can submit an appeal to the Traffic Penalty Tribunal. They are an independent body and will consider the registered owner/keeper's comments and those offered by the Council. A final decision will be reached.
- (7) If no payment is received within twenty eight days of the date of service of the Notice to Owner, a Charge Certificate will be issued and the outstanding amount is increased by 50%.
- (8) Continued non payment will result in the debt being registered at the County Court and an Order for Recovery will be sent to the owner. At this stage, the outstanding amount has increased by £7.00 and a period of 21 (twenty one) days are allowed for payment or for a witness statement to be submitted.
- (9) Failure to pay the outstanding amount will result in the outstanding amount being referred to a bailiff to recover the monies.

### Miscellaneous

22. The driver of a vehicle using a parking place shall stop the engine as soon as the vehicle is in position in the parking place, and shall not start the engine except when about to change the position of the vehicle in or to depart from the parking place.
23. (1) No person shall use a vehicle, while it is in a parking place, in connection with the sale of any article to persons or the sale of that vehicle or offering or advertising that vehicle for sale to persons in or near the parking place or in connection with the selling or offering or advertising for hire of his skill or service.

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

no person shall drive or permit to be driven any vehicle (i) so that it enters the parking place otherwise than by an entrance, or leaves the parking

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place otherwise than by an exit, so indicated, or (ii) in a direction other than so specified.

28. No person shall, except with the permission of a person authorised by the Council in that behalf, drive or permit to be driven any vehicle in a parking place or any part of any car park to which this Order relates for any purpose other than the purpose of leaving that vehicle in the parking place in accordance with the provisions of this Order or for the purpose of departing from the parking place.
29. No person shall permit the vehicle to remain continuously in a parking place specified in Part II of the Schedule for a period of more than forty eight (48) hours without express written permission of the Council.
30. Caravans shall not be permitted to wait in any parking place at any time without the express written permission of the Council.
31. Heavy goods vehicles shall not be permitted to wait in any parking place unless that parking place is of that specified class at any time without the express written permission of the Council.
32. Trailers that are not attached to a vehicle shall not be permitted to wait in any parking place at any time without the express written permission of the Council.
33. In a parking place no person shall:-
  - (a) erect or permit to be erected any tent, booth, stand, building or other structure without the written consent of the Council.
  - (b) light or cause or permit to be lit any fire.
  - (c) drive a vehicle above the speed of 10mph (ten miles per hour) or for driving around such parking place unnecessarily for driving

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recklessly erratically dangerously or for any game or sport involving motor vehicles or motor sport rally or motor trial.

- (d) place a skip or similar storage receptacles or for the storing of goods rubbish or waste of any description howsoever short or long the period without the express written permission of the Council.
- (e) commit any criminal offence.

34. Save as provided in Article 35 of this Order, no person shall cause or permit any vehicle to wait at any time on any carriageway giving access to or egress from a parking place.

35. Nothing in Article 34 of this Order shall prevent a person from causing or permitting a vehicle to wait on any such carriageway as is mentioned therein for as long as may be necessary:-

- (a) if the vehicle is waiting, owing to the driving being prevented from proceeding by circumstances beyond his control or such waiting as is necessary to prevent an accident;
- (b) if the vehicle is a fire engine or ambulance or any vehicle in the service of the local authority or police force being used in either case in pursuance of statutory powers or duties.

36. Any vehicle using or remaining in the parking place shall be at the owner's or driver's risk and the Council, or its agents, officers or employees shall not be liable for loss or damage to it or its contents or accessories howsoever arising.

37. The Council may at its complete discretion and without prior notice having been given, suspend the use of any parking place covered by this Order.

**PART III – EXEMPTION**

38. (1) The driver of a disabled persons vehicle which displays in the relevant position a disabled person's badge shall be exempt from any limitation of time and from any payment specified in Articles 5 to 10. A driver who is neither disabled nor carrying a disabled person at the time of parking is not exempt from the provisions of Articles 5 to 10.
- (2) For the purpose of this Order a vehicle shall be regarded as displaying a disabled person's badge in the Relevant Position when:–
- (i) in the case of a vehicle fitted with a front windscreen, the badge is exhibited thereon with the obverse side facing forwards on the near side of and immediately behind the windscreen, and
  - (ii) in the case of a vehicle not fitted with a front windscreen, the badge is exhibited in a conspicuous position on the front or nearside of the vehicle.

**PART III – REMOVAL OF VEHICLE FROM PARKING PLACE**

239. (1) If a vehicle is left in a parking place in a position other than in accordance with the provisions of Article 4, a person authorised by the Council may alter or cause to be altered the position of the vehicle so that its position is in accordance with the said provisions.
- (2) If a vehicle is left in a parking place in contravention of any of the provisions of this Order a person authorised by the Council may remove the vehicle from that parking place or arrange for such removal and storage of the vehicle.

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- (3) For the purpose of meeting the requirements of any emergency, a person authorised by the Council or a police constable in uniform may alter or cause to be altered the position of a vehicle in a parking place or remove or arrange for the removal and storage of a vehicle from a parking place.
- (4) If a vehicle is removed and stored as mentioned in (2) and (3) above the Council shall serve upon the owner of the vehicle a notice stating that their vehicle has been removed and inform them of where it is being stored. Also the notice will stipulate the charges incurred in accordance with the Civil Enforcement of Parking Contraventions (Guidelines on Levels of Charges) (England) Order 2007 (and any subsequent amendments) which are set out in Part III of the Schedule.

- (5) The Council may for the purpose of altering or causing to be altered the position of any such vehicle or for the purpose of removing or arranging removal of such vehicle gain access by the use of reasonable force if necessary to such vehicle.
- (6) Any person altering, or causing the alteration of, the position of a vehicle by virtue of paragraph (1) of this Article, or removing, or causing the removal of, a vehicle by virtue of paragraph (2) or (3) of this Article, may do so by towing or driving the vehicle or in such other manner as he may think reasonably necessary to enable the position of the vehicle to be altered or the vehicle to be removed.
- (7) Any person removing or arranging for the removal of a vehicle by virtue of paragraph (2) or (3) of this Article shall make such arrangements as he considers reasonably necessary for the safety of the vehicle in the place to which it is removed and stored.
- (8) The Council or other person shall not be liable for any cost claim demand or liability arising from the exercise of their powers under this Article.

#### **PART V – DISPOSAL OF VEHICLES ABANDONED IN A PARKING PLACE**

40. The Council may as respects a vehicle which has been, or could at any time be, removed from a parking place in pursuance of Article 39 of this Order, if it appears to them to have been abandoned, sell or otherwise dispose of the vehicle. Provided that the power of disposal conferred by this Article shall not be exercisable in the case of a vehicle unless there have been taken by the Council such of the following steps as are applicable to the vehicle and there has elapsed a period of six weeks beginning with the taking of the first of those steps.

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41. (1) Subject to the provisions of Article 47 of this Order, where a vehicle carries a registration mark issued under the Vehicle Excise and Registration Act 1994 the Council shall apply in writing to the Driver and Vehicle Licensing Agency enquiring who it appears may be the owner of the vehicle and the address of that person.
- (2) Where the Council act under this Article the first step for the purposes of the last and next succeeding Article shall be taken to be the sending of the notice mentioned in Article 42.
42. The Council shall, where they are by virtue of the last preceding Article aware of the name and address of a person who it appears may be the owner of the vehicle, send a notice to that person at that address stating that it is the intention of the Council to sell or otherwise dispose of the vehicle (which shall be sufficiently described in the notice) on or after a specified date (which shall not be less than two weeks from the date of the notice and in any event not earlier than 6 (six) weeks from the date of the first step taken by the Council under this part of this Order) unless it is in the meantime removed by or on behalf of that person from such place as is specified by the Council in the said notice, or from such place as may be subsequently notified in writing by the Council to that person.
43. If any person to whom a notice is sent in accordance with the last preceding Article informs the Council of the name and address of some other person whom he alleges may be the owner of the vehicle a notice stating the particulars mentioned in the last preceding Article shall be sent to that other person and to any further person who the Council may in consequence of the sending of the notice to the said other person be led to believe may be the owner of the vehicle.
44. Subject to the provisions of Article 47 of this Order, where a vehicle does not carry a registration mark issued under the Vehicle Excise and Registration Act 1994, the first step to be taken by the Council shall be to apply in writing to the Chief Officer of the Police in whose area the parking

Proposed Parking Order 23.3.17

place is from which the vehicle has been, or could at any time be, removed in pursuance of this Order inquiring who that officer considers is the owner of the vehicle and the address of that person.

45. If, after steps have been taken under the foregoing provisions of this Part of this Order, a vehicle is not claimed, the Council shall make further enquiries (if any) as they consider reasonable as to who may be the owner of the vehicle and the address of that person especially in the case of a vehicle with a foreign registration.
46. Where by virtue of Article 44 or 45 of this Order, the Council are informed of the name and address of a person who it is considered may be the owner of the vehicle, Articles 42 and 43 of this Order as respects the sending of notices shall apply in relation to that person at that address as they apply in relation to the person mentioned in the said Article 42.
47. Nothing in the foregoing provisions of this part of this Order shall require the Council to take any such steps as are therein mentioned for the purpose of inquiring who is the owner of a vehicle to which Article 40 of this Order applies, if they have found a person who satisfies them that he is in fact the owner of that vehicle and they have sent him at his address a notice containing the particulars specified in Article 42 of this Order.
48. Upon the sale of a vehicle by the Council, the Council shall apply the proceeds of sale in or towards the satisfaction of any costs incurred by them in connection with the disposal thereof and of any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.
49. In the event of any such costs incurred by them in connection with the disposal of the vehicle not being satisfied by virtue of the last preceding Article, the Council may recoup those costs so far as not satisfied from the person who was the last owner of the vehicle before it was removed from

Proposed Parking Order 23.3.17

the parking place in pursuance of Article 39 of this Order, if that person was sent by the Council a notice under the foregoing provisions of this part of this Order stating the particulars mentioned in Article 42 of this Order.

50. Any sum received by the Council on a sale of the vehicle, after deducting any sum applied there out by virtue of Article 48 of this Order, shall be payable within a period of 1 (one) year from the date of the sale of the vehicle to any person whom, but for such sale the vehicle would have belonged, and insofar as any such sums are not claimed within the said period they shall be paid into the general fund of the Council.

51. If the owner of a vehicle which has been or which could at any time have been removed from a parking place in pursuance of Article 40 of this Order, reclaims the vehicle before the Council sells or otherwise disposes of it as provided for by Article 40 of this Order then the Council shall be entitled to recover from such owner any charge or payment to which they are entitled as regards the vehicle under Section 102 of the 1984 Act.

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

Executed as a Deed by SOUTH )  
KESTEVEN DISTRICT COUNCIL )  
having caused its common seal )  
to be affixed hereto )

In the presence of )

**SCHEDULE – PART I**

(1) NAME OF PARKING PLACE	(2) POSITION IN WHICH VEHICLES MAY WAIT	(3) CLASSES OF VEHICLES	(4) DAYS OF OPERATION OF PARKING PLACES	(5) HOURS OF OPERATION OF PARKING PLACE	(6) MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	(7) SCALE OF CHARGES
North Street Car Park Stamford	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Bath Row Car Park Stamford (including the river front parking)	"	"	"	"	"	"
St. Leonards Street Car Park, Stamford	"	"	"	"	"	"
Scotgate Car Park Stamford	"	"	"	"	"	"

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1) Wharf Road Car Park Stamford	(2) Wholly within a parking bay	(3) Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	(4) Monday to Saturday Inclusive	(5) 8.00 a.m. – 6.00 p.m.	(6) 10 hours	(7) Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Cattle Market Car Park Stamford	"	"	"	"	"	"
Cattle Market Car Park Stamford	Within one or more parking bays	Coaches	Every Day	24 hours	24 hours	£10.00 per 24 hours or part thereof

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1) Welham Street Car Park Grantham Levels 1 and 2	(2) Wholly within a parking bay	(3) Any of the following having a height of less than 6'6":- (i) Motor cars within the provisions of Section 136(2)(e) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	(4) Monday to Saturday inclusive	(5) 8.00 a.m. – 6.00 p.m.	(6) 10 hours	(7) Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Welham Street Car Park Grantham Levels 3, 4, 5, and 6	"	"	"	"	"	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Conduit Lane Car Park Grantham	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Saturday Inclusive	8.00 a.m. – 6.00 p.m.	10 hours	Up to 3 hours - £1.80 Up to 4 hours - £2.50 ALL DAY - £3.00
Guildhall Street Car Park (Greenwoods Row), Grantham	"	"	"	"	"	Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00
Watergate Car Park Grantham	"	"	"	"	"	"

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES	HOURS OF OPERATION OF PARKING PLACE	MAXIMUM PERIOD FOR WHICH VEHICLES MAY WAIT	SCALE OF CHARGES
<p>(1) Council Offices Car Park St Catherine's Road Grantham</p>	<p>(2) Wholly within a parking bay</p>	<p>(3) Any of the following having a height of less than 6'6":-</p> <ul style="list-style-type: none"> <li>(i) Motor cars within the provisions of Section 136(2)(a) of the Act</li> <li>(ii) Motor cycles as defined in Section 136(4) of the Act</li> <li>(iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes</li> </ul>	<p>(4) Saturdays Only</p>	<p>(5) 8.00 a.m. – 6.00 p.m.</p>	<p>(6) 10 hours</p>	<p>(7) Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £3.00 Over 4 hours - £4.00</p>
<p>Wharf Road Multi Storey Car Park Grantham</p>	<p>"</p>	<p>(iv) Invalid carriages "</p>	<p>Monday to Saturday Inclusive</p>	<p>"</p>	<p>"</p>	<p>Up to 30 mins - £0.50 0 - 1 hour - £0.80 0 - 2 hours - £1.30 0 - 3 hours - £1.80 0 - 4 hours - £6.00 Over 4 hours - £8.00</p>



**SCHEDULE – PART II**  
**(NON PAY AND DISPLAY CAR PARKS / “FREE TO PARK” CAR PARKS)**

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES
Wyndham Park Hill Avenue Grantham (PLAN A)	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act  (ii) Motor cycles as defined in Section 136(4) of the Act  (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes  (iv) Invalid carriages	Monday to Sunday Inclusive
Dysart Park Bridge End Road Grantham (PLAN B)	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act  (ii) Motor cycles as defined in Section 136(4) of the Act  (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes  (iv) Invalid carriages	Monday to Sunday Inclusive
Trent Road adjacent to the Rose and Castle Public House Grantham (PLAN C)	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act  (ii) Motor cycles as defined in Section 136(4) of the Act  (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes  (iv) Invalid carriages	Monday to Sunday Inclusive

NAME OF PARKING PLACE	POSITION IN WHICH VEHICLES MAY WAIT	CLASSES OF VEHICLES	DAYS OF OPERATION OF PARKING PLACES
The Meres Leisure Centre and Sports Stadium on Trent Road Grantham (PLAN D)	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Arnoldfield Gonerby Hill Foot Grantham Lincolnshire (PLAN E)	Wholly within a parking bay	Any of the following having a height of less than 6'6" :- (i) Motor cars within the provisions of Section 136(2)(a) of the Act (ii) Motor cycles as defined in Section 136(4) of the Act (iii) Motor vehicles constructed or adapted for use for the conveyance of goods or burden, the unladen weight of which does not exceed 1½ tonnes (iv) Invalid carriages	Monday to Sunday Inclusive
Land off St. Catherine's Road Grantham Lincolnshire/to the rear of Welham Street Car Park (PLAN F)	Waiting is prohibited at all times, with the exception for invalid carriages or vehicles displaying a valid disabled clock and badge	(iv) Invalid carriages	Monday to Sunday Inclusive

## SCHEDULE

### PART III

The following is payable:

*£70.00 (£35.00 where paid within 14 days; £105 if paid after service of charge certificate)*

1. Using a vehicle in a parking place in connection with the sale or offering or exposing for sale of goods when prohibited
2. Parked in a restricted area in a car park
3. Parked in a disabled person's parking space without clearly displaying a valid disabled person's badge
4. Parked in a car park or area not designated for that class of vehicle
5. Parked causing an obstruction

*£50.00 (£25.00 where paid within 14 days; £75 if paid after service of charge certificate)*

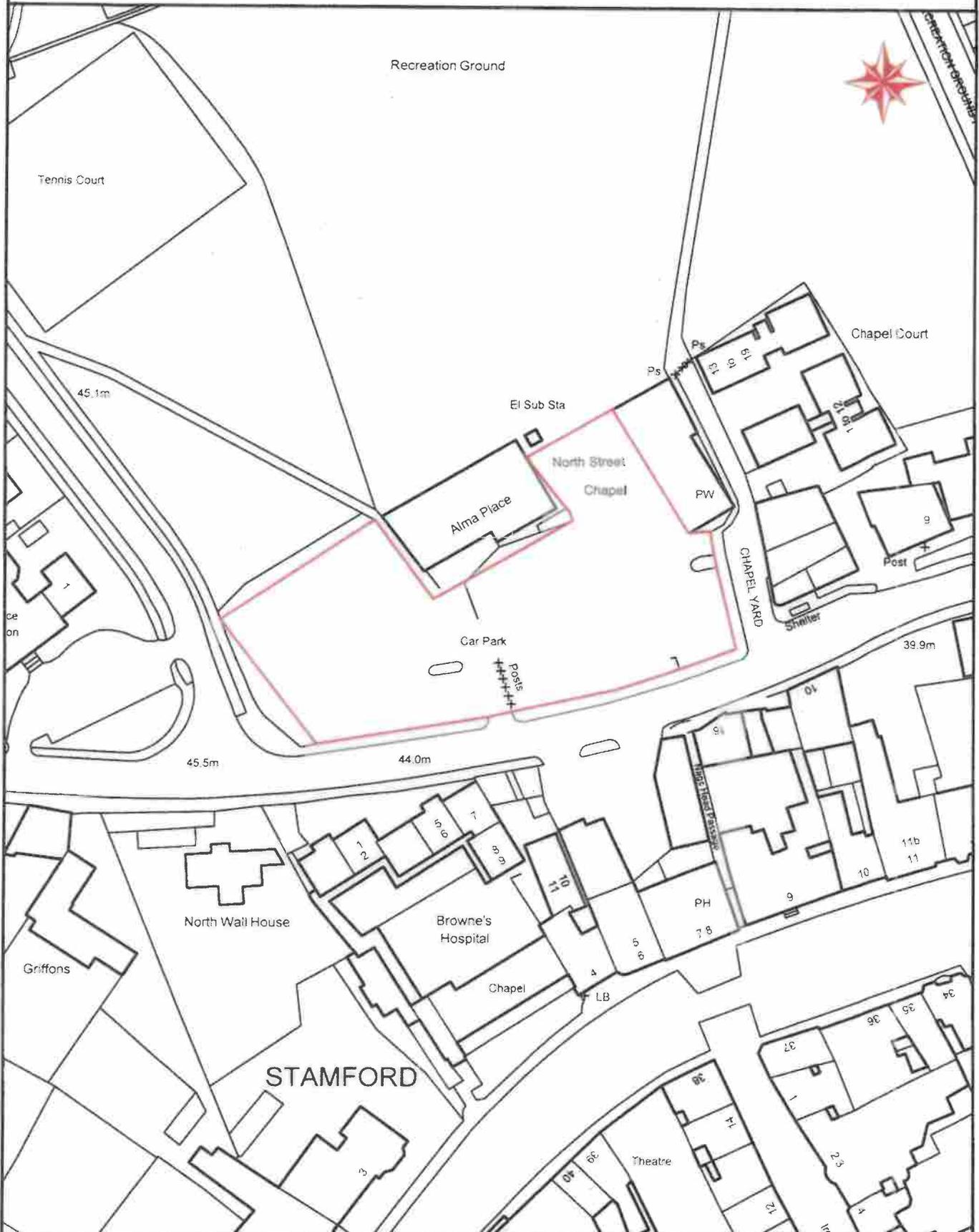
1. For parking without displaying a valid parking ticket; that is without paying to park, or parking after expiry of paid time and for parking without clearly displaying of disabled parking clock or any other parking ticket
2. Parking beyond the bay markings
3. Parking for a purpose other than that permitted
4. Parking with the engine running

#### CHARGES FOR THE REMOVAL STORAGE AND DISPOSAL OF VEHICLES

1. Removal - £105.00
2. Storage - £12.00 per day
3. Disposal - £50.00



# NORTH STREET STAMFORD



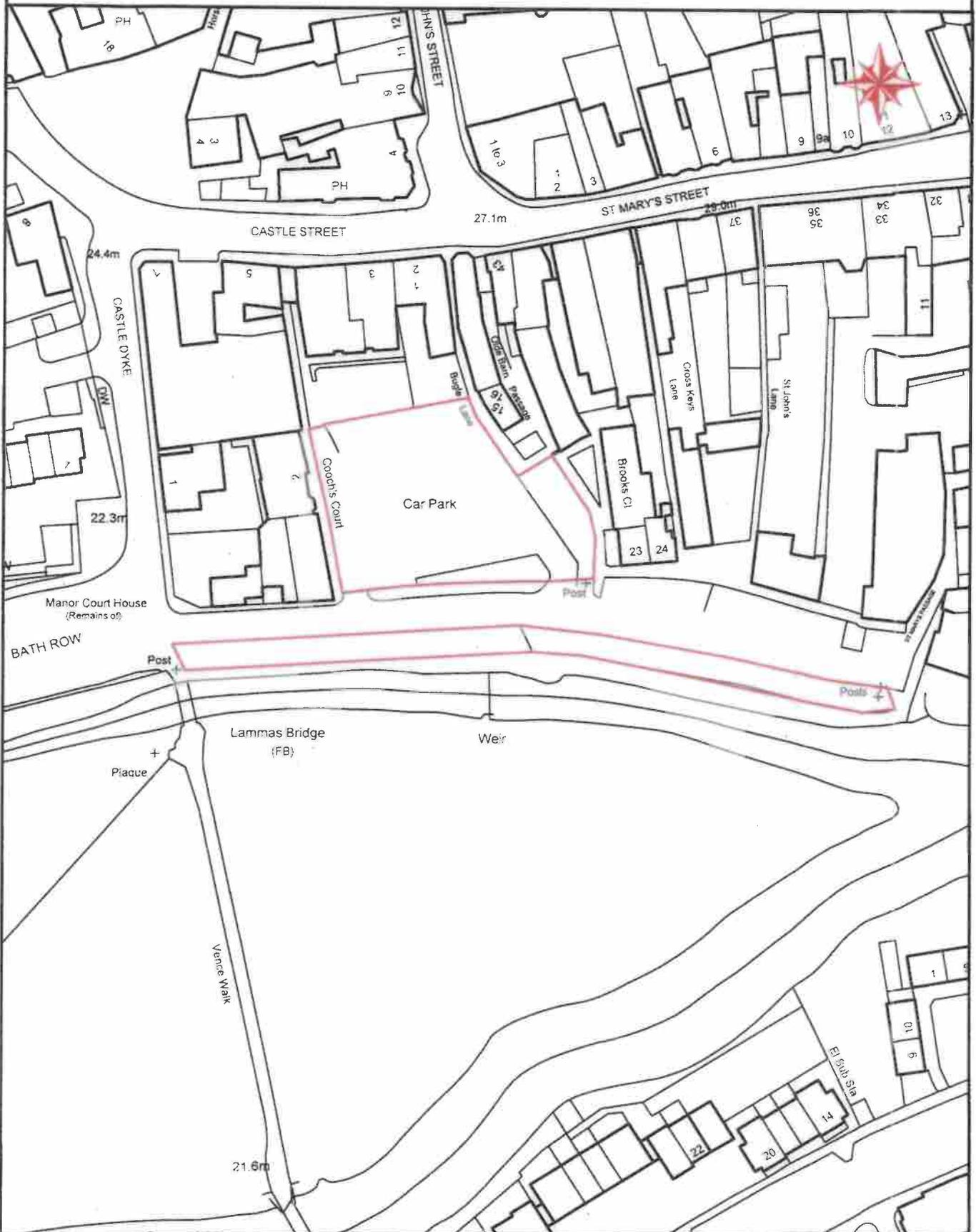
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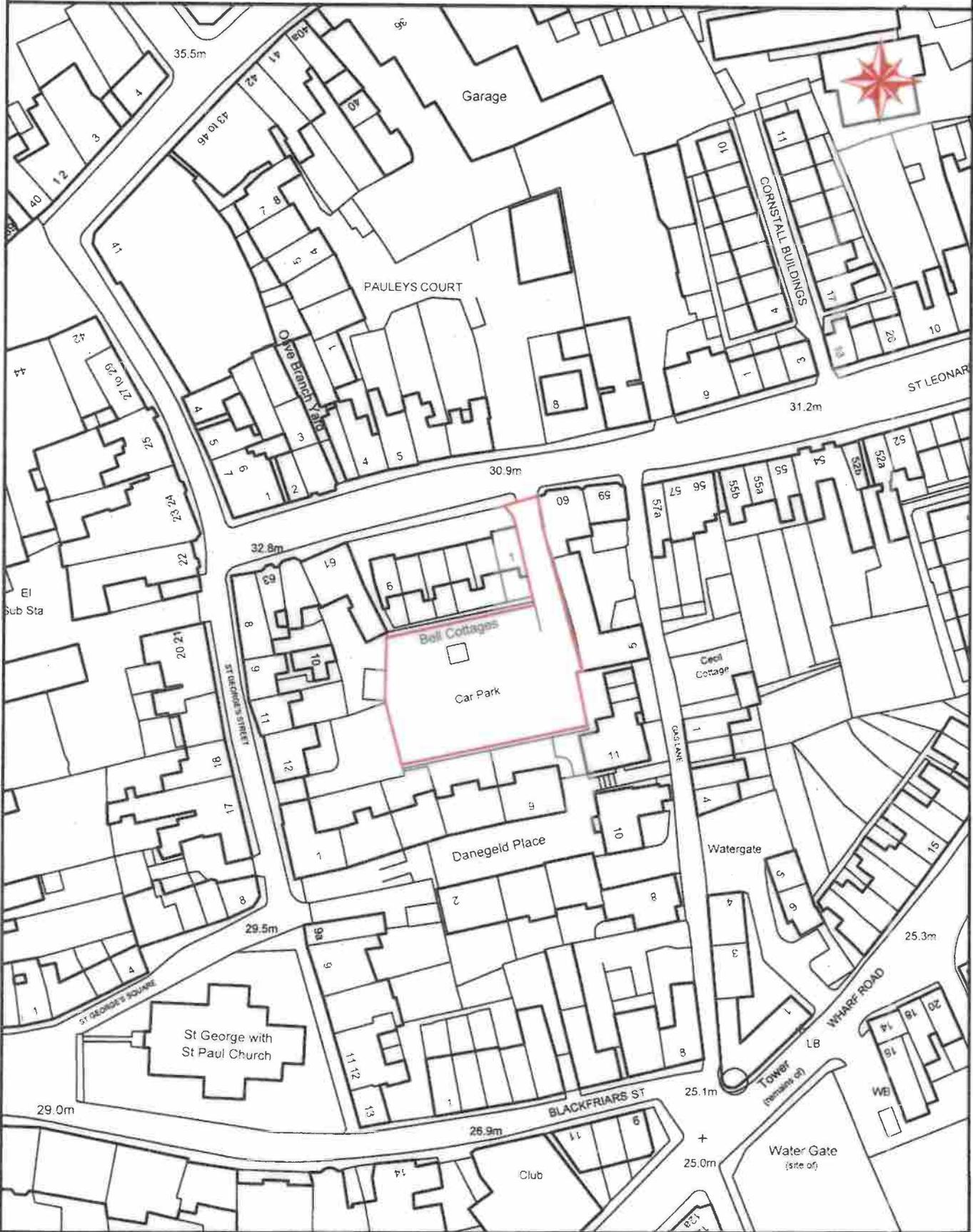
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# BATH ROW STAMFORD



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# ST LEONARDS STREET STAMFORD



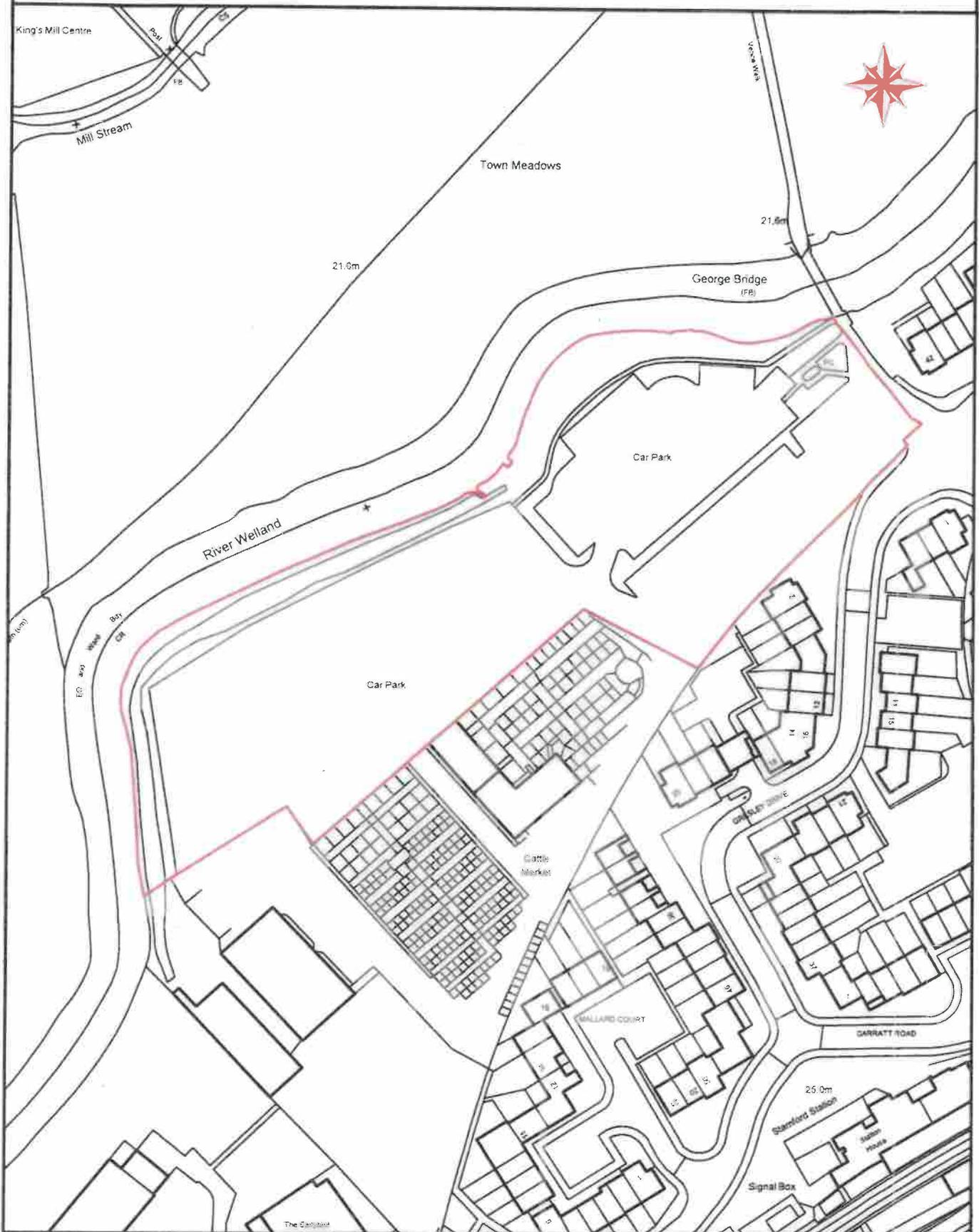
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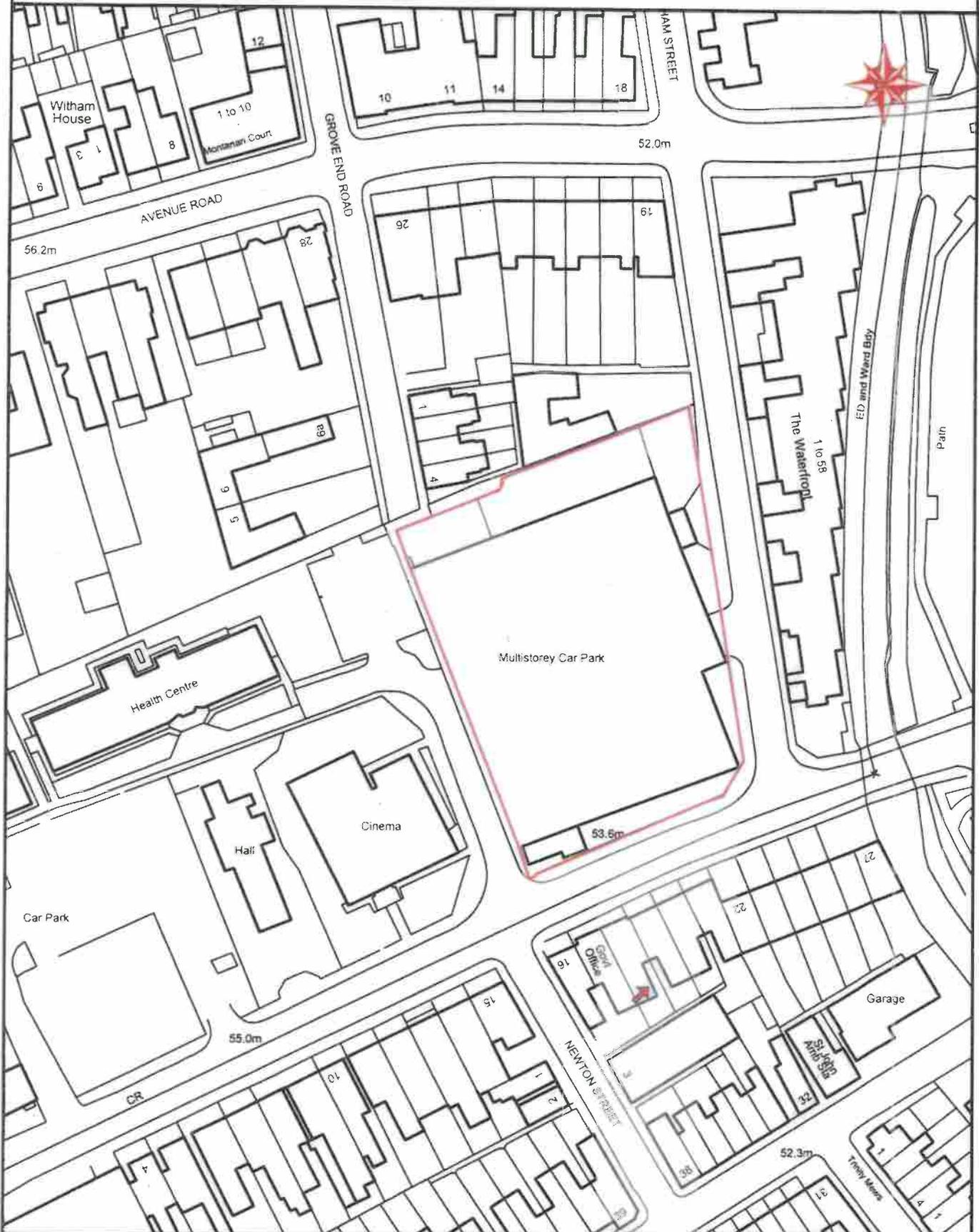
# CATTLE MARKET STAMFORD



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# WELHAM STREET GRANTHAM

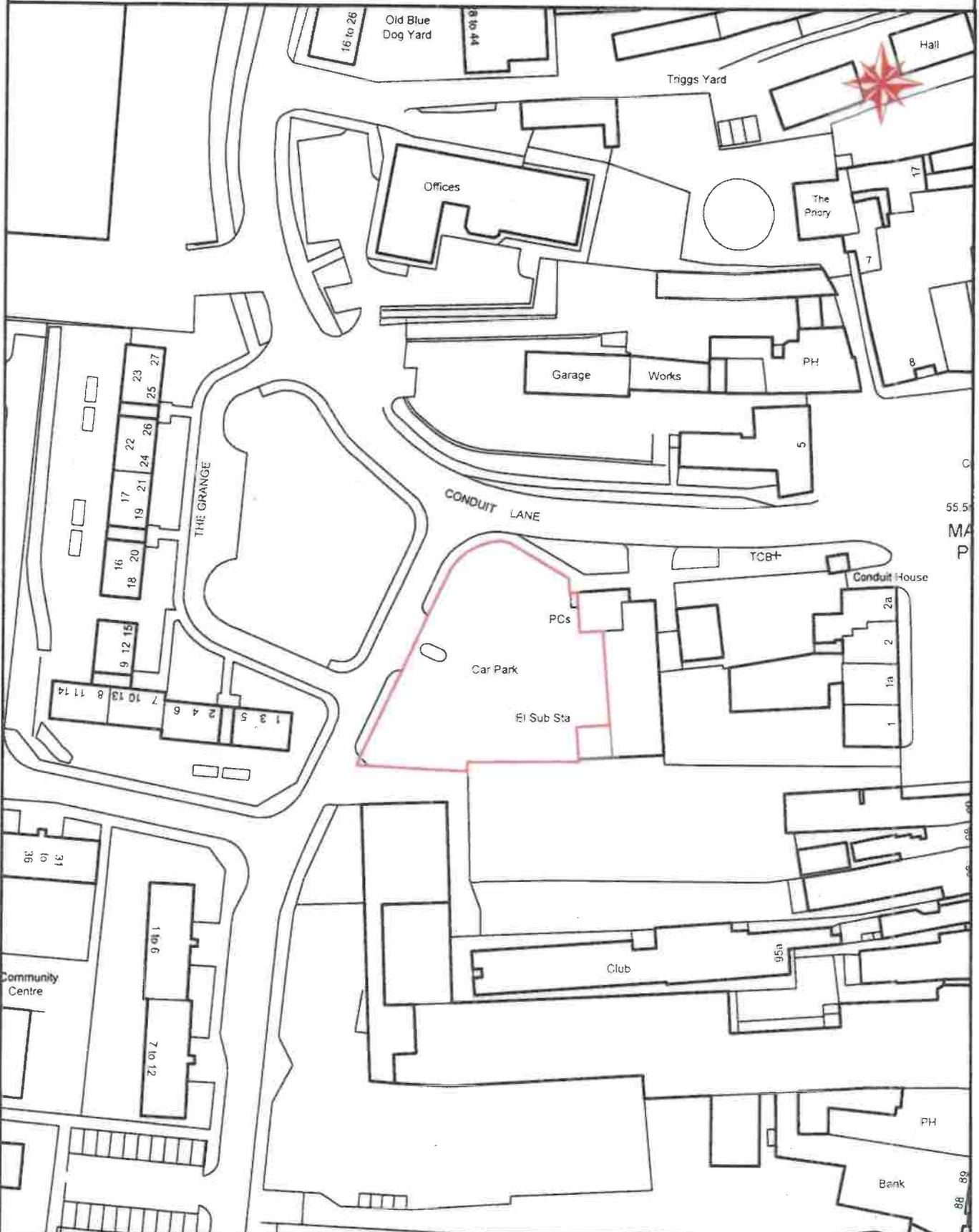


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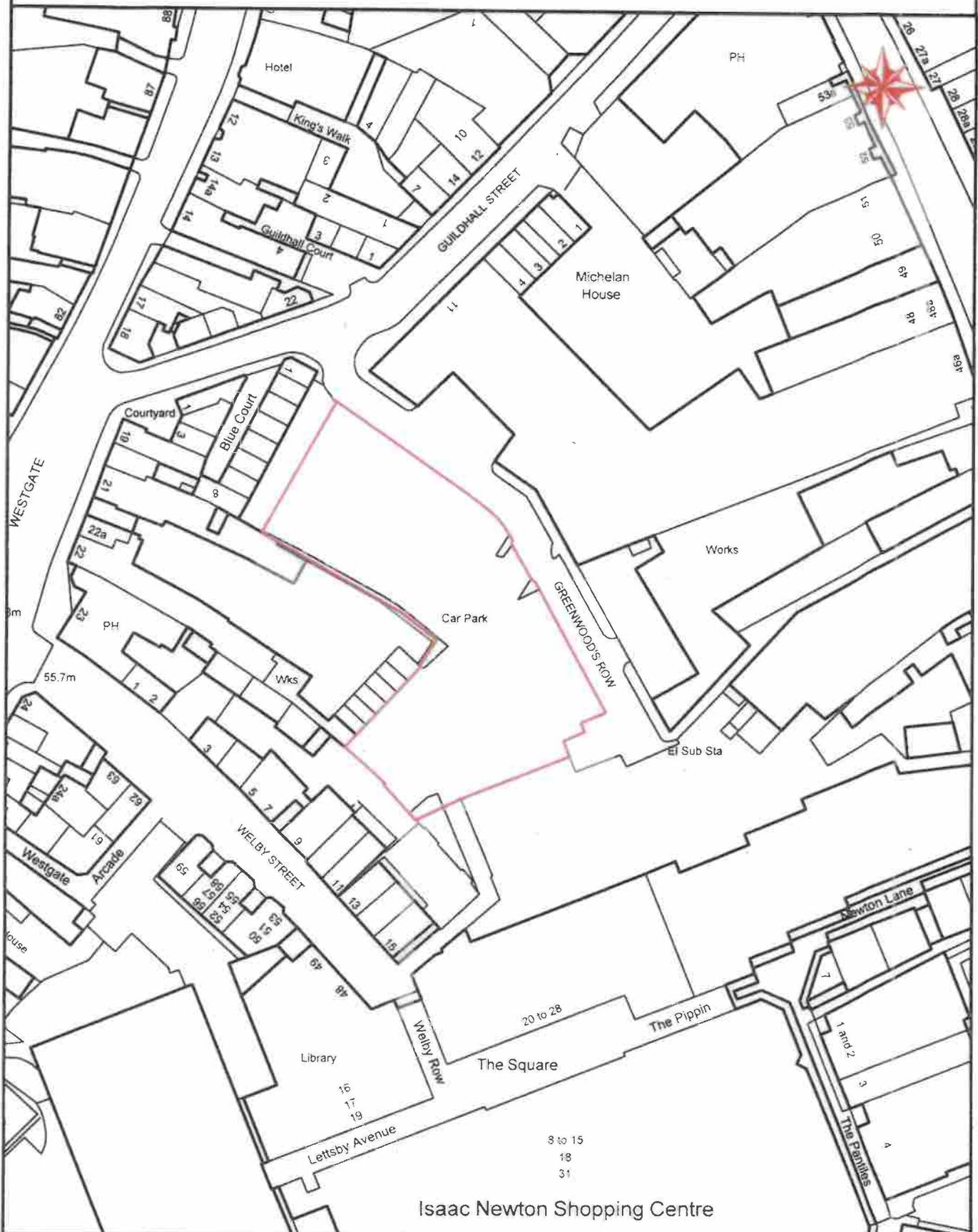
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# CONDUIT LANE GRANTHAM



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# GUILDHALL STREET (GREENWOODS ROW) GRANTHAM

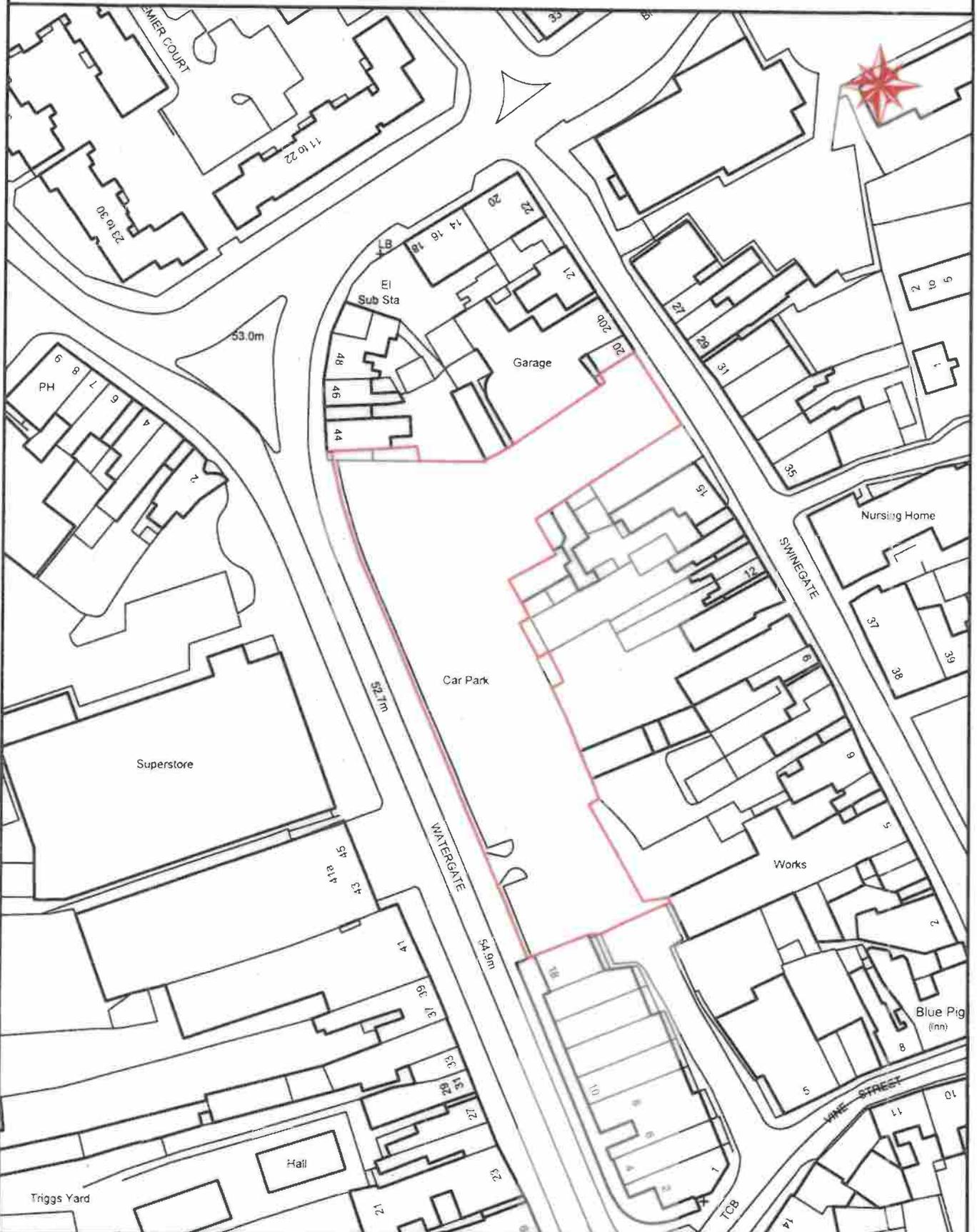


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# WATERGATE GRANTHAM

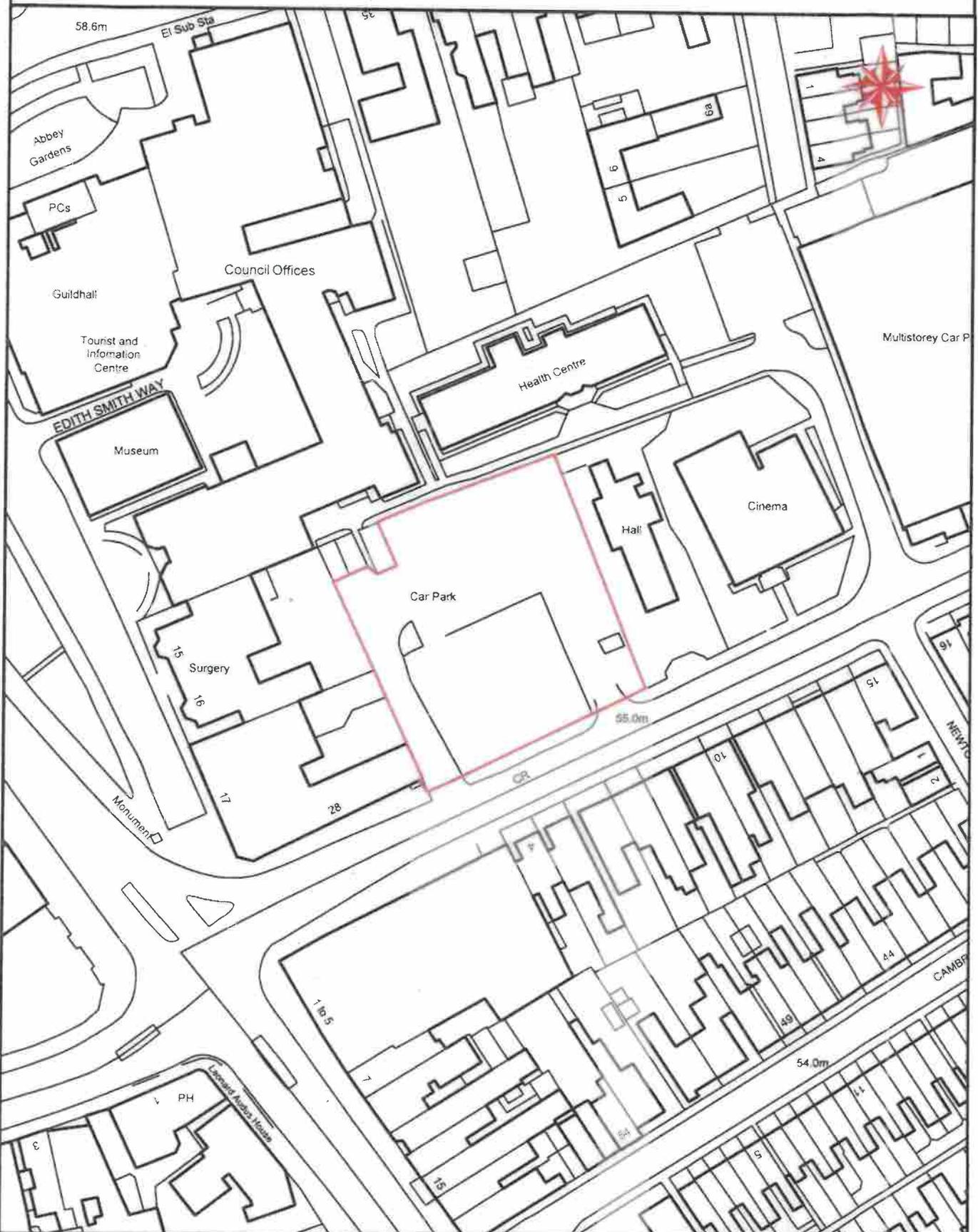


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# ST. CATHERINES ROAD GRANTHAM



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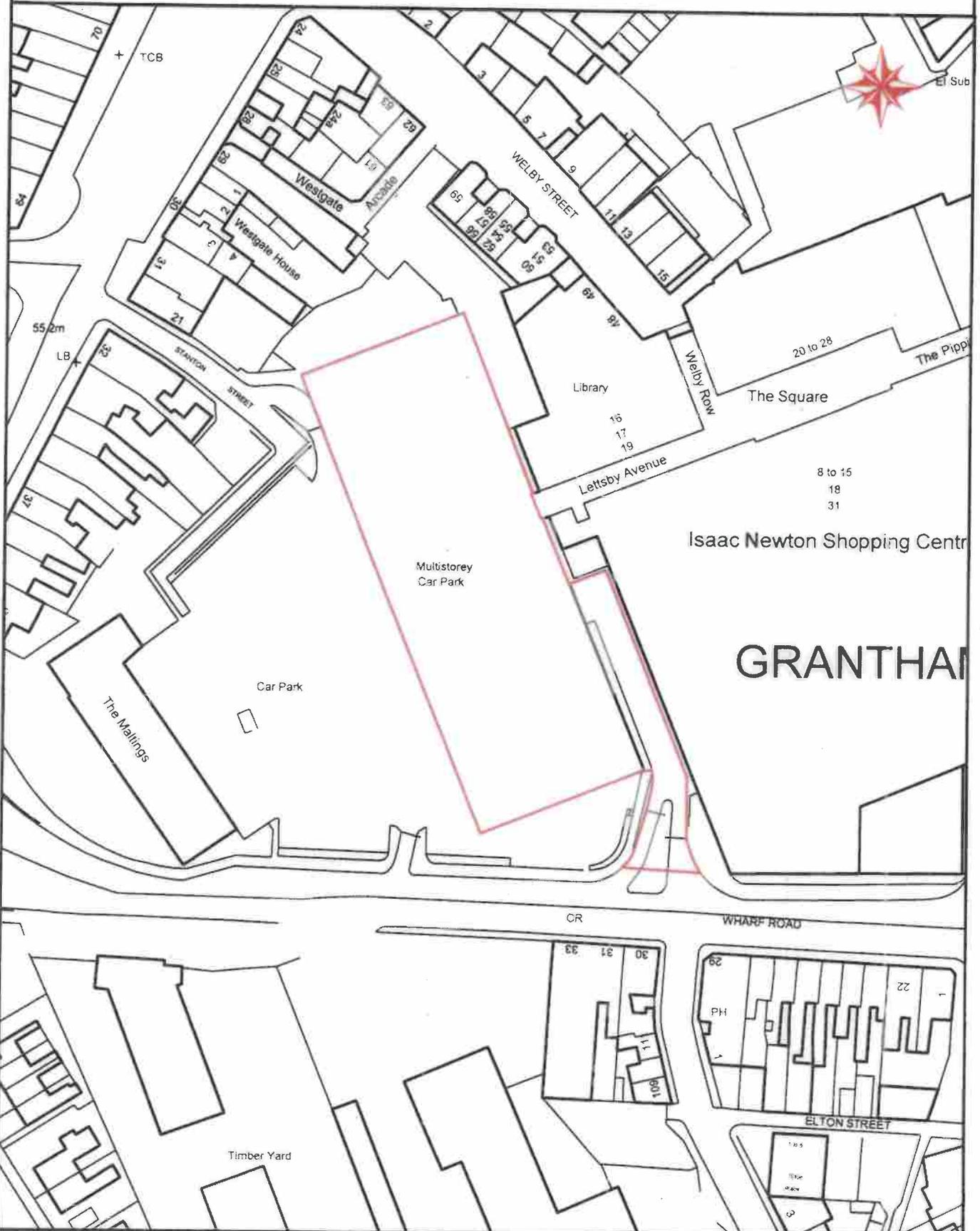
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# WHARF ROAD GRANTHAM



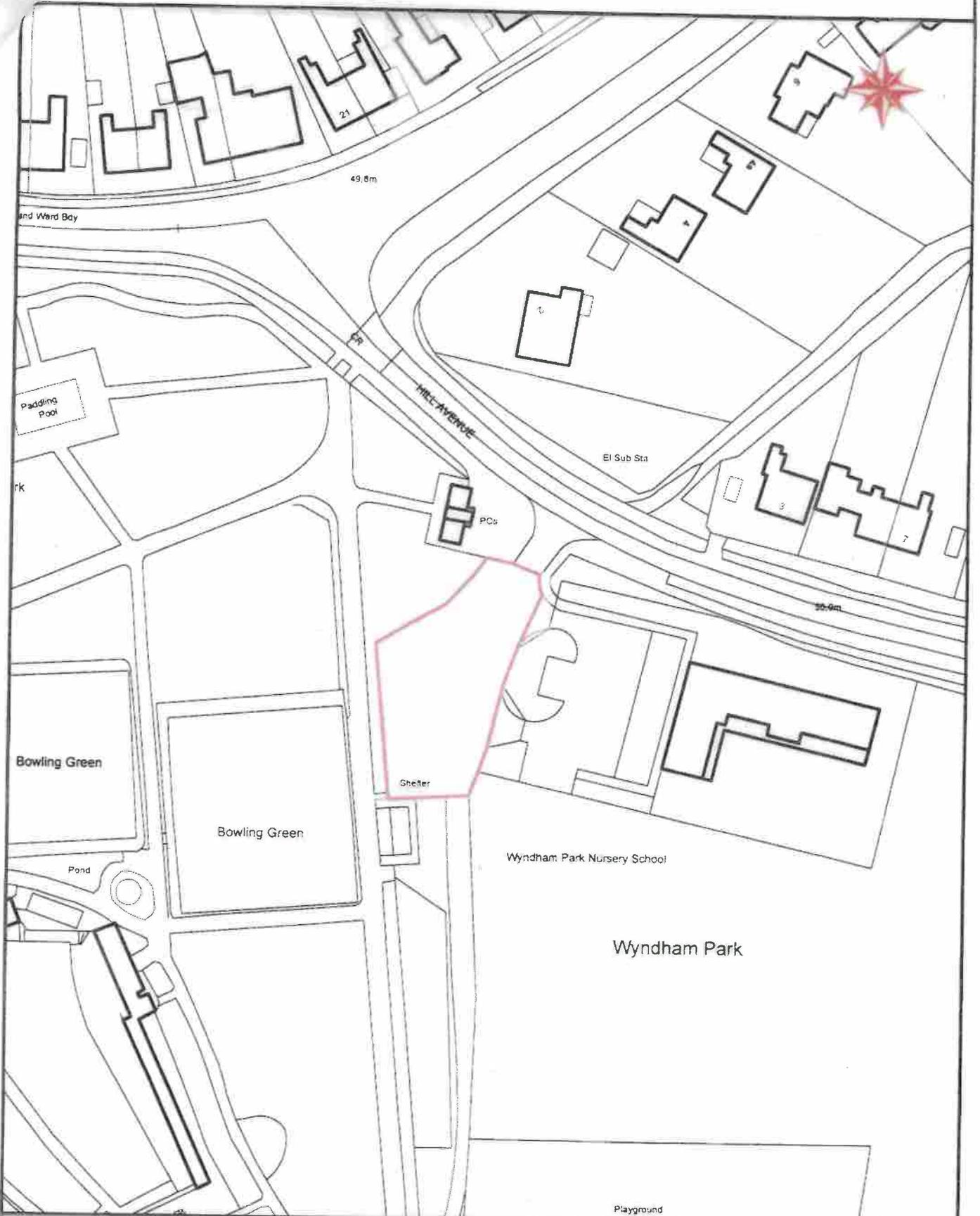
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# PLAN A

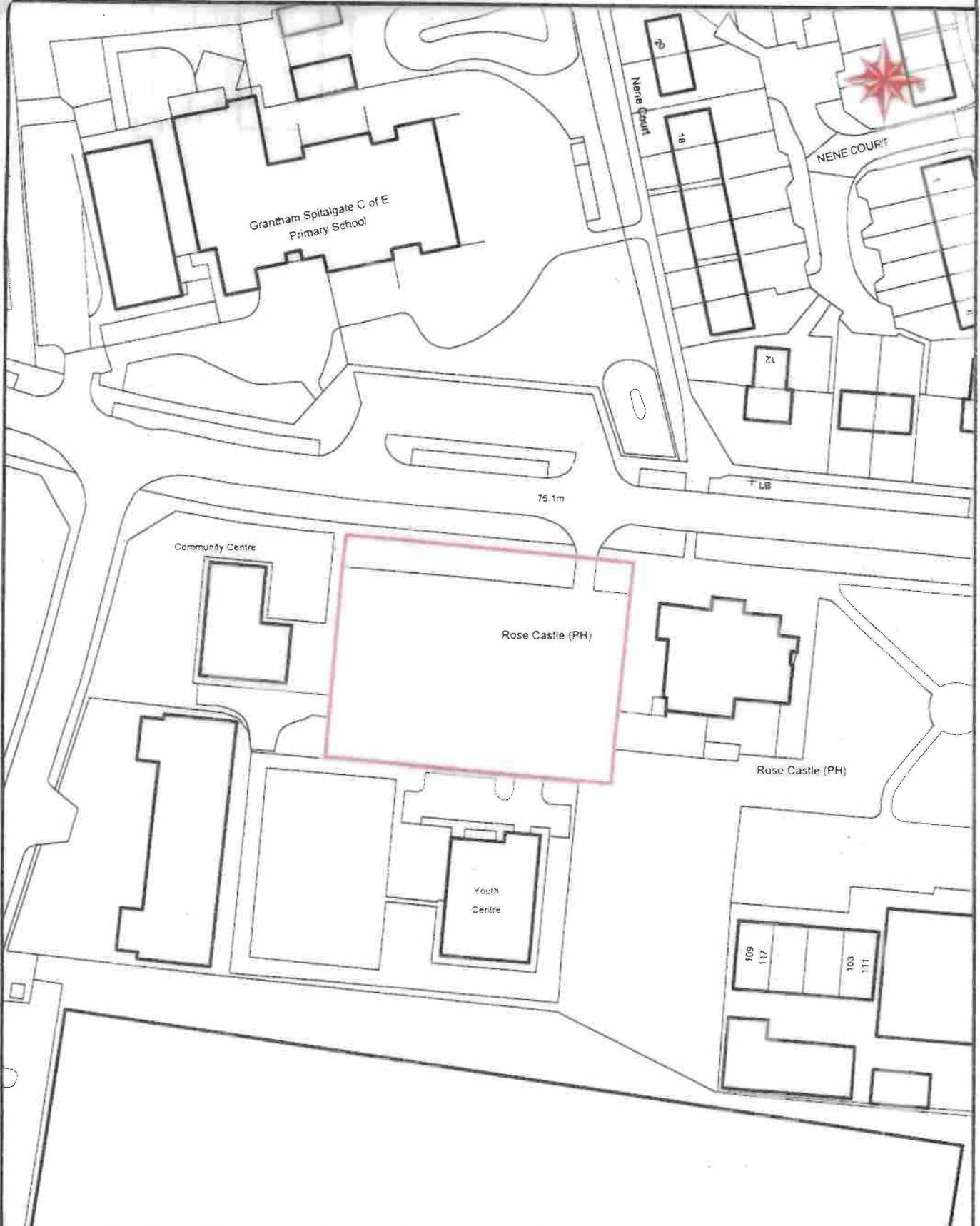


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# PLAN B

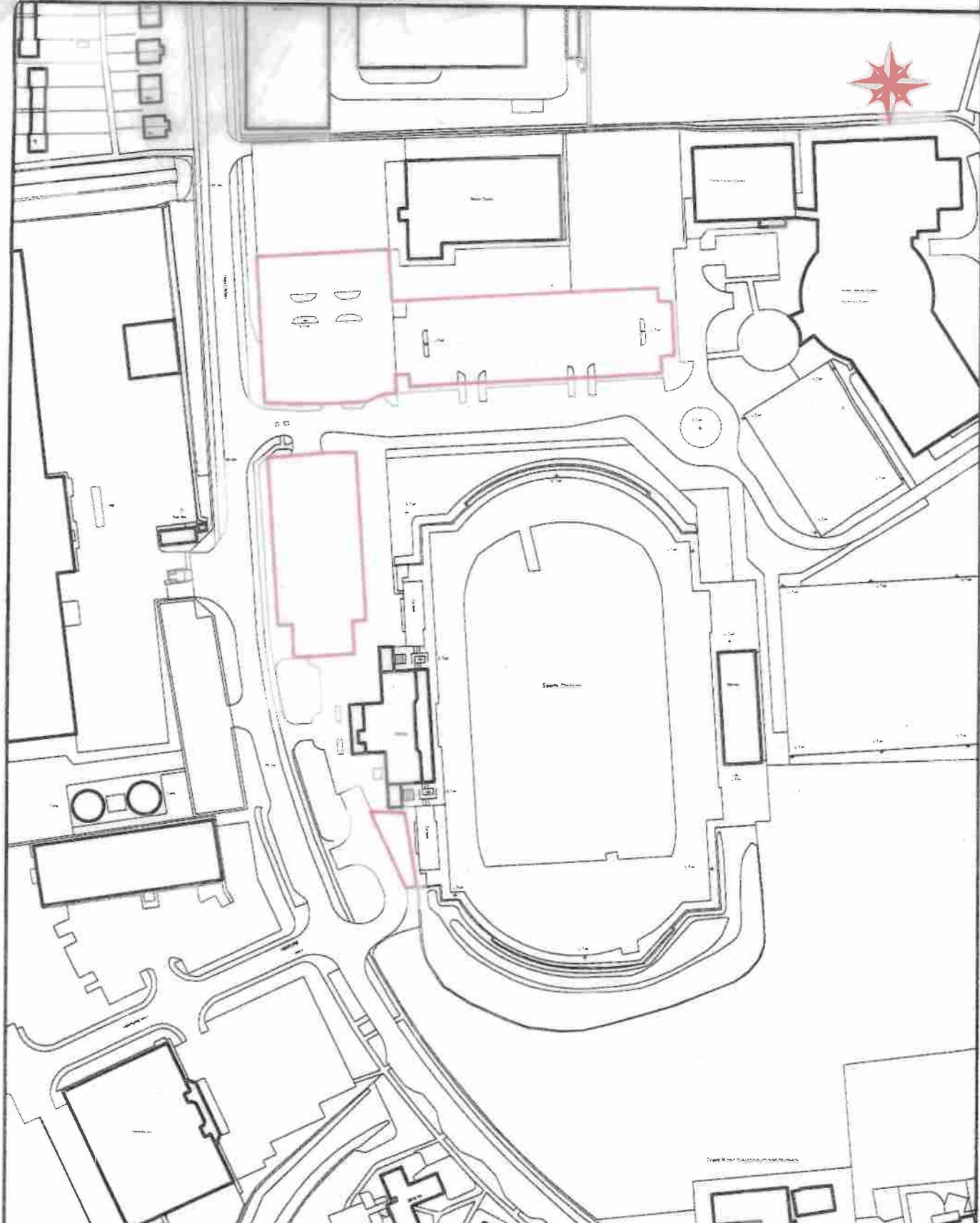


PLAN C



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Plan D



Details  
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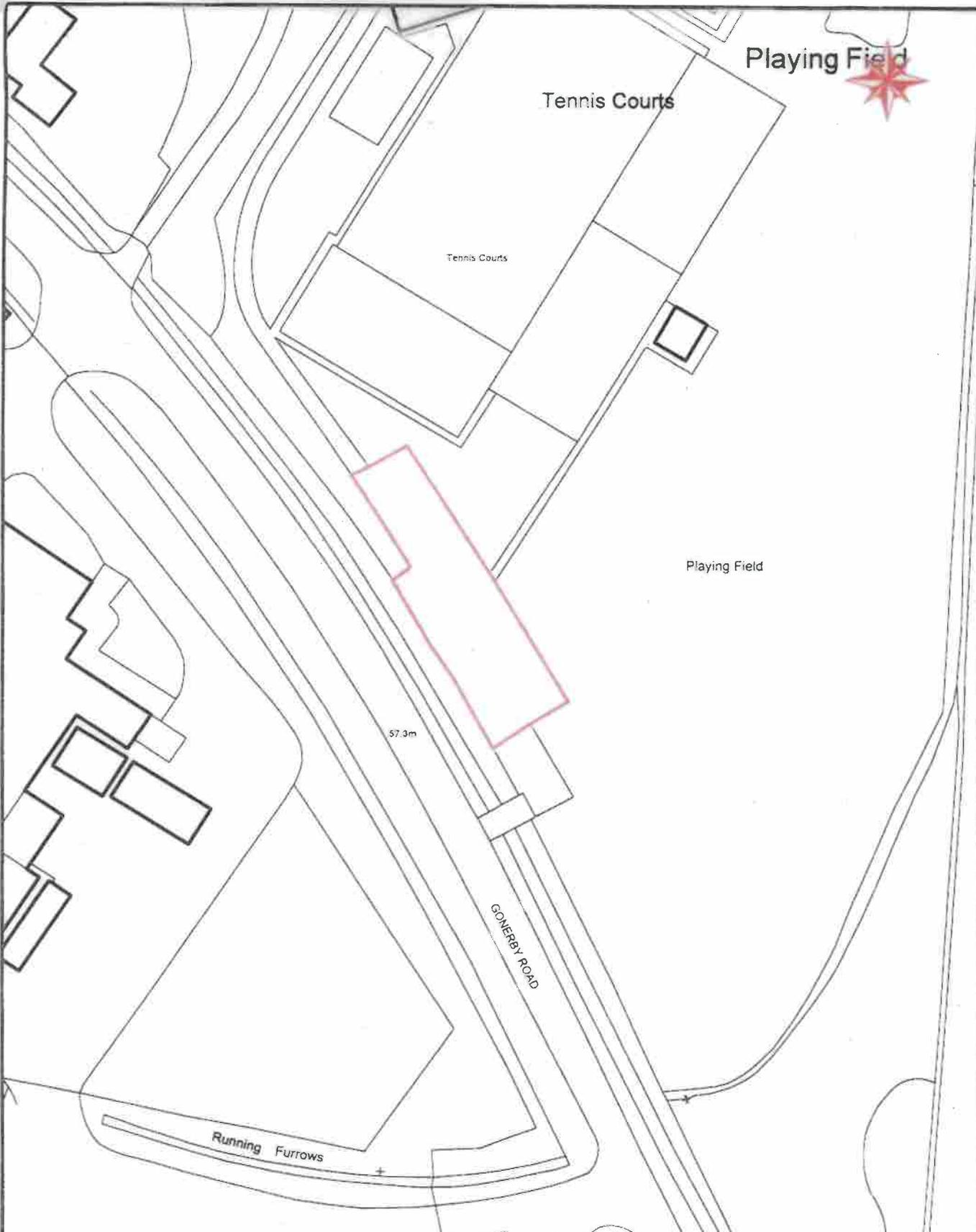
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Plan E



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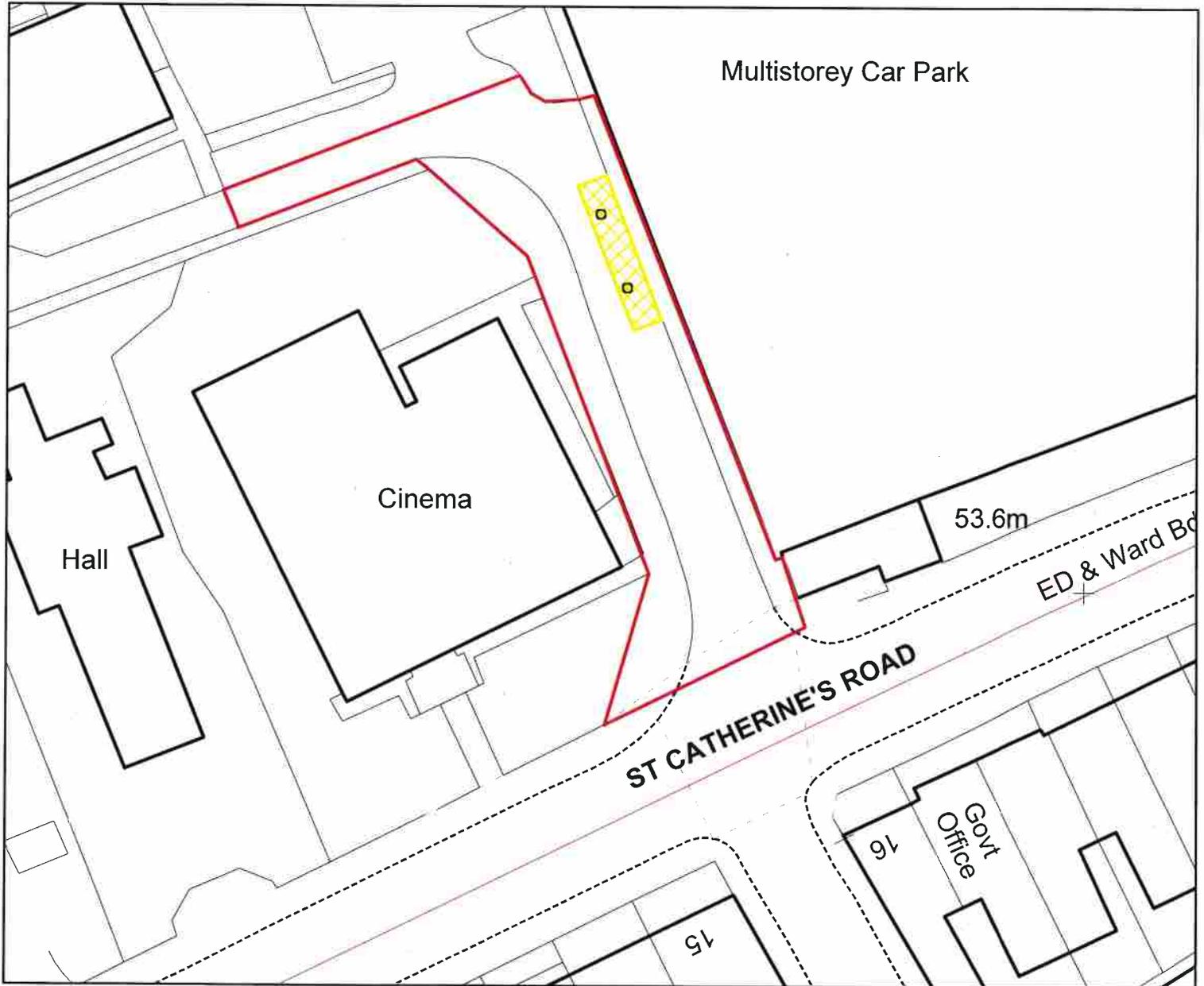
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PLAN F





# South Kesteven District Council

## Equality Impact (Initial Analysis)

### Civil Enforcement Off-Street Parking Places Order 2017

<b>Service Area:</b>	<b>Lead officer:</b> John Armstrong	<b>Date of Meeting</b>
Legal and Democratic Services	<b>Assessors:</b> John Armstrong Shelley Hardy	16/01/17
	<b>Neutral Assessor:</b> Carol Drury	

**1. Name and description of policy/service/function/strategy**

South Kesteven District Council Civil Enforcement Off-Street Parking Places Order 2017. An amendment to the existing Car Parking Order to include land behind Welham Street Car Park to ensure safe on street parking

**Is this a new or existing policy? Existing**

**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.**

<b>Equality Group</b>	<b>Does this policy/service/function/strategy have a positive or negative impact on any of the equality groups?  Please state which for each group</b>	<b>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</b>
<b>Age</b>	Neutral	Age is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Disability</b>	Positive	In the development of this extension to the civil enforcement car parking order two additional parking spaces have been provided for blue badge holders. Drivers who do not hold a blue badge who park within the designated spaces could be issued with a Penalty Charge Notice
<b>Race</b>	Neutral	Race is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Gender Reassignment</b>	Neutral	Gender reassignment is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities

<b>Religion or Belief</b>	Neutral	Religion or belief is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Sex</b>	Neutral	Sex is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Sexual Orientation</b>	Neutral	Sexual Orientation is not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Pregnancy and Maternity</b>	Neutral	Pregnancy or maternity are not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Marriage and Civil Partnership</b>	Neutral	Marriage and civil partnership are not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Carers</b>	Neutral	Carers are not a determinant in the introduction of this Order persons with vehicles licensed to drive on the highway can access the Council's parking facilities
<b>Other Groups (e.g. those from deprived (IMD*) communities; those from rural communities, those with an offending past)</b>  *(IMD = Indices of multiple deprivation)		

<b>General comments</b>	The introduction of this amendment allows for users of the car park facilities to purchase the parking ticket using the cashless parking prepayment scheme (pay by phone), Parking for blue badge holders remains free in both the Council's pay and display car parks and the road to which this amendment applies.
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**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)**

The reason for the amendment to the Parking Order is the safety of pedestrians and other road users. Drivers are parking in a very hazardous manner and in order to improve public safety it is felt necessary to introduce the amendment to the Order.

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

Stakeholder consultation will take place and the order will be considered by the Resources Policy Development Group. Any significant findings of the consultation will be fed into the Order

**4. Outcomes of analysis and recommendations (please note you will be required to provide evidence to support the recommendations made): Please check 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	<input checked="" type="checkbox"/>
<b><i>If you have checked option a) you can now send this form to the Lead Officer and your Neutral Assessor for sign off</i></b>		
b)	Adjust the proposal to remove barriers identified by equality analysis or to better promote equality.	<input type="checkbox"/>
<b><i>If you have checked option b) you will need to answer questions b.1 and b.2</i></b>		
c)	Adverse impact but continue	<input type="checkbox"/>
<b><i>If you have checked option c) you will need to answer questions c.1</i></b>		
d)	Stop and remove the policy/function/service/strategy as equality analysis has shown actual or potential unlawful	<input type="checkbox"/>

- 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?
- 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.

***If you have checked option b) you will need to complete a Stage 2 equality analysis***

- c.1** Please provide an explanation in the box below that clearly sets out your justification for continuing with the proposed policy/function/service/strategy.

***If you have checked option c) you will need to complete a Stage 2 equality analysis. You should consider in stage 2 whether there are sufficient plans to reduce the negative impact and/or plans to monitor the actual impact.***

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**Signed (Lead Officer):**  
*(Name and title)*

**John Armstrong**  
*Business Manager Legal and Democratic*

**Date completed:**

**16/01/17**

**Signed (Neutral Assessor):**  
*(Name and title)*

**Carol Drury**  
*Community Engagement and Policy Development Officer*

**Date signed off:**

**16/01/17**

## REPORT TO COUNCIL

**REPORT OF: CHAIRMAN OF GOVERNANCE & AUDIT COMMITTEE**

**REPORT NO: GAC009**

**DATE: 20 April 2017**

<b>TITLE:</b>	<b>Governance &amp; Audit Committee Annual Report to Council for year ending 31 March 2017</b>	
<b>KEY DECISION OR POLICY FRAMEWORK PROPOSAL:</b>	N/A	
<b>CABINET MEMBER: NAME AND DESIGNATION:</b>	Councillor Frances Cartwright Executive Member, Governance	
<b>CONTACT OFFICER:</b>	Richard Wyles – Corporate Finance Manager <a href="mailto:r.wyles@southkesteven.gov.uk">r.wyles@southkesteven.gov.uk</a> 01476 406210	
<b>INITIAL IMPACT ANALYSIS:</b>	Carried out and Referred to in paragraph (7) below:	Full impact assessment Required: N/A
<b>Equality and Diversity:</b>	N/A	
<b>FREEDOM OF INFORMATION ACT:</b>	This report is publicly available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	
<b>BACKGROUND PAPERS</b>	Governance & Audit Committee Agendas and Minutes 2015-16 available via the Your Council and Democracy link on the Council's website: <a href="http://www.southkesteven.gov.uk">www.southkesteven.gov.uk</a>	

### 1. RECOMMENDATIONS

1.1 Council is asked to:

- Approve the Annual Report of the Governance & Audit Committee for 2016-17
- Approve the indicative work plan and timetable for 2017-18 which reflect the terms of reference of the Committee

### 2. PURPOSE OF THE REPORT

2.1 The purpose of this report is to advise Council of the key outcomes arising from the work of the Governance & Audit Committee for 2016-17 and to approve the indicative annual work plan of the Committee for 2017-18.

2.2 The Committee's work is key to delivering good governance throughout the authority. It provides independent assurance and challenge on the effectiveness of the Council's overall arrangements for corporate governance

and internal control, including risk management. It is good practice to publicise the work of the Committee in order to ensure a greater understanding of governance and audit issues. It is also important for the Committee to demonstrate the impact of its work to Members, partners, stakeholders and the wider community.

### **3. DETAILS OF THE REPORT**

#### **2016-17 Key Outcomes**

- 3.1 The following is a summary of the key outcomes arising from the work of the Committee that have helped to improve and strengthen the Council's overarching control environment and governance arrangements.
- 3.2 The Committee met five times during 2016-17. The work programme takes account of the nature of the items included and the frequency with which Members require to be kept informed. Some of the items are a statutory requirement (Statement of Accounts, Annual Governance Statement, Annual Audit Letter) whereas others are included because they meet professional guidance and recommended best practice (reports covering internal audit, risk management and counter fraud). In addition, some items are ad-hoc and cover such matters as the accounting policies and corporate protocols, including partnerships and health and safety.

#### **Governance:**

- Reviewed and approved the Annual Governance Statement for 2015-16 on behalf of Council
- Reviewed and approved the Local Code of Corporate Governance

#### **Internal Audit:**

- Considered and reviewed the internal audit plan, progress reports, tracking reports and the annual report and audit opinion
- Reviewed the status of all outstanding internal audit recommendations to ensure they were implemented within the agreed timeframe

#### **External Audit & Inspection:**

- Considered and reviewed external audit (KPMG) annual fee letter, progress reports and audit opinion
- Considered the Certification of Grant Claims and Returns Annual Report. This included the outcome of the audit of the Housing Benefit Subsidy claim which was a qualified return and the Housing Pooling return which was unqualified
- Approved the procurement process in respect of the new arrangements for April 2018

#### **Financial Reporting:**

- Considered the provisional and final General Fund and Housing Revenue Account Revenue and Capital Outturn 2015-16
- Approved the draft (pre-audit) and revised (post audit) Statement of Accounts for 2015-16 and the external auditor's Annual Governance Report 2015-16 detailing adjustments to the Financial Statements and the Value for Money Conclusion

- During the year the Committee received reports on the pension fund assumptions and accounting policies to be used in the closedown of the 2016-17 accounts

**Treasury Management:**

- The Governance & Audit Committee is responsible for monitoring treasury management performance. Specifically this covered the review of the Treasury Management Annual report for 2017-18. In addition, the Committee received a mid-year review report on assurance relating to treasury management activity and also approved an in year amendment to the Treasury Management Strategy

**Risk Management:**

- Biannually reviewed the Corporate Risk Register
- Approved the Risk Management & Business Continuity Annual Report
- Approved the Risk Management Framework

**Other Reports & Feedback:**

- Reviewed the Counter Fraud Annual Report
- Reviewed the Local Government Ombudsman's Annual Letter
- Reviewed the Health and Safety Annual Report

**3.3 2017-18 Indicative Annual Work Plan & Timetable**

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

- 3.4 Looking forward, it is important to ensure that all Members are apprised of the work of the Committee and are actively engaged in helping to improve and strengthen the Council's governance arrangements in all areas of their work for the local community. It is also important to recognise that the Council's developing governance agenda is not the sole responsibility of the Governance & Audit Committee. The proposed dates of the meetings are included within the draft municipal calendar which is featured elsewhere on the Council agenda.
- 3.5 To assist in heightening awareness and promoting engagement, every effort will be made to ensure that reports continue to be written in a format that is understandable to all Members of the Council.

**4. OTHER OPTIONS CONSIDERED**

- 4.1 None

**5. RESOURCE IMPLICATIONS**

- 5.1 None

**6. RISK AND MITIGATION**

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

**7. ISSUES ARISING FROM IMPACT ANALYSIS**

7.1 None

**8. CRIME AND DISORDER IMPLICATIONS**

8.1 None

**9. COMMENTS OF FINANCIAL SERVICES**

9.1 There are no specific financial comments.

**10. COMMENTS OF LEGAL AND DEMOCRATIC SERVICES**

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

**11. COMMENTS OF OTHER RELEVANT SERVICES**

11.1 None

**12. APPENDIX**

12.1 Appendix A – 2017-18 Indicative Annual Work Plan and Timetable

## Appendix A

## Governance &amp; Audit Committee 2017-18 Indicative Annual Work Plan &amp; Timetable

	Jun	Jul	Sep	Dec	Mar	Comments/ Frequency
<b>Internal Audit (RSM)</b>						
Indicative Internal Audit Strategy & Plan				✓		
Internal Audit Strategy & Plan					✓	
Progress Report	✓		✓	✓	✓	
Tracking Report	✓			✓	✓	
Annual Report & Opinion	✓					
Private meeting with internal audit				✓		
<b>External Audit (KPMG)</b>						
External Audit Plan					✓	
Ad hoc reporting	♦	♦	♦	♦	♦	As required
Annual Governance Report		✓				
Annual Audit Letter				✓		
Certification of Grants & Returns Annual Report					✓	
Private meeting with external audit				✓		
<b>Risk Management</b>						
Risk Management Framework	✓					Biennial
Corporate Risk Register	✓			✓		
Risk Management & Business Continuity Annual Report	✓					
<b>Governance</b>						
Annual Governance Statement		✓	✓			
Code of Corporate Governance	♦	♦	♦	♦	♦	As required
Review of Effectiveness & Terms of Reference				✓		Biennial
<b>Regulatory Framework</b>						
Counter Fraud Strategy			✓			Biennial
Counter Fraud Annual Report			✓			
Other policies eg Contract Procedure Rules, Codes of Conduct	♦	♦	♦	♦	♦	As required
<b>Finance</b>						
Draft/Final Financial Outturn	✓					
Statement of Accounts – Draft	✓					
Statement of Accounts – Final			✓			
Treasury Management Strategy	♦	♦	♦	♦	♦	As required
Treasury Management Annual Report		✓				
Treasury Management mid-year review				✓		
Review of Financial Regulations	♦	♦	♦	♦	♦	As required
Statement of Accounting Policies					✓	
Pension Assumptions					✓	
<b>Other Reports</b>						
Health & Safety Annual Report	✓					
Ombudsman Annual Review Letter			✓			

♦ These items may occur at any time during the course of the municipal year