

Council



SOUTH
KESTEVEN
DISTRICT
COUNCIL



Thursday, 20 July 2023 at 1.00 pm
Council Chamber - Council Offices, St. Peter's Hill,
Grantham. NG31 6PZ

Members: Councillor Gloria Johnson, Chairman of the Council
Councillor Paul Fellows, Vice-Chairman of the Council

Councillor Emma Baker
Councillor Rhys Baker
Councillor Ashley Baxter
Councillor David Bellamy
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Pam Byrd
Councillor Richard Cleaver
Councillor Helen Crawford
Councillor Steven Cunnington
Councillor James Denniston
Councillor Phil Dilks
Councillor Richard Dixon-Warren
Councillor Barry Dobson
Councillor Patsy Ellis
Councillor Phil Gadd
Councillor Ben Green
Councillor Tim Harrison

Councillor Graham Jeal
Councillor Anna Kelly
Councillor Jane Kingman
Councillor Gareth Knight
Councillor Philip Knowles
Councillor Zoe Lane
Councillor Robert Leadenham
Councillor Bridget Ley
Councillor Nikki Manterfield
Councillor Paul Martin
Councillor Penny Milnes
Councillor Virginia Moran
Councillor Charmaine Morgan
Councillor Chris Noon
Councillor Habibur Rahman
Councillor Rhea Rayside
Councillor Nick Robins
Councillor Penny Robins

Councillor Susan Sandall
Councillor Max Sawyer
Councillor Ian Selby
Councillor Rob Shorrock
Councillor Vanessa Smith
Councillor Peter Stephens
Councillor Lee Steptoe
Councillor Ian Stokes
Councillor Paul Stokes
Councillor Elvis Stooke
Councillor Rosemary Trollope-Bellew
Councillor Sarah Trotter
Councillor Murray Turner
Councillor Mark Whittington
Councillor Jane Wood
Councillor Paul Wood
Councillor Sue Woolley
Councillor Ray Wootten

Agenda

This meeting can be watched as a live stream, or at a later date, [via the SKDC Public-I Channel](#)

For those Councillors who wish to attend, prayers will be held at 12:55pm before the commencement of the meeting. Please be seated by 12:50pm.

1. Public Open Forum

The public open forum will commence at **1.00 p.m.** and the following formal business of the Council will commence at **1.30 p.m.** or whenever the public open forum ends, if earlier.

2. Apologies for absence

3. Disclosure of Interests

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

4. Minutes of the meeting held on 18 May 2023

(Pages 5 - 17)

5. Communications (including Chairman's Announcements)

6. Amendments to the Constitution - referred item

(Pages 19 - 40)

This report provides Full Council with an opportunity to consider recommendations from the Constitution Committee from their meetings held on 17 October and 5 December 2022.

7. Amendments to the Constitution

(Pages 41 - 44)

This report provides Full Council with an opportunity to approval proposed amendments to the Council's Constitution following recommendations from the Governance and Audit Committee.

8. Cabinet and Overview & Scrutiny Protocol

(Pages 45 - 54)

To consider the formal adoption of the proposed Cabinet and Overview & Scrutiny Protocol as part of the Council's Constitution.

9. Appointment to Outside Body

(Pages 55 - 57)

An appointment to the PATROL JC Outside Body

10. UK Shared Prosperity Fund and Rural England Prosperity Fund Programme Board - Terms of Reference

(Pages 59 - 65)

To consider approving amendments to the Terms of Reference of South Kesteven District Council's UK Shared Prosperity Fund and Rural England Prosperity Fund Programme Board.

11. Migration Funding Awards

(Pages 67 - 71)

To seek approval from Council to accept the grant from the Home Office for the Afghan relocation and funding award. The report also seeks delegation for the spend of the award to the relevant partners contributing to the scheme.

12. Local Authority Housing Fund (LAHF) Round 2

(Pages 73 - 77)

To seek approval from Council to accept the grant from the Local Authority Housing Fund (LAHF) round 2 which has been made available from the Department for Levelling Up, Housing and Communities to purchase 8 new homes.

13. Pay Policy Statement (2023/24) Amendment

(Pages 79 - 95)

This report details an amendment to the Pay Policy statement regarding the definition of Chief Officers at South Kesteven District Council, recommended to Council by the Employment Committee meeting held on 29 June 2023. The amendment is for clause 3.3 and 5.1 to include Assistant Directors in the definition of Chief Officers at South Kesteven.

14. Members' Open Questions

A 45-minute period in which members may ask questions of the Leader, Cabinet Members, the Chairmen and Vice-Chairmen of the Overview and Scrutiny Committees and opposition group leaders excluding the Chairman and Vice-Chairman of the Planning Committee, Licensing and Alcohol, Entertainment and Late Night Refreshment Licensing Committees and Governance and Audit Committee.

15. Notices of Motion

a) Notice of Motion by Councillor Ben Green

Implementing Rushcliffe Borough Council's Battery Collection Policy in South Kesteven

Objective: The objective of this motion is to propose the adoption of Rushcliffe Borough Council's battery collection policy, which involves collection of batteries in a bag left with any domestic waste bin collected by that council, by South Kesteven District Council. By implementing this policy over the next year, we aim to prevent costly refuse vehicle fires, promote responsible battery disposal, and increase recycling rates in our region.

It is proposed the Council:

- a. Adopt Rushcliffe Borough Council's battery collection policy as a pilot programme in South Kesteven over the next year.
- b. Provide residents with battery collection bags and clear instructions on how to use them for recycling purposes, emphasising the importance of not overfilling the bags.
- c. Conduct public awareness campaigns and educational initiatives to promote the benefits of battery recycling and encourage active participation from residents.
- d. Establish a reporting mechanism to monitor the progress and outcomes of the pilot programme, collecting data on the quantity of batteries recycled, costs saved, and any associated reduction in dust cart fires.

- e. Explore partnerships with recycling facilities or third-party organisations to ensure the proper recycling and disposal of collected batteries.

By adopting Rushcliffe Borough Council's successful battery collection policy, South Kesteven District Council will take a significant step towards fostering a sustainable and responsible waste management system that protects the environment, reduces costs, and enhances safety.

16. Close of meeting

MINUTES

COUNCIL

THURSDAY, 18 MAY 2023

1.00 PM



SOUTH
KESTEVEN
DISTRICT
COUNCIL

PRESENT

Councillor Helen Crawford Chairman
Councillor Gloria Johnson Vice-Chairman

Councillor Emma Baker
Councillor Rhys Baker
Councillor Ashley Baxter
Councillor David Bellamy
Councillor Harrish Bisnauthsing
Councillor Pam Bosworth
Councillor Pam Byrd
Councillor Richard Cleaver
Councillor Helen Crawford
Councillor Steven Cunningham
Councillor James Denniston
Councillor Phil Dilks
Councillor Richard Dixon-Warren
Councillor Barry Dobson
Councillor Patsy Ellis
Councillor Paul Fellows
Councillor Phil Gadd
Councillor Ben Green
Councillor Tim Harrison
Councillor Graham Jeal
Councillor Gloria Johnson
Councillor Anna Kelly
Councillor Gareth Knight
Councillor Philip Knowles
Councillor Zoe Lane
Councillor Robert Leadenham
Councillor Nikki Manterfield

Councillor Paul Martin
Councillor Penny Milnes
Councillor Virginia Moran
Councillor Charmaine Morgan
Councillor Chris Noon
Councillor Habibur Rahman
Councillor Rhea Rayside
Councillor Nick Robins
Councillor Penny Robins
Councillor Susan Sandall
Councillor Max Sawyer
Councillor Ian Selby
Councillor Rob Shorrock
Councillor Vanessa Smith
Councillor Peter Stephens
Councillor Lee Steptoe
Councillor Ian Stokes
Councillor Paul Stokes
Councillor Elvis Stooke
Councillor Rosemary Trollope-Bellew
Councillor Sarah Trotter
Councillor Mark Whittington
Councillor Jane Wood
Councillor Paul Wood
Councillor Sue Woolley
Councillor Ray Wooten

OFFICERS

Karen Bradford, Chief Executive

Richard Wyles, Deputy Chief Executive and Chief Finance Officer (Section 151 Officer)

Nicola McCoy-Brown, Director of Growth and Culture (Deputy Monitoring Officer)

Anne-Marie Coulthard, Assistant Director of Operations and Public Protection

Alison Hall-Wright, Assistant Director of Finance (Deputy Section 151 Officer)

Craig Spence, Acting Director of Housing

Karen Whitfield, Assistant Director of Culture and Leisure

Emma Whittaker, Assistant Director of Planning

Graham Watts, Assistant Director of Governance (Monitoring Officer)

Gary Andrew, IT Services Manager

Chris Prime, Communications Manager

James Welbourn, Democratic Services Manager

Patrick Astill, Communications Officer

Jamie Moses, IT Support Lead

1. Apologies for absence

The Chairman welcomed those in attendance to the meeting.

Prior to the commencement of formal proceedings, the Chairman asked Members to join her in a minute's silence following the recent death of former Councillors Dorrien Dexter and Margery Radley. Councillor Dorrien Dexter was a Councillor for the Grantham Earlesfield Ward from 2003-2007, and Councillor Margery Radley was the Chairman from 2010-2011 and served as a Councillor from 2003 to 2011 for the former Morkery Ward which covered Castle Bytham, North Witham and South Witham. Councillors Ian Selby and Charmaine Morgan gave short speeches in memory of the former Councillors.

The Chairman highlighted that there were a number of appointments within the agenda and reminded Members of Council Procedure Rule 16.1:

'In the event of a tie the Chairman, or person presiding the meeting, will draw the name of a person nominated at random who will then be duly appointed.'

From the Chair, it was moved that this Council Procedure Rule be suspended to allow the Chief Executive to draw the name of the person nominated at random, in place of the Chairman, should this process be required.

The motion was duly seconded, and following a vote, it was **AGREED** to suspend Council Procedure Rule 16.1.

Apologies for absence had been received from:

Councillor Jane Kingman

Councillor Bridget Ley

Councillor Murray Turner

2. Election of Chairman

Members were invited to make nominations for the Chairman of the Council for the 2023/2024 municipal year.

A proposition was moved and seconded that Councillor Gloria Johnson be elected as the Chairman of South Kesteven District Council.

A vote was taken, and the Council **AGREED**:

To elect Councillor Gloria Johnson as the Chairman of the Council for the 2023/2024 municipal year.

The Chairman was invested with the chain of office and Members offered their congratulations.

COUNCILLOR GLORIA JOHNSON IN THE CHAIR

The new Chairman led a vote of thanks for the out-going Chairman. Members took the opportunity to thank the out-going Chairman of the Council, Councillor Helen Crawford, for the work she had completed during her term of office.

Councillor Helen Crawford addressed the Council, outlining the events she had experienced during her time as Chairman of the Council. She highlighted the £3,000 that had been raised for her two Chairman's charities, the Lincolnshire and Nottinghamshire Air Ambulance and St. Barnabas' Hospice. Thanks were expressed to those officers that had supported the Chairman over the previous year.

3. Election of Vice-Chairman

Members were invited to make nominations for the Vice-Chairman of the Council for the 2023/2024 municipal year.

A proposition was moved and seconded that Councillor Paul Fellows be elected as Vice-Chairman of South Kesteven District Council.

A vote was taken and the Council **AGREED**:

To elect Councillor Paul Fellows as the Vice-Chairman of the Council for the 2023/2024 municipal year.

The Vice-Chairman was invested with the chain of office and thanked fellow member and officers for granting him the honour of representing the District in a civic capacity

4. Disclosure of Interests

No interests were disclosed.

5. Minutes of the meeting held on 1 March 2023

The minutes of the meeting held on 1 March 2023 were proposed, seconded and **AGREED** as a correct record.

Clarity was sought on a number of items that were not heard during the meeting held on 1 March 2023. The Monitoring Officer confirmed the following:

- Item 92 of the minutes, Proposed Amendments to the Constitution - referred item was originally to be considered at the 18 May meeting of Full Council, but it had been felt subsequent to the publication of the minutes that this item would be more appropriate for the next ordinary meeting of Full Council.
- Item 95 of the minutes, a motion from former Councillor Amanda Wheeler could now not be considered as she was no longer a member of the Council. Motions were not traditionally considered at the Annual Meeting of Council.
- Item 96 of the minutes, a motion from Councillor Phil Dilks referred to the creation of a Standards Committee, which had been established at the meeting held on 1 March 2023, and therefore the motion would have been withdrawn if tabled again. Motions were not traditionally considered at the Annual Meeting of Council.

6. Communications (including Chairman's Announcements)

The Council noted the outgoing-Chairman's engagements.

7. Election of the Leader of the Council

Members were invited to make nominations for the Leader of the Council.

A proposition was moved and seconded that Councillor Richard Cleaver be elected as the Leader of South Kesteven District Council.

A proposition was moved and seconded that Councillor Graham Jeal be elected as Leader of South Kesteven District Council.

A request was made that a recorded vote on the motion be taken, as in accordance with Council Procedure Rule 15.5 any ten or more Councillors present at the meeting of Full Council could request this.

For Councillor Richard Cleaver: Councillors Emma Baker, Rhys Baker, Ashley Baxter, Harrish Bisnauthsing, Pam Byrd, Richard Cleaver, Steven Cunnington, James Denniston, Phil Dilks, Patsy Ellis, Paul Fellows, Phil Gadd, Tim Harrison, Anna Kelly, Philip Knowles, Virginia

Moran, Charmaine Morgan, Chris Noon, Habib Rahman, Rhea Rayside, Max Sawyer, Ian Selby, Rob Shorrock, Vanessa Smith, Lee Steptoe, Paul Stokes, Elvis Stooke. (27)

For Councillor Graham Jeal:

Councillors David Bellamy, Pam Bosworth, Helen Crawford, Richard Dixon-Warren, Barry Dobson, Ben Green, Graham Jeal, Gloria Johnson, Gareth Knight, Zoe Lane, Robert Leadenham, Nikki Manterfield, Paul Martin, Penny Milnes, Nick Robins, Penny Robins, Susan Sandall, Peter Stephens, Ian Stokes, Rosemary Trollope-Bellew, Sarah Trotter, Mark Whittington, Jane Wood, Paul Wood, Sue Woolley, Ray Wootten. (26)

Abstain: None.

Therefore, the motion was **AGREED**, and Councillor Richard Cleaver was appointed as Leader of the Council.

8. Announcement on the size and membership of the Cabinet and the allocation of Cabinet Members' remits

The Leader of the Council, prior to announcing the members of his Cabinet highlighted the following points:

- One of the first tasks of the leadership would be to review the Council's finances and ensure that they secure.
- Several key themes would be pursued, and these included:
 - the improvement of decision making through enhanced scrutiny
 - reviewing all major projects to ensure value for money
 - stepping up action on climate change
 - making the Council more responsive to residents
 - protecting communities from the cost-of-living crisis
 - transparency in the development of planning policy
 - providing an adequate supply of good quality affordable housing stock, and;
 - renewing public faith in local democracy.

The Leader stated that the Cabinet would consist of eight members:

- Councillor Richard Cleaver, as Leader
- Councillor Ashley Baxter as Deputy Leader, and Portfolio Holder for Finance.
- Councillor Paul Stokes
- Councillors Rhys Baker and Patsy Ellis in a job share arrangement
- Councillor Phil Dilks
- Councillor Philip Knowles
- Councillor Rhea Rayside

Precise details of each portfolio would be confirmed in due course.

9. Appointments to Committees and Panels of the Council and the Appointment of Chairmen and Vice-Chairmen

Members considered a report setting out the requirements placed on Full Council for the appointment of Members to its Committees and Panel, and the appointment of their Chairmen and Vice-Chairmen.

All political group leaders were responsible for nominating members from within their respective groups to each of the Committees/Panels, in accordance with the political proportionality of the Authority as appropriate. Full Council had responsibility for appointing Chairmen and Vice-Chairmen of Committees.

Members raised the following points during debate:

- Additional Overview and Scrutiny committees had been suggested to scrutinise issues such as Housing and Environment in further detail. It also had the purpose of ensuring that decision making was better informed and that the administration was held to account.
- The number of committee seats had been increased to allow for a greater swell of opinion, and to be more inclusive to a Council that included a number of different political groupings.
- Concern was raised that the two new Overview and Scrutiny Chairman and Vice-Chairman positions that had been proposed would lead to increased costs to the Council in the form of more special responsibility allowances; it was highlighted that this money could be spent elsewhere.
- The Scrutiny Review that had taken place in the previous year had recommended that the Council should move to three, but ideally two Overview and Scrutiny Committees. The proposal to add in new Overview and Scrutiny Committees to the structure had not been considered by Governance and Audit Committee.
- The addition of two new Scrutiny Committees reverted the Council back to a position that it already had in place prior to the election in May 2023; the new structure agreed in March 2023 had led to the loss of the Constitution Committee, Companies Committee and one Overview and Scrutiny Committee. With Housing Overview and Scrutiny Committee, Environment Overview and Scrutiny Committee and Standards Committee being added into the structure, this would mean a status quo in the number of committees.
- Mandatory training would be provided for those on regulatory committees, and there would be specific training for Overview and Scrutiny Committees. There would also be training for committee Chairmen, as well as a range of other sessions.
- Clarity on the opposition group Leader's special responsibility allowance would be sought from the Governance and Audit Committee. Many of the political group leaders were either Chairmen of committees, or members of the Cabinet and therefore would not be able to claim this smaller, second special responsibility allowance.

Nominations were proposed by the Deputy Leader of the Council and the Leader of the South Kesteven Coalition Group for Chairmen and Vice-Chairmen of Committees. These nominations were duly seconded.

The remaining recommendations within the report were proposed and seconded; a variation to the wording of both recommendations 3 and 6 was agreed, rather than the printed recommendation. Upon being put to the vote the following was **AGREED**.

DECISION:

That Full Council:

- 1. Notes the revised political proportionality of the Council.**
- 2. Approves the Council's committee structure, including confirmation of the size of Committees and Panels and the changes to terms of reference contained within Appendix 3 of the report. The committees of Council included:**
 - **Planning Committee**
 - **Governance and Audit Committee**
 - **Employment Committee**
 - **Licensing Committee & Alcohol, Entertainment and Late Night Refreshment Licensing Committee**
 - **Standards Committee**
 - **Finance and Economic Overview and Scrutiny Committee**
 - **Rural and Communities Overview and Scrutiny Committee**
 - **Culture and Leisure Overview and Scrutiny Committee**
 - **Housing Overview and Scrutiny Committee**
 - **Environment Overview and Scrutiny Committee**
 - **Chief Executive's Appeals Panel**
- 3. Delegates to political group Leaders the responsibility to appoint Members to its Committees and Panels, taking account of the requirements for political balance. The Chief Executive will be notified of the nominations as soon as practicable.**
- 4. Approves the appointment of Chairmen and Vice-Chairmen of Committees as follows:**
 - **Planning Committee - Cllr Bellamy (C), Cllr Morgan (VC)**
 - **Governance and Audit Committee - Cllr Harrison (C), Cllr Paul Wood (VC)**
 - **Employment Committee - Cllr Kelly (C), Cllr Byrd (VC)**
 - **Licensing Committee - Cllr Bosworth (C), Cllr Stooke (VC)**
 - **Standards Committee - Cllr Bisnauthsing (C), Cllr Trotter (VC)**

- Finance and Economic Overview and Scrutiny Committee - Cllr Whittington (C), Cllr Ley (VC)
 - Rural and Communities Overview and Scrutiny Committee - Cllr Manterfield (C), Cllr Cunnington (VC)
 - Culture and Leisure Overview and Scrutiny Committee - Cllr Fellows (C), Cllr Denniston (VC)
 - Housing Overview and Scrutiny Committee - Cllr Moran (C), Cllr Steptoe (VC)
 - Environment Overview and Scrutiny - Cllr Selby (C), Cllr Emma Baker (VC)
- 5. Approves the rate of Special Responsibility Allowance for the Chairman of the Standards Committee as £2,757 per annum and the Vice-Chairman of the Standards Committee as £912 per annum on an interim basis and notes that the Independent Remuneration Panel will undertake a mini-review of the Members' Allowances Scheme in the coming months.**
- 6. Refers the issue of the Opposition Group Leaders' Special Responsibility Allowance to the Governance and Audit Committee for its consideration.**
- 10. Programme of meetings of Full Council, Cabinet and Committees for 2023/2024**

Full Council was presented with a report of the Chief Executive which set out a draft programme of meetings for Full Council, Cabinet and Committees for 2023/24.

The Chief Executive highlighted that as a new committee structure had been agreed during the previous item, a delegation to herself to agree dates with the Chairmen of the Housing and Environment Overview and Scrutiny Committees may be in order. Confirmation of these meeting dates and times would be circulated to all members in due course.

An additional point was raised on the timings of committees with some members questioning the process for changing the start time of specific meetings as well as meetings of Full Council. Comments were raised, for example, that due to the number of members who had employment in the day it may be more convenient to hold meetings at a later time of the day. It was highlighted that, in accordance with the Constitution, the Chief Executive determined the start time of meetings.

The Chief Executive invited Chairmen of Committees to contact her directly should they wish to change the start time of meetings relating to their specific Committees or bodies. In respect of the start time associated with meetings of Full Council, the Chief Executive recommended that this matter be referred to the Governance and Audit Committee to seek its views. It was emphasised that due consideration would need to be given to the impact on officers in terms of resourcing meetings should they run into evenings or start in the evenings, which would also require consultation with

trade unions in respect of potential changes to terms and conditions associated with contracts of employment, for example.

Having been proposed and seconded, upon being put to the vote the draft programme of meetings for 2023/2024, and a referral to Governance and Audit Committee in respect of the timing of Full Council meetings was **AGREED**.

DECISION:

That Full Council:

1. **Approves the draft programme of meetings for 2023/2024, as attached at Appendix A of the report.**
2. **Agrees to refer a consideration of the start time of Full Council meetings to Governance and Audit Committee**

11. Appointment of Representatives to Outside Bodies

The Council was presented with a report of the Chief Executive on the appointment of representatives to Outside Bodies.

Note: There was a short adjournment to allow members to receive a printed list of nominations for Outside Bodies. The meeting reconvened at 1516.

A full list of nominations were proposed and seconded for all available seats on the Outside Bodies. It was confirmed that the Thomas Truesdales' Hospital and Greater Lincolnshire Local Enterprise Partnership Energy Council bodies were not Outside Bodies of the Council, and therefore did not require an elected representative from the Council.

Having been proposed and seconded and upon being put to the vote, appointments to outside bodies were **AGREED**.

DECISION:

That Full Council makes the following appointments to its Outside Bodies for a four-year term, unless specified:

Black Sluice Internal Drainage Board (1 rep)

Councillor Zoe Lane

Dame Margaret Thorold's Educational Foundation (1 rep)

Councillor Ian Stokes

East Midlands Councils (1 rep, for one year, the Leader of the Council)

Councillor Richard Cleaver

Elsea Park Community Trust (1 rep)

Councillor Paul Fellows

Grantham Almshouse Charity (1 rep)

Councillor Ray Wootten

Grantham Canal Partnership (1 rep)

Councillor Peter Stephens

Greater Lincolnshire Local Enterprise Partnership (1 rep)

Councillor Ashley Baxter

Heritage Lincolnshire (1 rep)

Councillor Mark Whittington

Joseph Clark's (Grantham) Apprenticing Foundation (2 reps)

Councillor Tim Harrison

Councillor Charmaine Morgan

Lincolnshire County Council Flood and Drainage Management Committee (1 rep)

Councillor Helen Crawford

Lincolnshire Health Scrutiny Committee (1 rep)

Councillor Charmaine Morgan

Councillor Virginia Moran (reserve)

Lincolnshire Police and Crime Panel (1 rep)

Councillor Sarah Trotter

Lincolnshire Waste Partnership (1 rep)

Councillor Rhys Baker

Local Government Association General Assembly (1 rep, for one year, the Leader of the Council)

Councillor Richard Cleaver

South Kesteven Citizens' Advice Bureau (3 reps)

Councillor Phil Dilks
Councillor Charmaine Morgan
Councillor Lee Steptoe

Upper Witham Internal Drainage Board (3 reps)

Councillor Rhys Baker
Councillor Patsy Ellis
Councillor Ian Stokes

Welland & Deepings Internal Drainage Board (4 reps)

Councillor Emma Baker
Councillor Ashley Baxter
Councillor Barry Dobson
Councillor Vanessa Smith

12. Making of Caythorpe & Frieston Neighbourhood Plan

The Director of Growth and Culture presented a report which sought approval for the Caythorpe and Frieston Neighbourhood Plan to be made part of the South Kesteven Development Plan, following the successful referendum result on 4 May 2023.

The referendum was held on 4 May 2023 and the following question was asked:

“Do you want South Kesteven District Council to use the Neighbourhood Plan for Caythorpe and Frieston to help it decide planning applications in the neighbourhood area?”

37.93% of those on the Electoral Register for the Caythorpe and Frieston Parish area turned out for the Referendum. Of the 396 votes cast, 344 were cast in favour of ‘yes’ and 49 were cast in favour of ‘no’. 2 ballot papers were also rejected. This resulted in an 86.8% positive vote for the Caythorpe and Frieston Neighbourhood Plan.

Thanks were given to the Planning Policy team and officers that had helped to make the result in this, and the Rippingale Neighbourhood Plans possible.

Having been proposed, seconded and voted upon, the recommendations contained within the report were **AGREED**.

DECISION:

That Full Council:

- 1. Makes (Approves) the Caythorpe and Frieston Neighbourhood Plan (referendum version) to become part of South Kesteven District Council's 'Statutory Development Plan', and a material consideration for determining planning applications in the Caythorpe and Frieston Neighbourhood Area.**
- 2. Delegates authority to the Assistant Director of Planning to make minor 'nonmaterial' changes to the Caythorpe and Frieston Neighbourhood Plan as necessary, and exercise all of the Council's functions and responsibilities in relation to making the Caythorpe and Frieston Neighbourhood Plan.**

13. Making of Rippingale Neighbourhood Plan

The Director of Growth and Culture presented a report which sought approval for the Rippingale Neighbourhood Plan to be made part of the South Kesteven Development Plan, following the successful referendum result on 4 May 2023.

Having been proposed, seconded and voted upon, the recommendations contained within the report were **AGREED**.

DECISION:

That Full Council:

- 1. Makes (Approves) the Rippingale Neighbourhood Plan (referendum version) to become part of South Kesteven District Council's 'Statutory Development Plan', and a material consideration for determining planning applications in the Rippingale Neighbourhood Area.**
- 2. Delegates authority to the Assistant Director of Planning to make minor 'nonmaterial' changes to the Rippingale Neighbourhood Plan as necessary, and exercise all of the Council's functions and responsibilities in relation to making the Rippingale Neighbourhood Plan.**

14. Governance and Audit Committee Annual Report for Year Ending 31 March 2023

The Chairman of the Governance and Audit Committee for the previous year presented the Annual Report of the Governance and Audit Committee for 2022/2023 and the indicative work plan and timetable for 2023/2024, and proposed approval.

The report set out key outcomes arising from the work of the Governance and Audit Committee over the 2022/2023 municipal year, together with the indicative work plan and timetable for 2023/2024. The previous Chairman stressed to Members that the Governance and Audit Committee was not a Scrutiny Committee, rather that its aim was to ensure good governance, independent assurance and effective audit. The committee provided challenge to the effectiveness of the Council's overall arrangements of corporate governance and internal control, including risk management.

The proposal was seconded, subject to the following clerical errors in the report being corrected:

- Councillor Ashley Baxter was marked as absent in the member attendance chart on 15 January 2023 when he was in fact present.
- Councillor Murray Turner was not elected as a member of Council until December 2022, and therefore was not absent prior to this date, he was simply not a member of the committee.

Having been proposed and seconded, upon being put to the vote the proposition was **AGREED**.

DECISION:

That Full Council approves the Annual Report of the Governance and Audit Committee for 2022/2023 and the indicative work plan and timetable for 2023/2024, which reflect the terms of reference of the Committee.

15. Reports Taken Under Special Urgency in 2022/2023

The Monitoring Officer set out those decisions that had been made in the 2022/2023 municipal year under urgency provisions set out within the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 and the Council's Constitution.

Full Council **NOTED** the report.

16. Close of meeting

The meeting closed at 15:38pm.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

20 July 2023

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Proposed amendments to the Constitution – referred item

Report Author

James Welbourn (Democratic Services Manager)

 james.welbourn@southkesteven.gov.uk

Purpose of Report

This report provides Full Council with an opportunity to consider recommendations from the Constitution Committee from their meetings held on 17 October and 5 December 2022.

Recommendations

That Full Council:

1. Approves the inclusion of the following wording as part of Paragraph 5 (Public Speaking) of the Planning Procedure Rules as set out in Part 4 (Rules of Procedure) of the Constitution:

“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards”

2. Approves the inclusion of the following paragraph in the Planning Scheme of Delegation set out in Part 3 (Responsibility for Functions) of the Constitution:

“(2) Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice.”

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All or insert specific ward(s)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications arising from this report.

Completed by: Alison Hall-Wright, Assistant Director of Finance

Legal and Governance

1.2 There are no specific legal and governance implications that have not already been referred to in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Deputy Monitoring Officer

2. Background to the Report

2.1 At the Council's Annual Meeting on 26 May 2022, the Council adopted a new version of the Authority's Constitution following a comprehensive review of the document.

2.2 During debate on the new Constitution an amendment to the Planning Procedure Rules under Part 4 (Rules of Procedure) was proposed, as follows:

Insert a new paragraph to define the relevant ward Councillor as ‘those wards which fall inside or adjacent to the boundary of the planning application in question’

- 2.3 This amendment was deferred for consideration at the next scheduled meeting of the Constitution Committee, which took place on 18 July 2022. A recommendation was submitted to Full Council to adopt the suggested amendment to the Planning Procedure Rules.
- 2.4 Full Council at its meeting on 25 July 2022 considered the recommendation of the Constitution Committee and requested that the Committee gave further consideration to the proposed wording in the context of the content of the Local Code of Practice for the Planning Committee, which had also been adopted as part of the new Constitution.
- 2.5 The Constitution Committee met on 17 October 2022 and re-considered the proposed amendment as requested. It was recommended to Full Council that the following wording be added as part of Paragraph 5 (Public Speaking) of the Planning Procedure Rules:

“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards”.

- 2.6 A further amendment to the Constitution was proposed at the meeting of the Constitution Committee in respect of the Scheme of Delegation, as set out in Part 3 (Responsibility for Functions) of the document. The Committee agreed that the following new paragraph be inserted in the Planning Scheme of Delegation at 1(a):

“Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice.”

- 2.7 Taking this recommendation in the context of the whole Scheme of Delegation document, it is suggested that the additional paragraph be added as a new paragraph 2 as opposed to the recommended paragraph 1(a).
- 2.8 The above amendments were not considered at Full Council at its meetings on 24 November 2022, 26 January 2023, and 1 March 2023 due to time constraints.
- 2.9 There was a further meeting of Constitution Committee on 5 December 2022 where changes to the speaking rules at Companies Committee were proposed. Companies Committee is now not part of the committee structure, and therefore the changes no longer apply.

3. Key Considerations

- 3.1 Full Council is invited to consider the recommendations of the Constitution Committee.
- 3.2 An extract from the draft minutes of the meeting of the Constitution Committee held on 17 October 2022 is attached to this report at Appendix A.
- 3.3 The Local Code of Good Practice document is attached to the report at Appendix B, for information.
- 3.4 Appendix C sets out the Planning Scheme of Delegation, taking into account the recommended amendment and suggested alternation to paragraph numbering.

4 Other Options Considered

- 4.1 Not to make any amendments to the Planning Procedure Rules, Public Speaking Rules, Open Questions from Councillors or the Planning Scheme of Delegation in the Council's Constitution.

5 Appendices

- 5.1 Appendix A – Draft minutes of the meeting of the Constitution Committee held on 17 October 2022.
- 5.2 Appendix B – Local Code of Good Practice.
- 5.3 Appendix C – Planning Scheme of Delegation.

Extract from draft minutes

Constitution Committee – 17 October 2022

Proposed amendment to the Planning Procedure Rules and any other amendments to the Council's Constitution

The Democratic Services Manager presented the Cabinet Member for Corporate Governance and Licensing's report on proposed amendments to the Planning Procedure Rules following the motion deferred from the recent Council meeting on an amendment proposed by Councillor Cleaver.

The proposal before the Committee related to the definition of 'relevant Ward Councillor' in respect of those Councillors entitled to speak during consideration of a planning application at the Planning Committee. The Constitution Committee had been asked to re-consider the proposal in the context of the content of the Local Code of Good Practice for the Planning Committee.

The Vice-Chairman of the Planning Committee who was substituting on the Constitution Committee proposed an amendment to the definition of 'relevant Ward Councillor' which read:

"The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards where there could be a material impact".

Examples given for material impact were issues such as noise, odour or traffic management.

The amendment was seconded and it was stated that the amendment was a variation of the amendment that Councillor Cleaver had submitted and this had been discussed with Councillor Cleaver. Discussions had also been held with the Cabinet Member for Planning and Planning Policy about the proposed amendment who had expressed some reservations about the proposal.

A short discussion then followed on how 'material impact' could be subjective depending upon what was being discussed and who made the decision that something had a 'material impact'.

The Assistant Director of Planning offered some technical guidance and stated that there was a long list of what could be classed as material considerations as determined by the courts and general planning good practice. The subjectivity was a concern and who made the decision around that, having the Constitution phrased more simply and perhaps giving that discretion to the Chairman and Vice-Chairman would make it less 'wordy', inconsistency in decision making was a great concern and planning was an area where decisions were challenged regularly.

A further amendment was proposed by the original proposer, and seconded, to change the wording to:

“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards at the discretion of the Chairman or Vice-Chairman of Planning.

Further discussion followed and one Member referred to the original wording within the Constitution, before the review took place, which allowed for any Councillor to speak on any application and gave examples of adjacent wards where a Councillor would automatically be allowed to speak. He also stated that contiguous would be a better word to use than adjacent.

The Chairman of Planning Committee who was also a member of the Constitution Committee stated that there seemed to be some confusion and misinformation about what was being discussed and what was contained within the Constitution. The Democratic Services Manager stated that Members were discussing the right of Councillors to speak at Planning Committee and the meaning of ‘relevant’.

Following more discussion, it was stated that there seemed to be concern from Members that they would be denied the opportunity or right to speak at a Planning Committee in relation to concerns that would impact local residents.

Currently within the Constitution if they were the Member for the relevant Electoral Ward, they had an absolute right to speak on an application, Section 5.2, Planning Rules of Procedure, all other Members had a discretionary right at the Chairman’s discretion, Paragraph 4.1, Planning Rules of Procedure. If Members wanted to speak on a planning application at Planning Committee, then the Planning Committee should hear those points whether that was under an absolute or discretionary right. Whatever was written in the Constitution needed to be simple.

More discussion followed with further examples of adjacent wards given and who would be notified when an application was submitted. It was proposed that the addition of *“at the discretion of the Chairman and Vice-Chairman”* did not need to be included as this was already within the Constitution.

Following the proposal, the Chairman read out the amendment before the Committee:

“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards”.

Reference was once again made to using the word contiguous rather than adjacent in the amendment. However, the amendment as read out by the Chairman was seconded and on being put to the vote unanimously **AGREED**.

Recommendation to Council

The Constitution Committee recommends the addition of the following paragraph to the Planning Procedure Rules as contained within Part 4 of the new Constitution:

“The relevant Ward Councillor is defined as Councillors representing those wards in which a planning application falls or adjacent wards”.

Members then discussed an amendment that Councillor Cleaver had raised at the Constitution Committee on 18 July in relation to the call-in process. The Chairman of Planning Committee had asked for the item to come back to the Constitution Committee as it was felt that all the information had not initially been made available to the Committee members.

When the item had been discussed, the Planning Scheme of Delegation had been included in the pack but not the Planning Local Code of Practice. Some of the detail of the call-in process was in the Members Code of Good Practice and was not obvious in the Planning Scheme of Delegation. Member's attention was drawn to the start of paragraph 6 on page 31 of the agenda pack which stated:

“Where any Councillor considers that an application not in their ward or adjoining their ward should be referred to the Planning Committee for a decision,.....”

This entitled any Member to call-in any application, unfortunately this was not clear in the Planning Scheme of Delegation which was the paper included in the agenda pack.

Discussions had been held with the Assistant Director of Planning and it had been proposed that a second paragraph was inserted after paragraph 1 in the Planning Scheme of Delegation to refer Members to the Planning Code of Good Practice. It was requested that when the item was submitted to Council that the Planning Code of Good Practice and the Planning Scheme of Delegation were both included in the agenda pack. This would enable the Chairman of Planning Committee to make it clear what the process was and that any Councillor could call-in any planning application at the discretion of the Planning Committee Chairman.

The wording to be inserted at 1(a) in the Planning Scheme of Delegation was:

“Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice.”

The proposed amendment was seconded and on being put to the vote unanimously **AGREED.**

Recommendation to Council

The Constitution Committee recommends that the following new paragraph be inserted in the Planning Scheme of Delegation at 1(a):

“Any application at the discretion of the Chairman and Vice-Chairman of the Planning Committee in accordance with the Local Code of Good Practice.”

(It was requested that both the Planning Scheme of Delegation and the Local Code of Good Practice be included with the report for Council)

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

Guidance For Members and Officers Dealing with Planning Matters

A Local Code of Good Practice

POSITIVE ENGAGEMENT: A GUIDE FOR COUNCILLORS INVOLVED IN MAKING PLANNING DECISIONS - GOOD PRACTICE GUIDANCE NOTE

SUMMARY

Councillors can involve themselves in discussions with developers, their constituents and others about planning matters. Difficulties can be avoided if you follow these useful general hints.

Do

- involve officers and structure discussions with developers
- inform officers about any approaches made to you and seek advice
- familiarise yourself with the Code of Conduct and follow it when you are representing the Council
- keep your register of interests up to date
- be aware of what fairness and impartiality mean in your role
- be prepared to hold discussions with an applicant and officers before a planning application is made, not just after it has been submitted
- preface any discussion with disclaimers; keep a note of important meetings and calls; and make clear at the outset that discussions are not binding
- be aware of what Disclosable Pecuniary Interests, personal and prejudicial interests are – refer to the Monitoring Officer or the Code of Conduct if you are unsure
- recognise the distinction between giving advice and engaging in negotiation and when this is appropriate in your role
- stick to policies included in adopted plans, but also pay heed to any other considerations relevant to planning
- use meetings to show leadership and vision
- encourage positive outcomes
- recognise that you can lobby and campaign but that this may remove you from the decision making process
- feed in both your own and your local community's concerns and issues
- be aware that you can engage in discussions, but you must have and be seen to have an open mind at the point of decision making.

Do not

- use your position improperly for personal gain or to advantage your friends or close associates
- meet developers alone or put yourself in a position where you appear to favour a person, company or group – even a 'friendly' private discussion with a developer could cause others to mistrust your impartiality.
- attend meetings or be involved in decision-making where you have a Disclosable Pecuniary Interest or a prejudicial interest – except when speaking where the general public are also allowed to do so
- accept gifts or hospitality
- prejudge or be seen to prejudge an issue if you want to be a decision maker on a proposal
- seek to influence officers or put pressure on them to support a particular course of action in relation to a planning application
- compromise the impartiality of people who work for the Council
- invent local guides or policies

1. Introduction

This Protocol sets out the practices and procedures that Members and Officers at South Kesteven District Council should follow when determining planning applications.

2. Basic Principles

The basis of the planning system is to manage development in the public interest.

Planning is often very contentious because planning decisions affect the private interests of individuals, landowners and developers. Decisions are taken based on informed judgement with a firm policy basis.

The Planning process relies on transparency in decision making and Officers and Members must act fairly and with integrity.

Development proposals that are policy compliant should be approved without delay.

Members have a duty to represent their constituents but also an overriding duty to the wider community.

3. The role of the Planning Committee

The role of a Planning Committee is to determine major or more complex applications that raise issues of more than immediate local importance. The intention is to allow Councillors to focus on applications needing additional scrutiny where added Member value in balancing conflicting pressures is important. This of course does not mean that minor applications cannot be referred to Committee where they raise issues of more than local importance.

Councillors are encouraged to engage with the planning process early, and often many issues can be resolved without applications needing to be referred to Committee for a decision. For example, by raising issues early it may be possible to address concerns through amendments, additional information and/or planning conditions.

Referral to Planning Committee shouldn't be used to arbitrate between competing interest groups or to put off making difficult decisions. Applications should not normally be referred to Planning Committee simply to allow an objector/applicant an opportunity to air their views in a public forum.

Householder or very minor applications should not normally be referred to Planning Committee and it is expected that Councillors will work with Officers to resolve any concerns arising from the proposal.

4. Your Role as a Member of the Planning Authority

To make planning decisions openly, impartially and with sound judgement for justifiable reasons.

5. Relationship to the Members' Code of Conduct

Do apply the rules within the Members' Code of Conduct first as these must always be complied with.

The guidance in this note seeks to explain and supplement the Members' Code of Conduct for the purposes of the Planning system. If you do not abide by this Code of Local Practice you may not necessarily have breached the Members' Code of Conduct but you may put the Council at risk of proceedings regarding legality or maladministration of the related decision.

6. Development Proposals and Interests under the Members' Code of Conduct

Members should declare any Disclosable Pecuniary Interests (DPI) in accordance with the Council's Code of Conduct. These should be declared at the beginning of the meeting and not at the start of the discussion on any particular matter. However, if you become aware of a DPI after the start of the meeting you should declare it as soon as possible.

Where you have a DPI you should not participate, or give the appearance of trying to participate in the decision making process.

The Monitoring Officer will be able to provide you with any specific guidance or discuss any particular concerns with you ahead of any meeting.

7. Fettering Discretion in the Planning Process

Members making a decision on any planning application as part of the Planning Committee must ensure that they have not already fettered their discretion. This means that you should come to any Planning Committee meeting with an open mind. Whilst you should familiarise yourself with the application and the reports ahead of the Committee, it is important that you haven't made your mind up on how you will vote at the meeting of the Planning Committee (or Full Council) until you have heard the Officer's presentation and all of the evidence and arguments on both sides.

If you have fettered your discretion, it is important that you do not speak and vote on a proposal.

The Monitoring Officer will be able to provide you with any specific guidance or discuss any particular concerns with you ahead of any meeting.

8. Lobbying of Councillors

Lobbying is a normal and perfectly proper part of the political process and those who may be affected by a proposal will often seek to influence the decision by approaching their local Councillors or Members of the Planning Committee.

Members of the Planning Committee are free to listen to any point of view about a particular planning application, however they should avoid expressing an opinion which may indicate that they or the authority has reached a final conclusion until all of the relevant arguments and evidence has been put before the Planning Committee.

Advice to the public should be restricted to procedural matters, including making the relevant Officer aware so that material opinions can be reflected in the report.

Where a member of the Planning Committee goes on record in support of a particular outcome, or campaign actively for it, it will be difficult for that member to argue convincingly that they have attended the Committee with an open mind. If there is an appearance of bias or pre-determination then the decision may be vulnerable to a challenge by way of a Judicial Review.

9. Lobbying by Councillors

Members will be able to speak on behalf of a body of opinion, however the Committee should be made aware as to such opinion as distinct from personal views.

There should be no party-political grouping on how to vote on applications prior to a Planning Committee meeting, or similar voting because an application is moved by a member of the same party.

Members should not lobby or trade with other Committee Members for a particular outcome.

Whilst a Member can speak on behalf of a body of opinion, they should not personally be involved in organising support for or against that opinion.

Members not serving on the Planning Committee may speak to the Committee in accordance with Standing Orders, however, the Member attending shall not take part in the voting on any item.

10. Public Speaking at Meetings

Any member of the public, Parish or Town Council has the right to speak in accordance with the public speaking rules set out in the Planning Procedure Rules at Part 4 of the Constitution. Their views, insofar as they are material planning considerations, should be taken account of with other available information and evidence.

11. Decision Making

Members should determine applications in accordance with advice given, including verbal updates to reports, unless they have good planning reasons to the contrary and in the knowledge of all the available information and evidence.

Decisions on planning applications have to be taken in accordance with the Development Plan unless material considerations indicate otherwise. In determining any application the Committee is not bound by the recommendation of their officers. This means that the Committee is entitled to decide the weight to be attached to the various planning considerations that are relevant to the applications. This can sometimes result in a decision which is contrary to the recommendation of Officers (an Overturn).

For example, the Committee could decide any of the following:

- To refuse planning permission where Officers have recommended approval;
- To approve planning permission where Officers have recommended refusal;
- Agree with Officers that planning permission should be refused but for different reasons; or
- Grant permission subject to different conditions or legal requirements to those recommended.

Where Members wish to determine an application contrary to the recommendation, they should indicate the material reason(s) for doing so at the meeting and these will be detailed in the minutes to the meeting. Where a motion is put forward that is contrary to the Officer recommendation, the Chairman will ensure that the planning reasons for reaching this motion are clear.

If the Committee is minded to make a decision contrary to the recommendation, the relevant Officer (including Legal) will be given the opportunity to outline the implications for the Committee of such a decision.

If the Committee wish to add or amend conditions, an Officer will be invited to draft such a condition. A detailed minute of the reasons for the Committee's action should be made.

Where a motion is proposed and seconded for a decision that would differ from the Officer's recommendation it is important that the Members voting for that motion are clear what it is. For example, in the case of an overturn where the motion is to refuse an application recommended for approval, Members must be clear as to the reasons for refusal. This means that Members are clear as to the substance of the reason(s) for refusal including the policies that the proposal is contrary to. If Members are not clear they should ask for clarification before voting.

Officers may make slight amendments to the wording of any new reasons for refusal or conditions following Committee although they will not alter their meaning.

Members should not vote on a proposal unless they have been present to hear the entire debate including the Officer's introduction and presentation on the application.

Minutes will relate to the planning reasons for the decision specifically whether:

- It is in accordance with development plan policies, or
- Other material considerations indicate otherwise (and what they are)
- In the case of an approval, the relevant matters to be addressed by planning conditions

12. Training

As set out in the Constitution, Councillors can only sit on the Planning Committee where they have received the mandatory training.

Officers will ensure that annual training is provided and this will be available to all Councillors; it is each Councillor's individual responsibility to ensure that they attend this training.

In addition to the annual mandatory training session Officers will provide other training sessions throughout the year on a variety of topics. Members are encouraged to attend as many of these training sessions as possible.

Members are encouraged to identify any topics that they would like to have training on.

Annually, the Committee will visit a sample of implemented permissions to assess the quality of those decisions. These will take place at six monthly intervals.

The outcome of appeals will be reviewed by Planning Committee at six monthly intervals to outline feedback and lessons learned.

13. Process

All Members will be notified by email of individual applications within their wards. Where an application site straddles a ward boundary, Councillors from all of the wards concerned will be notified. Where a site is located adjacent to the boundary of a ward, the adjoining ward Councillors will be notified.

All Councillors will continue to receive the weekly list setting out applications validated by the Council. Members will also receive updates relating to enforcement cases where it has been established that there is a breach of planning control.

Members are encouraged to view the plans online and contact the Case Officer if there are any queries or matters they wish to discuss.

Officers are encouraged to contact Councillors where they feel that a matter may be contentious and this should be done as soon as possible in the process.

If a ward Councillor or adjoining ward Councillor wishes any application to be considered by the Planning Committee they should advise the Case Officer in writing and clearly state the planning issues that give them concern. The Councillor making this request must also demonstrate that the proposal would have such a prejudicial impact or effect on the area of district or its residents to warrant determination by Planning Committee. This should be done as soon as possible and within 21 days of first being notified of the receipt of the application.

Where any Councillor considers that an application not in their ward or adjoining their ward should be referred to the Planning Committee for a decision, that Councillor should first discuss this matter with the ward Councillor(s). If the ward Councillor(s) doesn't respond or disagrees with the request, then the matter can be escalated to the Chairman/Vice-Chairman of the Planning Committee however it must be demonstrated that the initial discussion has taken place along with the reasons for the escalation and any response from the ward Councillor(s).

It is understood that sometimes there may be extenuating circumstances where it was not possible to make a request to call an application to Committee within the initial 21 day notification period. For example this could be due to additional information coming to light after the notification period. If this is the case Councillors should submit their request in writing providing the reasons for the late request along with the planning reasons for the call-in. The request will need to be agreed with the Chairman and Vice-Chairman of the Committee in consultation with the Assistant Director of Planning; if they disagree with the call-in request the Member will be informed. Councillors are however encouraged to make any request to call an application to Committee as soon as possible to avoid unnecessary delays in the determination of applications.

Where a request for an application to be considered by the Planning Committee is agreed by the Chairman of the Planning Committee then the reason given for the referral will be included in the report.

Where a request for Committee referral is not agreed with, the ward Councillor(s) making the request will be informed.

It is expected that if the concerns that gave rise to the Committee referral request are addressed through amendments to the application or conditions, the referral request will be withdrawn.

14. Reports to Committee

The advice from the Courts and Ombudsman have determined Officer reports on planning applications must have regard to the following points:

- reports should be accurate and cover, amongst other things, the substance of any objections and the views of those consulted;
- relevant information should include a clear exposition of the development plan; site or related history; and any other material considerations;
- reports should have a written recommendation of action. Oral reporting (except to update a report) should be avoided and carefully minuted when it does occur;
- reports should contain technical appraisals which clearly justify a recommendation;
- if the report's recommendation is contrary to the provisions of the development plan, the material considerations which justify the departure must be clearly stated. It is particularly important to do so, not only as a matter of good practice, but because failure may constitute maladministration, or give rise to judicial review on the grounds that the decision was not taken in accordance with the provisions of the development plan and the council's statutory duty under s38A of the Planning and Compensation Act 2004

15. Decisions contrary to Officer Recommendations and subsequent Appeals

In determining planning applications, the Planning Committee is entitled to decide the weight to be attached to the various planning matters (benefits and harms) that are relevant to the application. This may lead to a decision that is different to the recommendation of the Officers.

In these circumstances, it is essential that reasons for the difference of opinion are clear in the minds of the Committee Members.

Where an appeal to the Secretary of State is subsequently lodged against a decision made contrary to the Officer's recommendations, Planning Officers (and other Officers as appropriate) will normally act as professional witnesses to present the Council's case at public inquiries and local hearings. However, where this would prejudice the outcome, the Assistant Director of Planning may ask Members to conduct the appeal¹. In this instance the Planning Committee will need to be prepared to identify a Councillor(s) to support the case at a public inquiry or local hearing. This would normally be the Councillors who proposed and seconded the reasons for the refusal. The Assistant Director of Planning and the planning team will support the Members in the preparation of the case as appropriate.

16. Site Visits

Members can make site visits. However, they must avoid contact with the applicants/objectors and maintain probity during the process of determination. Members will decline invitations from developers to attend private site visits where additional information may be presented prior to Committee.

¹ In public inquiries Officers can only give evidence based upon their professional beliefs. The Royal Town Planning Institute (RTPI) Code of Conduct does not allow its members to make or subscribe to any statements or reports that are contrary to their own bona fide professional opinions.

Health and Safety & Lone Working considerations are the responsibility of the Member. Members do not have rights of access upon private land and such visits must be undertaken from the public highway or via public rights of way.

Ward Members and/or members of the Planning Committee will be able to request a site visit for any application that is being referred to Planning Committee for a decision. If any other Councillor considers that a site visit should be carried out, they should discuss this with the Ward Councillor and the Chairman/Vice-Chairman of the Planning Committee. Councillors should give reasons for the site visit so that Officers and Councillors are clear what elements of a proposal or site need to be viewed. Where a request is made, site visits will be agreed for inclusion by the Assistant Director of Planning in consultation with the Chairman or Vice-Chairman of the Planning Committee; site visits will take place where it is clear that the visit will add value to the consideration of the application.

Site visits will be led by a Council Officer who will explain the proposals in the context of the site. They will also explain the reasons why the site visit has been called.

Any third party at the site visit including the applicant will not be permitted to address Councillors. On occasion, it might be necessary to ask a point of clarification or fact of a third party however this will be at the Lead Officer or Chairman's discretion.

Details of the site visit including who attended will be recorded by the lead Officer in attendance.

The purpose of the site visit is to establish facts about the site and its surroundings. No decisions will be made at the site visit.

Ideally site visits should be requested pre-committee to avoid delays in the decision-making process. However, the Committee may resolve that a decision is deferred pending a Member site visit. This must be moved and voted upon in the usual way during Planning Committee at any time after the Officer's presentation. The reasons for the site visit must be established and clearly recorded in the minutes.

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PLANNING SCHEME OF DELEGATION

Development Management

All decisions, responses or determinations arising in relation to applications, approval of reserved matters, prior approvals, certificates, consents and consultations, submitted to or received by the Council in accordance with all Town and Country Planning, Listed Building and related or associated legislation (including subordinate legislation and any consolidation, re-enactment or amendment thereto) shall be delegated to the Authorised Officer(s) as specified above, except the following:

1. In respect of any particular ward: any application for planning permission, approval of Reserved Matters, Conservation Area Consent, tree works approval or Listed Building Consent where a Councillor from that ward or an adjoining ward has requested, in writing within 21 days of being notified of the application, that the application be considered by Committee. Any request will be accompanied by a statement setting out the relevant substantive material planning reason that the application be determined by the Planning Committee and the referral is agreed by the Chairman of the Planning Committee. Any call-in request received after the initial 21-day notification period will be accompanied by a statement setting out the extenuating circumstances why the request could not have reasonably been made within the notification period; any such late requests must be agreed by the Chairman and Vice-Chairman of the Planning Committee.
 - a) any application at the discretion of the Chairman and Vice-Chairman of Planning Committee in accordance with the Planning Local Code of Good Practice.
2. Any application which is a departure from the Local Plan must be taken to the Planning Committee where it is the Officer's recommendation to approve the application. Where the Local Plan is silent on matters, but a proposal is in conformity to the National Planning Policy Framework (NPPF), then an application can be determined through the Scheme of Delegation.
3. Applications that the Assistant Director for Planning considers that the application/notice/matter should be considered by Planning Committee.
4. Applications for Reserved Matters where the original outline planning permission was determined by the Planning Committee¹
5. Applications submitted on behalf of the Council or where the Council has an interest in the development and/or land.
6. Applications submitted by (includes where they may be acting as an agent), or on behalf of a District Councillor (or his/her spouse or partner or immediate family).
7. Applications where a District Councillor lives in an adjoining property, a property opposite the application site or a property either side.

¹ In cases where the outline planning application was not determined by the Planning Committee, Councillors will need to use the "call-in" procedure should they wish to request that the Committee makes a decision on any Reserved Matters application.

8. The applicant or agent is a member of staff within the Authority.
9. Where an Officer who is a member of the Council's Senior Management Team or a member of staff within the Planning Service or any member of staff within the Authority who could be seen as having a direct input to, and therefore influence on, application decisions, lives in the adjoining property, a property opposite the application site or a property either side.

Where there are statutory time limits for making decisions or taking action where non-determination within a set period automatically gives consent (e.g. agricultural buildings, demolitions and telecommunications determinations and notifications of works to trees in a conservation area), the Assistant Director of Planning or other appropriately qualified and trained Officers authorised by them in writing, may determine the applications. The authorised Officer will consider any objections received and, at their discretion, efforts will be made to resolve the objection before the expiry period. The existence of an objection will not alter the Officer's authority to make a decision in these instances.

The Assistant Director of Planning and other appropriately trained and qualified Officers authorised by them in writing, may also exercise the following functions:

- Accepting material minor amendments (Section 73 applications) and/or non-material minor amendments (Section 96a Applications) to approved plans
- To adopt screening and scoping opinions under the Environmental Impact Assessment Regulations
- To carry out and adopt Appropriate Assessment under the Habitats Regulations.
- To make non-material additions, deletions, or amendments to the conditions to be attached to the grant of planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances Consent or Advertisement Consent, authorised by the Planning Committee or Council
- To respond to notifications for proposed works to trees in conservation areas
- Issuing hedgerow retention notices and general discharge of duties under the Hedgerow Regulations 1997
- To determine applications relating to the High Hedge Legislation
- Authorising powers of entry in respect of complaints and appeals under Antisocial Behaviour Legislation
- Entering into a Section 106 Agreement on a delegated planning application approval where no financial contributions are required.
- Entering into planning performance agreements on behalf of the Council as the Local Planning Authority
- Entering premises for statutory purposes
- To determine the reasons for which planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances Consent, or Advertisement Consent, would have been refused where this is relevant to appeals against the non-determination of applications
- On a without prejudice basis in relation to appeals in the event that the Secretary of State or the appointed Inspector is minded to grant permission;
 - To suggest appropriate conditions be imposed on planning permission, Listed Building Consent, Conservation Area Consent, Hazardous Substances consent or advertisement consent; and
 - To approve/make comments on the terms of Section 106 Agreements or Unilateral Undertakings

Planning Service: enforcement

The Assistant Director of Planning is authorised to carry out, and authorise in writing other Officers with necessary training and qualifications, the following functions:

- Administer cautions in respect of breaches of advertisement control and in other cases where, following authorisation, court proceedings are considered appropriate.
- To make determinations that it is not expedient to take enforcement action
- To remove or obliterate unauthorised placards or posters or display structures under the Town and Country Planning Act.
- To serve Requisitions for Information requiring information as to interests in land or, if related to a planning contravention notice, activities carried out on the land
- To serve Planning Contravention Notices on owners and occupiers of land where it appears that a breach of planning control has taken place
- To serve the following notices following consultation with the Assistant Director of Governance:
 - Enforcement notice
 - Breach of condition notice
 - Section 215 notice under the Town and Country Planning Act
 - Listed building enforcement notice
 - Hazardous substance Enforcement notice
 - Discontinuance Notices under the Control of Advertisement Regulations
 - Stop notice
 - Temporary stop notice
- To accept or reject such offers to remedy a breach of control as are made under the Town and Country Planning Act 1990
- To authorise the institution of legal proceedings in respect of any matter within the terms of reference of the Planning Committee and following consultation with Legal Services
- To authorise the institution of legal proceedings for failure to respond to, or to give satisfactory information required by Requisitions for Information or Planning Contravention Notices.

Listed below are the circumstances where enforcement matters will be presented to the Planning Committee. All other matters will be dealt with by the Assistant Director of Planning, or other duly authorised Officer:

- i. Where the case involves a Member of the Council (or an immediate relative) or any employee of the Council (or an immediate relative).
- ii. Where there is a contravention of planning control involving the Council's own development that is unresolved through the planning system.
- iii. Issues of significant public interest.

Street Naming and Numbering

The Assistant Director of Planning and other Officers appropriately qualified, trained and authorised by them in writing, have authority to determine uncontested street naming and numbering applications.

Planning Policy

Following consultation with the relevant Cabinet Member and the local Ward Councillor(s), the Assistant Director of Planning is authorised to make decisions on the following:

- Applications to designate a Neighbourhood Forum
- To accept or decline repeat proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- The validity and acceptance of proposals for a Neighbourhood Development Plan or Neighbourhood Development Order
- Appointing a person to carry out the examination of a Neighbourhood Development Plan or Neighbourhood Development Order
- Decisions in respect of action to be taken in response to recommendations included within the Examiner's Report and whether to modify the Plan or Referendum Area prior to submitting it for referendum

The Assistant Director of Planning has delegated authority to determine applications for grant aid in relation to listed buildings and conservation areas with the following **exceptions**:

- New applications which would commit the District Council to expenditure in excess of £1,000
- Applications for supplementary grant which would commit the District Council to further expenditure in excess of £500
- Applications where an applicant has requested reconsideration of a decision by the Assistant Director of Governance.

After consultation with the appropriate Cabinet Member, to respond to policy and other planning documents relevant to the Council, prepared by other bodies.



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Full Council

20 July 2023

Report by Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Proposed amendments to the Council's Constitution

Report Author

Graham Watts (Assistant Director of Governance and Monitoring Officer)

✉ graham.watts@southkesteven.gov.uk

Purpose of Report

This report provides Full Council with an opportunity to approval proposed amendments to the Council's Constitution following recommendations from the Governance and Audit Committee.

Recommendations

That Full Council approves the following Constitutional amendments:

1. The inclusion of an additional paragraph to the Officer Scheme of Delegation under Paragraph 26(f) of Part 3(c) (Responsibility for Functions) in respect of lettings of land and property to read:

"To arrange lettings (in excess of seven years) of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer, providing that the total cost of the lease in its entirety does not exceed £100,000."

2. The amendment of paragraph 14.14 of Contract Procedure Rules under Part 4 (Rules of Procedure) in respect of the common seal of the Council to reflect that this should only be used for those contracts where the total cost exceeds a value of £500,000.

3. The amendment of Council Procedure Rules and Overview and Scrutiny Committee Procedure Rules to reflect that members of the public be entitled to ask a supplementary question without notice when having registered to speak.
4. The amendment of Procedure Rules for all meetings of the Council to entitle any Member of the Council to speak at meetings without requiring the discretion of the person presiding the meeting.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All or insert specific ward(s)

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

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

Completed by: Richard Wyles, Chief Finance Officer and Section 151 Officer

Legal and Governance

- 1.2 There are no specific legal and governance implications that have not already been referred to in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

- 2.1 The Governance and Audit Committee is required to consider any proposed amendments to the Council's Constitution before Full Council is able to approve them, unless there is alternative provision elsewhere in the Constitution.

- 2.2 A number of proposed amendments to the Constitution are included within this report for the Committee's consideration which were endorsed and recommended for approval by the Council's Governance and Audit Committee on 14 June 2023.

3. Key Considerations

Letting of land and property

- 3.1 Officers currently have delegated authority to arrange short-term lettings of land and property. This is set out in paragraph 26(f) of the scheme of delegation at Part 3(c) (Responsibility for Functions) of the Council's Constitution and states:

"To arrange short term (up to seven years) lettings of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer"

- 3.2 There may be occasions whereby a lease arrangement requires a longer term than seven years but does not have a significant financial impact on the Council. Examples may include parcels of land under the Council's ownership that are of no direct use to the authority but can instead be leased to other organisations to utilise for the benefit of the community on a peppercorn rent basis. If this arrangement exceeds seven years then currently it would be necessary for the decision to be taken on the basis of a Non-Key Decision.

- 3.3 It is recommended that an additional paragraph be added to the scheme of delegation under paragraph 26(f) to read:

"To arrange lettings (in excess of seven years) of land and property not immediately required for other purposes at rent/license fees fixed by the Section 151 Officer, providing that the total cost of the lease in its entirety does not exceed £100,000."

- 3.4 This amount of £100,000 is consistent with the financial limits set out in the Council's Financial Procedure Rules.

Common seal of the Council

- 3.5 The Council's Contract Procedure Rules state that a contract must be sealed where its total value is over £50,000. This is set out in paragraph 14.14 (Sealing a Contract) of the Contract Procedure Rules in Part 4 (Rules of Procedure) of the Constitution.
- 3.6 The physical sealing of a contract means that utilisation of electronic software for facilitating the sign-off of contracts from all parties cannot be used should the contract exceed £50,000. In the context of thresholds included in the Council's Financial Procedure Rules, it is considered excessive that a contract with a

lifetime value of £50,000 requires the common seal of the Council in order for it to be confirmed.

- 3.7 It is therefore deemed more appropriate to reserve the sealing of contracts to those more significant in terms of value. It is recommended that the common seal of the Council should only be used for those contracts where the total cost of the contract exceeds a value of £500,000.

Supplementary questions from members of the public at meetings of the Council

- 3.8 As part of the comprehensive review of the Council's Constitution, amendments were made to the Procedure Rules associated with meetings of Full Council and Overview and Scrutiny Committees which removed the right of members of the public who had registered to speak to ask a supplementary question without notice.
- 3.9 It is proposed that the right of members of the public to ask supplementary questions be reintroduced to Council Procedure Rules and Overview and Scrutiny Procedure Rules.

Contributions at meetings from Councillors in attendance

- 3.10 As part of the comprehensive review of the Council's Constitution, amendments were made to the Procedure Rules associated with meetings of Cabinet and all Committees whereby a Councillor observing a meeting as opposed to being a member of the body is only entitled to speak at the discretion of the person presiding the meeting.
- 3.11 It is proposed that all members of the Council in attendance at any meeting be entitled to speak and no longer require the discretion of the person presiding the meeting to contribute to proceedings.

4. Other Options Considered

- 4.1 Not to make any amendments to parts of the Constitution identified in this report.
- 4.2 To approve specific amendments to the Constitution.

5. Reasons for the Recommendations

- 5.1 The recommendations set out in this report seek to improve the effectiveness and efficiency of specific rules in the Council's Constitution.



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Full Council

20 July 2023

Report of Councillor Philip Knowles,
Cabinet Member for Corporate
Governance and Licensing

Cabinet and Overview & Scrutiny Protocol

Report Author

Graham Watts, Assistant Director of Governance and Monitoring Officer



Graham.watts@southkesteven.gov.uk

Purpose of Report

To consider the formal adoption of the proposed Cabinet and Overview & Scrutiny Protocol as part of the Council's Constitution.

Recommendations

That Full Council approves adoption of the Cabinet and Overview & Scrutiny Protocol as part of the Council's Constitution under Part 5 (Codes of Protocols).

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All wards

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

1.1 There are no financial implications arising from this report.

Completed by: Richard Wyles, Chief Finance Officer and Section 151 Officer

Legal and Governance

1.2 There are no significant legal and governance implications arising from this report that are not already set out in the body of the report or appendix.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

2.1 The Centre for Governance and Scrutiny conducted a review of the Council's overview and scrutiny function, further to which an action plan based upon recommendations from the review was developed. The Governance and Audit Committee endorsed the action plan at its meeting on 28 September 2022.

2.2 One of the recommendations from the Centre for Governance and Scrutiny was the development and publication of a Cabinet and Overview & Scrutiny Protocol, setting out the relationship between the two functions and associated roles and responsibilities.

3. Key Considerations

- 3.1 A draft Cabinet and Overview & Scrutiny Protocol has been developed, taking into account the content of the Council's Cabinet Procedure Rules and Overview and Scrutiny Procedure Rules, as well as good practice from other authorities. This is attached to the report at **Appendix A**.
- 3.2 The Protocol sets out the relationship between the Council's Cabinet and its Overview and Scrutiny Committees, including the processes that both bodies follow, where they will interact with each other and how they expect the other to conduct itself.
- 3.3 The Governance and Audit Committee endorsed the Cabinet and Overview & Scrutiny Committee Protocol at its meeting on 14 June 2023 and recommended its adoption by Full Council.

4. Other Options Considered

- 4.1 Not to approve the protocol for adoption, or suggest alterations to the version attached at Appendix A.

5. Reasons for the Recommendations

- 5.1 The adoption of a Cabinet and Overview & Scrutiny Protocol is in response to a recommendation from the Centre for Governance and Scrutiny and is considered best practice.

6. Appendices

- 6.1 Appendix A – Cabinet and Overview & Scrutiny Protocol

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SOUTH KESTEVEN DISTRICT COUNCIL

CABINET AND OVERVIEW AND SCRUTINY PROTOCOL

1. Introduction

- 1.1 The Council's Cabinet Procedure Rules and Overview and Scrutiny Committee Procedure Rules, set out in Part 3 of the Constitution, outline the relationship between the Council's Executive (Cabinet and individual Cabinet Members) and its scrutiny function (Overview and Scrutiny Committees).
- 1.2 The purpose of this Protocol is to outline and confirm the principles that will be followed by the Council's Cabinet (either as a body or individual Cabinet Members) and its Overview and Scrutiny Committees. The Protocol will:
 - a) Provide Cabinet Members and Members of Overview and Scrutiny Committees with a clear understanding of their role, responsibilities and powers as part of the Council's scrutiny function
 - b) Confirm the overview and scrutiny framework and procedures to enable scrutiny to work effectively
 - c) Define and clarify the role of Cabinet and individual Cabinet Members in the scrutiny process

2. Role of Cabinet

- 2.1 Cabinet, operating the Council's executive function, is at the heart of the day-to-day decision-making process of the Council and has a key role in proposing the budget and policy framework to Full Council.
- 2.2 The Scheme of Delegation for Cabinet is set out in Part 3(b) of the Constitution, with financial thresholds also prescribed in Financial Regulations and Contract Procedure Rules at Part 4 of the Constitution.

3. Role of Overview and Scrutiny Committees

- 3.1 The Council's overview and scrutiny function has the following roles and responsibilities which are delivered by Overview and Scrutiny Committees:
 - a) Review and scrutinise the decisions made by, and the performance of, Cabinet, individual Cabinet Members and Council Officers in relation to individual decisions
 - b) Review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and particular service areas

- c) Question Members of Cabinet, its Committees and appropriate Officers about their decisions and performance targets, over a period of time, or in relation to particular decisions, initiatives or projects
- d) Question and gather evidence from any person, with their consent
- e) Make recommendations to Cabinet or any other appropriate body of the Council, including Full Council, arising from the outcome of the overview and scrutiny process
- f) Review and scrutinise the performance of other appropriate public service bodies in the area and invite reports from them by requesting them to address the relevant Overview and Scrutiny Committee and local people about their activities and performance
- g) Consider any matter affecting the area or its residents and exercise the right of Call-In for reconsideration of decisions made by Cabinet, its Committees, individual Cabinet Members or Officers that have not been implemented
- h) Consider Councillor Calls for Action
- i) Review or scrutinise decisions made, or other action taken, in connection with the discharge by the responsible authorities of their crime and disorder functions as the Committee considers appropriate but not less than once in every twelve-month period
- j) Assist the Council and Cabinet in the development of its Budget and Policy Framework through in-depth analysis of policy issues
- k) Conduct research, community and other consultation in the analysis of policy issues and possible options
- l) Consider and implement mechanisms to encourage and enhance community participation in the development of policy options
- m) Question Cabinet Members about their views on policy proposals and receive advice and information from Officers
- n) Liaise with other external organisations operating in the area whether national, regional or local to ensure that the interests of local people are enhanced by collaborative working

3.2 The terms of reference for each specific Overview and Scrutiny Committee, clarifying the service areas that fall under their respective remits, are outlined in the Overview and Scrutiny Procedure Rules at Part 4 of the Constitution.

4. Relationship between Cabinet and Overview and Scrutiny

4.1 The following principles set out how the working relationship between Cabinet and Overview and Scrutiny Committees should operate:

- a) Cabinet Members and Members of Overview and Scrutiny Committees recognise that the bodies they sit on and roles they have consist of different functions and responsibilities which contribute to securing the best outcomes for people who live and work in South Kesteven
- b) Cabinet Members cannot be Members of Overview and Scrutiny Committees
- c) All participation in the working relationship between Cabinet and Overview and Scrutiny Committees will following the spirit of mutual respect, constructive challenge and the principles outlined in the Councillor Code of Conduct and Councillor/Officer Relations Protocol as set out in the Council's Constitution
- d) Whilst the membership of Overview and Scrutiny Committees reflect the Council's political proportionality, their meetings should reflect the statutory guidance that scrutiny work be conducted in a non-party political manner
- e) Overview and Scrutiny Committees are able, as non-executive Members, to hold Cabinet to account as one of their principal responsibilities, which could be done through:
 - Challenging Cabinet or individual Cabinet Members about decisions which have been taken
 - Consider performance or financial information
 - Request information about items which are set out in the Cabinet Forward Plan
- f) Cabinet recognises that Overview and Scrutiny Committee have a number of rights, such as requiring the attendance of Cabinet Members at meetings, and the Overview and Scrutiny Committees will exercise those rights responsibly
- g) Cabinet recognises that Members of Overview and Scrutiny Committees have additional rights of access to documents, as prescribed in the Access to Information Procedure Rules at Part 4 of the Constitution
- h) The Leader of the Council will attend a meeting of the Overview and Scrutiny Committees at least every six months to provide an update on delivery against the objectives of the Council's Corporate Plan.

- i) Overview and Scrutiny Committees will ensure that Cabinet Members have the ability to make any announcements at their meetings.
- j) Cabinet will ensure that Overview and Scrutiny Committees have the ability to present reports and submit recommendations at its meetings.

5. Conduct of Meetings

5.1 Meetings of Overview and Scrutiny Committees will be conducted as follows in support of the principles set out in paragraph 4 above:

- a) All formal meetings of Overview and Scrutiny Committees will be held in accordance with Council Procedure Rules, Access to Information Procedure Rules and Overview and Scrutiny Procedure Rules as set out in Part 4 of the Constitution
- b) Each Overview and Scrutiny Committee may request Cabinet Members to attend their meetings to present reports, discuss issues of concern or answer questions. At least five working days' notice and an indication of the business being conducted and the expected focus of questioning will be provided to any Cabinet Member requested to attend a meeting for this purpose
- c) Cabinet Members requested to attend meetings of an Overview and Scrutiny Committee have the right to be accompanied by the relevant Officer to assist with explaining complex or technical information
- d) Cabinet Members have the right to attend and speak at any Overview and Scrutiny Committee relevant to their area of responsibility

5.2 Meetings of Cabinet will be conducted as follows in support of the principles set out in paragraph 4 above:

- a) All formal meetings of Cabinet will be held in accordance with Cabinet Procedure Rules and Access to Information Procedure Rules
- b) The Chairman of the relevant Overview and Scrutiny Committee, or Vice-Chairman in their absence, will be entitled to speak before debate on any report relevant to their Committee
- c) All reports to Cabinet on proposals relating to the Budget and Policy Framework must contain details of the nature and extent of consultation with the relevant Overview and Scrutiny Committee, together with the outcome of that consultation

6. Overview and Scrutiny Committee Work Programming

- 6.1 Work programmes for Overview and Scrutiny Committees should outline the items of business scheduled for consideration by each Committee for the municipal year, based on their respective terms of reference.
- 6.2 The work programme for each Overview and Scrutiny Committee should be developed at the commencement of the municipal year and considered at each subsequent meeting. This could include key decisions scheduled for consideration by Cabinet listed on its Forward Plan, performance information, financial information, items relating to delivery of corporate objectives set out in the Corporate Plan or other items put forward for consideration.
- 6.3 Cabinet Members can suggest items for inclusion in an Overview and Scrutiny Committee work programme, however, they should not seek to try and exercise control over the work of the Committee. It is ultimately for Overview and Scrutiny Committees to determine whether to include suggestions in their respective work programmes.
- 6.4 Overview and Scrutiny Committees will endeavour to deliver their work programmes, once agreed, however, it is recognised that there needs to be sufficient flexibility to accommodate urgent, short term or emerging priorities which may arise during the municipal year.

7. Scrutiny Reviews

- 7.1 Overview and Scrutiny Committees can undertake in-depth scrutiny reviews as and when deemed necessary. This can be facilitated through a Task and Finish Group, or by the whole Committee depending on the nature of the subject under review.
- 7.2 Upon conclusion of a Scrutiny Review, the final report will be presented to the Overview and Scrutiny Committee where recommendations will be agreed and submitted to Cabinet for consideration. The Chairman of the relevant Task and Finish Group or Overview and Scrutiny Committee will present the findings and recommendations of the Scrutiny Review to the next scheduled meeting of Cabinet.
- 7.3 Cabinet will confirm its response to the recommendations, outlining those which will be accepted and implemented, together with reasons for any recommendations not taken forward. Cabinet may delegate this response to the individual Cabinet Member and request that they provide a report back to the Overview and Scrutiny Committee.
- 7.4 The Overview and Scrutiny Committee has a duty to monitor progress of implemented recommendations and may therefore request the relevant Cabinet Member attends a future meeting of the Committee.

8. Compliance with this Protocol

- 8.1 The Council's Monitoring Officer is responsible for overseeing compliance with this Cabinet and Overview and Scrutiny Protocol, ensuring that it is used to support and promote a positive culture of overview and scrutiny at South Kesteven District Council.



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

20 July 2023

Karen Bradford, Chief Executive

Appointment to an Outside Body

Report Author

James Welbourn, Democratic Services Manager



james.welbourn@southkesteven.gov.uk

Purpose of Report

To provide Full Council with an opportunity to appoint a Member onto the Patrol Joint Committee.

Recommendations

That Council:

1. Approves the appointment of one elected representative to sit on the **PATROL Joint Committee outside body.**
2. Approves any appointments or changes to the membership of other **Outside Bodies**

Decision Information

Does the report contain any exempt or confidential information not for publication?

No

What are the relevant corporate priorities?

High performing Council

Which wards are impacted?

All

Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 There are no financial or procurement implications arising from this report.

Reviewed by: Alison Hall-Wright, Assistant Director of Finance

Legal and Governance

- 1.2 It is understood that the outside body does not have any requirement for the Council's appointment to reflect its political balance, and therefore any member of the Council would be eligible for appointment.

Reviewed by: Graham Watts, Assistant Director of Governance (Deputy Monitoring Officer)

2. Background to the Report

- 2.1 Democratic Services was contacted after the last Full Council meeting held on 18 May 2023 to ask for the name of an elected representative from the Council to attend the PATROL Joint Committee.
- 2.2 It does not appear that the Council has previously appointed to this body, nor does the body itself have any electronic records of South Kesteven District Council representation. PATROL has not previously sent annual reminders for appointments to the authority.
- 2.3 After consultation with the Assistant Director of Operations and Public Protection it was confirmed that the Council did have some responsibilities that fell within the remit of the PATROL Joint Committee, and therefore it should appoint a representative.
- 2.4 PATROL is a joint committee consisting of 300+ local authorities in England and Wales (outside of London) that operate civil enforcement of parking, bus lane and moving traffic schemes and there is a statutory requirement for civil enforcement authorities to make provision for independent adjudication for appeals made against civil traffic penalties.

2.5 This is achieved by those local authorities becoming members of the PATROL Joint Committee, which in turn provides resources for independent adjudication delivered by the Traffic Penalty Tribunal.

2.6 Further information on the body is available in the supporting documentation, which can be found at the below South Kesteven website:

<http://moderngov.southkesteven.gov.uk/ecSDDisplay.aspx?NAME=PATROL%20Joint%20Committee&ID=416&RPID=12154356>

or the body's own website:

<https://www.patrol-uk.info/patrol-joint-committee/>

2.7 Full Council is invited to nominate one Councillor to fill this vacancy.

3. Key Considerations

3.1 As set out above. No further decision is required by the Council regarding membership of Committees or appointments to Outside Bodies at this stage, other than those outlined in this report.

4. Other Options Considered

4.1 To propose other nominations for appointments to Outside Bodies.

5. Reasons for the Recommendations

5.1 To ensure that the Council has sufficient representation on Committees and in other roles deemed necessary or appropriate.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Full Council

20 July 2023

Councillor Philip Knowles, Cabinet
Member for Corporate Governance and
Licensing

UK Shared Prosperity Fund and Rural England Prosperity Fund Programme Board – Terms of Reference

Report Author

Nicola M^cCoy-Brown, Director of Growth and Culture



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Purpose of Report

To consider approving amendments to the Terms of Reference of South Kesteven District Council's UK Shared Prosperity Fund and Rural England Prosperity Fund Programme Board.

Recommendations

Full Council is recommended to approve amendments to the Terms of Reference for the UK Shared Prosperity Fund and Rural England Prosperity Fund Programme Board to reflect the following:

1. Membership of the Board to consist of:

- **Cabinet Member responsible for Economic Development**
- **Representative from each Political Group (to be appointed by each Political Group Leader)**
- **An additional representative from the South Kesteven Coalition Group (to be appointed by Leader of the South Kesteven Coalition Group)**
- **Chairman of the Finance and Economic Overview and Scrutiny Committee**
- **Chairman of the Rural and Communities Overview and Scrutiny Committee**

2. Any applications for funding from the South Kesteven Prosperity Fund with a value of £10,000 and under not requiring consideration by the Board, unless, by exception, the Chairman of the Board agrees that an application should be considered by the Board prior to a decision being taken.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Growth and our economy High performing Council
Which wards are impacted?	All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 Officers responsible for making decisions regarding grant applications already have delegated power to take decisions committing the Council to expenditure over and above the threshold of £10,000 within its approved Financial Regulations.

Completed by: Alison Hall-Wright, Assistant Director of Finance and Deputy 151 Officer

Legal and Governance

- 1.2 The proposed amendments to the Board's Terms of Reference do not raise any significant legal or governance implications that are not already reflected in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

- 2.1 South Kesteven District Council was designated by the Department of Levelling Up, Housing and Communities (DLUHC), as a Lead Local Authority for UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF). DLUHC mandated local stakeholders were expected to provide advice and guidance on the strategic fit and deliverability of the South Kesteven Investment Plan. To be compliant, a Local Economic Forum (LEF) was established. At the time of writing this report the LEF's inaugural meeting is scheduled to take place on 18 July 2023.
- 2.2 Whilst not a requirement set by DLUHC, to strengthen accountability, oversight and transparency, at its meeting of 26 January 2023, Full Council agreed to the establishment of an elected Member UK Shared Prosperity Fund (UKSPF) and Rural England Prosperity Fund (REPF) Programme Board (hereafter referred to as 'the Board'). This Board has no decision-making power yet can make recommendations to decision-makers prior to decisions being taken in accordance with the Council's scheme of delegation.
- 2.3 Changes in both the Council's political makeup as a result of the all-out District Council elections in May 2023 and the Council's committee structure following its Annual Meeting, have had a consequential impact on the size and composition of the Board. An increased number of political group leaders on the Council and an additional Overview and Scrutiny Committee, means the Board now comprises a relatively large membership which could consist of up to fifteen Councillors.
- 2.4 The Board has met on five occasions since its establishment which has provided sufficient time to review the efficiency and effectiveness of how it conducts its business. The Board currently considers all applications for grant funding from the UK Shared Prosperity Fund and Rural England Prosperity Fund, irrespective of the amount applied for. As some applications for grant funding are relatively low value, questions have been raised as to whether consideration of all applications by the Board is the most efficient use of the Board's time.
- 2.5 All approved grants to date have been published on the Council's website, as set out in paragraph 6 of this report.

3. Key Considerations

Membership of the Board

- 3.1 The existing Terms of Reference state the membership of the Board consists of the following:
- Leader of the Council
 - Deputy Leader of the Council
 - Cabinet Member for People and Safer Communities

- Leaders of all Political Groups
 - Chairman of the Culture and Visitor Economy Overview and Scrutiny Committee
 - Chairman of the Environment Overview and Scrutiny Committee
 - Chairman of the Finance, Economic Development and Corporate Services Overview and Scrutiny Committee
 - Chairman of the Rural Communities Overview and Scrutiny Committee
- 3.2 The names of Overview and Scrutiny Committees would need amending to reflect their new titles further to the committee structure agreed at the Council's Annual Meeting on 18 May 2023.
- 3.3 If the new Housing Overview and Scrutiny Committee was to be added to this list (as the most recent additional Overview and Scrutiny Committee), the size of the Board could potentially consist of a maximum of fifteen Councillors.
- 3.4 It is considered the membership of the Board is too large and disproportionate regarding its role and responsibilities.

Financial threshold for consideration of applications by the Board

- 3.5 All applications for grant funding are currently considered by the Board prior to a decision being taken. Recommendations from the Board are taken into account before a final decision is made by a decision-taker, in accordance with the Council's scheme of delegation.
- 3.6 The value of applications can range significantly from relatively low levels of £250, for example, to much more considerable sums.
- 3.7 Meetings of the Board have often overrun and experienced difficulty in reviewing all of the applications placed before it for consideration, in some cases requiring an additional meeting to be scheduled. Given the relatively low value of the majority of applications considered by the Board in the context of the total amount available, questions have been raised as to whether the submission of low value applications to the Board is the most efficient and best use of its time. Focusing the Board's attention on higher level applications for funding will mean better quality debate can take place due to there being significantly fewer applications to consider. In such circumstances, opportunities could be provided for applicants to present their submissions to the Board and ensure more meaningful consideration can take place prior to a decision being taken.
- 3.8 All applications for grant funding must adhere to the Government's eligibility criteria and due-diligence is undertaken to ensure applicants are entitled to receipt of the grant.

- 3.9 The Government's procurement threshold for the UK Shared Prosperity Fund and Rural England Prosperity Fund scheme where a full tender process is required in respect of South Kesteven Prosperity Fund applications, is £25,000. In the context of this, and thresholds for Officers already included in the Council's Financial Procedure Rules, it is considered applications of £10,000 and below is an appropriate amount to use as a threshold for those that do not necessarily require consideration by the Board, prior to a final decision being taken.
- 3.10 Alongside the introduction of a £10,000 threshold, it is proposed that this be on an exception basis. In practice this would mean the Chairman of the Board could 'call-in' any application of £10,000 and under should they consider it necessary for the Board to give due consideration to it.
- 3.11 To ensure openness and transparency, details of any application granted under the £10,000 threshold which had not been considered by the Board, would be published on the Council's website at the time the decision was made and reported into the Board at its next available meeting.
- 3.12 Taking the above into account, Full Council is recommended to approve Option 1, as set out below.

4. Other Options Considered

Option 1

4.1 Membership of the Board to consist of:

- Cabinet Member responsible for Economic Development
- Representative from each Political Group (to be appointed by each Political Group Leader)
- An additional representative from the South Kesteven Coalition Group (to be appointed by the Leader of the South Kesteven Coalition Group)
- Chairman of the Finance and Economic Overview and Scrutiny Committee
- Chairman of the Rural and Communities Overview and Scrutiny Committee

(This revised membership could potentially consist of a maximum of ten Councillors, allowing full representation from all political groups.)

4.2 Any applications of £10,000 and under not requiring consideration by the Board unless, by exception, the Chairman of the Board agrees that an application should be considered by the Board prior to a decision being taken.

Option 2

- 4.3 Membership of the Board be retained, with committee names being updated accordingly and the Chairman of the Housing Overview and Scrutiny Committee being added to the membership to ensure that all Overview and Scrutiny Committees are represented.
- 4.4 Any applications of £10,000 and under not requiring consideration by the Board unless, by exception, the Chairman of the Board agrees that an application should be considered by the Board prior to a decision being taken.

Option 3

- 4.5 Either of the membership proposals in options 1 and 2 above being adopted.
- 4.6 No financial threshold be put in place and all applications continue to be considered by the Board prior to a decision being taken.

Option 4

- 4.7 An alternative membership for the Board be identified and agreed.
- 4.8 Alternative financial thresholds be identified regarding the value of applications which must be considered by the Board prior to a decision being taken.

5. Reasons for the Recommendations

- 5.1 Option 1 is recommended for approval.
- 5.2 It is considered that the revised membership of the Board will provide adequate cross-party representation to ensure that it can undertake its roles and responsibilities effectively.
- 5.3 The introduction of a threshold of £10,000 regarding those applications that do not require consideration by the Board will ensure that applications, which meet the Government's criteria, can be processed and determined more efficiently and ensure that the Board's focus is reserved for more significant applications.

6. Background papers

- 6.1 Agenda pack and minutes for the meeting of Full Council held on 26 January 2023 (item entitled 'Budget Framework Proposals' includes the decision taken in respect of the establishment of an elected Member UKSPF and REPF Programme Board)

[South Kesteven District Council - Agenda for Council on Thursday, 26th January, 2023, 1.00 pm](#)

- 6.2 UK SPF Investment Plan - Submitted 19 July 2022 and available online at:
<http://www.southkesteven.gov.uk/CHttpHandler.ashx?id=28969&p=0>
- 6.3 South Kesteven Prosperity Fund grants approved to date, available online at:
<http://www.southkesteven.gov.uk/index.aspx?articleid=16064>
- 6.4 Financial Regulations
<http://moderngovsvr/documents/s34354/Appendix%20L%20-%20Financial%20Regulations.pdf>

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

20 July 2023

Councillor Phil Dilks
Cabinet member for Housing and
Planning

Migration funding awards

Report Author

Jodie Archer, Head of Housing Services

 Jodie.archer@southkesteven.gov.uk

Purpose of the Report

To seek approval from Council to accept the grant from the Home Office for the Afghan relocation funding award and to seek approval for the acceptance of grant from the Department of Levelling up Housing and Communities (DLUHC) for the Homelessness Prevention award in relation to sourcing Ukraine families sustainable accommodation. The report also seeks delegation for the spend of the awards to the relevant partners contributing to the schemes.

Recommendations

That Council:

1. Approves receipt of the first tranche and subsequent future tranches of Afghan relocations and funding award grant. The first grant award for the period April 2022 to January 2023 is for £1,372,502.
2. Approves receipt of the Homelessness Prevention award in relation to sourcing Ukraine families sustainable accommodation of £223,480.
3. Delegates to the Acting Director of Housing in consultation with the Cabinet Member for Housing and Property, the authority to conclude contractual and grant agreement arrangements with the Home Office in relation to all tranches of funding related to Afghan relocations.

4. Delegates to the Acting Director of Housing in consultation with the Cabinet Member for Housing and Property, the authority to conclude contractual and grant agreement arrangements with the Department of Levelling up Housing and Communities for the Homelessness Prevention award in relation to sourcing Ukraine families sustainable accommodation.
5. Delegates to the Council's Deputy Chief Executive (Section 151 Officer) in consultation with the Cabinet Member for Housing and Planning to allocate this and all future tranches of Afghan relocation funding between the necessary partners.
6. Delegates to the Council's Deputy Chief Executive (Section 151 Officer) in consultation with the Cabinet Member for Housing and Planning to allocate the Homelessness Prevention award in relation to sourcing Ukraine families sustainable accommodation between the necessary partners.

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents
Which wards are impacted?	All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 The Council has been allocated funding of £28 per person, per day to provide support to individuals and families as part of the Afghan resettlement and relocation scheme. The grant entitlement for the period April 2022 to January 2023 is £1,372,502. The Council, as the accountable body for the grant funding, will reimburse partner organisations for the costs they incur in providing support. Grant claims will be paid once evidence has been received that expenditure has been incurred in accordance with the grant conditions.

- 1.2 The Homelessness Prevention fund award is an additional one-off payment made to the Council to provide sustainable accommodation for Ukraine families and any additional burdens arising in relation to homelessness pressures.

Completed by: Alison Hall-Wright, Assistant Director of Finance and Deputy S151 Officer

Legal and Governance

- 1.3 There are no significant legal and governance implications arising from this report which are not already referred to in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

2.1 Afghan Relocation Fund

The Home Office has awarded the Council the Afghan relocations and funding award of £1,372,502 to support and source accommodation for the Afghan cohort into permanent accommodation.

- 2.2 The scheme enables full resettlement for all families with fully furnished accommodation and a minimum of 12 month wrap around support as required from various partner agencies.

- 2.3 The scheme is a national programme and officers are working with all authorities across the UK to source accommodation utilising a strong partnership approach.

- 2.4 There are currently 21 families (151 individuals) remaining at the Urban Hotel in Grantham and we continue to work in partnership with all agencies and partners to find accommodation.

- 2.5 The funding will support partnership agencies with the delivery of their support services, as well as to supply furniture and appliances at the new accommodation.

- 2.6 The Council currently have 1 x Homeless Prevention Officer and 1 x Afghan support worker at the Urban Hotel, working with the families to find accommodation that meets their needs and is affordable, ensuring long term sustainability of the identified accommodation.

- 2.7 The funding is a grant award from the Home Office to support the Afghan resettlement and relocation scheme.

- 2.8 The grant funding award relates to is in relation to grant received for the period April 2022 to January 2023, there are further claims to be made until the need for funding to support ceases.

- 2.9 The grant award shall be disseminated to partner agencies and organisations that attend the Resettlement Partnership meetings. The validity of claims shall be ascertained through discussions and agreements at this forum.
- 2.10 Agencies in regular attendance at the Resettlement Partnership meetings include, Health, Education, Department of Work and Pensions and Wellbeing Services.
- 2.11 The Council shall act as the overarching accountable body for the allocation of claims to partner agencies and organisations.
- 2.12 **Homelessness Prevention Grant top up to support Ukraine guests into sustainable accommodation**
The Department for Levelling up Housing and Communities (DLUHC) has awarded the Council an additional top up award of £223,480 to support Ukraine families and any other homelessness pressures faced. This will enable the Council to ensure that they are able to support families in securing accommodation for homelessness needs.
- 2.13 The grant award shall support with additional pressures that the Council is facing relating to migration need and homelessness demands specifically in sourcing accommodation for Ukraine families.
- 2.14 The grant award relates to this financial year of 23/24 and delegation is being requested to allow the Council the ability to draw down on this funding award to meet the ongoing emerging operational and financial pressures.
- 2.15 The grant will give the ability to aid Ukraine families in sourcing sustainable accommodation and also address other homelessness pressures the Council is facing at this time.

3. Key Considerations

- 3.1 To pay back the funding award and absorb demands as part of the general fund pressure.
- 3.2 To allow the Council to draw down on the grant funding award to meet the additional pressures that have had to be met as part of the Migration demands.
- 3.3 The monies will be spent in line with the funding awards as set out above.

4. Other Options Considered

- 4.1 **Do nothing** – Under this option, the council would not accept the funds from government. The purpose of the fund is to support local authorities and partners in the funds needed for the Migration demands. Therefore, under the ‘do nothing’ option, the Council would be at a loss financially.

- 4.2 **Take part in the scheme, but to pass the funds available to a partner working within the scheme** – Under this option, the council would take part in the scheme but on the basis of passing funds to a different Authority for them to own and manage the scheme. This option has been considered but has been discounted, given the scheme is within South Kesteven and allows the Council greater powers for the care of the scheme.

5. Reasons for the Recommendations

- 5.1 To accept the Government funding offer of up to £1,372,502 to support the Afghan relocation scheme and the Homelessness Prevention top up of £233,480 to support the additional pressures relating to the Ukraine crisis and other homelessness demands.
- 5.2 By enabling the delegations the Council shall be able to allocate the funds as needed to the partners working with the Council. It will also give the ability to source sustainable accommodation as required meeting the needs of the migration crisis.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Council

20 July 2023

Councillor Phil Dilks
Cabinet Member for Housing and
Planning

Local Authority Housing Fund (LAHF) Round 2

Report Author

Jodie Archer, Head of Housing

 Jodie.archer@southkesteven.gov.uk

Purpose of the Report

To seek approval from Council to accept the grant from the Local Authority Housing Fund (LAHF) Round 2 which has been made available from the Department for Levelling Up, Housing and Communities to purchase 8 new homes. The report also seeks delegation for the spend of the awarded Local Authority Housing Fund (LAHF) Round 2 grant to the s151 Officer and Cabinet member for Housing and Planning. Delegation is also sought to use Section 106 funds allocated for the provision of Affordable Housing to supplement the LAHF grant funding.

Recommendations

That Council:

1. Approves receipt of the Local Authority Housing Fund (LAHF) grant of £953,600 to provide accommodation to Ukraine and Afghan families and agree approval of the memorandum of understanding with Department for Levelling Up, Housing and Communities.
2. Delegates to the Acting Director of Housing in consultation with the Cabinet Member for Housing and Property, the authority to conclude contractual and grant agreement arrangements with the Department for Levelling Up, Housing and Communities.

3. **Delegates authority to the Council's Deputy Chief Executive (Section 151 Officer) in consultation with the Cabinet member for Housing and Planning to acquire properties utilising the allocated LAHF grant funding and in accordance with the grant agreement arrangements.**
4. **Delegates authority to the Council's Deputy Chief Executive (Section 151 Officer) in consultation with the Assistant Director of Planning to use available Section 106 funds held by the Council to be used to supplement the LAHF grant funding.**

Decision Information	
Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	Housing that meets the needs of all residents
Which wards are impacted?	All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 As part of the grant conditions the Council is required to provide £1.2m of its own resources to fund the acquisition of 8 properties. The only HRA reserve available to support this scheme is the HRA Priorities Reserve which was established to fund a range of one-off improvement and investments that support the delivery of HRA services. The projected balance on this reserve at 31 March 2026 is £10.5m. The Council also has Affordable Housing Section 106 contributions which could be used to fund this scheme subject to the conditions of the Section 106 being met. If appropriate, Section 106 contributions will be used to fund the Council's contribution where the expenditure meets the requirements set out in the relevant planning obligations.

Completed by: Alison Hall-Wright, Assistant Director of Finance and Deputy S151 Officer

Legal and Governance

- 1.2 There are no significant legal and governance implications arising from this report which are not already referred to in the body of the report.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

- 2.1 The Department for Levelling Up, Housing, and Communities has awarded the Council Local Authority Housing Fund (LAHF) round 2 funding, to support local authorities in providing accommodation to Ukraine and Afghan families, settled in the UK legally under various government schemes following the respective conflicts that have occurred in their countries.
- 2.2 The LAHF programme has two aims.
- To support in providing more suitable accommodation and affordable accommodation for these families, who arrived in the UK legally, until their visas expire in circa 3-5 years' time.
 - To support local authorities in meeting their duties to accommodate such families if they present as homeless, therefore reliving pressure on wider local housing challenges and constraints.
- 2.3 For clarity, the scheme is not aimed at households who have arrived in the UK illegally, outside of government sponsored resettlement schemes. As opposed to being a competitive funding scheme, the Government has directly approached around 180 local authorities to invite them to take part in the scheme. South Kesteven District Council is one such authority. Once the properties are no longer utilised by the cohort (likely upon the expiry of their visas), the council will be free to use the properties for whatever purpose they deem suitable. In other words, the homes will be available for use by the council as a long-term asset to meet local housing need.
- 2.4 As with other affordable housing provision, there is an expectation to part fund or finance some of the required capital. For 'main element' housing, government funding equates to 40% of total capital costs plus £20,000 per property; if this is not required for property improvements it can be put towards the capital purchase price. For 'bridging element' housing, government funding equates to 50% of total capital plus £20,000 per property for improvements to prepare the property to standard. It is proposed that the Council will utilise either Housing Revenue Account (HRA) Priorities Reserve or Section 106 funds to meet the Council's funding obligation as detailed in the funding table at paragraph 2.5 below. Section 106 funds are secured through planning permissions for housing developments where on-site

provision of affordable housing has not been possible. The Council may then use these funds to provide affordable housing elsewhere within the District.

2.5 Allocation from LAHF round 2

The Council has been allocated the below funding for LAHF 2 which requires the identified match funding to be forthcoming from the Council. The funding provided from LAHF2 is to deliver a further eight properties, seven 'main element' 2/3 bed properties and one 'bridging element' 4 bed+ property.

Funding table

LAHF 2 funding	Council funding	Total
£953,600	£1,190,400	£2,144,000

- 2.6 Approval to receive the LAHF round 1 grant was unanimously granted at Full Council in March 2023. Officers are in negotiations with local developers for property purchases to enable us to satisfy the round 1 grant conditions and deadlines.
- 2.7 Enabling a delegation to the s151 Officer and the Cabinet Member for Housing and Planning shall ensure high level oversight and understanding of the level of grant spend and shall ensure value for money and effective delivery.
- 2.8 The newly formed Housing Overview and Scrutiny committee shall receive regular updates in relation to the progress of the LAHF programme.

3. Key Considerations

- 3.1 The LAHF is a government fund provided to aid local authorities to meet the significant challenges presented as a result of the Afghan and Ukraine schemes.
- 3.2 If the Council is unable to purchase the properties through this scheme, the housing need that the properties are designed to meet is likely to arise anyway. The homes provided under the scheme will make a net positive contribution to housing available to the council to meet need, therefore supporting the council in meeting the needs of the wider population too.
- 3.3 In light of the above, there were no other options considered.

4. Other Options Considered

- 4.1 **Do nothing** – Under this option, the council would not accept the funds from government, neither would it seek to make properties available. The purpose of the fund is to support local authorities in meeting the housing needs arising in their area. Therefore, under the 'do nothing' option, the potential benefits referenced in this report will not be realised.

- 4.2 **Take part in the scheme, but to pass the funds available to a partner housing association** – Under this option, the council would take part in the scheme but on the basis of passing funds to a housing association for them to own and manage the properties. This option has been considered but has been discounted, given the opportunity that the scheme presents to support the Council's 'Housing that Meets the Needs of all Residents' Corporate Plan priority.

5. Reasons for the Recommendations

- 5.1 To accept the Government funding offer of up to £2,098,750, to support the purchase of up to 21 properties that would be available to meet short-, medium-, and long-term housing needs within the District.
- 5.2 By enabling the delegation the Council shall be able to react to emerging opportunities at short notice with the aim to fully utilise the LAHF grant funding awarded.
- 5.3 Where Section 106 funding is to be used, then the Assistant Director of Planning will need to be consulted to ensure that the spend would meet the requirements set out in the relevant planning obligations.

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**SOUTH
KESTEVEN
DISTRICT
COUNCIL**



Full Council

20 July 2023

Report of Councillor Rhea Rayside,
Cabinet Member for People and
Communities

Pay Policy Statement (2023/24) Amendment

Report Author

Fran Beckitt (Interim Head of HR)



Fran.beckitt@southkesteven.gov.uk

Purpose of Report

This report details an amendment to the Pay Policy statement regarding the definition of Chief Officers at South Kesteven District Council. The amendment is for clause 3.3 and 5.1 to include Assistant Directors in the definition of Chief Officers at South Kesteven.

Recommendations

That Full Council approves an amendment of the Pay Policy Statement 2023/24 for clause 3.3 and 5.1 to include 'Assistant Directors' in the definition of Chief Officers.

Decision Information

Does the report contain any exempt or confidential information not for publication?	No
What are the relevant corporate priorities?	High performing Council
Which wards are impacted?	All

1. Implications

Taking into consideration implications relating to finance and procurement, legal and governance, risk and mitigation, health and safety, diversity and inclusion, safeguarding, staffing, community safety, mental health and wellbeing and the impact on the Council's declaration of a climate change emergency, the following implications have been identified:

Finance and Procurement

- 1.1 The amendment to the definition of Chief Officers in the Pay Policy will not in itself result in an increased cost to the Council. For the current financial year, there is a nationally agreed pay award for Chief Officers at 3.5%.

Completed by: Richard Wyles, Chief Finance Officer

Legal and Governance

- 1.2 The proposal in this report seeks to align the definition of Chief Officer posts within the Council's Pay Policy Statement with that covered by the Joint Negotiating Committee for Chief Officers of Local Authorities. This includes redesignating Assistant Directors as Chief Officers in the Council's Pay Policy Statement.
- 1.3 Any amendments to the Pay Policy Statement need to be approved by Full Council.

Completed by: Graham Watts, Assistant Director of Governance and Monitoring Officer

2. Background to the Report

- 2.1 The 2023/24 Pay Policy Statement was approved by Full Council on 1st March 2023.

- 2.2 The 2023/24 Pay Policy Statement currently includes the following definition of Chief Officers:

5.1 The Localism Act refers to Chief Officers. The Chief Officers at South Kesteven District Council are the following:

- *The Chief Executive, who is Head of Paid Service, the Section 151 Officer, and the Monitoring Officer (the “Statutory Officers”),*
- *Deputy Chief Executive*
- *Directors*

- 2.3 It is proposed that Full Council approves an amendment to clause 5.1 to include Assistant Directors. The proposed clause would read:

5.1 The Localism Act refers to Chief Officers. The Chief Officers at South Kesteven District Council are the following:

- *The Chief Executive, who is Head of Paid Service, the Section 151 Officer, and the Monitoring Officer (the “Statutory Officers”),*
- *Deputy Chief Executive*
- *Directors*
- *Assistant Directors*

- 2.4 In line with this, the amended pay policy statement would include an update to clause 3.3 which would include Assistant Directors in the category of ‘non-statutory Chief Officers.’

- 2.5 An amended draft of the Pay Policy Statement 2023/24 can be found in Appendix A.

- 2.6 On 5 May 2023, all Councils were notified that agreement had been reached on the 2023 pay award for local authority Chief Officers. The circular, which sets out the details of the agreement, can be found in Appendix B.

- 2.7 This pay award applies to all chief officer posts covered by the JNC Conditions of Service employed by Councils.

- 2.8 South Kesteven District Council does not employ on JNC terms and conditions, instead we have locally determined terms and conditions. However, in agreement with the Trade Union, we align pay awards to the national pay deals.

- 2.9 For authorities who are members of the JNC, Chief Officers within the scope of the national pay award are:

1. *A Chief Officer designated by the employing authority as administrative and executive head*

either 1. Of a separate department

Or 2. Of a particular function or service.

Which in either case is regarded by the authority as important in relation to the total activities of the authority; or

2. *Is designated by the authority as recognised deputy to any chief officer by (1) above including an officer of deputy status but whose post may carry a different title.”*

- 2.10 On behalf of the pay negotiations, it was confirmed for most Councils the Chief Officer award would apply to roles below Chief Executive and above Head of Service. For South Kesteven, this would be Directors, Deputy Chief Executive and Assistant Directors. This is the reason for the proposed amendment.
- 2.11 The national pay negotiations for all other staffing groups is ongoing. The last pay offer made by the National Employers to the Joint Unions was rejected. Negotiations are ongoing and we await further notification when agreement is reached.
- 2.12 Similarly, negotiations of the Chief Executive pay award are ongoing nationally and we await further details of what this will be when agreement is reached.
- 2.13 The Employment Committee considered this proposal at its meeting on 29 June 2023 and recommended that Full Council approves the amendments to the Pay Policy Statement as set out in the report.

3. Key Considerations

- 3.1 The Council has an agreement with the Trade Union to align pay awards to the national pay negotiations in line with other Councils.
- 3.2 To align with the ‘Joint Negotiating Committee for Chief Officers of Local Authorities’, Chief Officers at South Kesteven District Council would include Assistant Directors.

4. Other Options Considered

- 4.1 Not aligning and instead, keeping the current definition of Chief Officers as outlined in the published Pay Policy Statement.

5. Reasons for the Recommendations

- 5.1 Suggested amendment to the definition of Chief Officers aligns with definition in the Localism Act and the group being represented by the Joint Negotiating Committee for Chief Officers.

6. Consultation

- 6.1 Consultation has taken place with South Kesteven's Trade Union representatives and they are in agreement of the approach in line with the local agreement for pay awards.

7. Appendices

- 7.1 Appendix A – Amended draft of the Pay Policy Statement 2023/24

Appendix B – Circular Joint Negotiating Committee for Chief Officers of Local Authorities.

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PAY POLICY STATEMENT

2023/24



**SOUTH
KESTEVEN
DISTRICT
COUNCIL**

1. INTRODUCTION AND POLICY STATEMENT

- 1.1 South Kesteven District Council aims to ensure that its remuneration packages are fair, equitable and transparent, leading to the employment of professional staff who have appropriate skills and experience to provide high quality services to its residents and visitors.
- 1.2 South Kesteven District Council recognises that remuneration at all levels needs to enable the Council to attract and retain high quality employees dedicated to the service of the public.
- 1.3 Under section 112 of the Local Government Act 1972, the Council has the "power to appoint officers on such reasonable terms and conditions as the authority thinks fit". This Pay Policy Statement (the 'statement') sets out the Council's approach to pay policy in accordance with the requirements of Section 38 of the Localism Act 2011.
- 1.4 It is important that local authorities are able to determine their own pay structures in order to address their strategic aims and to compete in the local and national market.
- 1.5 Once approved by the full Council, this policy statement will come into immediate effect, superseding the 2022/2023 Pay Policy Statement, and will be subject to review in accordance with the relevant legislation prevailing at that time, currently annually.
- 1.6 The Council may amend the pay policy statement at any point in the year.

2. LEGISLATIVE FRAMEWORK

- 2.1 In determining the pay and remuneration of all of its employees, the Council will comply with all relevant employment legislation. This includes the Equality Act 2010, Part Time Employment (Prevention of Less Favourable Treatment) Regulations 2000, The Agency Workers Regulations 2010, and where relevant, the Transfer of Undertakings (Protection of Employment) Regulations 2006.
- 2.2 With regard to the equal pay requirements contained within the Equality Act, the Council ensures there is no pay discrimination in its pay structures and that all pay differentials are objectively justified through the use of a job evaluation mechanism, which directly relates salaries to the requirements, demands and responsibilities of the role.

3. SCOPE

- 3.1. This Pay Policy Statement includes a policy on:
 - The level and elements of remuneration for the Chief Executive

- The remuneration of the lowest paid employee
- The relationship between the remuneration of Chief Officers¹ and other officers
- Other specific aspects of Chief Officer remuneration such as fees, charges and other discretionary payments.

3.2. Remuneration in this context is defined widely to include not just pay but also charges, fees, allowances, benefits in kind, increases in enhancements of pension entitlements and termination payments.

3.3 The definition of officers covered by this policy are detailed in Appendix A to the Pay Policy Statement. For South Kesteven District Council the following posts are covered:

Head of the Paid Service, which in this authority is the post of *Chief Executive*

Statutory Chief Officers, which in this authority are the posts of:
Deputy Chief Executive (Monitoring Officer)
Chief Finance Officer (Section 151 Officer)

Non-statutory Chief Officers: (those who report directly to the Head of the Paid Service) which in this authority are the posts of:

Director - Growth and Culture
Director – Housing and Property
Assistant Directors

Deputy Chief Officers:

Heads of Service
HR Manager
Communications Manager
Procurement Lead
Community Engagement Manager

The details shown above are based on the new management structure which was implemented in 2022 by the Council.

3.4 The Accounts and Audit Regulations 2015 require councils to publish the number of employees who are paid over £50,000 by job title using salary bands. Historically at South Kesteven District Council these bands are published in the pay policy statement using a minimum range bracket of £5000, this is based on the Local Government Transparency Code 2015.

3.5 Pay details for posts graded Service Manager or above are shown in Table 1. These will also be published on the Council's website.

Table 1

Job Title	FTE	Salary Band
Chief Executive	1.0	£135,000 - £140,000
Deputy Chief Executive	1.0	£95,000 - £105,000
Chief Finance Officer	1.0	£95,000 - £105,000
Directors	2.0	£95,000 - £105,000
Assistant Directors	6.0	£70,000 - £80,000
Heads of Service	5.0	£60,000 - £70,000
Service Manager	8.0	£45,000 - £60,000

4. CHIEF EXECUTIVE PAY

- 4.1. The Chief Executive in South Kesteven discharges the accountability of Head of Paid Service – a statutory role defined by the Local Government and Housing Act 1989. The Council determines the level of pay for its Chief Executive through the Employment Committee. The committee and its remit are contained in the Council’s constitution.
- 4.2. The Chief Executive of South Kesteven District Council has been appointed as Returning Officer. The Returning Officer is an officer of the Council who is appointed under the Representation of the People Act 1983. Whilst appointed by the Council, the role of Returning Officer is one which involves and incurs personal responsibility and accountability and is statutorily separate from his/her duties as an employee of the Council.
- 4.3. Special fees are paid for Returning Officer duties which are not part of the post holder’s substantive role. These fees are payable as required and can be made to any senior officer appointed to fulfil the statutory duties of this role.

5. CHIEF OFFICER PAY DETERMINATION

- 5.1. The Localism Act refers to Chief Officers. The Chief Officers at South Kesteven District Council are the following:
 - The Chief Executive who is Head of Paid Service, the Section 151 Officer, and the Monitoring Officer (the “Statutory Officers”),
 - Deputy Chief Executive
 - Directors
 - Assistant Directors

- 5.2 The Council does not have a separate pay policy in relation to Chief Officers.
- 5.3 The total remuneration package defined in employment contracts for the Chief Executive and Chief Officers is the same as all staff. It includes a spot rate salary or salary band, the same holiday entitlement based on length of service, the same sick pay arrangements, the same pension scheme arrangements and no enhanced remuneration elements are included.
- 5.4 The Council publishes senior management salary rates and gender pay details on its website in line with the requirements of the Government's transparency agenda.

6. LOWEST PAID EMPLOYEES

- 6.1. The lowest paid staff within the Council's pay structure are on Grade 1. For this reason, we have chosen staff employed on Grade 1 as our definition of the 'lowest paid' for the purposes of this policy. Grade 1 for 2022/2023 is £20,256 per annum.
- 6.2. The terms and conditions of employment for Grade 1 staff are in accordance with collective agreements, negotiated from time to time, by the National Joint Council for Local Government Services, as set out in the Scheme of Conditions of Service (commonly known as Green Book). These are supplemented by local collective agreements reached with the trade union recognised by the council and by the rules of the council.

7. PAY DETERMINATION ARRANGEMENTS

- 7.1. The Council employs all staff on local terms and conditions. It has a collective agreement in place for local cost of living pay awards that is based upon pay reviews by the National Joint Council and Local Government Services (NJC).
- 7.2. The Council makes its own determination of cost of living pay awards for all staff in accordance with this local agreement, taking account of the rate of inflation (current and Bank of England forecast), labour market conditions, the level of previous years' cost of living awards and any specific budgetary constraints.
- 7.3. Where salary bands are used, appointment within these will be based on an assessment against the levels of competency required for the role.
- 7.4. The salary for newly appointed staff is determined on appointment in relation to the job evaluation score for the post. The job evaluation score assumes full competence at the job. Where a new appointee for the job has some development needs, the Council may choose to place the employee on a salary progression until full competence has been confirmed or qualifications have been completed.
- 7.5. In April 2021 the Council adopted the Real Living Wage to ensure that we pay a wage rate based on what people need to live. It is calculated based on rising living costs.
- 7.6. The Real Living Wage for 2022 was £9.90 per hour. It is reviewed in November each year and for 2023 the Real Living Wage is £10.90 per hour. There is an expectation the Real Living Wage increase will be implemented by May 2023.
- 7.7. From 1 April 2022 Grade SK1 was increased to £9.90 per hour. A review of Grades SK2 to SK8 was also carried out and these were increased in line with the Real Living Wage increase to ensure that there is sufficient differentiation between the grades.
- 7.8. Pay grades which receive the Real Living Wage increase may not also receive the annual cost of living pay award agreed by the Council, but they will receive the difference in the two amounts if the cost of living payment is higher.
- 7.9. The Council's current pay and reward arrangements have been designed to ensure consistency through the job evaluation process and with reference to the external market.
- 7.10. A review of pay and reward is ongoing to ensure that pay and reward arrangements enable us to attract and retain the right people and support

the Council to be able to deliver the corporate strategy and focus on growth, agility and competitiveness.

- 7.11 The Council will monitor pay locally and nationally as required and will undertake market reviews in relation to specific posts. Where a post is hard to recruit to at any level, particularly where there are supply pressures, the Council has a process in place to consider applying market supplements, or to offer recruitment incentives. Market supplements will be reviewed annually and may be withdrawn if market conditions change.
- 7.12 Local government elections and neighbourhood planning referendums are a separate statutory responsibility and rates of pay for local elections are set in accordance with a Lincolnshire Countywide election scale of fees and charges. These rates differ according to the size of the ward contested.

8. ALLOWANCES

- 8.1 The Council will pay job related allowances to staff where it is a requirement of the job to do so. Staff who are required to respond to emergencies outside normal working hours are also currently in receipt of standby and call out arrangements, depending on the nature of the work.
- 8.2 Overtime is payable at flat rate and can only be done with the prior approval of the line manager. Chief Officers and managers are required to work evenings and weekends to meet the requirements of the job and will not attract overtime.
- 8.3 The Council does not pay essential car allowances or provide cars to any individual member of staff as the Council operates a pool car system available to all employees. Where the Chief Executive, Chief Officers or staff use their own cars for Council business they are reimbursed at a flat rate of 45p per mile in line with the HMRC guidelines. This practice will be reviewed as part of the overall review of pay and reward.
- 8.4 Honoraria and acting up payments may be paid for those staff who have taken up additional responsibilities for a defined period of time to cover absence, or additional duties. Where possible such payments will be based on the job evaluated rates of pay for those responsibilities. Each case will be considered on its own merits and a fair recompense will be calculated.
- 8.5 Temporary short-term appointments of staff will be paid in line with the job evaluated rate for the job and the prevailing market rate for such short-term appointments.
- 8.6 Remuneration for staff on secondment will be in line with the Council's Secondment Policy

9. APPRENTICES

- 9.1 The Council actively supports the employment of apprentices. The salary paid to all newly recruited apprentices is based on the National Living Wage (for those aged 23 and over) or the National Minimum Wage (for those up to the age of 22) and is increased in line with Government recommendations.
- 9.2 Current National Minimum Wage/National Living Wage rates for employees are as follows:

April 2022	23+	21-22	18-20	Under 18
	£9.50	£9.18	£6.83	£4.82
April 2023	23+	21-22	18-20	Under 18
	£10.42	£10.18	£7.49	£5.28

National Minimum Wage and National Living Wage rates are reviewed annually by the Government and any increases take effect from 1st April each year.

- 9.3 In accordance with the Apprentice Levy any existing employees can be signed up to an appropriate apprenticeship in line with identified professional development needs. These employees receive the job evaluated salary for the post that they are employed in.

10. LOCAL GOVERNMENT PENSION SCHEME

- 10.1 All staff who are members of the Local Government Pension Scheme make individual contributions to the scheme depending on their salary. Contribution rates for 2021- 2022 range from 5.5% to 12.5%.
- 10.2 The Council makes employer's contributions into the scheme, which are reviewed by the actuary. The current employer contribution rate is 23.9%.

11. PAY MULTIPLIERS

- 11.1 Whilst job evaluation and the market determine the relationship between the highest and lowest paid employees, an analysis of pay multiples has been undertaken in the light of the requirements of the Localism Act 2011.
- 11.2 The Council defines its lowest paid employees in relation to their grade. This definition has been selected to enable fair comparison on a Full Time Equivalent basis.
- 11.3 The Ratio of the highest paid employee to mean salary per Full Time Equivalent (FTE) is 1 : 4.8 (based on actual salary paid).

- 11.4 The Council has no policy about the maximum or minimum levels of such ratio statistics.

12. TERMINATION PAYMENTS

- 12.1 The Council recognises that staff leave the Council for a range of reasons including: retirement, redundancy, career move, moving location, voluntary resignation, or employment termination. Where a termination payment may apply, each case will be treated on its own merit and will comply with Council policies and the law.
- 12.2 The Council reserves the right to make any appropriate payments to protect the reputation of the Council and manage risk of litigation. This will be in line with legislation and with reference to best value.
- 12.3 The Council does not have any specific termination payments built into any employee's employment contract. It reserves the right to do so should such a need arise in the interests of the efficiency of the service.
- 12.4 The Council has a redundancy policy in place in accordance with current legislation which applies equally to all staff. Where redundancy payments are made to any employee the Council reserves the right to recover the redundancy severance payment.
- 12.5 Termination payments should be kept to a minimum and it must be demonstrated that they are in the best interests of the Council. The purpose of this would be to ensure a clear process and to demonstrate that the Council always works to ensure residents receive the best value for money.

13. RE-ENGAGEMENT OF EMPLOYEES

- 13.1 Employees who are offered another post with any organisation covered by the Modification Order Act prior to their redundancy leaving date and commence within 4 weeks of leaving, are not eligible to receive a redundancy payment.
- 13.2 Employees who have been made redundant are eligible to apply for vacancies which may arise after they have left the Council's employment. Any such applications will be considered together with those from other candidates and the best person appointed to the post. Any necessary adjustment to pension would be made in accordance with the scheme regulations.

14. GENDER PAY GAP REPORTING

- 14.1 The Government introduced a requirement for mandatory gender pay gap reporting for public sector employers with 250 or more employees. The

deadline for publishing the data is 31 March each year. The Council publishes its annual data in accordance with the regulations and reports to Employment Committee with supporting commentary and any action points arising.

Joint Negotiating Committee for Chief Officers of Local Authorities

**To: Chief Executives in England and Wales (N Ireland for information)
(to be shared with Finance Director and HR Director)
Regional Employer Organisations
Members of the Joint Negotiating Committee**

5 May 2023

Dear Chief Executive,

CHIEF OFFICERS' PAY AGREEMENT 2023

Employers are encouraged to implement this pay award as swiftly as possible.

Agreement has now been reached on the pay award applicable from **1 April 2023** (covering the period 1 April 2023 to 31 March 2024).

The individual basic salaries¹ of all officers within scope of the JNC for Chief Officers of local authorities should be increased by **3.50 per cent** with effect from 1 April 2023 (NB: this increase applies to individual salaries as well as pay points, if applicable).

Backpay for employees who have left employment since 1 April 2023

If requested by an ex-employee to do so, we recommend that employers should pay any monies due to that employee from 1 April 2023 to the employee's last day of employment.

When salary arrears are paid to ex-employees who were in the LGPS, the employer must inform its local LGPS fund. Employers will need to amend the CARE and final pay figures (if the ex-employee has pre-April 2014 LGPS membership) accordingly.

Further detail is provided in [section 15 of the HR guide](#) and [the Backdated Pay Award FAQs](#), which are available on the [employer resources section](#) of www.lgpsregs.org.

Yours faithfully,

Naomi Cooke

Naomi Cooke

George Georgiou

George Georgiou

cc Ruth Levin, UNISON

¹ Basic salary should exclude other separately identified payments such as Returning Officer fees etc.

Employers' Secretary: Naomi Cooke Local Government Association 18 Smith Square London SW1P 3HZ info@local.gov.uk	Officers' Secretary: George Georgiou GMB Mary Turner House 22 Stephenson Way London NW1 2HD info@gmb.org.uk
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